

Calendar No. 344

117TH CONGRESS
2^D SESSION**S. 4008**

To provide COVID relief for restaurants, gyms, minor league sports teams, border businesses, live venue service providers, exclave businesses, and providers of transportation services.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2022

Mr. CARDIN (for himself and Mr. WICKER) introduced the following bill; which was read the first time

APRIL 6, 2022

Read the second time and placed on the calendar

A BILL

To provide COVID relief for restaurants, gyms, minor league sports teams, border businesses, live venue service providers, exclave businesses, and providers of transportation services.

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 “Small Business
5 COVID Relief Act of 2022”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

Sec. 1. Short title.
 Sec. 2. Table of contents.
 Sec. 3. Definitions.

**TITLE I—RESTAURANT REVITALIZATION FUND REPLENISHMENT
 AND IMPROVEMENTS**

Sec. 101. Appropriation.
 Sec. 102. Insufficient funding.
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 Sec. 104. Oversight and audits.
 Sec. 105. Requirement of continuing operation.

**TITLE II—SUPPORT FOR ADDITIONAL BUSINESSES SUFFERING
 PANDEMIC-RELATED REVENUE LOSS**

Subtitle A—Support for Gyms and Fitness Facilities

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 Sec. 212. Support for gyms and fitness centers.
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Subtitle B—Support for Minor League Sports

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 Sec. 223. Save minor league sports grants.

Subtitle C—Support for Border Businesses Affected by Border Closures

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 Sec. 232. Border closure recovery grant program.
 Sec. 233. Grants from Fund.
 Sec. 234. Outreach.

Subtitle D—Support for Live Venue Service and Support Companies

Sec. 241. Definitions.
 Sec. 242. Live Venue Service and Support Business Relief Fund.
 Sec. 243. Grants from Fund.

Subtitle E—Support for Exclave Community Small Businesses

Sec. 251. Definitions.
 Sec. 252. Exclave Community Small Business Relief Fund.
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Subtitle F—Administration and Implementation of Support Programs

Sec. 261. Definition.
 Sec. 262. Data transparency and customer service.
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 Sec. 265. Prohibition on participation in multiple programs.
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 Sec. 269. Gross receipts.
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TITLE III—OTHER SBA PROGRAM IMPROVEMENTS

Sec. 301. Shuttered venue operators.
 Sec. 302. Treatment of paycheck protection program loan forgiveness of payroll costs under highway and public transportation project cost reimbursement contracts.

TITLE IV—TRANSPORTATION SERVICES

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TITLE V—OFFSETS

Sec. 501. Offsetting rescissions.

TITLE VI—BUDGETARY EFFECTS

Sec. 601. Emergency designation.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
 4 trator” means the Administrator of the Small Busi-
 5 ness Administration.

6 (2) COVERED MORTGAGE OBLIGATION; COV-
 7 ERED RENT OBLIGATION; COVERED SUPPLIER COST;
 8 COVERED UTILITY PAYMENT; COVERED WORKER
 9 PROTECTION EXPENDITURE.—The terms “covered
 10 mortgage obligation”, “covered rent obligation”,
 11 “covered supplier cost”, “covered utility payment”,
 12 and “covered worker protection expenditure” have
 13 the meanings given the terms in section 7A(a) of the
 14 Small Business Act (15 U.S.C. 636m(a)).

1 (3) EXCHANGE; ISSUER; SECURITY.—The terms
 2 “exchange”, “issuer”, and “security” have the
 3 meanings given those terms in section 3(a) of the
 4 Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

5 (4) NATIONAL SECURITIES EXCHANGE.—The
 6 term “national securities exchange” means an ex-
 7 change that is registered in accordance with section
 8 6 of the Securities Exchange Act of 1934 (15 U.S.C.
 9 78f).

10 (5) PAYROLL COSTS.—The term “payroll costs”
 11 has the meaning given the term in section
 12 7(a)(36)(A) of the Small Business Act (15 U.S.C.
 13 636(a)(36)(A)), except that such term shall not in-
 14 clude—

15 (A) qualified wages (as defined in sub-
 16 section (c)(3) of section 2301 of the CARES
 17 Act (26 U.S.C. 3111 note)) taken into account
 18 in determining the credit allowed under such
 19 section 2301; or

20 (B) premiums taken into account in deter-
 21 mining the credit allowed under section 6432 of
 22 the Internal Revenue Code of 1986.

23 (6) PRIVATE EQUITY FUND.—The term “pri-
 24 vate equity fund” has the meaning given the term

in section 225.173(a) of title 12, Code of Federal Regulations, or any successor regulation.

(7) PUBLICLY-TRADED COMPANY.—The term “publicly-traded company” means an entity that is majority owned or controlled by an entity that is an issuer, the securities of which are listed on a national securities exchange.

(8) TRIBALLY-OWNED CONCERN.—The term “Tribally-owned concern” has the meaning given the term in section 124.3 of title 13, Code of Federal Regulations, or any successor regulation.

TITLE I—RESTAURANT REVITALIZATION FUND REPLENISHMENT AND IMPROVEMENTS

SEC. 101. APPROPRIATION.

Section 5003 of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking “\$28,600,000,000” and inserting “\$68,600,000,000”; and

(ii) by inserting “, of which not more than \$250,000,000 shall be for administrative expenses to carry out this section and of which \$20,000,000 shall be for the In-

spector General of the Small Business Administration for audits of grants under this section to investigate fraud and to identify improper payments and ineligible recipients, and for other necessary expenses of the Office of the Inspector General” before the period at the end; and

(B) in subparagraph (B)(i)(II), by striking “\$23,600,000,000” and inserting “any remaining amounts not used for a purpose authorized under subparagraph (A) or clause (i) of this subparagraph”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “and paragraph (3)”; and

(B) by striking paragraph (3).

SEC. 102. INSUFFICIENT FUNDING.

Section 5003 of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c) is amended by adding at the end the following:

“(d) INSUFFICIENT FUNDING.—

“(1) IN GENERAL.—If the Administrator determines that the amounts made available to carry out this section are insufficient to make grants in the amount provided in subsection (c)(4) to each eligible

1 entity that has submitted an application in accord-
 2 ance with the program guidelines in effect on the
 3 day before the date of enactment of this subsection,
 4 but has not received an award as of such date, the
 5 Administrator shall make grants with the available
 6 amounts to each such eligible applicant—

7 “(A) such that the amount of the grant
 8 that each such eligible entity would have other-
 9 wise received under this section is reduced by
 10 an equal percentage;

11 “(B) by establishing a maximum amount
 12 for a grant made under this subsection to en-
 13 sure that smaller eligible entities still receive
 14 grants in the amounts provided under sub-
 15 section (c)(4); or

16 “(C) by providing full awards in the
 17 amounts provided under subsection (c)(4) below
 18 a certain threshold (as the Administrator may
 19 establish) and reducing grants above that
 20 threshold by an equal percentage.

21 “(2) RESERVING FUNDS.—Nothing in para-
 22 graph (1) shall prevent the Administrator from—

23 “(A) reserving funding for applicants that
 24 may be determined to be eligible for a grant
 25 under this section upon reconsideration; or

1 “(B) making partial awards to eligible en-
 2 tities on a preliminary basis until the amount of
 3 funding required to fund grants to all eligible
 4 applicants is established, upon the completion
 5 of the reconsideration process.”.

6 **SEC. 103. DATA TRANSPARENCY AND CUSTOMER SERVICE.**

7 Section 5003 of the American Rescue Plan Act of
 8 2021 (15 U.S.C. 9009c), as amended by section 102 of
 9 this Act, is amended by adding at the end the following:

10 “(e) REPORTS.—The Administrator shall—

11 “(1) on a biweekly basis until the amounts
 12 made available to carry out this section are fully ex-
 13 pended, publish data that shows, for the period be-
 14 ginning on the date on which the Administrator
 15 began making grants under this section and ending
 16 on the date on which the information is published—

17 “(A) with respect to applications for grants
 18 under this section, the number of those applica-
 19 tions—

20 “(i) that the Administrator has re-
 21 ceived;

22 “(ii) that the Administrator has re-
 23 viewed or is in the process of reviewing;
 24 and

1 “(iii) with respect to which the Ad-
 2 ministrator has made a decision; and

3 “(B) the number and dollar amount of
 4 grants under this section—

5 “(i) that have been awarded; and

6 “(ii) that have been disbursed;

7 “(2) on a weekly basis until the amounts made
 8 available to carry out this section are fully expended,
 9 publish, with respect to the period beginning on the
 10 date of enactment of this subsection and ending on
 11 the date on which the information is published—

12 “(A) with respect to each eligible entity to
 13 which a grant is made under this section—

14 “(i) the name of the eligible entity, in-
 15 cluding the name or names under which
 16 the eligible entity does business if that
 17 name is different from the name of the eli-
 18 gible entity; and

19 “(ii) the address of—

20 “(I) the eligible entity; and

21 “(II) the physical location or lo-
 22 cations for the eligible entity listed on
 23 the application, if different from the
 24 address of the eligible entity;

1 “(B) the amount of each grant described
2 in subparagraph (A); and

3 “(C) the business category listed in sub-
4 section (a)(4)(A) to which the eligible entity be-
5 longs; and

6 “(3) with respect to an applicant that applies
7 for a grant under this section and is denied by the
8 Administrator—

9 “(A) make available to the applicant a
10 brief explanation identifying the reason why the
11 Administrator denied the application of the ap-
12 plicant, which shall include, where applicable, a
13 citation to the statutory, regulatory, or guid-
14 ance provision with which the applicant failed
15 to comply and that was the basis for the denial;
16 and

17 “(B) establish a reconsideration process
18 through which the applicant may—

19 “(i) submit to the Administrator addi-
20 tional information the applicant determines
21 to be relevant to whether the applicant is
22 eligible for the grant;

23 “(ii) challenge the decision of the Ad-
24 ministrator; and

1 “(iii) receive a second review of the
2 application submitted by the applicant.”.

3 **SEC. 104. OVERSIGHT AND AUDITS.**

4 Section 5003 of the American Rescue Plan Act of
5 2021 (15 U.S.C. 9009c), as amended by section 103 of
6 this Act, is amended by adding at the end the following:

7 “(f) OVERSIGHT AND AUDITS.—

8 “(1) IN GENERAL.—The Administrator shall in-
9 stitute an oversight and audit plan with respect to
10 eligible entities receiving grants under this section,
11 which shall include—

12 “(A) documentation requirements that are
13 consistent with the eligibility and other require-
14 ments under this section, including by requiring
15 an eligible entity that receives a grant under
16 this section to retain records that demonstrate
17 compliance with those requirements; and

18 “(B) reviews of the use, by eligible entities,
19 of grants made under this section to ensure
20 compliance with the requirements of this sec-
21 tion, which shall include—

22 “(i) the review and audit, by the Ad-
23 ministrator, of grants made under this sec-
24 tion; and

1 “(ii) in the case of fraud or other ma-
2 terial noncompliance with respect to a
3 grant made under this section—

4 “(I) a requirement that the appli-
5 cable eligible entity repay to the Ad-
6 ministrator the amount of the
7 misspent funds; or

8 “(II) the pursuit, by the Admin-
9 istrator, of legal action to collect the
10 misspent funds.

11 “(2) SUBMISSION OF PLAN.—Not later than 30
12 days after the date of enactment of this subsection,
13 the Administrator shall submit to the Committee on
14 Small Business and Entrepreneurship of the Senate
15 and the Committee on Small Business of the House
16 of Representatives the plan required under para-
17 graph (1), which shall describe—

18 “(A) the policies and procedures of the Ad-
19 ministrator for conducting oversight and audits
20 of grants made under this section; and

21 “(B) the metrics that the Administrator
22 will use to determine which grants made under
23 this section will be audited under that plan.

24 “(3) REPORTS.—Not later than 60 days after
25 the date of enactment of this subsection, and once

1 every 30 days thereafter until the date that is 180
2 days after the date on which all amounts made avail-
3 able to carry out this section have been fully ex-
4 pended, and upon request thereafter, the Adminis-
5 trator shall submit to the Committee on Small Busi-
6 ness and Entrepreneurship of the Senate and the
7 Committee on Small Business of the House of Rep-
8 resentatives a report on the oversight and audit ac-
9 tivities of the Administrator under this subsection,
10 which shall include—

11 “(A) the total number of grants approved
12 and disbursed under this section;

13 “(B) the total amount of each grant re-
14 ceived by each eligible entity;

15 “(C) the number of active investigations
16 and audits of grants made under this section;

17 “(D) the number of completed reviews and
18 audits of grants made under this section, in-
19 cluding a description of—

20 “(i) any findings of fraud or other
21 material noncompliance with the require-
22 ments of this section;

23 “(ii) questionable costs identified by
24 the Administrator; and

1 “(iii) the total amount recouped from
2 ineligible recipients; and

3 “(E) a description of any substantial
4 changes made to the plan required under para-
5 graph (1).

6 “(4) RETROACTIVE APPLICATION.—This sub-
7 section shall apply to grants and decisions made
8 under this section before, on, or after the date of en-
9 actment of this subsection.”.

10 **SEC. 105. REQUIREMENT OF CONTINUING OPERATION.**

11 For any application for a grant under section 5003
12 of the American Rescue Plan Act of 2021 (15 U.S.C.
13 9009c) that is pending on the date of enactment of this
14 Act or for which the applicant has received an award no-
15 tice but the Administrator has not disbursed amounts
16 under the grant, the Administrator may not disburse
17 amounts under the grant unless the applicant submits a
18 statement to the Administrator indicating the applicant is
19 still operating, or intends to reopen not later than 180
20 days after the date on which the statement is submitted,
21 the applicable place of business.

1 **TITLE II—SUPPORT FOR ADDI-**
 2 **TIONAL BUSINESSES SUF-**
 3 **FERING PANDEMIC-RELATED**
 4 **REVENUE LOSS**

5 **Subtitle A—Support for Gyms and**
 6 **Fitness Facilities**

7 **SEC. 211. DEFINITIONS.**

8 In this subtitle:

9 (1) **AFFILIATED BUSINESS.**—

10 (A) **IN GENERAL.**—The term “affiliated
 11 business” means a business in which an eligible
 12 entity has an equity or right to profit distribu-
 13 tions of not less than 50 percent, or in which
 14 an eligible entity has the contractual authority
 15 to control the direction of the business, pro-
 16 vided that such affiliation shall be determined
 17 as of any arrangements or agreements in exist-
 18 ence as of February 29, 2020.

19 (B) **REGULATIONS.**—For purposes of eligi-
 20 bility for covered grants—

21 (i) the provisions applicable to affili-
 22 ations under section 121.301 of title 13,
 23 Code of Federal Regulations, or any suc-
 24 cessor regulation, are waived for any busi-
 25 ness concern operating as a franchise that

1 is assigned a franchise identifier code by
2 the Administration; and

3 (ii) the exceptions to affiliation noted
4 in section 121.103(b) of title 13, Code of
5 Federal Regulations, or any successor reg-
6 ulation, shall apply to an affiliated busi-
7 ness.

8 (2) COVERED GRANT.—The term “covered
9 grant” means a grant under section 213 made to an
10 eligible entity.

11 (3) COVERED PERIOD.—The term “covered pe-
12 riod” means the period—

13 (A) beginning on March 1, 2020; and

14 (B) ending on March 31, 2023, or a date
15 to be determined by the Administrator that is
16 not later than 2 years after the date of enact-
17 ment of this Act.

18 (4) ELIGIBLE ENTITY.—The term “eligible enti-
19 ty”—

20 (A) means a fitness facility—

21 (i) that employs not more than 500
22 employees, determined on a full-time
23 equivalency basis;

24 (ii) that—

- 1 (I) provides instruction in a pro-
- 2 gram of in-person physical exercise; or
- 3 (II) offers space for individuals
- 4 to take part in the preservation, main-
- 5 tenance, encouragement, or develop-
- 6 ment of physical fitness;
- 7 (iii) for which the health or fitness
- 8 component is not incidental to the overall
- 9 function and purpose of the facility; and
- 10 (iv) that derives revenue primarily
- 11 from membership dues or admission or
- 12 participation fees;
- 13 (B) may include—
- 14 (i) a for-profit entity;
- 15 (ii) a nonprofit entity; and
- 16 (iii) a Tribally-owned concern; and
- 17 (C) does not include—
- 18 (i) an entity with pandemic-related
- 19 revenue losses that are not greater than 25
- 20 percent;
- 21 (ii) an entity described in subpara-
- 22 graph (A) that—
- 23 (I) is a State or local govern-
- 24 ment-operated business;

1 (II) as of March 1, 2020, owns
2 or operates (together with any affili-
3 ated business) more than 10 locations,
4 regardless of whether those locations
5 do business under the same or mul-
6 tiple names;

7 (III) has a pending application
8 for or has received a grant under—

9 (aa) section 324 of the Eco-
10 nomic Aid to Hard Hit Small
11 Businesses, Nonprofits, and
12 Venues Act (15 U.S.C. 9009a);
13 or

14 (bb) section 5003 of the
15 American Rescue Plan Act of
16 2021 (15 U.S.C. 9009c); or

17 (IV) offers golf, hunting, sailing,
18 shooting, or riding facilities;

19 (iii) a publicly-traded company;

20 (iv) an entity that was not in oper-
21 ation before March 1, 2020; or

22 (v) an entity that is not in operation
23 on, and does not intend to reopen on or be-
24 fore the date that is 180 days after, the

1 date on which the entity applies for a cov-
2 ered grant.

3 (5) FUND.—The term “Fund” means the Gym
4 and Fitness Center Recovery Fund established
5 under section 212(a)(1).

6 (6) PANDEMIC-RELATED REVENUE LOSS.—

7 (A) IN GENERAL.—Subject to subpara-
8 graph (B), the term “pandemic-related revenue
9 loss” means, with respect to an eligible entity—

10 (i) except as provided in clauses (ii)
11 and (iii), the gross receipts, as established
12 using such verification documentation as
13 the Administrator may require, of the eligi-
14 ble entity during 2020 subtracted from the
15 gross receipts of the eligible entity in 2019,
16 if such amount is greater than zero, except
17 that the Administrator may make adjust-
18 ments to this formula as needed for sea-
19 sonal businesses, businesses affected by
20 natural disasters, and to address other cir-
21 cumstances identified by the Administrator
22 requiring accommodation;

23 (ii) if the eligible entity was not in op-
24 eration for the entirety of 2019—

1 (I) the difference, if greater than
2 zero, between—

3 (aa) the product obtained by
4 multiplying the average monthly
5 gross receipts of the eligible enti-
6 ty in 2019 by 12; and

7 (bb) the product obtained by
8 multiplying the average monthly
9 gross receipts of the eligible enti-
10 ty in 2020 by 12; or

11 (II) an amount based on a for-
12 mula determined by the Adminis-
13 trator; and

14 (iii) if the eligible entity opened dur-
15 ing the period beginning on January 1,
16 2020 and ending on February 29, 2020,
17 an amount based on a formula determined
18 by the Administrator.

19 (B) REDUCTION.—

20 (i) IN GENERAL.—The pandemic-re-
21 lated revenue losses for an eligible entity
22 shall be reduced by—

23 (I) any amounts received from a
24 covered loan made under paragraph
25 (36) or (37) of section 7(a) of the

1 Small Business Act (15 U.S.C.
2 636(a)) in 2020 or 2021; and

3 (II) the amount by which the
4 total of all remunerative payments
5 made to an individual, including any
6 annual salary paid to an employee, in
7 2020 exceeds \$250,000.

8 (ii) ADMINISTRATOR AUTHORITY.—
9 The Administrator may determine the
10 types of payments and individuals to which
11 clause (i)(II) applies.

12 **SEC. 212. SUPPORT FOR GYMS AND FITNESS CENTERS.**

13 (a) ESTABLISHMENT.—

14 (1) IN GENERAL.—There is established within
15 the Restaurant Revitalization Fund established
16 under section 5003 of the American Rescue Plan
17 Act of 2021 (15 U.S.C. 9009c) a fund to be known
18 as the Gym and Fitness Center Recovery Fund.

19 (2) USE OF FUNDS.—Subject to section 266,
20 the Administrator may use amounts in the Fund
21 only for the purposes described in this subtitle and
22 not for any purpose described in section 5003 of the
23 American Rescue Plan Act of 2021 (15 U.S.C.
24 9009c).

1 (b) APPROPRIATIONS.—In addition to amounts other-
2 wise available, there is appropriated to the Fund for fiscal
3 year 2022, out of any money in the Treasury not otherwise
4 appropriated, \$2,000,000,000, to remain available until
5 expended.

6 **SEC. 213. GRANTS FROM FUND.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (c)(3) of this section, the Administrator shall make cov-
9 ered grants to eligible entities in the order in which appli-
10 cations are received by the Administrator.

11 (b) APPLICATIONS.—

12 (1) CERTIFICATION.—An eligible entity apply-
13 ing for a covered grant shall make a good faith cer-
14 tification that—

15 (A) the uncertainty of current economic
16 conditions makes necessary the request for the
17 covered grant to support the ongoing operations
18 of the eligible entity;

19 (B) the eligible entity does not have a
20 pending application for, and has not received, a
21 grant under—

22 (i) section 324 of the Economic Aid to
23 Hard-Hit Small Businesses, Nonprofits,
24 and Venues Act (15 U.S.C. 9009a); or

1 (ii) section 5003 of the American Res-
 2 cue Plan Act of 2021 (15 U.S.C. 9009c);
 3 and

4 (C) contains any other information that
 5 the Administrator may require.

6 (2) VERIFICATION MATERIALS.—Subject to sec-
 7 tion 211(6)(A)(i), the Administrator shall use tax
 8 records, and may, in addition, use other reliable
 9 sources such as certified accounting statements, with
 10 respect to an applicant for a covered grant to deter-
 11 mine—

12 (A) the eligibility of the applicant for that
 13 covered grant; and

14 (B) the amount of that covered grant to
 15 the applicant.

16 (3) ACCEPTANCE OF APPLICATIONS.—Not later
 17 than 60 days after the date of enactment of this
 18 Act, the Administrator shall begin accepting applica-
 19 tions for covered grants.

20 (c) AMOUNT OF GRANT.—

21 (1) AGGREGATE MAXIMUM AMOUNT.—The ag-
 22 gregate amount of covered grants made to an eligi-
 23 ble entity and any affiliated businesses of the eligible
 24 entity—

25 (A) shall not exceed \$2,000,000; and

1 (B) shall be limited to \$1,000,000 per
2 physical location of the eligible entity.

3 (2) DETERMINATION OF AMOUNT OF GRANT.—

4 (A) IN GENERAL.—Except as provided in
5 this subsection, the amount of a covered grant
6 made to an eligible entity shall be equal to the
7 difference between—

8 (i) the pandemic-related revenue loss
9 of the eligible entity; and

10 (ii)(I) the amount equal to the prod-
11 uct obtained by multiplying 3 by the aver-
12 age monthly gross receipts of the eligible
13 entity in 2019; or

14 (II) for an eligible entity that did not
15 have gross receipts in 2019, because the el-
16 igible entity began operating between Jan-
17 uary 1, 2020 and February 29, 2020 or
18 due to other factors identified by the Ad-
19 ministrator, an alternative amount based
20 on a formula to be determined by the Ad-
21 ministrator.

22 (B) LIMITATION.—An eligible entity may
23 not receive a covered grant in an amount that
24 is greater than—

1 (i) the amount equal to the product
2 obtained by multiplying 6 by the average
3 monthly gross receipts of the eligible entity
4 in 2019; or

5 (ii) if the eligible entity was not in op-
6 eration for the entirety of 2019, if the
7 gross receipts of the eligible entity during
8 2019 were reduced due to other factors
9 identified by the Administrator, or if the
10 eligible entity opened during the period be-
11 ginning on January 1, 2020 and ending on
12 February 29, 2020, an amount determined
13 under a formula established by the Admin-
14 istrator.

15 (C) MINIMUM AMOUNT.—The Adminis-
16 trator may establish a minimum amount of a
17 covered grant in an amount that is not more
18 than \$10,000.

19 (D) RETURN TO SBA.—Any amount of a
20 covered grant to an eligible entity based on esti-
21 mated receipts that is greater than the actual
22 gross receipts of the eligible entity in 2020 shall
23 be returned to the Administrator, who may use
24 those returned funds to make additional cov-
25 ered grants.

1 (3) INSUFFICIENT FUNDING.—

2 (A) IN GENERAL.—If the Administrator
3 determines that the amounts made available to
4 carry out this subtitle are insufficient to make
5 covered grants to each eligible entity in the
6 amount provided under paragraphs (1) and (2),
7 the Administrator shall—

8 (i) make covered grants with the
9 available amounts—

10 (I) such that the amount of the
11 covered grant that each such eligible
12 entity would have otherwise received
13 under those paragraphs is reduced by
14 an equal percentage;

15 (II) by establishing a maximum
16 amount for a covered grant made
17 under this clause to ensure that small-
18 er eligible entities still receive covered
19 grants in the amounts provided under
20 those paragraphs; or

21 (III) by providing covered grants
22 in the amounts provided under those
23 paragraphs below a certain threshold
24 (as the Administrator may establish)
25 and reducing covered grants above

1 that threshold by an equal percentage;

2 and

3 (ii) in a manner that complies with
4 clause (i), make covered grants to each eli-
5 gible entity that submits an application for
6 a covered grant during the 21-day period
7 beginning on the date on which the Admin-
8 istrator begins accepting those applica-
9 tions.

10 (B) RESERVING FUNDS.—Nothing in sub-
11 paragraph (A) shall prevent the Administrator
12 from—

13 (i) reserving funding for applicants
14 that may be determined to be eligible for
15 a covered grant upon reconsideration; or

16 (ii) making partial awards to eligible
17 entities on a preliminary basis until the
18 amount of funding required to fund cov-
19 ered grants to all eligible entities that sub-
20 mit applications is established, upon the
21 completion of the reconsideration process.

22 (d) USE OF FUNDS.—During the covered period, an
23 eligible entity that receives a covered grant may use
24 amounts received under the covered grant for the following

1 expenses incurred as a direct result of, or during, the
2 COVID–19 pandemic:

3 (1) Payroll costs.

4 (2) Payments to independent contractors, as re-
5 ported on Form 1099-MISC, except that each pay-
6 ment under this paragraph shall be in an amount
7 that is not more than \$100,000.

8 (3) Scheduled payments of interest or principal
9 on any covered mortgage obligation (which may not
10 include any prepayment of principal on a covered
11 mortgage obligation).

12 (4) Payments on any covered rent obligation
13 and common area maintenance charges under a
14 lease agreement.

15 (5) Covered utility payments.

16 (6) Maintenance expenses.

17 (7) Covered worker protection expenditures.

18 (8) Supplies, including protective equipment
19 and cleaning materials.

20 (9) Expenses that were within the scope of the
21 normal business practice of the eligible entity before
22 the covered period.

23 (10) Covered supplier costs.

24 (11) Operational expenses.

25 (12) Paid sick leave.

1 (13) Capital expenditures (or expenses required
2 under any Federal, State, or local law) relating to
3 implementing social distancing measures.

4 (14) Any other expenses that the Administrator
5 determines to be essential to maintaining the eligible
6 entity.

7 (e) RETURNING FUNDS.—If an eligible entity that re-
8 ceives a covered grant fails to use all of the amounts re-
9 ceived under the covered grant on or before the last day
10 of the covered period or permanently ceases operations on
11 or before the last day of the covered period, the eligible
12 entity shall return to the Treasury any funds that the eli-
13 gible entity did not use for the allowable expenses under
14 subsection (d).

15 **Subtitle B—Support for Minor** 16 **League Sports**

17 **SEC. 221. DEFINITIONS.**

18 In this subtitle:

19 (1) COVERED GRANT.—The term “covered
20 *grant*” means a grant made under section 223 to an
21 eligible entity.

22 (2) FUND.—The term “Fund” means the Save
23 Minor League Sports Fund established under sec-
24 tion 222(a)(1).

25 (3) ELIGIBLE ENTITY.—

1 (A) IN GENERAL.—The term “eligible enti-
2 ty” means any minor league sports team that
3 meets the following requirements:

4 (i) The minor league sports team was
5 operating in the ordinary course of busi-
6 ness on February 29, 2020.

7 (ii) The gross receipts of the minor
8 league sports team—

9 (I) in calendar year 2020 or the
10 fiscal year ending in 2021 was not
11 more than 50 percent of the gross re-
12 cepts of the minor league sports team
13 in calendar year 2019 or the fiscal
14 year ending in 2019, respectively; or

15 (II) in calendar year 2020 or the
16 fiscal year ending in 2021 was not
17 more than 50 percent of the gross re-
18 cepts of the minor league sports team
19 over the 3-year period from calendar
20 year 2016 through calendar 2018 or
21 the fiscal year ending in 2016 through
22 the fiscal year ending in 2018, respec-
23 tively, if the gross receipts of the
24 minor league sports team was nega-
25 tively impacted by a natural disaster

1 or weather disruption in calendar year
2 2019 or the fiscal year ending in
3 2019.

4 (iii) The minor league sports team is
5 open on, or intends to reopen on or before
6 the date that is 180 days after, the date on
7 which the minor league sports team sub-
8 mits the certification required under sec-
9 tion 223(b)(1), for the primary purpose of
10 conducting sports games.

11 (B) EXCLUSIONS.—The term “eligible en-
12 tity” does not include a minor league sports
13 team that—

14 (i) has a pending application for or
15 has received a grant under—

16 (I) section 324 of the Economic
17 Aid to Hard-Hit Small Businesses,
18 Nonprofits, and Venues Act (15
19 U.S.C. 9009a); or

20 (II) section 5003 of the Amer-
21 ican Rescue Plan Act of 2021 (15
22 U.S.C. 9009c);

23 (ii) is owned directly or indirectly by
24 a major league sports league or major
25 league sports team;

1 (iii) has an individual owner with—

2 (I) not less than a 20 percent
3 share in the team; and

4 (II) more than a 10 percent own-
5 ership interest in a major league
6 sports league or major league sports
7 team;

8 (iv) is more than 50 percent owned by
9 a private equity fund; or

10 (v) is more than 50 percent owned by
11 a publicly-traded company.

12 (C) MULTIPLE BUSINESS ENTITIES.—The
13 Administrator shall treat each eligible entity as
14 an independent, non-affiliated entity for the
15 purposes of this subtitle.

16 (4) MINOR LEAGUE SPORTS TEAM.—The term
17 “minor league sports team” means a professional
18 sports team—

19 (A) that may be—

20 (i) a corporation, limited liability com-
21 pany, partnership, or nonprofit organiza-
22 tion;

23 (ii) operated as a sole proprietorship;

24 or

25 (iii) a Tribally-owned concern;

1 (B) that, as of the date of enactment of
2 this Act—

3 (i) is located in the United States;

4 (ii) is not owned directly or indirectly
5 by an educational institution;

6 (iii) derives income primarily from the
7 presence of in-person spectators;

8 (iv) is not—

9 (I) a recreational, intramural,
10 club, or other type of amateur sports
11 team; or

12 (II) a training academy open to
13 athletes under 18 years of age;

14 (v) does not require players to pay a
15 fee to participate; and

16 (vi) either has a formal relationship
17 with a major league sports team or major
18 league sports league to develop players to
19 compete in a major league sports league,
20 or competes in a sports league from which
21 a major league sports team or major
22 league sports league scouts for prospective
23 players; and

24 (C) comprised of players paid a salary to
25 play in the games of the team as of—

1 (i) the date of enactment of this Act;

2 or

3 (ii) February 29, 2020.

4 (5) MAJOR LEAGUE SPORTS LEAGUE.—The
5 term “major league sports league” means a profes-
6 sional sports league consisting of teams competing
7 at the highest professional level of a given sport in
8 the United States, as determined by the Adminis-
9 trator.

10 (6) MAJOR LEAGUE SPORTS TEAM.—The term
11 “major league sports team” means a team that com-
12 petes in a major league sports league.

13 (7) NATURAL DISASTER OR WEATHER DISRUP-
14 TION.—The term “natural disaster or weather dis-
15 ruption” means—

16 (A) a flooding event, hurricane, earth-
17 quake, forest fire, or other disaster that trig-
18 gers eligibility for Federal aid, including dis-
19 aster assistance from the Administrator; or

20 (B) a series of weather-related events that,
21 individually or collectively, caused more than 20
22 percent of games to be permanently canceled.

23 (8) PANDEMIC-RELATED REVENUE LOSS.—

24 (A) IN GENERAL.—The term “pandemic-
25 related revenue loss”, with respect to an eligible

1 entity, as established using such verification
2 documentation as the Administrator may re-
3 quire, means, if such amount is greater than
4 zero—

5 (i) except as provided in clauses (ii),
6 (iii), and (iv), the gross receipts of the eli-
7 gible entity during calendar year 2020 or
8 the fiscal year ending in 2021 subtracted
9 from the gross receipts of the eligible enti-
10 ty in calendar year 2019 or the fiscal year
11 ending in 2019, respectively;

12 (ii) the gross receipts of the eligible
13 entity during calendar year 2020 or the
14 fiscal year ending in 2021 subtracted from
15 the average annual gross receipts of the el-
16 igible entity over the 3-year period from
17 calendar year 2016 through calendar year
18 2018 or the fiscal year ending in 2016
19 through the fiscal year ending in 2018, re-
20 spectively, if the gross receipts of the eligi-
21 ble entity were negatively impacted by a
22 natural disaster or weather disruption in
23 calendar year 2019 or the fiscal year end-
24 ing in 2019;

1 (iii) if the eligible entity was not in
2 operation for the entirety of 2019—

3 (I) the difference between—

4 (aa) the product obtained by
5 multiplying the average monthly
6 gross receipts of the eligible enti-
7 ty in calendar year 2019 or the
8 fiscal year ending in 2019 by 12;
9 and

10 (bb) the product obtained by
11 multiplying the average monthly
12 gross receipts of the eligible enti-
13 ty in calendar year 2020 or the
14 fiscal year ending in 2021 by 12;
15 or

16 (II) an amount based on a for-
17 mula determined by the Adminis-
18 trator; or

19 (iv) if the eligible entity opened during
20 the period beginning on January 1, 2020,
21 and ending on February 29, 2020—

22 (I) the expenses described in sec-
23 tion 223(f) that were incurred by the
24 eligible entity minus any gross re-
25 ceipts received; or

1 (II) an amount based on a for-
 2 mula determined by the Adminis-
 3 trator.

4 (B) REDUCTION.—For purposes of this
 5 paragraph, the pandemic-related revenue loss
 6 for an eligible entity shall be reduced by any
 7 amounts received from a covered loan made
 8 under paragraph (36) or (37) of section 7(a) of
 9 the Small Business Act (15 U.S.C. 636(a)) in
 10 2020 or 2021.

11 **SEC. 222. SAVE MINOR LEAGUE SPORTS FUND.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—There is established within
 14 the Restaurant Revitalization Fund established
 15 under section 5003 of the American Rescue Plan
 16 Act of 2021 (15 U.S.C. 9009c) a fund to be known
 17 as the Save Minor League Sports Fund.

18 (2) USE OF FUNDS.—Subject to section 266,
 19 the Administrator may use amounts in the Fund
 20 only for the purposes described in this subtitle and
 21 not for any purpose described in section 5003 of the
 22 American Rescue Plan Act of 2021 (15 U.S.C.
 23 9009c).

24 (b) APPROPRIATIONS.—

1 (1) IN GENERAL.—In addition to amounts oth-
 2 erwise available, there is appropriated to the Fund
 3 for fiscal year 2022, out of any money in the Treas-
 4 ury not otherwise appropriated, \$500,000,000, to re-
 5 main available until expended.

6 (c) USE OF FUNDS.—The Administrator shall use
 7 amounts in the Fund to make covered grants.

8 **SEC. 223. SAVE MINOR LEAGUE SPORTS GRANTS.**

9 (a) IN GENERAL.—Except as provided in subsection
 10 (e)(3), the Administrator shall award covered grants to
 11 eligible entities in the order in which applications are re-
 12 ceived by the Administrator.

13 (b) APPLICATION.—An eligible entity applying for a
 14 covered grant shall make a good faith certification that—

15 (1) the uncertainty of current economic condi-
 16 tions makes necessary the grant request to support
 17 the ongoing operations of the eligible entity;

18 (2) the eligible entity does not have a pending
 19 application nor has the eligible entity received a
 20 grant under—

21 (A) section 324 of the Economic Aid to
 22 Hard-Hit Small Businesses, Nonprofits, and
 23 Venues Act (15 U.S.C. 9009a); or

24 (B) section 5003 of the American Rescue
 25 Plan Act of 2021 (15 U.S.C. 9009c); and

1 (3) contains any other information that the Ad-
 2 ministrator may require.

3 (c) VERIFICATION MATERIALS.—Subject to section
 4 221(8)(A), the Administrator shall use tax records, and
 5 may, in addition, use other reliable sources such as cer-
 6 tified accounting statements, with respect to an applicant
 7 for a covered grant to determine—

8 (1) the eligibility of the applicant for that cov-
 9 ered grant; and

10 (2) the amount of that covered grant to the ap-
 11 plicant.

12 (d) LIMITATION ON NUMBER OF GRANTS.—An eligi-
 13 ble entity may receive only 1 covered grant.

14 (e) MAXIMUM AMOUNT.—

15 (1) AGGREGATE MAXIMUM AMOUNT.—The
 16 amount of a covered grant made to an eligible enti-
 17 ty—

18 (A) shall not exceed \$5,000,000; and

19 (B) shall be limited to—

20 (i) 50 percent of the gross receipts of
 21 the eligible entity for calendar year 2019
 22 or the fiscal year ending in 2019;

23 (ii) 50 percent of the average annual
 24 gross receipts of the eligible entity over the
 25 3-year period from calendar year 2016

1 through calendar year 2018 or the fiscal
 2 year ending in 2016 through the fiscal
 3 year ending in 2018, if the gross receipts
 4 of the eligible entity were negatively im-
 5 pacted by a natural disaster or weather
 6 disruption in calendar year 2019 or the fis-
 7 cal year ending in 2019;

8 (iii) an amount based on a formula
 9 determined by the Administrator if the eli-
 10 gible entity was not in operation for the
 11 entirety of 2019; or

12 (iv) an amount based on a formula
 13 determined by the Administrator if the eli-
 14 gible entity opened during the period be-
 15 ginning on January 1, 2020 and ending on
 16 February 29, 2020.

17 (2) DETERMINATION OF GRANT AMOUNT.—

18 (A) IN GENERAL.—Except as provided in
 19 this subsection, the amount of a covered grant
 20 made to an eligible entity shall be equal to the
 21 difference between—

22 (i) the pandemic-related revenue loss
 23 of the eligible entity; and

24 (ii)(I) the amount equal to the prod-
 25 uct obtained by multiplying 3 by the aver-

1 age monthly gross receipts of the eligible
2 entity in 2019;

3 (II) for an eligible entity that did not
4 have gross receipts in 2019, because the el-
5 igible entity began operating between Jan-
6 uary 1, 2020 and February 29, 2020, or
7 due to other factors identified by the Ad-
8 ministrator, an alternative amount based
9 on a formula to be determined by the Ad-
10 ministrator; or

11 (III) for an eligibility that was nega-
12 tively impacted by a natural disaster or
13 weather disruption in calendar year 2019
14 or the fiscal year ending in 2019, the
15 amount equal to the product obtained by
16 multiplying 3 by the average monthly gross
17 receipts of the eligible entity over the 3-
18 year period from calendar year 2016
19 through calendar year 2018 or the fiscal
20 year ending in 2016 through the fiscal
21 year ending in 2018.

22 (B) RETURN OF GRANTS.—

23 (i) GROSS RECEIPTS.—Any amount of
24 a covered grant made to an eligible entity
25 based on estimated gross receipts that is

greater than the actual gross receipts of the eligible entity in 2020 shall be returned to the Administrator, who may use those returned funds to make additional covered grants.

(ii) PRIVATE EQUITY FUND, PUBLICLY-TRADED COMPANY, OR MAJOR LEAGUE SPORTS TEAM.—The full amount of a covered grant made to an eligible entity shall be returned to the Treasury if, during the 3-year period following receipt of the covered grant, the eligible entity—

(I) becomes more than 50 percent owned by a private equity fund;

(II) becomes or is acquired by a publicly-traded company; or

(III) becomes more than 50 percent owned by a major league sports team.

(3) INSUFFICIENT FUNDING.—

(A) IN GENERAL.—If the Administrator determines that the amounts made available to carry out this subtitle are insufficient to make covered grants to each eligible entity in the

1 amount provided under paragraphs (1) and (2),
2 the Administrator shall—

3 (i) make covered grants with the
4 available amounts—

5 (I) such that the amount of the
6 covered grant that each such eligible
7 entity would have otherwise received
8 under those paragraphs is reduced by
9 an equal percentage;

10 (II) by establishing a maximum
11 amount for a covered grant made
12 under this clause to ensure that small-
13 er eligible entities still receive covered
14 grants in the amounts provided under
15 those paragraphs; or

16 (III) by providing covered grants
17 in the amounts provided under those
18 paragraphs below a certain threshold
19 (as the Administrator may establish)
20 and reducing covered grants above
21 that threshold by an equal percentage;
22 and

23 (ii) in a manner that complies with
24 clause (i), make covered grants to each eli-
25 gible entity that submits an application for

1 a covered grant during the 21-day period
2 beginning on the date on which the Admin-
3 istrator begins accepting those applica-
4 tions.

5 (B) RESERVING FUNDS.—Nothing in sub-
6 paragraph (A) shall prevent the Administrator
7 from—

8 (i) reserving funding for applicants
9 that may be determined to be eligible for
10 a covered grant upon reconsideration; or

11 (ii) making partial awards to eligible
12 entities on a preliminary basis until the
13 amount of funding required to fund cov-
14 ered grants to all eligible entities that sub-
15 mit applications is established, upon the
16 completion of the reconsideration process.

17 (f) USE OF FUNDS.—

18 (1) TIMING.—

19 (A) EXPENSES INCURRED.—Amounts re-
20 ceived under a covered grant may only be used
21 for expenses incurred, including for reimburse-
22 ments of expenses already paid by the eligible
23 entity, during the period beginning on March 1,
24 2020, and ending on the date that is 18 months
25 after the date of enactment of this Act.

1 (B) EXPENDITURE.—An eligible entity
2 shall return to the Treasury any amounts re-
3 ceived under a covered grant that are not ex-
4 pended on or before the date that is 18 months
5 after the date of disbursement of the covered
6 grant.

7 (2) ALLOWABLE EXPENSES.—An eligible entity
8 may use amounts received under a covered grant
9 for—

10 (A) payroll costs, not to exceed a total of
11 \$100,000 in annual compensation for any indi-
12 vidual employee;

13 (B) payments on any covered rent obliga-
14 tion or other obligation to a public entity from
15 whom the primary venue of the eligible entity is
16 leased or licensed;

17 (C) any covered utility payment;

18 (D) payments of interest or principal due
19 on any covered mortgage obligation;

20 (E) payments of interest or principal due
21 on any indebtedness or debt instrument in-
22 curred in the ordinary course of business that
23 is a liability of the eligible entity and was in
24 place or incurred prior to March 1, 2020, in-
25 cluding any subsequent renewals, amendments,

1 or extensions of debt instruments in place as of
2 that date;

3 (F) covered worker protection expendi-
4 tures;

5 (G) payments made to independent con-
6 tractors, as reported on Form-1099 MISC, not
7 to exceed a total of \$100,000 in annual com-
8 pensation for any individual employee of an
9 independent contractor; and

10 (H) other ordinary and necessary business
11 expenses, including—

12 (i) maintenance expenses;

13 (ii) administrative costs, including
14 fees and licensing costs;

15 (iii) State and local taxes and fees;

16 (iv) operating leases in effect as of
17 March 1, 2020;

18 (v) payments required for insurance
19 on any insurance policy;

20 (vi) settling existing debts with ven-
21 dors; and

22 (vii) advertising, production, transpor-
23 tation, and other expenditures relating to
24 the primary venue of the eligible entity or
25 events held at such venue, except that a

1 covered grant may not be used primarily
2 for such expenditures.

3 (3) PROHIBITED EXPENSES.—An eligible entity
4 may not use amounts received under a covered
5 grant—

6 (A) to purchase real estate or to make
7 physical improvements to property unrelated to
8 compliance with social distancing guidelines;

9 (B) for payments of interest or principal
10 for loans originated after March 1, 2020;

11 (C) to invest or re-lend funds;

12 (D) for contributions or expenditures to, or
13 on behalf of, any political party, party com-
14 mittee, or candidate for elective office; or

15 (E) for any other use as may be reasonably
16 prohibited by the Administrator.

17 **Subtitle C—Support for Border**
18 **Businesses Affected by Border**
19 **Closures**

20 **SEC. 231. DEFINITIONS.**

21 In this subtitle:

22 (1) AFFILIATED BUSINESS.—

23 (A) IN GENERAL.—The term “affiliated
24 business” means a business in which an eligible
25 entity has an equity or right to profit distribu-

tions of not less than 50 percent, or in which an eligible entity has the contractual authority to control the direction of the business, provided that such affiliation shall be determined as of any arrangements or agreements in existence as of February 29, 2020.

(B) REGULATIONS.—For purposes of eligibility for covered grants—

(i) the provisions applicable to affiliations under section 121.301 of title 13, Code of Federal Regulations, or any successor regulation, are waived for any business concern operating as a franchise that is assigned a franchise identifier code by the Administration; and

(ii) the exceptions to affiliation noted in section 121.103(b) of title 13, Code of Federal Regulations, or any successor regulation, shall apply to an affiliated business.

(2) BORDER BUSINESS.—The term “border business”—

(A) means an entity—

1 (i) that is a small business concern
2 (as defined in section 3 of the Small Busi-
3 ness Act (15 U.S.C. 632));

4 (ii) the principal office of which is lo-
5 cated in the United States;

6 (iii) that has—

7 (I) annual average gross receipts
8 in 2019 in an amount that is not
9 more than \$1,000,000; and

10 (II) not less than 1 and not more
11 than 25 employees, determined on a
12 full-time equivalency basis; and

13 (iv) that has a physical location with-
14 in—

15 (I) an area adjacent to a des-
16 ignated land port of entry, includ-
17 ing—

18 (aa) the lands within the ex-
19 ternal boundaries of a designated
20 land port of entry along the
21 international borders between the
22 United States and Mexico or the
23 United States and Canada;

1 (bb) the census tract in
 2 which the lands described in item
 3 (aa) are wholly contained;

4 (cc) a census tract the
 5 boundaries of which intersect the
 6 lands described in item (aa); and

7 (dd) a census tract—

8 (AA) the boundaries of
 9 which are contiguous to the
 10 census tracts described in
 11 item (bb) or (cc); and

12 (BB) which is not more
 13 than 50 miles from the
 14 international border between
 15 the United States and Mex-
 16 ico or the United States and
 17 Canada; or

18 (II) a colonia;

19 (B) may include—

20 (i) a for-profit entity; and

21 (ii) a Tribally-owned concern; and

22 (C) does not include—

23 (i) an entity with pandemic-related
 24 revenue losses that are not greater than 25
 25 percent;

1 (ii) an entity described in subpara-
 2 graph (A) that is a State or local govern-
 3 ment-operated business;

4 (iii) a publicly traded company;

5 (iv) an entity that is owned or oper-
 6 ated by a private equity fund;

7 (v) an entity that was not in operation
 8 before March 1, 2020; or

9 (vi) an entity that is not in operation
 10 on, and does not intend to reopen on or be-
 11 fore the date that is 180 days after, the
 12 date on which the entity applies for a cov-
 13 ered grant.

14 (3) COLONIA.—The term “colonia” has the
 15 meaning given the term in section 916(e) of the
 16 Cranston-Gonzalez National Affordable Housing Act
 17 (42 U.S.C. 5306 note).

18 (4) COVERED GRANT.—The term “covered
 19 grant” means a grant under section 233 made to a
 20 border business.

21 (5) COVERED PERIOD.—The term “covered pe-
 22 riod” means the period—

23 (A) beginning on March 1, 2020; and

24 (B) ending on March 31, 2023, or a date
 25 to be determined by the Administrator that is

1 not later than 2 years after the date of enact-
2 ment of this Act.

3 (6) FUND.—The term “Fund” means the Bor-
4 der Closure Recovery Grant Fund established under
5 section 232(a)(1).

6 (7) PANDEMIC-RELATED REVENUE LOSS.—

7 (A) IN GENERAL.—Subject to subpara-
8 graph (B), the term “pandemic-related revenue
9 loss” means, with respect to a border busi-
10 ness—

11 (i) except as provided in clauses (ii)
12 and (iii), the gross receipts, as established
13 using such verification documentation as
14 the Administrator may require, of the bor-
15 der business during 2020 subtracted from
16 the gross receipts of the border business in
17 2019, if such amount is greater than zero,
18 except that the Administrator may make
19 adjustments to this formula as needed for
20 seasonal businesses, businesses affected by
21 natural disasters, and to address other cir-
22 cumstances identified by the Administrator
23 requiring accommodation;

24 (ii) if the border business was not in
25 operation for the entirety of 2019—

1 (I) the difference between, if
2 greater than zero—

3 (aa) the product obtained by
4 multiplying the average monthly
5 gross receipts of the border busi-
6 ness in 2019 by 12; and

7 (bb) the product obtained by
8 multiplying the average monthly
9 gross receipts of the border busi-
10 ness in 2020 by 12; or

11 (II) an amount based on a for-
12 mula determined by the Adminis-
13 trator; and

14 (iii) if the border business opened dur-
15 ing the period beginning on January 1,
16 2020, and ending on February 29, 2020,
17 an amount based on a formula determined
18 by the Administrator.

19 (B) REDUCTION.—

20 (i) IN GENERAL.—The pandemic-re-
21 lated revenue losses for a border business
22 shall be reduced by—

23 (I) any amounts received from a
24 covered loan made under paragraph
25 (36) or (37) of section 7(a) of the

1 Small Business Act (15 U.S.C.
2 636(a)) in 2020 or 2021; and

3 (II) the amount by which any re-
4 munerative payment made to an indi-
5 vidual, including any salary paid to an
6 employee, in 2020 exceeds \$250,000.

7 (ii) ADMINISTRATOR AUTHORITY.—
8 The Administrator may determine the
9 types of payments and individuals to which
10 clause (i)(II) applies.

11 **SEC. 232. BORDER CLOSURE RECOVERY GRANT PROGRAM.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—There is established within
14 the Restaurant Revitalization Fund established
15 under section 5003 of the American Rescue Plan
16 Act of 2021 (15 U.S.C. 9009c) a fund to be known
17 as the “Border Closure Recovery Grant Fund”.

18 (2) USE OF FUNDS.—Subject to section 266,
19 the Administrator may use amounts in the Fund
20 only for the purposes described in this subtitle and
21 not for any purpose described in section 5003 of the
22 American Rescue Plan Act of 2021 (15 U.S.C.
23 9009c).

24 (b) APPROPRIATIONS.—In addition to amounts other-
25 wise available, there is appropriated to the Fund for fiscal

1 year 2022, out of any money in the Treasury not otherwise
2 appropriated, \$1,415,000,000, to remain available until
3 expended.

4 **SEC. 233. GRANTS FROM FUND.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (c)(3) and in accordance with subsection (c)(2)(E), the
7 Administrator shall make covered grants in the order in
8 which applications are received by the Administrator.

9 (b) APPLICATIONS.—

10 (1) CERTIFICATION.—A border business apply-
11 ing for a covered grant shall make a good faith cer-
12 tification that—

13 (A) the covered grant is necessary to sup-
14 port the operations of the border business,
15 which were adversely affected by the border
16 travel restrictions imposed by the Federal Gov-
17 ernment in response to the COVID–19 pan-
18 demic;

19 (B) the border business does not have a
20 pending application for, and has not received, a
21 grant under—

22 (i) section 324 of the Economic Aid to
23 Hard-Hit Small Businesses, Nonprofits,
24 and Venues Act (15 U.S.C. 9009a); or

1 (ii) section 5003 of the American Res-
2 cue Plan Act of 2021 (15 U.S.C. 9009c);
3 and

4 (C) contains any other information that
5 the Administrator may require.

6 (2) VERIFICATION MATERIALS.—Subject to sec-
7 tion 231(7)(A)(i), the Administrator shall use tax
8 records, and may, in addition, use other reliable
9 sources such as certified accounting statements, with
10 respect to an applicant for a covered grant to deter-
11 mine—

12 (A) the eligibility of the applicant for that
13 covered grant; and

14 (B) the amount of that covered grant to
15 the applicant.

16 (3) ACCEPTANCE OF APPLICATIONS.—Not later
17 than 60 days after the date of enactment of this
18 Act, the Administrator shall begin accepting applica-
19 tions for covered grants.

20 (c) AMOUNT OF GRANT.—

21 (1) AGGREGATE MAXIMUM AMOUNT.—The ag-
22 gregate amount of covered grants made to a border
23 business and any affiliated businesses of the border
24 business shall not exceed \$350,000.

25 (2) DETERMINATION OF AMOUNT OF GRANT.—

1 (A) IN GENERAL.—Except as provided in
2 this subsection, the amount of a covered grant
3 made to a border business shall be equal to the
4 difference between—

5 (i) the pandemic-related revenue loss
6 of the border business; and

7 (ii)(I) the amount equal to the prod-
8 uct obtained by multiplying 3 by the aver-
9 age monthly gross receipts of the border
10 business in 2019; or

11 (II) for a border business that did not
12 have gross receipts in 2019, because the
13 border business began operating between
14 January 1, 2020 and February 29, 2020
15 or due to other factors identified by the
16 Administrator, an alternative amount
17 based on a formula to be determined by
18 the Administrator.

19 (B) LIMITATION.—A border business may
20 not receive a covered grant in an amount that
21 is greater than—

22 (i) the amount equal to the product
23 obtained by multiplying 6 by the average
24 monthly gross receipts of the border busi-
25 ness in 2019; or

1 (ii) if the border business was not in
2 operation for the entirety of 2019, if the
3 gross receipts of the border business dur-
4 ing 2019 were reduced due to other factors
5 identified by the Administrator, or if the
6 border business opened during the period
7 beginning on January 1, 2020 and ending
8 on February 29, 2020, an amount deter-
9 mined under a formula established by the
10 Administrator.

11 (C) MINIMUM AMOUNT.—The Adminis-
12 trator may establish a minimum amount of a
13 covered grant in an amount that is not more
14 than \$10,000.

15 (D) RETURN TO SBA.—Any amount of a
16 covered grant to a border business based on es-
17 timated receipts that is greater than the actual
18 gross receipts of the border business in 2020
19 shall be returned to the Administrator, who
20 may use those returned funds to make addi-
21 tional covered grants.

22 (E) MINIMUM ALLOCATION.—The Admin-
23 istrator shall ensure that—

24 (i) not less than one-third of amounts
25 made available to carry out this subtitle is

1 used to make covered grants to border
 2 businesses located along the international
 3 border between the United States and
 4 Mexico, including colonias; and

5 (ii) not less than one-third of amounts
 6 made available to carry out this subtitle is
 7 used to make covered grants to border
 8 businesses located along the international
 9 border between the United States and
 10 Canada.

11 (3) INSUFFICIENT FUNDING.—

12 (A) IN GENERAL.—If the Administrator
 13 determines that the amounts made available to
 14 carry out this subtitle are insufficient to make
 15 covered grants to each border business in the
 16 amount provided under paragraphs (1) and (2),
 17 the Administrator shall, in a manner that main-
 18 tains the minimum allocation requirements
 19 under paragraph (2)(E)—

20 (i) make covered grants with the
 21 available amounts—

22 (I) such that the amount of the
 23 covered grant that each border busi-
 24 ness would have otherwise received

1 under those paragraphs is reduced by
2 an equal percentage;

3 (II) by establishing a maximum
4 amount for a covered grant made
5 under this clause to ensure that small-
6 er border businesses still receive cov-
7 ered grants in the amounts provided
8 under those paragraphs; or

9 (III) by providing covered grants
10 in the amounts provided under those
11 paragraphs below a certain threshold
12 (as the Administrator may establish)
13 and reducing covered grants above
14 that threshold by an equal percentage;
15 and

16 (ii) in a manner that complies with
17 clause (i), make covered grants to each
18 border business that submits an applica-
19 tion for a covered grant during the 21-day
20 period beginning on the date on which the
21 Administrator begins accepting those appli-
22 cations.

23 (B) RESERVING FUNDS.—Nothing in sub-
24 paragraph (A) shall prevent the Administrator
25 from—

1 (i) reserving funding for applicants
2 that may be determined to be eligible for
3 a covered grant upon reconsideration; or

4 (ii) making partial awards to border
5 businesses on a preliminary basis until the
6 amount of funding required to fund cov-
7 ered grants to all border businesses that
8 submit applications is established, upon
9 the completion of the reconsideration proc-
10 ess.

11 (d) USE OF FUNDS.—A border business may use
12 amounts received under a covered grant for the following
13 expenses incurred during the covered period as a direct
14 result of, or during, the COVID–19 pandemic, including
15 logistical expenses associated with border closures:

16 (1) Payroll costs.

17 (2) Payments to independent contractors, as re-
18 ported on Form 1099-MISC, except that each pay-
19 ment under this paragraph shall be in an amount
20 that is not more than \$100,000.

21 (3) Scheduled payments of interest or principal
22 on any covered mortgage obligation (which may not
23 include any prepayment of principal on a covered
24 mortgage obligation).

1 (4) Payments on any covered rent obligation
2 and common area maintenance charges under a
3 lease agreement.

4 (5) Covered utility payments.

5 (6) Maintenance expenses.

6 (7) Covered worker protection expenditures.

7 (8) Supplies, including protective equipment
8 and cleaning materials.

9 (9) Expenses that were within the scope of the
10 normal business practice of the border business be-
11 fore the covered period.

12 (10) Covered supplier costs.

13 (11) Operational expenses.

14 (12) Paid sick leave.

15 (13) Costs associated with resuming or scaling
16 up business operations after COVID–19 pandemic-
17 related border travel restrictions have been lifted.

18 (14) Workforce training or retraining expenses.

19 (15) Any other expenses that the Administrator
20 determines to be essential to maintaining the border
21 business.

22 (e) RETURNING FUNDS.—If a border business that
23 receives a covered grant fails to use all of the amounts
24 received under the covered grant on or before the last day
25 of the covered period or permanently ceases operations on

1 or before the last day of the covered period, the border
2 business shall return to the Treasury any funds that the
3 border business did not use for the allowable expenses
4 under subsection (d).

5 **SEC. 234. OUTREACH.**

6 (a) IN GENERAL.—In carrying out the program
7 under this subtitle, the Administrator shall make grants
8 to, or enter into contracts or cooperative agreements with,
9 not fewer than 6 private nonprofit organizations, resource
10 partners, States, Indian Tribes, or units of local govern-
11 ment, including not fewer than 3 adjacent to the inter-
12 national border between the United States and Canada
13 and not fewer than 3 adjacent to the international border
14 between the United States and Mexico, under the authori-
15 ties of the Community Navigator pilot program estab-
16 lished under section 5004 of the American Rescue Plan
17 Act (15 U.S.C. 9013) in order to improve access to assist-
18 ance programs and resources made available by Federal,
19 State, Tribal, and local entities in response to the
20 COVID–19 pandemic, and related border travel restric-
21 tions.

22 (b) FUNDING.—The Administrator shall set aside
23 \$10,000,000 from amounts in the Fund to make grants
24 or enter into contracts or cooperative agreements under
25 subsection (a).

1 (c) RESOURCE PARTNERS.—In addition to the activi-
 2 ties described in subsection (a), the Administrator shall,
 3 in partnership with entities participating in the Commu-
 4 nity Navigator pilot program established under section
 5 5004 of the American Rescue Plan Act (15 U.S.C. 9013),
 6 small business development centers (as defined in section
 7 3 of the Small Business Act (15 U.S.C. 632)), women’s
 8 business centers described in section 29 of that Act (15
 9 U.S.C. 656), Veteran Business Outreach Centers de-
 10 scribed in section 32 of that Act (15 U.S.C. 657b), and
 11 the Service Corps of Retired Executives established under
 12 section 8(b)(1)(B) of that Act (15 U.S.C. 637(b)(1)(B))—

13 (1) help make border businesses aware of the
 14 availability of the program under this subtitle and
 15 promote engagement with that program; and

16 (2) provide technical assistance to applicants,
 17 including instructions on how to participate in the
 18 program under this subtitle, assistance in preparing
 19 applications for participation in that program, and
 20 assistance in complying with any reporting require-
 21 ments established by the Administrator with respect
 22 to that program.

23 (d) LANGUAGE ACCESS.—The Administrator shall
 24 ensure that outreach and technical assistance activities de-
 25 scribed in this section are made available to border busi-

nesses in the 10 most commonly spoken languages, other than English, in the States of the United States that border the international boundary with Mexico or that border the international boundary with Canada, including in Spanish and in French.

Subtitle D—Support for Live Venue Service and Support Companies

SEC. 241. DEFINITIONS.

In this subtitle:

(1) **AFFILIATED BUSINESS.**—

(A) **IN GENERAL.**—The term “affiliated business” means a business in which an eligible entity has an equity or right to profit distributions of not less than 50 percent, or in which an eligible entity has the contractual authority to control the direction of the business, provided that such affiliation shall be determined as of any arrangements or agreements in existence as of February 29, 2020.

(B) **REGULATIONS.**—For purposes of eligibility for covered grants—

(i) the provisions applicable to affiliations under section 121.301 of title 13, Code of Federal Regulations, or any successor regulation, are waived for any busi-

1 ness concern operating as a franchise that
 2 is assigned a franchise identifier code by
 3 the Administration; and

4 (ii) the exceptions to affiliation noted
 5 in section 121.103(b) of title 13, Code of
 6 Federal Regulations, or any successor reg-
 7 ulation, shall apply to an affiliated busi-
 8 ness.

9 (2) COVERED GRANT.—The term “covered
 10 grant” means a grant under section 503 made to an
 11 eligible entity.

12 (3) COVERED PERIOD.—The term “covered pe-
 13 riod” means the period—

14 (A) beginning on March 1, 2020; and

15 (B) ending on March 31, 2023, or a date
 16 to be determined by the Administrator that is
 17 not later than 2 years after the date of enact-
 18 ment of this Act.

19 (4) ELIGIBLE ENTITY.—The term “eligible enti-
 20 ty”—

21 (A) means an individual or entity—

22 (i) that is assigned a North American
 23 Industry Classification System code of
 24 532289, 532490, 541410, 541420,
 25 541430, 541490, 561591, 561920,

1 711190, 711300, or 711320, as appears on
2 the most recent income tax filing or on the
3 application for a loan under paragraph
4 (36) or (37) of section 7(a) of the Small
5 Business Act (15 U.S.C. 636(a)) of the in-
6 dividual or entity, if applicable; and

7 (ii)(I)(aa) that, as the principal busi-
8 ness of the individual or entity, provides
9 stages, lighting, sound, casts, or other sup-
10 port for live events; and

11 (bb) for which not less than 65 per-
12 cent of the earned revenue generated
13 through providing the support described in
14 item (aa) is for live events organized, pro-
15 moted, produced, managed, or hosted by
16 an eligible person or entity described in
17 section 324(a)(1)(A)(iii) of the Economic
18 Aid to Hard-Hit Small Businesses, Non-
19 profits, and Venues Act (15 U.S.C.
20 9009a(a)(1)(A)(iii)); or

21 (II)(aa) as the principal business of
22 the individual or entity, showcases per-
23 formers or pre-packaged productions to po-
24 tential buyers; and

1 (bb) for which not less than 65 per-
2 cent of the earned revenue generated
3 through showcasing performers or pre-
4 packaged productions described in item
5 (aa) is for live events—

6 (AA) organized, promoted, pro-
7 duced, managed, or hosted by an eligi-
8 ble person or entity described in sec-
9 tion 324(a)(1)(A)(iii) of the Economic
10 Aid to Hard-Hit Small Businesses,
11 Nonprofits, and Venues Act (15
12 U.S.C. 9009a(a)(1)(A)(iii)); or

13 (BB) hosted in a hotel or conven-
14 tion center facility;

15 (B) includes an individual or entity de-
16 scribed in subparagraph (A) that—

17 (i) operates for profit;

18 (ii) is a Tribally-owned concern; or

19 (iii) is a corporation, limited liability
20 company, or partnership or operated as a
21 sole proprietorship; and

22 (C) does not include—

23 (i) an individual or entity described in
24 subparagraph (A) that—

1 (I) employs more than 250 em-
2 ployees, determined on a full-time
3 equivalency basis;

4 (II) is registered outside of the
5 United States; or

6 (III) has pandemic-related rev-
7 enue losses that are not greater than
8 25 percent;

9 (ii) an entity described in subpara-
10 graph (A) that—

11 (I) is a State or local govern-
12 ment-operated business;

13 (II) as of February 29, 2020,
14 owns or operates (together with any
15 affiliated business) more than 5 loca-
16 tions, regardless of whether those lo-
17 cations do business under the same or
18 multiple names; or

19 (III) has a pending application
20 for, or has received, a grant under—

21 (aa) section 324 of the Eco-
22 nomic Aid to Hard Hit Small
23 Businesses, Nonprofits, and
24 Venues Act (15 U.S.C. 9009a);
25 or

1 (bb) section 5003 of the
2 American Rescue Plan Act of
3 2021 (15 U.S.C. 9009c);

4 (iii) a publicly-traded company;

5 (iv) an entity that is owned or oper-
6 ated by a private equity fund;

7 (v) an entity that was not in operation
8 before March 1, 2020; or

9 (vi) an entity that is not in operation
10 on, and does not intend to reopen on or be-
11 fore the date that is 180 days after, the
12 date on which the entity applies for a cov-
13 ered grant.

14 (5) FUND.—The term “Fund” means the Live
15 Venue Service and Support Business Relief Fund es-
16 tablished under section 242(a)(1).

17 (6) PANDEMIC-RELATED REVENUE LOSS.—

18 (A) IN GENERAL.—Subject to subpara-
19 graph (B), the term “pandemic-related revenue
20 loss” means, with respect to an eligible entity—

21 (i) except as provided in clauses (ii)
22 and (iii), the gross receipts, as established
23 using such verification documentation as
24 the Administrator may require, of the eligi-
25 ble entity during 2020 subtracted from the

gross receipts of the eligible entity in 2019,
 if such amount is greater than zero, except
 that the Administrator may make adjust-
 ments to this formula as needed for sea-
 sonal businesses, businesses affected by
 natural disasters, and to address other cir-
 cumstances identified by the Administrator
 requiring accommodation;

(ii) if the eligible entity was not in op-
 eration for the entirety of 2019—

(I) the difference, if greater than
 zero, between—

(aa) the product obtained by
 multiplying the average monthly
 gross receipts of the eligible enti-
 ty in 2019 by 12; and

(bb) the product obtained by
 multiplying the average monthly
 gross receipts of the eligible enti-
 ty in 2020 by 12; or

(II) an amount based on a for-
 mula determined by the Adminis-
 trator; and

(iii) if the eligible entity opened dur-
 ing the period beginning on January 1,

2020 and ending on February 29, 2020,
an amount based on a formula determined
by the Administrator.

(B) REDUCTION.—

(i) IN GENERAL.—The pandemic-re-
lated revenue losses for an eligible entity
shall be reduced by—

(I) any amounts received from a
covered loan made under paragraph
(36) or (37) of section 7(a) of the
Small Business Act (15 U.S.C.
636(a)) in 2020 or 2021; and

(II) the amount by which the
total of all remunerative payments
made to an individual, including any
annual salary paid to an employee, in
2020 exceeds \$250,000.

(ii) ADMINISTRATOR AUTHORITY.—

The Administrator may determine the
types of payments and individuals to which
clause (i)(II) applies.

**SEC. 242. LIVE VENUE SERVICE AND SUPPORT BUSINESS
RELIEF FUND.**

(a) ESTABLISHMENT.—

1 (1) IN GENERAL.—There is established within
2 the Restaurant Revitalization Fund established
3 under section 5003 of the American Rescue Plan
4 Act of 2021 (15 U.S.C. 9009c) a fund to be known
5 as the Live Venue Service and Support Business Re-
6 lief Fund.

7 (2) USE OF FUNDS.—Subject to section 266,
8 the Administrator may use amounts in the Fund
9 only for the purposes described in this subtitle and
10 not for any purpose described in section 5003 of the
11 American Rescue Plan Act of 2021 (15 U.S.C.
12 9009c).

13 (b) APPROPRIATIONS.—In addition to amounts other-
14 wise available, there is appropriated to the Fund for fiscal
15 year 2022, out of any money in the Treasury not otherwise
16 appropriated, \$2,000,000,000, to remain available until
17 expended.

18 **SEC. 243. GRANTS FROM FUND.**

19 (a) IN GENERAL.—Except as provided in subsection
20 (c)(3), the Administrator shall make covered grants to eli-
21 gible entities in the order in which applications are re-
22 ceived by the Administrator.

23 (b) APPLICATIONS.—

1 (1) CERTIFICATION.—An eligible entity apply-
2 ing for a covered grant shall make a good faith cer-
3 tification that—

4 (A) the uncertainty of current economic
5 conditions makes necessary the request for the
6 covered grant to support the ongoing operations
7 of the eligible entity;

8 (B) the eligible entity does not have a
9 pending application for, and has not received, a
10 grant under—

11 (i) section 324 of the Economic Aid to
12 Hard-Hit Small Businesses, Nonprofits,
13 and Venues Act (15 U.S.C. 9009a); or

14 (ii) section 5003 of the American Res-
15 cue Plan Act of 2021 (15 U.S.C. 9009e);
16 and

17 (C) contains any other information that
18 the Administrator may require.

19 (2) VERIFICATION MATERIALS.—Subject to sec-
20 tion 241(6)(A)(i), the Administrator shall use tax
21 records, and may, in addition, use other reliable
22 sources such as certified accounting statements, with
23 respect to an applicant for a covered grant to deter-
24 mine—

1 (A) the eligibility of the applicant for that
 2 covered grant; and

3 (B) the amount of that covered grant to
 4 the applicant.

5 (3) ACCEPTANCE OF APPLICATIONS.—Not later
 6 than 60 days after the date of enactment of this
 7 Act, the Administrator shall begin accepting applica-
 8 tions for covered grants.

9 (c) AMOUNT OF GRANT.—

10 (1) AGGREGATE MAXIMUM AMOUNT.—The ag-
 11 gregate amount of covered grants made to an eligi-
 12 ble entity and any affiliated businesses of the eligible
 13 entity shall not exceed \$2,000,000.

14 (2) DETERMINATION OF AMOUNT OF GRANT.—

15 (A) IN GENERAL.—Except as provided in
 16 this subsection, the amount of a covered grant
 17 made to an eligible entity shall be equal to the
 18 difference between—

19 (i) the pandemic-related revenue loss
 20 of the eligible entity; and

21 (ii)(I) the amount equal to the prod-
 22 uct obtained by multiplying 3 by the aver-
 23 age monthly gross receipts of the eligible
 24 entity in 2019; or

1 (II) for an eligible entity that did not
2 have gross receipts in 2019, because the el-
3 igible entity began operating between Jan-
4 uary 1, 2020 and February 29, 2020 or
5 due to other factors identified by the Ad-
6 ministrator, an alternative amount based
7 on a formula to be determined by the Ad-
8 ministrator.

9 (B) LIMITATION.—An eligible entity may
10 not receive a covered grant in an amount that
11 is greater than—

12 (i) the amount equal to the product
13 obtained by multiplying 6 by the average
14 monthly gross receipts of the eligible entity
15 in 2019; or

16 (ii) if the eligible entity was not in op-
17 eration for the entirety of 2019, if the
18 gross receipts of the eligible entity during
19 2019 were reduced due to other factors
20 identified by the Administrator, or if the
21 eligible entity opened during the period be-
22 ginning on January 1, 2020 and ending on
23 February 29, 2020, an amount determined
24 under a formula established by the Admin-
25 istrator.

1 (C) MINIMUM AMOUNT.—The Adminis-
2 trator may establish a minimum amount of a
3 covered grant in an amount that is not more
4 than \$10,000.

5 (D) RETURN TO SBA.—Any amount of a
6 covered grant to an eligible entity based on esti-
7 mated receipts that is greater than the actual
8 gross receipts of the eligible entity in 2020 shall
9 be returned to the Administrator, who may use
10 those returned funds to make additional cov-
11 ered grants.

12 (3) INSUFFICIENT FUNDING.—

13 (A) IN GENERAL.—If the Administrator
14 determines that the amounts made available to
15 carry out this subtitle are insufficient to make
16 covered grants to each eligible entity in the
17 amount provided under paragraphs (1) and (2),
18 the Administrator shall—

19 (i) make covered grants with the
20 available amounts—

21 (I) such that the amount of the
22 covered grant that each such eligible
23 entity would have otherwise received
24 under those paragraphs is reduced by
25 an equal percentage;

1 (II) by establishing a maximum
2 amount for a covered grant made
3 under this clause to ensure that small-
4 er eligible entities still receive covered
5 grants in the amounts provided under
6 those paragraphs; or

7 (III) by providing covered grants
8 in the amounts provided under those
9 paragraphs below a certain threshold
10 (as the Administrator may establish)
11 and reducing covered grants above
12 that threshold by an equal percentage;
13 and

14 (ii) in a manner that complies with
15 clause (i), make covered grants to each eli-
16 gible entity that submits an application for
17 a covered grant during the 21-day period
18 beginning on the date on which the Admin-
19 istrator begins accepting those applica-
20 tions.

21 (B) RESERVING FUNDS.—Nothing in sub-
22 paragraph (A) shall prevent the Administrator
23 from—

1 (i) reserving funding for applicants
2 that may be determined to be eligible for
3 a covered grant upon reconsideration; or

4 (ii) making partial awards to eligible
5 entities on a preliminary basis until the
6 amount of funding required to fund cov-
7 ered grants to all eligible entities that sub-
8 mit applications is established, upon the
9 completion of the reconsideration process.

10 (d) USE OF FUNDS.—During the covered period, an
11 eligible entity that receives a covered grant may use
12 amounts received under the covered grant for the following
13 expenses incurred as a direct result of, or during, the
14 COVID–19 pandemic:

15 (1) Payroll costs.

16 (2) Payments to independent contractors, as re-
17 ported on Form 1099-MISC, except that each pay-
18 ment under this paragraph shall be in an amount
19 that is not more than \$100,000.

20 (3) Scheduled payments of interest or principal
21 on any covered mortgage obligation (which may not
22 include any prepayment of principal on a covered
23 mortgage obligation).

1 (4) Payments on any covered rent obligation
2 and common area maintenance charges under a
3 lease agreement.

4 (5) Covered utility payments.

5 (6) Maintenance expenses.

6 (7) Covered worker protection expenditures.

7 (8) Supplies, including protective equipment
8 and cleaning materials.

9 (9) Expenses that were within the scope of the
10 normal business practice of the eligible entity before
11 the covered period.

12 (10) Covered supplier costs.

13 (11) Operational expenses.

14 (12) Paid sick leave.

15 (13) Any other expenses that the Administrator
16 determines to be essential to maintaining the eligible
17 entity.

18 (e) RETURNING FUNDS.—If an eligible entity that re-
19 ceives a covered grant fails to use all of the amounts re-
20 ceived under the covered grant on or before the last day
21 of the covered period or permanently ceases operations on
22 or before the last day of the covered period, the eligible
23 entity shall return to the Treasury any funds that the eli-
24 gible entity did not use for the allowable expenses under
25 subsection (d).

**Subtitle E—Support for Exclave
Community Small Businesses**

SEC. 251. DEFINITIONS.

In this subtitle:

(1) AFFILIATED BUSINESS.—

(A) IN GENERAL.—The term “affiliated business” means a business in which an eligible entity has an equity or right to profit distributions of not less than 50 percent, or in which an eligible entity has the contractual authority to control the direction of the business, provided that such affiliation shall be determined as of any arrangements or agreements in existence as of February 29, 2020.

(B) REGULATIONS.—For purposes of eligibility for covered grants—

(i) the provisions applicable to affiliations under section 121.301 of title 13, Code of Federal Regulations, or any successor regulation, are waived for any business concern operating as a franchise that is assigned a franchise identifier code by the Administration; and

(ii) the exceptions to affiliation noted in section 121.103(b) of title 13, Code of

1 Federal Regulations, or any successor reg-
2 ulation, shall apply to an affiliated busi-
3 ness.

4 (2) COVERED GRANT.—The term “covered
5 grant” means a grant under section 253 made to an
6 eligible entity

7 (3) COVERED PERIOD.—The term “covered pe-
8 riod” means the period—

9 (A) beginning on March 1, 2020; and

10 (B) ending on March 31, 2023, or a date
11 to be determined by the Administrator that is
12 not later than 2 years after the date of enact-
13 ment of this Act.

14 (4) EXCLAVE.—The term “exclave” means an
15 area that is—

16 (A) located in the United States;

17 (B) within 75 miles of the international
18 border between the United States and Canada;
19 and

20 (C) only accessible by land via Canada.

21 (5) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty”—

23 (A) means a small business concern (as de-
24 fined in section 3 of the Small Business Act (15
25 U.S.C. 632)) that—

1 (i) is located in an exclave; and

2 (ii) certifies, and, if requested by the
3 Administrator, demonstrates, that the clo-
4 sure of the international border between
5 the United States and Canada—

6 (I) directly resulted in a reduc-
7 tion in the gross receipts of the eligi-
8 ble entity; or

9 (II) restricted the ability of cus-
10 tomers to access the location of the
11 small business concern; and

12 (B) does not include—

13 (i) an entity with pandemic-related
14 revenue losses that are not greater than 25
15 percent;

16 (ii) an entity described in subpara-
17 graph (A) that—

18 (I) is a State or local govern-
19 ment-operated business;

20 (II) as of March 1, 2020, owns
21 or operates (together with any affili-
22 ated business) more than 10 locations,
23 regardless of whether those locations
24 do business under the same or mul-
25 tiple names; or

1 (III) has a pending application
2 for or has received a grant under—

3 (aa) section 324 of the Eco-
4 nomic Aid to Hard Hit Small
5 Businesses, Nonprofits, and
6 Venues Act (15 U.S.C. 9009a);
7 or

8 (bb) section 5003 of the
9 American Rescue Plan Act of
10 2021 (15 U.S.C. 9009c);

11 (iii) a publicly-traded company;

12 (iv) an entity that is owned or oper-
13 ated by a private equity fund;

14 (v) an entity that was not in operation
15 before March 1, 2020; or

16 (vi) an entity that is not in operation
17 on, and does not intend to reopen on or be-
18 fore the date that is 180 days after, the
19 date on which the entity applies for a cov-
20 ered grant.

21 (6) FUND.—The term “Fund” means the
22 Exelave Community Small Business Relief Fund es-
23 tablished under section 252(a)(1).

24 (7) PANDEMIC-RELATED REVENUE LOSS.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the term “pandemic-related revenue
3 loss” means, with respect to an eligible entity—

4 (i) except as provided in clauses (ii)
5 and (iii), the gross receipts, as established
6 using such verification documentation as
7 the Administrator may require, of the eligi-
8 ble entity during 2020 subtracted from the
9 gross receipts of the eligible entity in 2019,
10 if such amount is greater than zero, except
11 that the Administrator may make adjust-
12 ments to this formula as needed for sea-
13 sonal businesses, businesses affected by
14 natural disasters, and to address other cir-
15 cumstances identified by the Administrator
16 requiring accommodation;

17 (ii) if the eligible entity was not in op-
18 eration for the entirety of 2019—

19 (I) the difference, if greater than
20 zero, between—

21 (aa) the product obtained by
22 multiplying the average monthly
23 gross receipts of the eligible enti-
24 ty in 2019 by 12; and

1 (bb) the product obtained by
2 multiplying the average monthly
3 gross receipts of the eligible enti-
4 ty in 2020 by 12; or

5 (II) an amount based on a for-
6 mula determined by the Adminis-
7 trator; and

8 (iii) if the eligible entity opened dur-
9 ing the period beginning on January 1,
10 2020, and ending on February 29, 2020,
11 an amount based on a formula determined
12 by the Administrator.

13 (B) REDUCTION.—

14 (i) IN GENERAL.—The pandemic-re-
15 lated revenue losses for an eligible entity
16 shall be reduced by—

17 (I) any amounts received from a
18 covered loan made under paragraph
19 (36) or (37) of section 7(a) of the
20 Small Business Act (15 U.S.C.
21 636(a)) in 2020 or 2021; and

22 (II) the amount by which the
23 total of all remunerative payments
24 made to an individual, including any

1 annual salary paid to an employee, in
2 2020 exceeds \$250,000.

3 (ii) ADMINISTRATOR AUTHORITY.—

4 The Administrator may determine the
5 types of payments and individuals to which
6 clause (i)(II) applies.

7 **SEC. 252. EXCLAVE COMMUNITY SMALL BUSINESS RELIEF**
8 **FUND.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—There is established within
11 the Restaurant Revitalization Fund established
12 under section 5003 of the American Rescue Plan
13 Act of 2021 (15 U.S.C. 9009c) a fund to be known
14 as the Exclave Community Small Business Relief
15 Fund.

16 (2) USE OF FUNDS.—Subject to section 266,
17 the Administrator may use amounts in the Fund
18 only for the purposes described in this subtitle and
19 not for any purpose described in section 5003 of the
20 American Rescue Plan Act of 2021 (15 U.S.C.
21 9009c).

22 (b) APPROPRIATIONS.—In addition to amounts other-
23 wise available, there is appropriated to the Fund for fiscal
24 year 2022, out of any money in the Treasury not otherwise
25 appropriated, \$85,000,000, to remain available until ex-

1 pended, of which \$75,000,000 shall be available for eligi-
 2 ble entities located in exclaves adjacent to the border be-
 3 tween Alaska and Canada and \$10,000,000 shall be avail-
 4 able to exclaves adjacent to the border between the conti-
 5 nental United States and Canada.

6 **SEC. 253. GRANTS FROM FUND.**

7 (a) IN GENERAL.—Except as provided in subsection
 8 (c)(3)(B), the Administrator shall make covered grants to
 9 eligible entities in the order in which applications are re-
 10 ceived by the Administrator.

11 (b) APPLICATIONS.—

12 (1) CERTIFICATION.—An eligible entity apply-
 13 ing for a covered grant shall make a good faith cer-
 14 tification that—

15 (A) the uncertainty of current economic
 16 conditions makes necessary the request for the
 17 covered grant to support the ongoing operations
 18 of the eligible entity;

19 (B) closure of the international border be-
 20 tween the United States and Canada—

21 (i) directly resulted in a reduction in
 22 the gross receipts of the eligible entity; or

23 (ii) restricted the ability of customers
 24 to access the location of the covered busi-
 25 ness;

1 (C) the eligible entity does not have a
2 pending application for, and has not received, a
3 grant under—

4 (i) section 324 of the Economic Aid to
5 Hard-Hit Small Businesses, Nonprofits,
6 and Venues Act (15 U.S.C. 9009a); or

7 (ii) section 5003 of the American Res-
8 cue Plan Act of 2021 (15 U.S.C. 9009c);
9 and

10 (D) contains any other information that
11 the Administrator may require.

12 (2) VERIFICATION MATERIALS.—Subject to sec-
13 tion 251(7)(A)(i), the Administrator shall use tax
14 records, and may, in addition, use other reliable
15 sources such as certified accounting statements, with
16 respect to an applicant for a covered grant to deter-
17 mine—

18 (A) the eligibility of the applicant for that
19 covered grant; and

20 (B) the amount of that covered grant to
21 the applicant.

22 (3) ACCEPTANCE OF APPLICATIONS.—Not later
23 than 60 days after the date of enactment of this
24 Act, the Administrator shall begin accepting applica-
25 tions for covered grants.

1 (c) AMOUNT OF GRANT.—

2 (1) AGGREGATE MAXIMUM AMOUNT.—The ag-
 3 gregate amount of covered grants made to an eligi-
 4 ble entity and any affiliated businesses of the eligible
 5 entity shall not exceed \$3,000,000.

6 (2) DETERMINATION OF AMOUNT OF GRANT.—

7 (A) IN GENERAL.—Except as provided in
 8 section 252(b) and in this subsection, the
 9 amount of a covered grant made to an eligible
 10 entity shall be equal to the difference between—

11 (i) the pandemic-related revenue loss
 12 of the eligible entity; and

13 (ii)(I) the amount equal to the prod-
 14 uct obtained by multiplying 3 by the aver-
 15 age monthly gross receipts of the eligible
 16 entity in 2019; or

17 (II) for an eligible entity that did not
 18 have gross receipts in 2019, because the el-
 19 igible entity began operating between Jan-
 20 uary 1, 2020 and February 29, 2020 or
 21 due to other factors identified by the Ad-
 22 ministrator, an alternative amount based
 23 on a formula to be determined by the Ad-
 24 ministrator.

1 (B) MINIMUM AMOUNT.—The Adminis-
 2 trator may establish a minimum amount of a
 3 covered grant in an amount that is not more
 4 than \$10,000.

5 (C) RETURN TO SBA.—Any amount of a
 6 covered grant to an eligible entity based on esti-
 7 mated receipts that is greater than the actual
 8 gross receipts of the eligible entity in 2020 shall
 9 be returned to the Administrator, who may use
 10 those returned funds to make additional cov-
 11 ered grants.

12 (3) INSUFFICIENT FUNDING.—

13 (A) IN GENERAL.—If the Administrator
 14 determines that the amounts made available to
 15 carry out this subtitle are insufficient to make
 16 covered grants to each eligible entity in the
 17 amount provided under paragraphs (1) and (2)
 18 and in accordance with the allocations under
 19 section 252(b), the Administrator shall—

20 (i) make covered grants with the
 21 available amounts—

22 (I) such that the amount of the
 23 covered grant that each such eligible
 24 entity would have otherwise received

1 under those paragraphs is reduced by
2 an equal percentage;

3 (II) by establishing a maximum
4 amount for a covered grant made
5 under this clause to ensure that small-
6 er eligible entities still receive covered
7 grants in the amounts provided under
8 those paragraphs; or

9 (III) by providing covered grants
10 in the amounts provided under those
11 paragraphs below a certain threshold
12 (as the Administrator may establish)
13 and reducing covered grants above
14 that threshold by an equal percentage;
15 and

16 (ii) in a manner that complies with
17 clause (i), make covered grants to each eli-
18 gible entity that submits an application for
19 a covered grant during the 21-day period
20 beginning on the date on which the Admin-
21 istrator begins accepting those applica-
22 tions.

23 (B) RESERVING FUNDS.—Nothing in sub-
24 paragraph (A) shall prevent the Administrator
25 from—

1 (i) reserving funding for applicants
2 that may be determined to be eligible for
3 a covered grant upon reconsideration; or

4 (ii) making partial awards to eligible
5 entities on a preliminary basis until the
6 amount of funding required to fund cov-
7 ered grants to all eligible entities that sub-
8 mit applications is established, upon the
9 completion of the reconsideration process.

10 (d) USE OF FUNDS.—

11 (1) PERMITTED USES.—During the covered pe-
12 riod, an eligible entity that receives a covered grant
13 may use amounts received under the covered grant
14 for the following expenses incurred as a direct result
15 of, or during, the COVID–19 pandemic:

16 (A) Payroll costs.

17 (B) Payments to independent contractors,
18 as reported on Form 1099-MISC, except that
19 each payment under this subparagraph shall be
20 in an amount that is not more than \$100,000.

21 (C) Scheduled payments of interest or
22 principal on any covered mortgage obligation
23 (which may not include any prepayment of
24 principal on a covered mortgage obligation).

1 (D) Payments on any covered rent obliga-
 2 tion and common area maintenance charges
 3 under a lease agreement.

4 (E) Covered utility payments.

5 (F) Maintenance expenses.

6 (G) Covered worker protection expendi-
 7 tures.

8 (H) Supplies, including protective equip-
 9 ment and cleaning materials.

10 (I) Expenses that were within the scope of
 11 the normal business practice of the eligible enti-
 12 ty before the covered period.

13 (J) Covered supplier costs.

14 (K) Operational expenses.

15 (L) Paid sick leave.

16 (M) Any other expenses that the Adminis-
 17 trator determines to be essential to maintaining
 18 the eligible entity.

19 (2) PROHIBITED USES.—An eligible entity may
 20 not use amounts received under a covered grant for
 21 expenses incurred by the eligible entity outside the
 22 exclave, including those expenses incurred by related
 23 or affiliated businesses located outside the exclave.

24 (e) RETURNING FUNDS.—If an eligible entity that re-
 25 ceives a covered grant fails to use all of the amounts re-

1 ceived under the covered grant on or before the last day
 2 of the covered period or permanently ceases operations on
 3 or before the last day of the covered period, the eligible
 4 entity shall return to the Treasury any funds that the eli-
 5 gible entity did not use for the allowable expenses under
 6 subsection (d).

7 **Subtitle F—Administration and Im-** 8 **plementation of Support Pro-** 9 **grams**

10 **SEC. 261 DEFINITION.**

11 In this subtitle, the term “covered program” means
 12 a program for which grants are authorized under this title.

13 **SEC. 262. DATA TRANSPARENCY AND CUSTOMER SERVICE.**

14 The Administrator shall—

15 (1) in carrying out each covered program,
 16 maintain regular communication during the period
 17 during which the covered program is in effect with
 18 applicants and their representatives, including by—

19 (A) hosting regularly scheduled informa-
 20 tion sessions with applicants and their rep-
 21 resentatives; and

22 (B) providing opportunities to applicants
 23 and their representatives to submit and receive
 24 answers to questions regarding covered pro-
 25 grams;

1 (2) for each covered program, on a bi-weekly
 2 basis until the amounts made available under this
 3 title for the covered program are fully expended,
 4 publish data that shows, for the period beginning on
 5 the date of enactment of this Act and ending on the
 6 date on which the information is published—

7 (A) with respect to applications for grants
 8 under each covered program, the number of
 9 those applications—

10 (i) that the Administrator has re-
 11 ceived;

12 (ii) that the Administrator has re-
 13 viewed or is in the process of reviewing;
 14 and

15 (iii) with respect to which the Admin-
 16 istrator has made a decision; and

17 (B) the number and dollar amount of
 18 grants under each covered program—

19 (i) that are awarded; and

20 (ii) that are disbursed;

21 (3) for each covered program, on a weekly basis
 22 until the amounts made available under this title to
 23 carry out the covered program are fully expended,
 24 publish, with respect to the period beginning on the

1 date of enactment of this Act and ending on the
2 date on which the information is published—

3 (A) with respect to each entity to which a
4 grant has been made under the covered pro-
5 gram—

6 (i) the name of the entity, including
7 the name under which the entity does busi-
8 ness if that name is different from the
9 name of the entity;

10 (ii) the address of the entity; and

11 (iii) if the physical location for the eli-
12 gible business listed on the application is
13 different from the address of the entity,
14 the address of such physical location; and

15 (B) the amount of each grant described in
16 subparagraph (A); and

17 (4) with respect to an applicant that applies for
18 a grant under a covered program and is denied by
19 the Administrator—

20 (A) make available to the applicant a brief
21 explanation identifying the reason why the Ad-
22 ministrator denied the application of the appli-
23 cant, which shall include, where applicable, a ci-
24 tation to the statutory, regulatory, or guidance
25 provision with which the applicant failed to

1 comply and that was the basis for the denial;
2 and

3 (B) establish a reconsideration process
4 through which the applicant may—

5 (i) submit to the Administrator addi-
6 tional clarifying information the applicant
7 determines to be relevant to whether the
8 applicant is eligible for the grant;

9 (ii) challenge the decision of the Ad-
10 ministrators; and

11 (iii) receive a second review of the ap-
12 plication submitted by the applicant.

13 **SEC. 263. BUSINESS IDENTIFIERS.**

14 In accepting applications for grants under a covered
15 program, the Administrator shall prioritize the ability of
16 each applicant to use the existing business identifier of
17 the applicant over requiring other forms of registration or
18 identification that may not be common to the industry of
19 the applicant, which may impose additional burdens on the
20 applicant.

21 **SEC. 264. APPLICATIONS.**

22 (a) EXPEDITED PROCESSING AND APPROVAL AU-
23 THORITY.—

24 (1) IN GENERAL.—The Director of the Office of
25 Management and Budget may, on an emergency

1 basis, and in order to expedite the processing and
 2 approval of applications for grants under a covered
 3 program, waive the requirements of part 200 of title
 4 2, Code of Federal Regulations, or any successor
 5 regulations, with respect to the covered program if—

6 (A) the Director finds that such a waiver
 7 will prevent entities eligible for grants under
 8 the covered program from failing or suffering
 9 undue hardship; and

10 (B) each entity that receives a grant under
 11 the covered program is still required to report
 12 to the Administrator on the use by the entity
 13 of the amounts received under the grant.

14 (2) CONTINUITY.—To the extent practicable,
 15 the Director of the Office of Management and Budget
 16 shall prioritize administrative continuity for covered
 17 programs with the Restaurant Revitalization
 18 Fund authorized in section 5003 of the American
 19 Rescue Plan Act of 2021 (15 U.S.C. 9009c).

20 (b) LIMITATION ON DENIAL BASED ON DENIAL FOR
 21 OTHER SBA PROGRAMS.—The Administrator may not
 22 deny an application by an entity for a grant under a covered
 23 program solely on the basis that an application by
 24 the entity for another program of the Small Business Administration,
 25 including the program under section 5003

1 of the American Rescue Plan Act of 2021 (15 U.S.C.
2 9009c), was denied.

3 **SEC. 265. PROHIBITION ON PARTICIPATION IN MULTIPLE**
4 **PROGRAMS.**

5 (a) IN GENERAL.—An entity may not receive a grant
6 under more than 1 covered program or receive a grant
7 under a covered program and a grant under title IV.

8 (b) WITHDRAWAL OF PENDING APPLICATIONS.—

9 (1) DEFINITION.—In this subsection, the term
10 “covered application” means an application for a
11 grant under—

12 (A) a covered program;

13 (B) the program under section 5003 of the
14 American Rescue Plan Act of 2021 (15 U.S.C.
15 9009c); or

16 (C) the program under section 324 of the
17 Economic Aid to Hard Hit Small Businesses,
18 Nonprofits, and Venues Act (15 U.S.C. 9009a).

19 (2) WITHDRAWAL.—An entity that has a pend-
20 ing covered application may submit a covered appli-
21 cation with respect to another program if, at or be-
22 fore the time that the entity submits the covered ap-
23 plication with respect to another program, the entity
24 withdraws the pending covered application.

1 **SEC. 266. TRANSFER OF FUNDS.**

2 (a) **AUTHORITY.**—

3 (1) **IN GENERAL.**—Subject to paragraph (2), on
4 and after the date that is 30 days after the date on
5 which the Administrator begins accepting applica-
6 tions under a covered program, the Administrator
7 may transfer amounts made available under this
8 title for that covered program to the fund estab-
9 lished under this title for another covered program.

10 (2) **LIMITATION.**—The Administrator may not
11 transfer amounts made available under this title for
12 a covered program if the Administrator determines
13 that the amounts made available to carry out that
14 covered program are insufficient to make grants to
15 each eligible entity in the amount specified with re-
16 spect to that covered program.

17 (b) **USE OF TRANSFERRED FUNDS.**—Any amounts
18 transferred under subsection (a) shall be merged with, and
19 available for the same purposes as, other amounts in the
20 fund to which the amounts are transferred.

21 **SEC. 267. OVERSIGHT AND AUDITS.**

22 (a) **IN GENERAL.**—The Administrator shall institute
23 an oversight and audit plan with respect to entities receiv-
24 ing grants under a covered program, which shall include—

25 (1) documentation requirements that are con-
26 sistent with the eligibility and other requirements

1 under the applicable covered program, including by
2 requiring an entity that receives a grant under the
3 covered program to retain records that demonstrate
4 compliance with those requirements; and

5 (2) reviews of the use by entities of grants
6 made under the applicable covered program to en-
7 sure compliance with the requirements under that
8 covered program, which shall include—

9 (A) the review and audit, by the Adminis-
10 trator, of grants made under that covered pro-
11 gram; and

12 (B) in the case of fraud or other material
13 noncompliance with respect to a grant made
14 under that covered program—

15 (i) a requirement that the applicable
16 entity repay to the Administrator the
17 amount of the misspent funds; or

18 (ii) the pursuit, by the Administrator,
19 of legal action to collect the misspent
20 funds.

21 (b) SUBMISSION OF PLAN.—Not later than 45 days
22 after the date of enactment of this Act, the Administrator
23 shall submit to the Committee on Small Business and En-
24 trepreneurship of the Senate and the Committee on Small

1 Business of the House of Representatives the plan re-
2 quired under subsection (a), which shall describe—

3 (1) the policies and procedures of the Adminis-
4 trator for conducting oversight and audits of grants
5 made under the covered programs; and

6 (2) the metrics that the Administrator will use
7 to determine which grants made under a covered
8 program will be audited under that plan.

9 (c) REPORTS.—Not later than 60 days after the date
10 of enactment of this Act, once every 30 days thereafter
11 until the date that is 180 days after the date on which
12 all amounts made available to carry out covered programs
13 have been fully expended, and upon request thereafter, the
14 Administrator shall submit to the Committee on Small
15 Business and Entrepreneurship of the Senate and the
16 Committee on Small Business of the House of Representa-
17 tives a report on the oversight and audit activities of the
18 Administrator under this section, which shall include—

19 (1) the total number of grants approved and
20 disbursed under each covered program;

21 (2) the total amount of each grant under each
22 covered program received by each entity that re-
23 ceived such a payment;

24 (3) the number of active investigations and au-
25 dits of grants made under each covered program;

1 (4) the number of completed reviews and audits
2 of grants made under each covered program, includ-
3 ing a description of—

4 (A) any findings of fraud or other material
5 noncompliance with the requirements of the ap-
6 plicable covered program;

7 (B) questionable costs identified by the
8 Administrator; and

9 (C) the total amount recouped from ineli-
10 gible recipients; and

11 (5) a description of any substantial changes
12 made to the plan required under subsection (a).

13 **SEC. 268. ADMINISTRATIVE FUNDING.**

14 In addition to amounts otherwise available, there is
15 appropriated to the Administrator for fiscal year 2022,
16 out of any money in the Treasury not otherwise appro-
17 priated, to remain available until expended, \$150,000,000
18 for administrative expenses to carry out the covered pro-
19 grams, of which, \$20,000,000 shall be for the Inspector
20 General of the Small Business Administration for nec-
21 essary expenses of the Office of Inspector General.

22 **SEC. 269. GROSS RECEIPTS.**

23 For each covered program, the Administrator may
24 authorize applicants for grants under the covered program

1 to measure annual gross receipts using either the calendar
2 year or fiscal year.

3 **SEC. 270. RULES.**

4 Not later than 60 days after the date of enactment
5 of this Act, the Administrator shall issue rules to carry
6 out each covered program, without regard to the notice
7 requirements under section 553(b) of title 5, United
8 States Code.

9 **TITLE III—OTHER SBA**
10 **PROGRAM IMPROVEMENTS**

11 **SEC. 301. SHUTTERED VENUE OPERATORS.**

12 (a) IN GENERAL.—Section 324(d) of title III of divi-
13 sion N of the Consolidated Appropriations Act, 2021 (15
14 U.S.C. 9009a(d)) is amended by striking paragraph (1)
15 and inserting the following:

16 “(1) TIMING.—

17 “(A) EXPENSES INCURRED.—Amounts re-
18 ceived under a grant under this section may be
19 used for costs incurred during the period begin-
20 ning on March 1, 2020, and ending on March
21 11, 2023.

22 “(B) EXPENDITURE.—An eligible person
23 or entity shall return to the Administrator any
24 amounts received under a grant under this sec-
25 tion that are not expended on or before April

1 15, 2023, with respect to costs incurred during
 2 the period described in subparagraph (A).”.

3 (b) APPLICABILITY.—The amendment made by sub-
 4 section (a) shall apply to grants made under section 324
 5 of title III of division N of the Consolidated Appropria-
 6 tions Act, 2021 (15 U.S.C. 9009a) before, on, or after
 7 the date of enactment of this Act.

8 **SEC. 302. TREATMENT OF PAYCHECK PROTECTION PRO-**
 9 **GRAM LOAN FORGIVENESS OF PAYROLL**
 10 **COSTS UNDER HIGHWAY AND PUBLIC TRANS-**
 11 **PORTATION PROJECT COST REIMBURSE-**
 12 **MENT CONTRACTS.**

13 (a) IN GENERAL.—Notwithstanding section 31.201–
 14 5 of title 48, Code of Federal Regulations (or successor
 15 regulations), for the purposes of any cost-reimbursement
 16 contract awarded in accordance with section 112 of title
 17 23, United States Code, or section 5325 of title 49, United
 18 States Code, or any subcontract under such a contract,
 19 no cost reduction or cash refund (including through a re-
 20 duced indirect cost rate) shall be due to the Department
 21 of Transportation or to a State transportation depart-
 22 ment, transit agency, or other recipient of assistance
 23 under chapter 1 of title 23, United States Code, or chapter
 24 53 of title 49, United States Code, on the basis of forgive-
 25 ness of the payroll costs of a covered loan (as those terms

1 are defined in section 7A(a) of the Small Business Act
 2 (15 U.S.C. 636m(a))) issued under the paycheck protec-
 3 tion program under section 7(a)(36) of that Act (15
 4 U.S.C. 636(a)(36)).

5 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
 6 tion shall be construed to amend or exempt the prohibi-
 7 tions and liability under section 3729 of title 31, United
 8 States Code, (relating to false claims).

9 (c) TERMINATION.—This section shall cease to have
 10 force or effect on June 30, 2025.

11 **TITLE IV—TRANSPORTATION** 12 **SERVICES**

13 **SEC. 401. ADDITIONAL ASSISTANCE FOR ELIGIBLE PRO-** 14 **VIDERS OF TRANSPORTATION SERVICES AF-** 15 **FECTED BY COVID-19.**

16 (a) DEFINITIONS.—In this section:

17 (1) CERTS ACT.—The term “CERTS Act”
 18 means subtitle B of title IV of division N of the
 19 Consolidated Appropriations Act, 2021 (Public Law
 20 116–260).

21 (2) PROVIDER OF TRANSPORTATION SERV-
 22 ICES.—The term “provider of transportation serv-
 23 ices” has the meaning given the term in section
 24 421(a) of the CERTS Act.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Treasury.

3 (b) APPROPRIATION.—In addition to amounts other-
4 wise made available, there is appropriated for fiscal year
5 2022, out of any money in the Treasury not otherwise ap-
6 propriated, \$2,000,000,000, to remain available until ex-
7 pended, to provide additional funding for grants under the
8 CERTS Act.

9 (c) PAYMENTS.—

10 (1) ELIGIBLE ENTITIES.—The Secretary shall
11 provide the funds made available by subsection (b)
12 to providers of transportation services that—

13 (A) as of the date of enactment of this
14 Act—

15 (i) have been determined to be eligible
16 under the CERTS Act; and

17 (ii) are in compliance with the appli-
18 cable terms and conditions of the CERTS
19 Act; or

20 (B) on or after the date of enactment of
21 this Act, are determined to be eligible under the
22 terms and conditions described in subparagraph
23 (A)(ii).

24 (2) CALCULATION.—A payment provided under
25 this subsection shall be calculated using the same

1 methodology as is used for the distribution of funds
2 under the CERTS Act.

3 (3) RETURN OF UNUSED AMOUNTS.—A pro-
4 vider of transportation services shall return to the
5 Secretary any funds provided under this subsection
6 that are not used by the provider of transportation
7 services by the date that is 1 year after the date of
8 receipt of the funds.

9 (d) ADMINISTRATION.—

10 (1) IN GENERAL.—The Secretary shall have the
11 authorities provided by the CERTS Act with respect
12 to the funds made available by subsection (b).

13 (2) ADMINISTRATIVE EXPENSES.—Of the funds
14 made available by subsection (b), not more than
15 \$50,000,000 may be used by the Secretary for the
16 costs of administering this section and the CERTS
17 Act.

18 **TITLE V—OFFSETS**

19 **SEC. 501. OFFSETTING RESCISSIONS.**

20 (a) IN GENERAL.—Of the unobligated balances from
21 amounts made available under the heading “Small Busi-
22 ness Administration—Business Loans Program Account,
23 CARES Act” in section 323(d)(1)(A) of division N of the
24 Consolidated Appropriations Act, 2021 (Public Law 116–
25 260; 134 Stat. 2019) for the cost of guaranteed loans as

1 authorized under paragraphs (36) and (37) of section 7(a)
 2 of the Small Business Act (15 U.S.C. 636(a)),
 3 \$2,982,000,000 are hereby permanently rescinded.

4 (b) CARES ACT.—Of the unexpended balances re-
 5 maining from amounts made available under the heading
 6 “Small Business Administration—Business Loans Pro-
 7 gram Account, CARES Act” in section 1107(a)(1) of the
 8 Coronavirus Aid, Relief, and Economic Security Act (15
 9 U.S.C. 9006(a)(1)) \$1,904,000,000 shall be returned to
 10 the Treasury.

11 **TITLE VI—BUDGETARY EFFECTS**

12 **SEC. 601. EMERGENCY DESIGNATION.**

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

18 (b) HOUSE AND SENATE.—This Act and the amend-
 19 ments made by this Act are designated as an emergency
 20 requirement pursuant to subsections (a) and (b) of section
 21 4001 of S. Con. Res. 14 (117th Congress), the concurrent
 22 resolution on the budget for fiscal year 2022.

Calendar No. 344

117TH CONGRESS
2D Session

S. 4008

A BILL

To provide COVID relief for restaurants, gyms, minor league sports teams, border businesses, live venue service providers, exclusive businesses, and providers of transportation services.

APRIL 6, 2022

Read the second time and placed on the calendar