

116TH CONGRESS
2D SESSION

H. R. 7197

To establish a \$120,000,000,000 Restaurant Revitalization Fund to provide structured relief to food service or drinking establishments through December 31, 2020, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2020

Mr. BLUMENAUER (for himself, Mr. FITZPATRICK, Ms. BONAMICI, Mr. EVANS, Ms. KUSTER of New Hampshire, Mr. PANETTA, Ms. PINGREE, Mr. SMITH of Washington, Mr. WELCH, and Ms. WILD) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a \$120,000,000,000 Restaurant Revitalization Fund to provide structured relief to food service or drinking establishments through December 31, 2020, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Real Economic Sup-
5 port That Acknowledges Unique Restaurant Assistance

1 Needed To Survive Act of 2020” or the “RES-
2 TAURANTS Act of 2020”.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) COVERED PERIOD.—The term “covered pe-
6 riod” means the period beginning on February 15,
7 2020, and ending on December 31, 2020.

8 (2) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty”—

10 (A) means a restaurant, food stand, food
11 truck, food cart, caterer, saloon, inn, tavern,
12 bar, lounge, or other similar place of business—

13 (i) in which the public or patrons as-
14 semble for the primary purpose of being
15 served food or drink; and

16 (ii) that, as of March 13, 2020, is not
17 part of a chain or franchise with not less
18 than 20 locations doing business under the
19 same name, regardless of the type of own-
20 ership of the locations; and

21 (B) does not include an entity described in
22 subparagraph (A) that is—

23 (i) publicly traded, including a sub-
24 sidiary or affiliate thereof; or

1 (ii) part of a State or local govern-
2 ment facility, not including an airport.

3 (3) FUND.—The term “Fund” means the Res-
4 taurant Revitalization Fund established under sec-
5 tion 3.

6 (4) PAYROLL COSTS.—The term “payroll costs”
7 has the meaning given the term in section
8 7(a)(36)(A) of the Small Business Act (15 U.S.C.
9 636(a)(36)(A)).

10 (5) SECRETARY.—The term “Secretary” means
11 the Secretary of the Treasury.

12 **SEC. 3. RESTAURANT REVITALIZATION FUND.**

13 (a) IN GENERAL.—There is established in the Treas-
14 ury of the United States a fund to be known as the Res-
15 taurant Revitalization Fund.

16 (b) APPROPRIATIONS.—

17 (1) IN GENERAL.—There is appropriated to the
18 Fund, out of amounts in the Treasury not otherwise
19 appropriated, \$120,000,000,000, to remain available
20 until December 31, 2020.

21 (2) REMAINDER TO TREASURY.—Any amounts
22 remaining in the Fund after December 31, 2020,
23 shall be deposited in the general fund of the Treas-
24 ury.

1 (c) USE OF FUNDS.—The Secretary shall use
2 amounts in the Fund to make grants described in section
3 4.

4 **SEC. 4. RESTAURANT REVITALIZATION GRANTS.**

5 (a) IN GENERAL.—The Secretary shall award grants
6 to eligible entities in the order in which the application
7 is received by the Secretary.

8 (b) REGISTRATION.—The Secretary shall register
9 each grant awarded under this section using the employer
10 identification number of the eligible entity.

11 (c) APPLICATION.—

12 (1) IN GENERAL.—An eligible entity desiring a
13 grant under this section shall submit to the Sec-
14 retary an application at such time, in such manner,
15 and containing such information as the Secretary
16 may require.

17 (2) CERTIFICATION.—An eligible entity apply-
18 ing for a grant under this section shall make a good
19 faith certification—

20 (A) that the uncertainty of current eco-
21 nomic conditions makes necessary the grant re-
22 quest to support the ongoing operations of the
23 eligible entity;

24 (B) acknowledging that funds will be used
25 to retain workers, maintain payroll, and for

1 other allowable expenses described in subsection
2 (e);

3 (C) that the eligible entity does not have
4 an application pending for a grant under sub-
5 section (a)(36) or (b)(2) of section 7 of the
6 Small Business Act (15 U.S.C. 636) for the
7 same purpose and duplicative of amounts ap-
8 plied for or received under this section; and

9 (D) during the covered period, that the eli-
10 gible entity has not received amounts under
11 subsection (a)(36) or (b)(2) of section 7 of the
12 Small Business Act (15 U.S.C. 636) for the
13 same purpose and duplicative of amounts ap-
14 plied for or received under this section.

15 (3) HOLD HARMLESS.—An eligible entity apply-
16 ing for a grant under this section shall not be ineli-
17 gible for a grant if the eligible entity is able to docu-
18 ment—

19 (A) an inability to rehire individuals who
20 were employees of the eligible entity on Feb-
21 ruary 15, 2020; and

22 (B) an inability to hire similarly qualified
23 employees for unfilled positions on or before
24 December 31, 2020.

1 (d) PRIORITY IN AWARDING GRANTS.—During the
2 initial 14-day period in which the Secretary awards grants
3 under this section, the Secretary shall—

4 (1) prioritize awarding grants to marginalized
5 and underrepresented communities, with a focus on
6 women and minority-owned and operated eligible en-
7 tities; and

8 (2) only award grants to eligible entities with
9 annual revenues of less than \$1,500,000.

10 (e) GRANT AMOUNT.—

11 (1) DETERMINATION OF GRANT AMOUNT.—

12 (A) IN GENERAL.—The amount of a grant
13 made to an eligible entity under this section
14 shall be based on the difference in revenues or
15 estimated revenues of the eligible entity during
16 a calendar quarter in 2020 as compared to the
17 same calendar quarter in 2019.

18 (B) VERIFICATION.—An eligible entity
19 shall submit to the Secretary such revenue
20 verification documentation as the Secretary
21 may require to determine the amount of a grant
22 under subparagraph (A).

23 (C) REPAYMENT.—Any amount of a grant
24 made under this section to an eligible entity
25 based on estimated revenues in a calendar quar-

1 ter in 2020 that is above the actual revenues of
2 the eligible entity during that calendar quarter
3 shall be converted to a loan that has—

- 4 (i) an interest rate of 1 percent; and
5 (ii) a maturity date of 10 years begin-
6 ning on January 1, 2021.

7 (2) REDUCTION BASED ON PPP FORGIVENESS
8 OR EIDL EMERGENCY GRANT.—If an eligible entity
9 has, at the time of application for a grant under this
10 section, received an emergency grant under section
11 1110(e) of the CARES Act (Public Law 116–136)
12 or loan forgiveness under section 1106 of such Act
13 related to expenses incurred during the covered pe-
14 riod, the maximum amount of a grant awarded to
15 the eligible entity under this section shall be reduced
16 by the amount of funds expended by or forgiven for
17 the eligible entity for those expenses using amounts
18 received under such section 1110(e) or forgiven
19 under such section 1106.

20 (3) LIMITATION.—An eligible entity may not re-
21 ceive more than 1 grant under this section.

22 (f) USE OF FUNDS.—

23 (1) IN GENERAL.—During the covered period,
24 an eligible entity that receives a grant under this
25 section may use the grant funds for—

- 1 (A) payroll costs;
- 2 (B) payments of principal or interest on
3 any mortgage obligation;
- 4 (C) rent payments, including rent under a
5 lease agreement;
- 6 (D) utilities;
- 7 (E) maintenance, including construction to
8 accommodate outdoor seating;
- 9 (F) supplies, including protective equip-
10 ment and cleaning materials;
- 11 (G) food and beverage;
- 12 (H) debt obligations to suppliers that were
13 incurred before the covered period; and
- 14 (I) any other expenses that the Secretary
15 determines to be essential to maintaining the el-
16 igible entity.

17 (2) RETURNING FUNDS.—If an eligible entity
18 that receives a grant under this section permanently
19 ceases operations on or before December 31, 2020,
20 the eligible entity shall return to the Treasury any
21 funds that the eligible entity did not use for the al-
22 lowable expenses under paragraph (1).

23 (3) CONVERSION TO LOAN.—Any grant
24 amounts received by an eligible entity under this sec-

1 tion that are unused after December 31, 2020, shall
2 be immediately converted to a loan with—

3 (A) an interest rate of 1 percent; and

4 (B) a maturity date of 10 years.

5 (g) TAXABILITY.—For purposes of the Internal Rev-
6 enue Code of 1986—

7 (1) the amount of a grant awarded to an eligi-
8 ble entity under this section shall be excluded from
9 the gross income of the eligible entity;

10 (2) no deduction shall be denied or reduced, no
11 tax attribute shall be reduced, and no basis increase
12 shall be denied, by reason of the exclusion from
13 gross income provided by subsection; and

14 (3) an eligible entity that receives a grant under
15 this section shall not be eligible for the credit de-
16 scribed in section 2301 of the CARES Act (Public
17 Law 116–136).

18 (h) REGULATIONS.—Not later than 15 days after the
19 date of enactment of this Act, the Secretary shall issue
20 regulations to carry out this section without regard to the
21 notice and comment requirements under section 553 of
22 title 5, United States Code.

23 (i) APPROPRIATIONS FOR STAFFING AND ADMINIS-
24 TRATIVE EXPENSES.—

1 (1) IN GENERAL.—There is appropriated to the
2 Secretary, out of amounts in the Treasury not other-
3 wise appropriated, \$300,000,000, to remain avail-
4 able until December 31, 2020, for staffing and ad-
5 ministrative expenses related to administering grants
6 awarded under this section.

7 (2) SET ASIDE.—Of amounts appropriated
8 under paragraph (1), \$60,000,000 shall be allocated
9 for outreach to traditionally marginalized and under-
10 represented communities, with a focus on women,
11 veteran, and minority-owned and operated eligible
12 entities, including the creation of a resource center
13 targeted toward these communities.

14 **SEC. 5. EMERGENCY DESIGNATION.**

15 (a) IN GENERAL.—The amounts provided by this Act
16 are designated as an emergency requirement pursuant to
17 section 4(g) of the Statutory Pay-As-You-Go Act of 2010
18 (2 U.S.C. 933(g)).

19 (b) DESIGNATION IN SENATE.—In the Senate, this
20 Act is designated as an emergency requirement pursuant
21 to section 4112(a) of H. Con. Res. 71 (115th Congress),
22 the concurrent resolution on the budget for fiscal year
23 2018.

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