



Report Generated: April 01, 2022 (1:20 p.m. EDT)

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Text of H.R. 3807, the Relief for Restaurants and other Hard Hit Small Businesses Act of 2022 [Showing the text of H.R. 3807, as introduced, with modifications.]

SECTION 1. Short title.

This Act may be cited as the “~~Restaurant Revitalization Fund Replenishment~~Relief for Restaurants and other Hard Hit Small Businesses Act of ~~2021~~2022”.

SEC. 2. Appropriations for the Restaurant Revitalization Fund.

Section 5003(b)(2) of the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 85; 15 U.S.C. 9009c(b)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking “\$28,600,000,000” and inserting “\$88,600,000,000”; and

(B) by inserting “, of which \$300,000,000 shall be for administrative expenses to carry out this section” before the period at the end; and

(2) in subparagraph (B)(i)(II), by striking “\$23,600,000,000” and inserting “\$83,300,000,000”.

SEC. 2. Restaurant Revitalization Grants.

(a) APPROPRIATION.—Section 5003(b)(2) of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c(b)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking “\$28,600,000,000” and inserting “\$70,600,000,000”; and

(B) by inserting “, of which not more than \$420,000,000 shall be for administrative expenses to carry out this section, and of which \$7,500,000 shall be for the Inspector General of the Small Business Administration, \$7,500,000 for the Department of Justice for investigative and prosecutorial activities related to fraud and abuse, and \$7,500,000 for Pandemic Response Accountability Committee, for audits of grants under this section to investigate fraud and to identify improper payments and ineligible recipients, and for other necessary expenses” before the period at the end; and

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

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

“(d) INSUFFICIENT FUNDING.—

“(1) IN GENERAL.—If the Administrator determines that the amounts made available to carry out this section are insufficient to make grants in the amount provided in subsection (c)(4) to each eligible entity that has submitted an application in accordance with the program guidelines in effect on the day before the date of enactment of this subsection, but has not received an award as of such date, the Administrator shall make grants with the available amounts to each such eligible applicant—

“(A) such that the amount of the grant that each such eligible entity would have otherwise received under this section is reduced by an equal percentage;

“(B) by establishing a maximum amount for a grant made under this subsection to ensure that smaller eligible entities still receive grants in the amounts provided under subsection (c)(4); or

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

“(2) RESERVING FUNDS.—Nothing in paragraph (1) shall prevent the Administrator from—

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

“(B) making partial awards to eligible entities on a preliminary basis until the amount of funding required to fund grants to all eligible applicants is established, upon the completion of the reconsideration process.”

(c) REPORTS; RECONSIDERATION; VERIFICATION OF BUSINESS TYPE.—Section 5003 of

the American Rescue Plan Act of 2021 (15 U.S.C. 9009c), as amended by subsection (b), is further amended by adding at the end the following:

“(e) REPORTS.—The Administrator shall—

“(1) on a biweekly basis until the amounts made available to carry out this section are fully expended, publish data that shows, for the period beginning on the date on which the Administrator began making grants under this section and ending on the date on which the information is published—

“(A) with respect to applications for grants under this section, the number of those applications—

“(i) that the Administrator has received;

“(ii) that the Administrator has reviewed or is in the process of reviewing; and

“(iii) with respect to which the Administrator has made a decision; and

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

“(i) that have been awarded; and

“(ii) that have been disbursed;

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

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

“(i) the name of the eligible entity, including the name or names under which the eligible entity does business if that name is different from the name of the eligible entity; and

“(ii) the address of—

“(I) the eligible entity; and

“(II) the physical location or locations for the eligible entity listed on the application, if different from the address of the eligible entity;

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

“(C) the business category listed in subsection (a)(4)(A) to which the eligible entity belongs.

“(f) RECONSIDERATION.—

“(1) EXPLANATION FOR DENIAL.—With respect to an applicant that applies for a grant under this section and is denied by the Administrator, the Administrator shall make available to the applicant a brief explanation identifying the reason why the Administrator denied the application of the applicant, which shall include, where applicable, a citation to the statutory, regulatory, or guidance provision with which the applicant failed to comply and that was the basis for the denial.

“(2) PROCESS.—The Administrator shall establish a reconsideration process through which the applicant may—

“(A) submit to the Administrator additional information the applicant determines to be relevant to whether the applicant is eligible for the grant; and

“(B) receive a review of the application and such additional information submitted under subparagraph (A).

“(3) NAICS CODES.—If the Administrator rejects an application solely because the North American Industry Classification System code listed on the application of an applicant for a loan under section 7(a)(36) of the Small Business Act during 2020 is not an eligible business type for a grant under this section, the applicant shall be eligible for the reconsideration process described in subsection (e)(3)(B).

“(g) VERIFICATION OF BUSINESS TYPE.—If the Administrator verifies that an applicant for a loan under section 7(a)(36) of the Small Business Act is not an eligible business type for a grant under this section using credible information other than information obtained from the application of the applicant for such loan during 2020, the Administrator may reject the application solely on those grounds.”

(d) REQUIREMENT OF CONTINUING OPERATION.—For any application for a grant under section 5003 of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c) that is pending on the date of enactment of this Act or for which the applicant has received an award notice but the Administrator has not disbursed amounts under the grant, the Administrator may not disburse amounts under the grant unless the applicant submits a statement to the Administrator indicating the applicant is still operating, or intends to reopen within 6 months after the date of the statement is submitted, the place of business for which such applicant is seeking such grant.

(e) OVERSIGHT AND AUDITS.—Section 5003 of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c), as amended by subsection (c), is further amended by adding at the end the following:

“(h) OVERSIGHT AND AUDITS.—

“(1) IN GENERAL.—The Administrator shall institute an oversight and audit plan with respect to eligible entities receiving grants under this section, which shall include—

“(A) documentation requirements that are consistent with the eligibility and other requirements under this section, including by requiring an eligible entity that receives a grant under this section to retain records that demonstrate compliance with those requirements; and

“(B) reviews of the use of grants made under this section by eligible entities.

“(2) SUBMISSION OF PLAN.—Not later than 30 days after the date of enactment of this subsection, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the plan required under paragraph (1), which shall describe—

“(A) the policies and procedures of the Administrator for conducting oversight and audits of grants made under this section; and

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

“(3) REPORTS.—Not later than 60 days after the date of enactment of this subsection, and once every 30 days thereafter until the date that is 180 days after the date on which all amounts made available to carry out this section have been fully expended,

and upon request thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the oversight and audit activities of the Administrator under this subsection, which shall include—

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

“(B) the total amount of each grant received by each eligible entity;

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

“(D) the number of completed reviews and audits of grants made under this section, including a description of—

“(i) any findings of fraud or other material noncompliance with the requirements of this section; and

“(ii) the total amount recouped from ineligible recipients; and

“(E) a description of any substantial changes made to the plan required under paragraph (1).

“(4) RETROACTIVE APPLICATION.—This subsection shall apply to grants and decisions made under this section before, on, or after the date of enactment of this subsection.”

SEC. 3. Hard Hit Industries Award Program.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Small Business Administration.

(2) AFFILIATED BUSINESS.—The term “affiliated business” means a business in which an eligible entity—

(A) has an equity or right to receive not less than 50 percent of the profit distributions of such business; or

(B) has, on or before March 13, 2020, contractual authority to control the business.

(3) AWARD.—The term “award” means a financial assistance payment that an eligible applicant receives directly from the Small Business Administration.

(4) COVERED PERIOD.—The term “covered period” means the period beginning on February 15, 2020, and ending on the later of—

(A) March 31, 2023; or

(B) a date to be determined by the Administrator that is not later than 2 years after the date of enactment of this section.

(5) ELIGIBLE ENTITY.—The term “eligible entity”—

(A) means a small business concern that—

(i) employs not more than 200 employees; and

(ii) suffered a pandemic-related revenue loss of 40 percent or greater; and

(B) does not include a small business concern that—

(i) is a State or local government-operated business;

(ii) has received a grant under—

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

(II) section 5003 of the American Rescue Plan Act of 2021 (Public Law 117–2);

(iii) is a publicly-traded company; or

(iv) is an entity that is owned or operated by a private equity fund.

(6) **ELIGIBLE SELF-EMPLOYED INDIVIDUAL.**—The term “eligible self-employed individual” has the meaning given in section 7002(b) of the Families First Coronavirus Response Act (26 U.S.C. 1401 note).

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

(8) **PANDEMIC-RELATED REVENUE LOSS.**—

(A) **IN GENERAL.**—The term “pandemic-related revenue loss” means, subject to subparagraph (B) and with respect to an eligible entity—

(i) except as provided in clauses (ii) and (iii), the average annual gross receipts during 2020 and 2021, as established using such verification documentation as the Administrator may require, of the eligible entity subtracted from the gross receipts of the eligible entity in 2019, if such sum is greater than zero;

(ii) if the eligible entity was not in operation for the entirety of 2019—

(I) the difference between—

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

(bb) the product obtained by multiplying the average monthly gross receipts of the eligible entity in 2020 and 2021 by 12; or

(II) an amount based on a formula determined by the Administrator;

or

(iii) if the eligible entity began operations during the period beginning on January 1, 2020, and ending on the day before the date of enactment of this section, an amount based on a formula determined by the Administrator.

(B) **REDUCTION.**—For purposes of this paragraph, the pandemic-related revenue losses for an eligible entity calculated under subparagraph (A) shall be reduced by the sum of—

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

(ii) any amount received as a grant under section 1110 of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9009); and

(iii) any amount received as a grant under section 331 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (15 U.S.C. 9009b).

(C) PERCENTAGE DETERMINATION.—For the purposes of determining the percentage of pandemic-related revenue loss under this subsection, the percentage shall be equal to—

(i) in the case of an eligible entity for which subparagraph (A)(i) applies, the product obtained by multiplying—

(I) the quotient obtained by dividing the pandemic-related revenue losses for such eligible entity by the gross receipts of the eligible entity in 2019; and

(II) 100;

(ii) in the case of an eligible entity for which subparagraph (A)(ii)(I) applies, the product obtained by multiplying—

(I) the quotient obtained by dividing the pandemic-related revenue losses for such eligible entity by the product obtained by multiplying the average monthly gross receipts of the eligible entity in 2019 by 12; and

(II) 100; and

(iii) in the case of an eligible entity for which clauses (ii)(II) or (iii) applies, an amount based on a formula determined by the Administrator.

(9) PAYROLL COSTS.—The term “payroll costs” has the meaning given the term in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)), except that such term shall not include—

(A) qualified wages, as defined in section 2301(c) of the CARES Act (26 U.S.C. 3111 note), taken into account in determining the credit allowed under such section 2301; or

(B) premiums taken into account in determining the credit allowed under section 6432 of the Internal Revenue Code of 1986.

(10) PRIVATE EQUITY FUND.—The term “private equity fund” has the meaning given the term in section 225.173(a) of title 12, Code of Federal Regulations, or any successor regulation.

(11) PUBLICLY-TRADED COMPANY.—The term “publicly-traded company” means an entity that is majority owned or controlled by an entity that is an issuer, the securities of which are listed on a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(12) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632) and includes individuals who operate under a sole proprietorship or as an independent contractor or as an eligible self-employed individual.

(13) SMALL BUSINESS ACT DEFINITIONS.—The terms “covered mortgage obligation”, “covered operations expenditure”, “covered rent obligation”, “covered supplier cost”, “covered utility payment”, and “covered worker protection expenditure” have the meanings given, respectively, in section 7A of the Small Business Act (15 U.S.C. 636m).

(b) AWARDS TO ELIGIBLE ENTITIES.—

(1) IN GENERAL.—From amounts made available under this Act, the Administrator shall establish a program to be known as the “Hard Hit Industries Award Program”, under which the Administrator shall make awards to eligible entities that submit an application under paragraph (2).

(2) APPLICATION.—

(A) CERTIFICATION.—An eligible entity shall submit to the Administrator an application for an award under this subsection. In such application, the eligible entity shall make a good faith certification that—

(i) the uncertainty of current economic conditions makes necessary the award request to support the ongoing operations of the eligible entity; and

(ii) the eligible entity has no pending application for and has not received a grant under—

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

(II) section 5003 of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c).

(B) VERIFICATION.—The Administrator shall use tax records or other reliable sources, such as certified accounting statements, with respect to an applicant for an award under this section to determine—

(i) the eligibility of the applicant for that award; and

(ii) the amount of that award to the applicant.

(C) ACCEPTANCE OF APPLICATIONS.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall begin accepting applications for an award under this subsection.

(D) PRIORITY.—

(i) IN GENERAL.—The Administrator shall prioritize eligible entities that have experienced significant pandemic-related revenue loss to receive an award under this section as follows:

(I) First priority to eligible entities that experienced a pandemic-related revenue loss of at least 80 percent.

(II) Second priority to eligible entities that experienced a pandemic-related revenue loss of at least 60 percent.

(ii) SMALLER ENTITIES.—Within each category of eligible entities described in subclauses (I) through (III) of clause (i), the Administrator may prioritize awards to eligible entities with 50 employees or fewer.

(iii) ADDITIONAL PRIORITY.—Within each category of eligible entities described in subclauses (I) through (III) of clause (i), the Administrator may prioritize awards to eligible entities that did not receive a covered loan made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) in 2020 or 2021.

(3) AWARD AMOUNT.—

(A) AGGREGATE MAXIMUM AMOUNT.—The aggregate maximum amount of

awards made to an eligible entity and any affiliated businesses of the eligible entity under this subsection may not exceed \$1,000,000.

(B) DETERMINATION OF AWARD AMOUNT.—

(i) IN GENERAL.—Except as provided in this paragraph, the amount of an award made to an eligible entity under this subsection shall be equal to the pandemic-related revenue loss of the eligible entity.

(ii) RETURN TO TREASURY.—Any amount of an award made under this subsection to an eligible entity described in clause (ii) or (iii) of subsection (a)(8)(A) that is greater than the average annual gross receipts of the eligible entity in 2020 and 2021 shall be returned to the Treasury.

(C) INSUFFICIENT FUNDING.—After selecting award recipients in accordance with paragraph (2)(D) and before disbursing any awards under this section, if the Administrator determines that the amounts made available under this Act for making awards under this section are insufficient to make awards to each eligible entity that submits an application under paragraph (2) in the amount described under subparagraphs (A) and (B), the Administrator shall make awards with the available amounts such that the amount of the award that each eligible entity would have otherwise received under those subparagraphs is reduced by an equal percentage, except that the Administrator may establish an aggregate maximum amount for awards made under this subparagraph to ensure that smaller eligible entities receive awards in the amounts provided under those subparagraphs.

(4) USE OF FUNDS.—During the covered period, an eligible entity that receives an award under this subsection may use the award for the following expenses incurred as a direct result of, or during, the COVID–19 pandemic:

(A) Payroll costs.

(B) Payments to independent contractors, as reported on Form 1099–MISC, except that each such payment may not exceed \$100,000.

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

(D) Payments on any covered rent obligation and common area maintenance charges under a lease agreement.

(E) Covered utility payments.

(F) Maintenance expenses.

(G) Covered worker protection expenditures.

(H) Supplies, including protective equipment and cleaning materials.

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

(J) Covered supplier costs.

(K) Covered operational expenses.

(L) Paid sick leave.

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

(N) Any other essential expenses of the eligible entity, as determined by the Administrator.

(5) RETURNING FUNDS.—If an eligible entity that receives an award under this section fails to use all of the award on or before the last day of the covered period or permanently ceases operations on or before the last day of the covered period, the eligible entity shall return to the Administrator any funds that the eligible entity did not use for the allowable expenses under paragraph (4).

(c) DATA TRANSPARENCY AND CUSTOMER SERVICE.—The Administrator shall—

(1) in carrying out this section, maintain regular communication with applicants and representatives of such applicants, including by—

(A) hosting regularly scheduled information sessions with those persons; and

(B) providing opportunities to those persons to submit and receive answers to questions regarding awards made under this section;

(2) on a weekly basis until the amounts made available under this section are fully expended, publish data that shows, for the period beginning on the date of enactment of this Act and ending on the date on which the information is published—

(A) with respect to applications for awards under this section, the number of those applications—

(i) that the Administrator has received;

(ii) that the Administrator has reviewed or is in the process of reviewing;

and

(iii) with respect to which the Administrator has made a decision; and

(B) the number and dollar amount of payments awarded and disbursed under this section;

(3) on a weekly basis until the amounts made available to carry out this section are fully expended, publish, for the period beginning on the date of enactment of this Act and ending on the date on which the information is published—

(A) the name and location of each eligible entity to which an award has been made under this section; and

(B) the amount of such award;

(4) with respect to an applicant that applies for an award under this section and is denied by the Administrator—

(A) make available to the applicant a brief explanation regarding the denial which shall include, where applicable, a citation to the statute, regulation, or guidance with which the applicant failed to comply and that was the basis for the denial; and

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

(i) submit to the Administrator additional information the applicant determines to be relevant to whether the applicant is eligible for the grant; and

(ii) receive a review of the application and such additional information submitted under clause (i).

(d) DATA SHARING.—

(1) IN GENERAL.—The Secretary of the Treasury shall, through the method described in paragraph (2), make data available to the Administrator so that the Administrator may—

(A) confirm the identity of an applicant for an award under this section;

(B) determine whether an applicant for an award under this section is an eligible entity; and

(C) calculate the amount of an award made to an eligible entity under this section.

(2) METHOD.—The sharing of data required under paragraph (1) shall occur through an application programming interface between the Secretary of the Treasury and the Administrator, which shall facilitate the automated exchange of data between the Secretary and the Administrator for the purposes of carrying out this section.

(e) TAX TREATMENT OF AWARDS.—

(1) IN GENERAL.—For the purposes of the Internal Revenue Code of 1986—

(A) no award made under this section shall be included in the gross income of the eligible entity that receives an award;

(B) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by subparagraph (A); and

(C) in the case of a partnership or S corporation that receives an award under this section—

(i) any amount excluded from income by reason of subparagraph (A) shall be treated as tax exempt for purposes of sections 705 and 1366 of such Code; and

(ii) the Secretary of the Treasury (or the Secretary's delegate) shall prescribe rules for determining a partner's distributive share of any amount described in clause (i) for purposes of section 705 of such Code.

(2) APPLICABILITY.—Paragraph (1) shall apply to taxable years ending after the date of enactment of this Act.

(f) SYSTEM FOR AWARD MANAGEMENT.—The Administrator may not require any eligible entity that applies for an award under this section to use the System for Award Management (or any successor system) with respect to that award.

(g) APPLICATION PROCESSING.—The Director of the Office of Management and Budget may, on an emergency basis and in order to expedite the processing and approval of applications for awards under this section, waive the requirements of part 200 of title 2, Code of Federal Regulations (or any successor regulations) with respect to an award made under this section, if—

(1) the Director finds that such a waiver will prevent eligible entities from failing or suffering undue hardship; and

(2) each eligible entity that receives an award under this section is still required to submit to the Administrator ongoing reports regarding the use by the eligible entity of the award amounts.

(h) OVERSIGHT AND AUDITS.—

(1) IN GENERAL.—In cooperation with the Director of the Office of Management and Budget, the Administrator shall establish an oversight and audit plan with respect to eligible entities receiving awards under this section, which shall include—

(A) documentation requirements that are consistent with the eligibility and other requirements under this section, including a requirement that an eligible entity that receives an award under this section retains records that demonstrate compliance with the requirements of this section; and

(B) reviews of the use, by eligible entities, of awards made under this section to ensure compliance with the requirements of this section, which shall include—

(i) a review and audit by the Administrator of awards made under this section; and

(ii) in the case of fraud or other material noncompliance with respect to an award made under this section—

(I) a requirement that the applicable eligible entity repay to the Administrator the amount of the misspent funds; or

(II) legal action by the Administrator to collect the misspent funds.

(2) SUBMISSION OF PLAN.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the plan required under paragraph (1), which shall describe—

(A) the policies and procedures of the Administrator for conducting oversight and audits of awards made under this section; and

(B) the metrics that the Administrator will use to determine which awards made under this section will be audited under that plan.

(3) REPORTS.—Not later than 60 days after the date of the enactment of this Act, once every 30 days thereafter until the date that is 180 days after the date on which all amounts made available to carry out this section have been fully expended, and upon request thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the oversight and audit activities of the Administrator under this subsection, which shall include—

(A) the total number of awards approved and disbursed under this section;

(B) the total amount of each award received by each eligible entity;

(C) the number of active investigations and audits of awards made under this section;

(D) the number of completed reviews and audits of awards made under this section, including a description of any findings of fraud or other material noncompliance with the requirements of this section; and

(E) a description of any substantial changes made to the plan required under paragraph (1).

(i) RULES.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall issue rules to carry out this section, without regard to the notice requirements under section 553(b) of title 5, United States Code.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$13,000,000,000, for the Hard Hit Industries Award Program established under this section, to remain available until expended, of which not more than \$380,000,000 shall be for administrative expenses to carry out this section, of which—

(1) \$2,500,000 shall be for the Inspector General of the Small Business Administration to prevent waste, fraud, and abuse with respect to funding made available for the Hard Hit Industries Award Program;

(2) \$2,500,000 shall be for the Department of Justice for investigative and prosecutorial activities related to fraud and abuse, with respect to funding made available for the Hard Hit Industries Award Program; and

(3) \$2,500,000 shall be for shall be for the Pandemic Response Accountability Committee with respect to funding made available for the Hard Hit Industries Award Program.

SEC. 4. Funding for the Restaurant Revitalization Fund and the Hard Hit Industries Award Program.

(a) **IN GENERAL.**—Any unobligated covered funds are hereby transferred to the Administrator of the Small Business Administration for purposes of carrying out section 5003 of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c) and the Hard Hit Industries Award Program established under section 3 of this Act.

(b) **COVERED FUNDS DEFINED.**—In this section, the term “covered funds”—

(1) means any funds means any and all funds rescinded, seized, reclaimed, or otherwise returned to the Federal Government received pursuant to—

(A) paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a));

(B) section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)), with respect to a loan made under such section in response to COVID-19 during the covered period (as defined in section 1110(a) of the CARES Act (15 U.S.C. 9009(a)));

(C) section 1110(e) of the CARES Act (15 U.S.C. 9009(e));

(D) section 331 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (15 U.S.C. 9009b);

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

(F) section 5003 of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c);

(G) section 3 of this Act;

(2) includes any funds that as of December 31, 2022, are unexpended under section 5003 of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c); and

(3) does not include funds paid by person to the Federal Government for the purposes of tax obligations, servicing of loans, or standard payment of fees.

SEC. 5. Grants for shuttered venue operators.

Section 324(d) of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (15 U.S.C. 9009a(d)) is amended by striking paragraph (1) and inserting the

following:

“(1) TIMING.—

“(A) EXPENSES INCURRED.—Amounts received under a grant under this section may be used for costs incurred during the period beginning on March 1, 2020, and ending on March 11, 2023 (or a later date, as determined by the Administrator).

“(B) EXPENDITURE.—An eligible person or entity shall return to the Administrator any amounts received under a grant under this section that are not expended on or before April 15, 2023 (or a later date, as determined by the Administrator), with respect to costs incurred during the period described in subparagraph (A).”

About this report

- Report Generated: April 01, 2022 (1:20 p.m. EDT)*
- Version of the system: Posey Ramseyer Report Generator 2020-05-04; AMPL*

