

# Calendar No. 344

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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.
- Sec. 103. Data transparency and customer service.
- 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**

- Sec. 211. Definitions.
- Sec. 212. Support for gyms and fitness centers.
- Sec. 213. Grants from Fund.

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

- Sec. 221. Definitions.
- Sec. 222. Save Minor League Sports Fund.
- Sec. 223. Save minor league sports grants.

**Subtitle C—Support for Border Businesses Affected by Border Closures**

- Sec. 231. Definitions.
- 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.
- Sec. 253. Grants from Fund.

**Subtitle F—Administration and Implementation of Support Programs**

- Sec. 261. Definition.
- Sec. 262. Data transparency and customer service.
- Sec. 263. Business identifiers.
- Sec. 264. Applications.
- Sec. 265. Prohibition on participation in multiple programs.
- Sec. 266. Transfer of funds.

Sec. 267. Oversight and audits.  
 Sec. 268. Administrative funding.  
 Sec. 269. Gross receipts.  
 Sec. 270. Rules.

#### 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

Sec. 401. Additional assistance for eligible providers of transportation services affected by COVID-19.

#### 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

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

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

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

12 **TITLE I—RESTAURANT REVITAL-**  
13 **IZATION FUND REPLENISH-**  
14 **MENT AND IMPROVEMENTS**

15 **SEC. 101. APPROPRIATION.**

16 Section 5003 of the American Rescue Plan Act of  
17 2021 (15 U.S.C. 9009c) is amended—

18 (1) in subsection (b)(2)—

19 (A) in subparagraph (A)—

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

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

1           spectator General of the Small Business Ad-  
2           ministration for audits of grants under this  
3           section to investigate fraud and to identify  
4           improper payments and ineligible recipi-  
5           ents, and for other necessary expenses of  
6           the Office of the Inspector General” before  
7           the period at the end; and

8           (B) in subparagraph (B)(i)(II), by striking  
9           “\$23,600,000,000” and inserting “any remain-  
10          ing amounts not used for a purpose authorized  
11          under subparagraph (A) or clause (i) of this  
12          subparagraph”; and

13          (2) in subsection (c)—

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

16                 (B) by striking paragraph (3).

17 **SEC. 102. INSUFFICIENT FUNDING.**

18          Section 5003 of the American Rescue Plan Act of  
19          2021 (15 U.S.C. 9009c) is amended by adding at the end  
20          the following:

21          “(d) **INSUFFICIENT FUNDING.**—

22                 “(1) **IN GENERAL.**—If the Administrator deter-  
23                 mines that the amounts made available to carry out  
24                 this section are insufficient to make grants in the  
25                 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. 9009e), 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. 9009e), 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 ministratoꝛ, an alternative amount based  
20 on a formula to be determined by the Ad-  
21 ministratoꝛ.

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 ceipts 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 ceipts 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 eli-  
16                  gible 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

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

6 (ii) PRIVATE EQUITY FUND, PUB-  
7 LICLY-TRADED COMPANY, OR MAJOR  
8 LEAGUE SPORTS TEAM.—The full amount  
9 of a covered grant made to an eligible enti-  
10 ty shall be returned to the Treasury if,  
11 during the 3-year period following receipt  
12 of the covered grant, the eligible entity—

13 (I) becomes more than 50 per-  
14 cent owned by a private equity fund;

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

17 (III) becomes more than 50 per-  
18 cent owned by a major league sports  
19 team.

20 (3) INSUFFICIENT FUNDING.—

21 (A) IN GENERAL.—If the Administrator  
22 determines that the amounts made available to  
23 carry out this subtitle are insufficient to make  
24 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-

1 tions of not less than 50 percent, or in which  
2 an eligible entity has the contractual authority  
3 to control the direction of the business, pro-  
4 vided that such affiliation shall be determined  
5 as of any arrangements or agreements in exist-  
6 ence as of February 29, 2020.

7 (B) REGULATIONS.—For purposes of eligi-  
8 bility for covered grants—

9 (i) the provisions applicable to affili-  
10 ations under section 121.301 of title 13,  
11 Code of Federal Regulations, or any suc-  
12 cessor regulation, are waived for any busi-  
13 ness concern operating as a franchise that  
14 is assigned a franchise identifier code by  
15 the Administration; and

16 (ii) the exceptions to affiliation noted  
17 in section 121.103(b) of title 13, Code of  
18 Federal Regulations, or any successor reg-  
19 ulation, shall apply to an affiliated busi-  
20 ness.

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

23 (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 igned 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 Adminis-  
23          trator 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-



1 nesses in the 10 most commonly spoken languages, other  
2 than English, in the States of the United States that bor-  
3 der the international boundary with Mexico or that border  
4 the international boundary with Canada, including in  
5 Spanish and in French.

## 6 **Subtitle D—Support for Live Venue** 7 **Service and Support Companies**

### 8 **SEC. 241. DEFINITIONS.**

9 In this subtitle:

10 (1) **AFFILIATED BUSINESS.**—

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

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

22 (i) the provisions applicable to affili-  
23 ations under section 121.301 of title 13,  
24 Code of Federal Regulations, or any suc-  
25 cessor 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

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

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

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

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

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

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

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

1 2020 and ending on February 29, 2020,  
2 an amount based on a formula determined  
3 by the Administrator.

4 (B) REDUCTION.—

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

8 (I) any amounts received from a  
9 covered loan made under paragraph  
10 (36) or (37) of section 7(a) of the  
11 Small Business Act (15 U.S.C.  
12 636(a)) in 2020 or 2021; and

13 (II) the amount by which the  
14 total of all remunerative payments  
15 made to an individual, including any  
16 annual salary paid to an employee, in  
17 2020 exceeds \$250,000.

18 (ii) ADMINISTRATOR AUTHORITY.—  
19 The Administrator may determine the  
20 types of payments and individuals to which  
21 clause (i)(II) applies.

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

24 (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 ible 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).



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

3     **SEC. 251. DEFINITIONS.**

4     In this subtitle:

5         (1) **AFFILIATED BUSINESS.**—

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

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

17             (i) the provisions applicable to affili-  
18             ations under section 121.301 of title 13,  
19             Code of Federal Regulations, or any suc-  
20             cessor regulation, are waived for any busi-  
21             ness concern operating as a franchise that  
22             is assigned a franchise identifier code by  
23             the Administration; and

24             (ii) the exceptions to affiliation noted  
25             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 pending, 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**

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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