

116TH CONGRESS
2D SESSION

H. R. 8265

To amend the Small Business Act and the CARES Act to establish a program for second draw loans and make other modifications to the paycheck protection program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2020

Mr. CHABOT introduced the following bill; which was referred to the Committee on Small Business, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Small Business Act and the CARES Act to establish a program for second draw loans and make other modifications to the paycheck protection program, and for other purposes.

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

3 **SECTION 1. ADDITIONAL ELIGIBLE EXPENSES.**

4 (a) ALLOWABLE USE OF PPP LOAN.—Section
5 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C.
6 636(a)(36)(F)(i)) is amended—

1 (1) in subclause (VI), by striking “and” at the
2 end;

3 (2) in subclause (VII), by striking the period at
4 the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(VIII) covered operations ex-
7 penditures, as defined in section
8 1106(a) of the CARES Act (15
9 U.S.C. 9005(a));

10 “(IX) covered property damage
11 costs, as defined in such section
12 1106(a);

13 “(X) covered supplier costs, as
14 defined in such section 1106(a); and

15 “(XI) covered worker protection
16 expenditures, as defined in such sec-
17 tion 1106(a).”.

18 (b) LOAN FORGIVENESS.—Section 1106 of the
19 CARES Act (15 U.S.C. 9005) is amended—

20 (1) in subsection (a)—

21 (A) by redesignating paragraphs (6), (7),
22 and (8) as paragraphs (10), (11), and (12), re-
23 spectively;

24 (B) by redesignating paragraph (5) as
25 paragraph (8);

1 (C) by redesignating paragraph (4) as
2 paragraph (6);

3 (D) by redesignating paragraph (3) as
4 paragraph (4);

5 (E) by inserting after paragraph (2) the
6 following:

7 “(3) the term ‘covered operations expenditure’
8 means a payment for any business software or cloud
9 computing service that facilitates business oper-
10 ations, product or service delivery, the processing,
11 payment, or tracking of payroll expenses, human re-
12 sources, sales and billing functions, or accounting or
13 tracking of supplies, inventory, records and ex-
14 penses;”;

15 (F) by inserting after paragraph (4), as so
16 redesignated, the following:

17 “(5) the term ‘covered property damage cost’
18 means a cost related to property damage and van-
19 dalism or looting due to public disturbances that oc-
20 curred during 2020 that was not covered by insur-
21 ance or other compensation;”;

22 (G) by inserting after paragraph (6), as so
23 redesignated, the following:

24 “(7) the term ‘covered supplier cost’ means an
25 expenditure made by an entity to a supplier of goods

1 pursuant to a contract in effect before February 15,
2 2020, for the supply of goods that are essential to
3 the operations of the entity at the time at which the
4 expenditure is made;”;

5 (H) by inserting after paragraph (8), as so
6 redesignated, the following:

7 “(9) the term ‘covered worker protection ex-
8 penditure’—

9 “(A) means an operating or a capital ex-
10 penditure that is required to facilitate the adap-
11 tation of the business activities of an entity to
12 comply with requirements established or guid-
13 ance issued by the Department of Health and
14 Human Services, the Centers for Disease Con-
15 trol, or the Occupational Safety and Health Ad-
16 ministration during the period beginning on
17 March 1, 2020, and ending December 31, 2020,
18 related to the maintenance of standards for
19 sanitation, social distancing, or any other work-
20 er or customer safety requirement related to
21 COVID-19;

22 “(B) may include—

23 “(i) the purchase, maintenance, or
24 renovation of assets that create or ex-
25 pand—

1 “(I) a drive-through window fa-
2 cility;

3 “(II) an indoor, outdoor, or com-
4 bined air or air pressure ventilation or
5 filtration system;

6 “(III) a physical barrier such as
7 a sneeze guard;

8 “(IV) an indoor, outdoor, or com-
9 bined commercial real property;

10 “(V) an onsite or offsite health
11 screening capability; or

12 “(VI) other assets relating to the
13 compliance with the requirements or
14 guidance described in subparagraph
15 (A), as determined by the Adminis-
16 trator in consultation with the Sec-
17 retary of Health and Human Services
18 and the Secretary of Labor; and

19 “(ii) the purchase of—

20 “(I) covered materials described
21 in section 328.103(a) of title 44, Code
22 of Federal Regulations, or any suc-
23 cessor regulation;

24 “(II) particulate filtering face-
25 piece respirators approved by the Na-

1 tional Institute for Occupational Safe-
2 ty and Health, including those ap-
3 proved only for emergency use author-
4 ization; or

5 “(III) other kinds of personal
6 protective equipment, as determined
7 by the Administrator in consultation
8 with the Secretary of Health and
9 Human Services and the Secretary of
10 Labor; and

11 “(C) does not include residential real prop-
12 erty or intangible property;”; and

13 (I) in paragraph (11), as so redesign-
14 nated—

15 (i) in subparagraph (C), by striking
16 “and” at the end;

17 (ii) in subparagraph (D), by striking
18 “and” at the end; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(E) covered operations expenditures;

22 “(F) covered property damage costs;

23 “(G) covered supplier costs; and

24 “(H) covered worker protection expendi-
25 tures; and”;

1 (2) in subsection (b), by adding at the end the
2 following:

3 “(5) Any covered operations expenditure.

4 “(6) Any covered property damage cost.

5 “(7) Any covered supplier cost.

6 “(8) Any covered worker protection expendi-
7 ture.”;

8 (3) in subsection (d)(8), by inserting “any pay-
9 ment on any covered operations expenditure, any
10 payment on any covered property damage cost, any
11 payment on any covered supplier cost, any payment
12 on any covered worker protection expenditure,” after
13 “rent obligation,”; and

14 (4) in subsection (e)—

15 (A) in paragraph (2), by inserting “pay-
16 ments on covered operations expenditures, pay-
17 ments on covered property damage costs, pay-
18 ments on covered supplier costs, payments on
19 covered worker protection expenditures,” after
20 “lease obligations,”; and

21 (B) in paragraph (3)(B), by inserting
22 “make payments on covered operations expendi-
23 tures, make payments on covered property dam-
24 age costs, make payments on covered supplier

1 costs, make payments on covered worker protec-
2 tion expenditures,” after “rent obligation,”.

3 **SEC. 2. LENDER SAFE HARBOR.**

4 Subsection (h) of section 1106 of the CARES Act
5 (15 U.S.C. 9005) is amended to read as follows:

6 “(h) HOLD HARMLESS.—

7 “(1) IN GENERAL.—A lender may rely on any
8 certification or documentation submitted by an ap-
9 plicant for a covered loan or an eligible recipient of
10 a covered loan that—

11 “(A) is submitted pursuant to any statu-
12 tory requirement relating to covered loans or
13 any rule or guidance issued to carry out any ac-
14 tion relating to covered loans; and

15 “(B) attests that the applicant or eligible
16 recipient, as applicable, has accurately verified
17 any certification or documentation provided to
18 the lender.

19 “(2) NO ENFORCEMENT ACTION.—With respect
20 to a lender that relies on a certification or docu-
21 mentation described in paragraph (1)—

22 “(A) an enforcement action may not be
23 taken against the lender acting in good faith re-
24 lating to origination or forgiveness of a covered
25 loan based on such reliance; and

1 “(B) the lender acting in good faith shall
2 not be subject to any penalties relating to origi-
3 nation or forgiveness of a covered loan based on
4 such reliance.”.

5 **SEC. 3. SELECTION OF COVERED PERIOD FOR FORGIVE-**
6 **NESS.**

7 Section 1106 of the CARES Act (15 U.S.C. 9005)
8 is amended—

9 (1) by amending subsection (a)(4) (as redesign-
10 nated by section 1) to read as follows:

11 “(4) the term ‘covered period’ means the pe-
12 riod—

13 “(A) beginning on the date of the origina-
14 tion of a covered loan; and

15 “(B) ending on a date selected by the eligi-
16 ble recipient of the covered loan that occurs
17 during the period—

18 “(i) beginning on the date that is 8
19 weeks after such date of origination; and

20 “(ii) ending on December 31, 2020;”;
21 and

22 (2) by striking subsection (l).

23 **SEC. 4. SIMPLIFIED APPLICATION.**

24 Section 1106 of the CARES Act (15 U.S.C. 9005),
25 as amended by section 3 of this Act, is further amended—

1 (1) in subsection (e), in the matter preceding
2 paragraph (1), by striking “An eligible” and insert-
3 ing “Except as provided in subsection (l), an eligi-
4 ble”;

5 (2) in subsection (f), by inserting “or the infor-
6 mation required under subsection (l), as applicable”
7 after “subsection (e)”; and

8 (3) by adding at the end the following:

9 “(l) SIMPLIFIED APPLICATION.—

10 “(1) COVERED LOANS UNDER \$150,000.—

11 “(A) IN GENERAL.—Notwithstanding sub-
12 section (e), with respect to a covered loan made
13 to an eligible recipient that is not more than
14 \$150,000, the covered loan amount shall be for-
15 given under this section if the eligible recipi-
16 ent—

17 “(i) signs and submits to the lender
18 an attestation that the eligible recipient
19 made a good faith effort to comply with
20 the requirements under section 7(a)(36) of
21 the Small Business Act (15 U.S.C.
22 636(a)(36)); and

23 “(ii) for the 3-year period following
24 submission of the attestation under clause
25 (i), retains records relevant to the attesta-

1 tion that prove compliance with those re-
2 quirements.

3 “(B) DEMOGRAPHIC INFORMATION.—An
4 eligible recipient of a covered loan described in
5 subparagraph (A) may complete and submit
6 any form related to borrower demographic in-
7 formation.

8 “(C) AUDIT.—The Administrator may—

9 “(i) review and audit covered loans
10 described in subparagraph (A); and

11 “(ii) in the case of fraud, ineligibility,
12 or other material noncompliance with ap-
13 plicable loan or loan forgiveness require-
14 ments, modify—

15 “(I) the amount of a covered loan
16 described in subparagraph (A); or

17 “(II) the loan forgiveness amount
18 with respect to a covered loan de-
19 scribed in subparagraph (A).

20 “(2) COVERED LOANS BETWEEN \$150,000 AND
21 \$2,000,000.—

22 “(A) IN GENERAL.—Notwithstanding sub-
23 section (e), with respect to a covered loan made
24 to an eligible recipient that is more than
25 \$150,000 and not more than \$2,000,000—

1 “(i) the eligible recipient seeking loan
2 forgiveness under this section—

3 “(I) is not required to submit the
4 supporting documentation described
5 in paragraph (1) or (2) of subsection
6 (e) or the certification described in
7 subsection (e)(3)(A);

8 “(II) shall retain all relevant
9 schedules, worksheets, and supporting
10 documentation for the 3-year period
11 following submission of the applica-
12 tion for loan forgiveness; and

13 “(III) may complete and submit
14 any form related to borrower demo-
15 graphic information;

16 “(ii) review by the lender of an appli-
17 cation submitted by the eligible recipient
18 for loan forgiveness under this section shall
19 be limited to whether the lender received a
20 complete application, with all fields com-
21 pleted, initialed, or signed, as applicable;
22 and

23 “(iii) the lender shall—

24 “(I) accept the application sub-
25 mitted by the eligible recipient for

1 loan forgiveness under this section;
2 and

3 “(II) submit the application to
4 the Administrator.

5 “(B) AUDIT.—The Administrator may—

6 “(i) review and audit covered loans
7 described in subparagraph (A); and

8 “(ii) in the case of fraud, ineligibility,
9 or other material noncompliance with ap-
10 plicable loan or loan forgiveness require-
11 ments, modify—

12 “(I) the amount of a covered loan
13 described in subparagraph (A); or

14 “(II) the loan forgiveness amount
15 with respect to a covered loan de-
16 scribed in subparagraph (A).

17 “(3) AUDIT PLAN.—

18 “(A) IN GENERAL.—Not later than 30
19 days after the date of enactment of this
20 subsectoin, the Administrator shall submit to
21 the Committee on Small Business and Entre-
22 preneurship of the Senate and the Committee
23 on Small Business of the House of Representa-
24 tives an audit plan that details—

1 “(i) the policies and procedures of the
2 Administrator for conducting reviews and
3 audits of covered loans; and

4 “(ii) the metrics that the Adminis-
5 trator shall use to determine which covered
6 loans will be audited for each category of
7 covered loans described in paragraphs (1)
8 and (2).

9 “(B) REPORTS.—Not later than 30 days
10 after the date on which the Administrator sub-
11 mits the audit plan required under subpara-
12 graph (A), and each month thereafter, the Ad-
13 ministrator shall submit to the Committee on
14 Small Business and Entrepreneurship of the
15 Senate and the Committee on Small Business
16 of the House of Representatives a report on the
17 review and audit activities of the Administrator
18 under this subsection, which shall include—

19 “(i) the number of active reviews and
20 audits;

21 “(ii) the number of reviews and audits
22 that have been ongoing for more than 60
23 days; and

1 “(iii) any substantial changes made to
2 the audit plan submitted under subpara-
3 graph (A).”.

4 **SEC. 5. GROUP INSURANCE PAYMENTS AS PAYROLL COSTS.**

5 Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small
6 Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE))
7 is amended by inserting “and other group insurance” be-
8 fore “benefits”.

9 **SEC. 6. PAYCHECK PROTECTION PROGRAM SECOND DRAW**
10 **LOANS.**

11 Section 7(a) of the Small Business Act (15 U.S.C.
12 636(a)) is amended by adding at the end the following:

13 “(37) PAYCHECK PROTECTION PROGRAM SEC-
14 OND DRAW LOANS.—

15 “(A) DEFINITIONS.—In this paragraph—

16 “(i) the terms ‘community financial
17 institutions’, ‘credit union’, ‘eligible self-
18 employed individual’, ‘insured depository
19 institution’, ‘nonprofit organization’, ‘pay-
20 roll costs’, ‘seasonal employer’, and ‘vet-
21 erans organization’ have the meanings
22 given those terms in paragraph (36), ex-
23 cept that ‘eligible entity’ shall be sub-
24 stituted for ‘eligible recipient’ each place it
25 appears in the definitions of those terms;

1 “(ii) the term ‘covered loan’ means a
2 loan made under this paragraph;

3 “(iii) the terms ‘covered mortgage ob-
4 ligation’, ‘covered operating expenditure’,
5 ‘covered property damage cost’, ‘covered
6 rent obligation’, ‘covered supplier cost’,
7 ‘covered utility payment’, and ‘covered
8 worker protection expenditure’ have the
9 meanings given those terms in section
10 1106(a) of the CARES Act (15 U.S.C.
11 9005(a));

12 “(iv) the term ‘covered period’ means
13 the period beginning on the date of the
14 origination of a covered loan and ending on
15 December 31, 2020;

16 “(v) the terms ‘exchange’, ‘issuer’,
17 and ‘security’ have the meanings given
18 those terms in section 3(a) of the Securi-
19 ties Exchange Act of 1934 (15 U.S.C.
20 78c(a));

21 “(vi) the term ‘eligible entity’—

22 “(I) means any business concern,
23 nonprofit organization, veterans orga-
24 nization, Tribal business concern, eli-
25 gible self-employed individual, sole

1 proprietor, independent contractor, or
2 small agricultural cooperative that—

3 “(aa)(AA) with respect to a
4 business concern, would qualify
5 as a small business concern by
6 the annual receipts size standard
7 (if applicable) established by sec-
8 tion 121.201 of title 13, Code of
9 Federal Regulations, or any suc-
10 cessor regulation; or

11 “(BB) if the entity does not
12 qualify as a small business con-
13 cern, meets the alternative size
14 standard established under sec-
15 tion 3(a)(5);

16 “(bb) employs not more
17 than 300 employees; and

18 “(cc)(AA) except as provided
19 in subitems (BB), (CC), and
20 (DD), had gross receipts during
21 the first or second quarter in
22 2020 that are not less than 25
23 percent less than the gross re-
24 cepts of the entity during the
25 same quarter in 2019;

1 “(BB) if the entity was not
2 in business during the first or
3 second quarter of 2019, but was
4 in business during the third and
5 fourth quarter of 2019, had gross
6 receipts during the first or sec-
7 ond quarter of 2020 that are less
8 than 25 percent of the amount of
9 the gross receipts of the entity
10 during the third or fourth quar-
11 ter of 2019;

12 “(CC) if the entity was not
13 in business during the first, sec-
14 ond, or third quarter of 2019,
15 but was in business during the
16 fourth quarter of 2019, had gross
17 receipts during the first or sec-
18 ond quarter of 2020 that are less
19 than 25 percent of the amount of
20 the gross receipts of the entity
21 during the fourth quarter of
22 2019; or

23 “(DD) if the entity was not
24 in business during 2019, but was
25 in operation on February 15,

1 2020, had gross receipts during
2 the second quarter of 2020 that
3 are less than 25 percent of the
4 amount of the gross receipts of
5 the entity during the first quar-
6 ter of 2020; and

7 “(II) does not include—

8 “(aa) an issuer, the securi-
9 ties of which are listed on an ex-
10 change registered a national se-
11 curities exchange under section 6
12 of the Securities Exchange Act of
13 1934 (15 U.S.C. 78f);

14 “(bb) any entity that—

15 “(AA) is a type of busi-
16 ness concern described in
17 subsection (b), (c), (d), (e),
18 (f), (h), (l), (m), (p), (q),
19 (r), or (s) of section 120.110
20 of title 13, Code of Federal
21 Regulations, or any suc-
22 cessor regulation;

23 “(BB) is a type of busi-
24 ness concern described in
25 section 120.110(g) of title

1 13, Code of Federal Regula-
2 tions, or any successor regu-
3 lation, except as otherwise
4 provided in the interim final
5 rule of the Administration
6 entitled ‘Business Loan Pro-
7 gram Temporary Changes;
8 Paycheck Protection Pro-
9 gram—Additional Eligibility
10 Criteria and Requirements
11 for Certain Pledges of
12 Loans’ (85 Fed. Reg. 21747
13 (April 20, 2020));

14 “(CC) is a type of busi-
15 ness concern described in
16 section 120.110(i) of title
17 13, Code of Federal Regula-
18 tions, or any successor regu-
19 lation, except if the business
20 concern is an organization
21 described in paragraph
22 (36)(D)(vii);

23 “(DD) is a type of
24 business concern described
25 in section 120.110(j) of title

1 13, Code of Federal Regula-
2 tions, or any successor regu-
3 lation, except as otherwise
4 provided in the interim final
5 rules of the Administration
6 entitled ‘Business Loan Pro-
7 gram Temporary Changes;
8 Paycheck Protection Pro-
9 gram—Eligibility of Certain
10 Electric Cooperatives’ (85
11 Fed. Reg. 29847 (May 19,
12 2020)) and ‘Business Loan
13 Program Temporary
14 Changes; Paycheck Protec-
15 tion Program—Eligibility of
16 Certain Telephone Coopera-
17 tives’ (85 Fed. Reg. 35550
18 (June 11, 2020)) or any
19 other guidance or rule
20 issued or that may be issued
21 by the Administrator;

22 “(EE) is a type of busi-
23 ness concern described in
24 section 120.110(n) of title
25 13, Code of Federal Regula-

1 tions, or any successor regu-
2 lation, except as otherwise
3 provided in the interim final
4 rule of the Administration
5 entitled ‘Business Loan Pro-
6 gram Temporary Changes;
7 Paycheck Protection Pro-
8 gram—Additional Eligibility
9 Revisions to First Interim
10 Final Rule’ (85 Fed. Reg.
11 38301 (June 26, 2020)) or
12 any other guidance or rule
13 issued or that may be issued
14 by the Administrator;

15 “(FF) is a type of busi-
16 ness concern described in
17 section 120.110(o) of title
18 13, Code of Federal Regula-
19 tions, or any successor regu-
20 lation, except as otherwise
21 provided in any guidance or
22 rule issued or that may be
23 issued by the Administrator;

24 “(GG) is an entity that
25 is organized for research or

1 for engaging in advocacy in
2 areas such as public policy
3 or political strategy or other-
4 wise describes itself as a
5 think tank in any public
6 documents;

7 “(HH) is an entity that
8 would be described in the
9 subsections listed in
10 subitems (AA) through (GG)
11 if the entity were a business
12 concern; or

13 “(II) is assigned, or
14 was approved for a loan
15 under paragraph (36) with,
16 a North American Industry
17 Classification System code
18 beginning with 52;

19 “(cc) any business concern
20 or entity primarily engaged in
21 political or lobbying activities,
22 which shall include any entity
23 that is organized for research or
24 for engaging in advocacy in areas
25 such as public policy or political

1 strategy or otherwise describes
2 itself as a think tank in any pub-
3 lic documents; or

4 “(dd) any business concern
5 or entity—

6 “(AA) for which an en-
7 tity created in or organized
8 under the laws of the Peo-
9 ple’s Republic of China or
10 the Special Administrative
11 Region of Hong Kong, or
12 that has significant oper-
13 ations in the People’s Re-
14 public of China or the Spe-
15 cial Administrative Region
16 of Hong Kong, owns or
17 holds, directly or indirectly,
18 not less than 20 percent of
19 the economic interest of the
20 business concern or entity,
21 including as equity shares or
22 a capital or profit interest in
23 a limited liability company
24 or partnership; or

1 “(BB) that retains, as
2 a member of the board of di-
3 rectors of the business con-
4 cern, a person who is a resi-
5 dent of the People’s Repub-
6 lic of China; and

7 “(vii) the term ‘Tribal business con-
8 cern’ means a Tribal business concern de-
9 scribed in section 31(b)(2)(C).

10 “(B) LOANS.—Except as otherwise pro-
11 vided in this paragraph, the Administrator may
12 guarantee covered loans to eligible entities
13 under the same terms, conditions, and processes
14 as a loan made under paragraph (36).

15 “(C) MAXIMUM LOAN AMOUNT.—

16 “(i) IN GENERAL.—Except as other-
17 wise provided in this subparagraph, the
18 maximum amount of a covered loan made
19 to an eligible entity is the lesser of—

20 “(I) the product obtained by mul-
21 tiplying—

22 “(aa) the average total
23 monthly payment for payroll
24 costs incurred or paid by the eli-
25 gible entity during the 1-year pe-

1 riod before the date on which the
2 loan is made, by

3 “(bb) 2.5; or

4 “(II) \$2,000,000.

5 “(ii) SEASONAL EMPLOYERS.—The
6 maximum amount of a covered loan made
7 to an eligible entity that is a seasonal em-
8 ployer is the lesser of—

9 “(I) the product obtained by mul-
10 tiplying—

11 “(aa) at the election of the
12 eligible entity, the average total
13 monthly payments for payroll
14 costs incurred or paid by the eli-
15 gible entity—

16 “(AA) for a 12-week
17 period beginning February
18 15, 2019, or March 1, 2019,
19 and ending June 30, 2019;
20 or

21 “(BB) for a consecutive
22 12-week period between May
23 1, 2019, and September 15,
24 2019, by

25 “(bb) 2.5; or

1 “(II) \$1,000,000.

2 “(iii) NEW ENTITIES.—The maximum
3 amount of a covered loan made to an eligi-
4 ble entity that did not exist during the 1-
5 year period preceding February 15, 2020,
6 is the lesser of—

7 “(I) the product obtained by mul-
8 tiplying—

9 “(aa) the quotient obtained
10 by dividing—

11 “(AA) the sum of the
12 total monthly payments by
13 the eligible entity for payroll
14 costs paid or incurred by the
15 eligible entity as of the date
16 on which the eligible entity
17 applies for the covered loan,
18 by

19 “(BB) the number of
20 months in which those pay-
21 roll costs were paid or in-
22 curred, by

23 “(bb) 2.5; or

24 “(II) \$2,000,000.

1 “(iv) BUSINESS CONCERNS WITH
2 MORE THAN 1 PHYSICAL LOCATION.—

3 “(I) IN GENERAL.—Any eligible
4 entity that employs not more than
5 300 employees per physical location of
6 the eligible entity and that is assigned
7 a North American Industry Classifica-
8 tion System Code beginning with 72
9 at the time of disbursal shall be eligi-
10 ble to receive a covered loan.

11 “(II) LIMIT FOR MULTIPLE LO-
12 CATIONS.—With respect to an eligible
13 entity with more than 1 physical loca-
14 tion, the total amount of all covered
15 loans shall be not more than
16 \$2,000,000.

17 “(v) LOAN NUMBER LIMITATION.—An
18 eligible entity may only receive 1 covered
19 loan.

20 “(vi) 90-DAY RULE FOR MAXIMUM
21 LOAN AMOUNT.—The maximum aggregate
22 loan amount of loans guaranteed under
23 this subsection that are approved for an el-
24 igible entity (including any affiliates) with-
25 in 90 days of approval of another loan

1 under this subsection for the eligible entity
2 (including any affiliates) shall not exceed
3 \$10,000,000.

4 “(D) EXCEPTION FROM CERTAIN CERTIFI-
5 CATION REQUIREMENTS.—An eligible entity ap-
6 plying for a covered loan shall not be required
7 to make the certification described in subclause
8 (III) or (IV) of paragraph (36)(G)(i).

9 “(E) FEE WAIVER.—With respect to a cov-
10 ered loan—

11 “(i) in lieu of the fee otherwise appli-
12 cable under paragraph (23)(A), the Ad-
13 ministrator shall collect no fee; and

14 “(ii) in lieu of the fee otherwise appli-
15 cable under paragraph (18)(A), the Ad-
16 ministrator shall collect no fee.

17 “(F) ELIGIBLE CHURCHES AND RELIGIOUS
18 ORGANIZATIONS.—

19 “(i) SENSE OF CONGRESS.—It is the
20 sense of Congress that the interim final
21 rule of the Administration entitled ‘Busi-
22 ness Loan Program Temporary Changes;
23 Paycheck Protection Program’ (85 Fed.
24 Reg. 20817 (April 15, 2020)) properly
25 clarified the eligibility of churches and reli-

1 gious organizations for loans made under
2 paragraph (36).

3 “(ii) APPLICABILITY OF PROHIBI-
4 TION.—The prohibition on eligibility estab-
5 lished by section 120.110(k) of title 13,
6 Code of Federal Regulations, or any suc-
7 cessor regulation, shall not apply to a cov-
8 ered loan.

9 “(G) GROSS RECEIPTS FOR NONPROFIT
10 AND VETERANS ORGANIZATIONS.—For purposes
11 of calculating gross receipts under subpara-
12 graph (A)(vi)(I)(cc) for an entity that is a non-
13 profit organization or a veterans organization,
14 gross receipts—

15 “(i) shall include proceeds from fund-
16 raising events, federated campaigns, gifts,
17 donor-advised funds, and funds from simi-
18 lar sources; and

19 “(ii) shall not include—

20 “(I) Federal grants (excluding
21 any loan forgiveness on loans received
22 under paragraph (36) or this para-
23 graph);

24 “(II) revenues from a supporting
25 organization;

1 “(III) grants from private foun-
2 dations that are disbursed over the
3 course of more than 1 calendar year;
4 or

5 “(IV) any contribution of prop-
6 erty other than money, stocks, bonds,
7 and other securities, provided that the
8 non-cash contribution is not sold by
9 the organization in a transaction un-
10 related to the tax-exempt purpose of
11 the organization.

12 “(H) LOAN FORGIVENESS.—

13 “(i) IN GENERAL.—Except as pro-
14 vided otherwise provided in this subpara-
15 graph, an eligible entity shall be eligible for
16 forgiveness of indebtedness on a covered
17 loan in the same manner as an eligible re-
18 cipient with respect to a loan made under
19 paragraph (36), as described in section
20 1106 of the CARES Act (15 U.S.C. 9005).

21 “(ii) FORGIVENESS AMOUNT.—An eli-
22 gible entity shall be eligible for forgiveness
23 of indebtedness on a covered loan in an
24 amount equal to the sum of the following

1 costs incurred or expenditures made during
2 the covered period:

3 “(I) Payroll costs.

4 “(II) Any payment of interest on
5 any covered mortgage obligation
6 (which shall not include any prepay-
7 ment of or payment of principal on a
8 covered mortgage obligation).

9 “(III) Any covered operations ex-
10 penditure.

11 “(IV) Any covered property dam-
12 age cost.

13 “(V) Any payment on any cov-
14 ered rent obligation.

15 “(VI) Any covered utility pay-
16 ment.

17 “(VII) Any covered supplier cost.

18 “(VIII) Any covered worker pro-
19 tection expenditure.

20 “(iii) LIMITATION ON FORGIVENESS
21 FOR ALL ELIGIBLE ENTITIES.—The for-
22 giveness amount under this subparagraph
23 shall be equal to the lesser of—

24 “(I) the amount described in
25 clause (ii); and

1 “(II) the amount equal to the
2 quotient obtained by dividing—

3 “(aa) the amount of the cov-
4 ered loan used for payroll costs
5 during the covered period; and

6 “(bb) 0.60.

7 “(I) LENDER ELIGIBILITY.—Except as
8 otherwise provided in this paragraph, a lender
9 approved to make loans under paragraph (36)
10 may make covered loans under the same terms
11 and conditions as in paragraph (36).

12 “(J) REIMBURSEMENT FOR LOAN PROC-
13 ESSING AND SERVICING.—The Administrator
14 shall reimburse a lender authorized to make a
15 covered loan in an amount that is—

16 “(i) 3 percent of the principal amount
17 of the financing of the covered loan up to
18 \$350,000; and

19 “(ii) 1 percent of the principal
20 amount of the financing of the covered
21 loan above \$350,000, if applicable.

22 “(K) SET ASIDE FOR SMALL ENTITIES.—
23 Not less than \$25,000,000,000 of the total
24 amount of covered loans guaranteed by the Ad-
25 ministrator shall be made to eligible entities

1 with not more than 10 employees as of Feb-
2 ruary 15, 2020.

3 “(L) SET ASIDE FOR COMMUNITY FINAN-
4 CIAL INSTITUTIONS, SMALL INSURED DEPOSI-
5 TORY INSTITUTIONS, CREDIT UNIONS, AND
6 FARM CREDIT SYSTEM INSTITUTIONS.—Not less
7 than \$10,000,000,000 of the total amount of
8 covered loans guaranteed by the Administrator
9 shall be made by—

10 “(i) community financial institutions;

11 “(ii) insured depository institutions
12 with consolidated assets of less than
13 \$10,000,000,000;

14 “(iii) credit unions with consolidated
15 assets of less than \$10,000,000,000; and

16 “(iv) institutions of the Farm Credit
17 System chartered under the Farm Credit
18 Act of 1971 (12 U.S.C. 2001 et seq.) with
19 consolidated assets of less than
20 \$10,000,000,000 (not including the Fed-
21 eral Agricultural Mortgage Corporation).

22 “(M) PUBLICATION OF GUIDANCE.—Not
23 later than 10 days after the date of enactment
24 of this paragraph, the Administrator shall issue
25 guidance addressing barriers to accessing cap-

1 ital for minority, underserved, veteran, and
2 women-owned business concerns for the purpose
3 of ensuring equitable access to covered loans.

4 “(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

10 “(O) COMPLIANCE WITH OVERSIGHT REQUIREMENTS.—

12 “(i) IN GENERAL.—Except as provided in clause (ii), on and after the date of enactment of this paragraph, the Administrator shall comply with any data or information requests or inquiries made by the Comptroller General of the United States or the Inspector General of any agency not later than 30 days (or such later date as the Comptroller General or Inspector General, as applicable, may specify) after receiving the request or inquiry.

24 “(ii) EXCEPTION.—If the Administrator is unable to comply with a request

1 or inquiry described in clause (i) within the
2 30-day period or, if applicable, later period
3 described in that clause, the Administrator
4 shall, during that 30-day (or later) period,
5 submit to the Committee on Small Busi-
6 ness and Entrepreneurship of the Senate
7 and the Committee on Small Business of
8 the House of Representatives a notification
9 that includes a detailed justification for the
10 inability of the Administrator to comply
11 with the request or inquiry.

12 “(P) PROHIBITION ON USE OF PROCEEDS
13 FOR LOBBYING ACTIVITIES.—None of the pro-
14 ceeds of a covered loan may be used for lob-
15 bying activities, as defined in section 3 of the
16 Lobbying Disclosure Act of 1995 (2 U.S.C.
17 1602).”.

18 **SEC. 7. CONTINUED ACCESS TO THE PAYCHECK PROTEC-**
19 **TION PROGRAM.**

20 (a) IN GENERAL.—Section 7(a)(36)(E)(ii) of the
21 Small Business Act (15 U.S.C. 636(a)(36)(E)(ii)) is
22 amended by striking “\$10,000,000” and inserting
23 “\$2,000,000”.

24 (b) APPLICABILITY OF MAXIMUM LOAN AMOUNT
25 CALCULATION.—

1 (1) DEFINITIONS.—In this subsection, the
2 terms “covered loan” and “eligible recipient” have
3 the meanings given those terms in section 7(a)(36)
4 of the Small Business Act (15 U.S.C. 636(a)(36)).

5 (2) APPLICABILITY.—The amendment made by
6 subsection (a) shall apply only with respect to a cov-
7 ered loan applied for by an eligible recipient on or
8 after the date of enactment of this Act.

9 **SEC. 8. INCREASED ABILITY FOR PAYCHECK PROTECTION**
10 **PROGRAM BORROWERS TO REQUEST AN IN-**
11 **CREASE IN LOAN AMOUNT DUE TO UPDATED**
12 **REGULATIONS.**

13 (a) DEFINITIONS.—In this section, the terms “cov-
14 ered loan” and “eligible recipient” have the meanings
15 given those terms in section 7(a)(36) of the Small Busi-
16 ness Act (15 U.S.C. 636(a)(36)).

17 (b) INCREASED AMOUNT.—Notwithstanding the in-
18 terim final rule issued by the Administration entitled
19 “Business Loan Program Temporary Changes; Paycheck
20 Protection Program—Loan Increases” (85 Fed. Reg.
21 29842 (May 19, 2020)), an eligible recipient of a covered
22 loan that is eligible for an increased covered loan amount
23 as a result of any interim final rule that allows for covered
24 loan increases may submit a request for an increase in
25 the covered loan amount even if—

1 (1) the initial covered loan amount has been
2 fully disbursed; or

3 (2) the lender of the initial covered loan has
4 submitted to the Administration a Form 1502 report
5 related to the covered loan.

6 **SEC. 9. CALCULATION OF MAXIMUM LOAN AMOUNT FOR**
7 **FARMERS AND RANCHERS UNDER THE PAY-**
8 **CHECK PROTECTION PROGRAM.**

9 (a) IN GENERAL.—Section 7(a)(36) of the Small
10 Business Act (15 U.S.C. 636(a)(36)), as amended by sec-
11 tion 8 of this Act, is further amended—

12 (1) in subparagraph (E), in the matter pre-
13 ceding clause (i), by striking “During” and inserting
14 “Except as provided in subparagraph (T), during”;
15 and

16 (2) by adding at the end the following:

17 “(T) CALCULATION OF MAXIMUM LOAN
18 AMOUNT FOR FARMERS AND RANCHERS.—

19 “(i) DEFINITION.—In this subpara-
20 graph, the term ‘covered recipient’ means
21 an eligible recipient that—

22 “(I) operates as a sole propri-
23 etorship or as an independent con-
24 tractor, or is an eligible self-employed
25 individual;

1 “(II) reports farm income or ex-
2 penses on a Schedule F (or any equiv-
3 alent successor schedule); and

4 “(III) was in business during the
5 period beginning on February 15,
6 2019, and ending on June 30, 2019.

7 “(ii) NO EMPLOYEES.—With respect
8 to covered recipient without employees, the
9 maximum covered loan amount shall be the
10 lesser of—

11 “(I) the sum of—

12 “(aa) the product obtained
13 by multiplying—

14 “(AA) the gross income
15 of the covered recipient in
16 2019, as reported on a
17 Schedule F (or any equiva-
18 lent successor schedule),
19 that is not more than
20 \$100,000, divided by 12;
21 and

22 “(BB) 2.5; and

23 “(bb) the outstanding
24 amount of a loan under sub-
25 section (b)(2) that was made

1 during the period beginning on
2 January 31, 2020, and ending on
3 April 3, 2020, that the borrower
4 intends to refinance under the
5 covered loan, not including any
6 amount of any advance under the
7 loan that is not required to be re-
8 paid; or

9 “(II) \$2,000,000.

10 “(iii) WITH EMPLOYEES.—With re-
11 spect to a covered recipient with employ-
12 ees, the maximum covered loan amount
13 shall be calculated using the formula de-
14 scribed in subparagraph (E), except that
15 the gross income of the covered recipient
16 described in clause (ii)(I)(aa)(AA) of this
17 subparagraph, as divided by 12, shall be
18 added to the sum calculated under sub-
19 paragraph (E)(i)(I).

20 “(iv) RECALCULATION.—A lender that
21 made a covered loan to a covered recipient
22 before the date of enactment of this sub-
23 paragraph may, at the request of the cov-
24 ered recipient—

1 “(I) recalculate the maximum
2 loan amount applicable to that cov-
3 ered loan based on the formula de-
4 scribed in clause (ii) or (iii), as appli-
5 cable, if doing so would result in a
6 larger covered loan amount; and
7 “(II) provide the covered recipi-
8 ent with additional covered loan
9 amounts based on that recalcula-
10 tion.”.

11 **SEC. 10. FARM CREDIT SYSTEM INSTITUTIONS.**

12 (a) DEFINITION OF FARM CREDIT SYSTEM INSTITU-
13 TION.—In this section, the term “Farm Credit System in-
14 stitution”—

15 (1) means an institution of the Farm Credit
16 System chartered under the Farm Credit Act of
17 1971 (12 U.S.C. 2001 et seq.); and

18 (2) does not include the Federal Agricultural
19 Mortgage Corporation.

20 (b) FACILITATION OF PARTICIPATION IN PPP AND
21 SECOND DRAW LOANS.—

22 (1) APPLICABLE RULES.—Solely with respect to
23 loans under paragraphs (36) and (37) of section
24 7(a) of the Small Business Act (15 U.S.C. 636(a)),
25 Farm Credit Administration regulations and guid-

1 ance issued as of July 14, 2020, and compliance
2 with such regulations and guidance, shall be deemed
3 functionally equivalent to requirements referenced in
4 section 3(a)(iii)(II) of the interim final rule of the
5 Administration entitled “Business Loan Program
6 Temporary Changes; Paycheck Protection Program”
7 (85 Fed. Reg. 20811 (April 15, 2020)) or any simi-
8 lar requirement referenced in that interim final rule
9 in implementing such paragraph (37).

10 (2) APPLICABILITY OF CERTAIN LOAN RE-
11 QUIREMENTS.—For purposes of making loans under
12 paragraph (36) or (37) of section 7(a) of the Small
13 Business Act (15 U.S.C. 636(a)) or forgiving those
14 loans in accordance with section 1106 of the CARES
15 Act (15 U.S.C. 9005) and subparagraph (H) of such
16 paragraph (37), sections 4.13, 4.14, and 4.14A of
17 the Farm Credit Act of 1971 (12 U.S.C. 2199,
18 2202, 2202a) (including regulations issued under
19 those sections) shall not apply.

20 (3) RISK WEIGHT.—

21 (A) IN GENERAL.—With respect to the ap-
22 plication of Farm Credit Administration capital
23 requirements, a loan described in subparagraph

24 (B)—

1 (i) shall receive a risk weight of zero
2 percent; and

3 (ii) shall not be included in the cal-
4 culation of any applicable leverage ratio or
5 other applicable capital ratio or calculation.

6 (B) LOANS DESCRIBED.—A loan referred
7 to in subparagraph (A) is—

8 (i) a loan made by a Farm Credit
9 Bank described in section 1.2(a) of the
10 Farm Credit Act of 1971 (12 U.S.C.
11 2002(a)) to a Federal Land Bank Associa-
12 tion, a Production Credit Association, or
13 an agricultural credit association described
14 in that section to make loans under para-
15 graph (36) or (37) of section 7(a) of the
16 Small Business Act (15 U.S.C. 636(a)) or
17 forgive those loans in accordance with sec-
18 tion 1106 of the CARES Act (15 U.S.C.
19 9005) and subparagraph (H) of such para-
20 graph (37); or

21 (ii) a loan made by a Federal Land
22 Bank Association, a Production Credit As-
23 sociation, an agricultural credit associa-
24 tion, or the bank for cooperatives described
25 in section 1.2(a) of the Farm Credit Act of

1 1971 (12 U.S.C. 2002(a)) under para-
2 graph (36) or (37) of section 7(a) of the
3 Small Business Act (15 U.S.C. 636(a)).

4 (4) RESERVATION OF LOAN GUARANTEES.—
5 Section 7(a)(36)(S) of the Small Business Act (15
6 U.S.C. 636(a)(36)(S)) is amended—

7 (A) in clause (i)—

8 (i) in subclause (I), by striking “and”
9 at the end;

10 (ii) in subclause (II), by striking the
11 period at the end and inserting “; and”;
12 and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(III) institutions of the Farm
16 Credit System chartered under the
17 Farm Credit Act of 1971 (12 U.S.C.
18 2001 et seq.) with consolidated assets
19 of not less than \$10,000,000,000 and
20 less than \$50,000,000,000.”; and

21 (B) in clause (ii)—

22 (i) in subclause (II), by striking
23 “and” at the end;

1 (ii) in subclause (III), by striking the
2 period at the end and inserting “; and”;
3 and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(IV) institutions of the Farm
7 Credit System chartered under the
8 Farm Credit Act of 1971 (12 U.S.C.
9 2001 et seq.) with consolidated assets
10 of less than \$10,000,000,000.”.

11 **SEC. 11. DEFINITION OF SEASONAL EMPLOYER.**

12 (a) PPP LOANS.—Section 7(a)(36)(A) of the Small
13 Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

14 (1) in clause (xi), by striking “and” at the end;

15 (2) in clause (xii), by striking the period at the
16 end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(xiii) the term ‘seasonal employer’
19 means an eligible recipient that—

20 “(I) does not operate for more
21 than 7 months in any calendar year;

22 or

23 “(II) during the preceding cal-
24 endar year, had gross receipts for any
25 6 months of that year that were not

1 more than 33.33 percent of the gross
2 receipts of the employer for the other
3 6 months of that year.”.

4 (b) LOAN FORGIVENESS.—Paragraph (12) of section
5 1106(a) of the CARES Act (15 U.S.C. 9005(a)), as so
6 redesignated by section 1(b) of this Act, is amended to
7 read as follows:

8 “(12) the terms ‘payroll costs’ and ‘seasonal
9 employer’ have the meanings given those terms in
10 section 7(a)(36) of the Small Business Act (15
11 U.S.C. 636(a)(36)).”.

12 **SEC. 12. ELIGIBILITY OF CERTAIN NONPROFIT ORGANIZA-**
13 **TIONS UNDER THE PAYCHECK PROTECTION**
14 **PROGRAM.**

15 Section 7(a)(36)(D) of the Small Business Act (15
16 U.S.C. 636(a)(36)(D)) is amended—

17 (1) in clause (v), by inserting “or whether an
18 entity described in clause (vii) employs not more
19 than 300 employees,” after “clause (i)(I),”; and

20 (2) by adding at the end the following:

21 “(vii) ELIGIBILITY FOR CERTAIN
22 501(c)(6) ORGANIZATIONS.—

23 “(I) IN GENERAL.—Except as
24 provided in subclause (II), any organi-
25 zation that is described in section

1 501(c)(6) of the Internal Revenue
2 Code and that is exempt from tax-
3 ation under section 501(a) of such
4 Code (excluding professional football
5 leagues and organizations with the
6 purpose of promoting or participating
7 in a political campaign or other activ-
8 ity) shall be eligible to receive a cov-
9 ered loan if—

10 “(aa) the organization does
11 not receive more than 10 percent
12 of its receipts from lobbying ac-
13 tivities;

14 “(bb) the lobbying activities
15 of the organization do not com-
16 prise more than 10 percent of the
17 total activities of the organiza-
18 tion; and

19 “(cc) the organization em-
20 ploys not more than 300 employ-
21 ees.

22 “(II) DESTINATION MARKETING
23 ORGANIZATIONS.—Notwithstanding
24 subclause (I), during the covered pe-
25 riod, any destination marketing orga-

1 nization shall be eligible to receive a
2 covered loan if—

3 “(aa) the destination mar-
4 keting organization does not re-
5 ceive more than 10 percent of its
6 receipts from lobbying activities;

7 “(bb) the lobbying activities
8 of the destination marketing or-
9 ganization do not comprise more
10 than 10 percent of the total ac-
11 tivities of the organization;

12 “(cc) the destination mar-
13 keting organization employs not
14 more than 300 employees; and

15 “(dd) the destination mar-
16 keting organization—

17 “(AA) is described in
18 section 501(c) of the Inter-
19 nal Revenue Code and is ex-
20 empt from taxation under
21 section 501(a) of such Code;
22 or

23 “(BB) is a quasi-gov-
24 ernmental entity or is a po-
25 litical subdivision of a State

1 or local government, includ-
2 ing any instrumentality of
3 those entities.

4 “(viii) NONPROFITS SERVING CERTAIN
5 DISABLED INDIVIDUALS.—

6 “(I) SIZE STANDARD WAIVER.—
7 For the purposes of determining
8 whether a covered nonprofit organiza-
9 tion is eligible to receive a covered
10 loan, the Administrator may deem
11 such organization as employing not
12 more than the size standard in num-
13 ber of employees established by the
14 Administration for the industry in
15 which such organization operates or,
16 if no such size standard is applicable,
17 not more than 500 employees.

18 “(II) REVENUE NOT BASIS FOR
19 INELIGIBILITY.—A covered nonprofit
20 organization may not be determined
21 to be ineligible for a covered loan due
22 to the annual gross receipts of such
23 organization.

24 “(III) COVERED NONPROFIT OR-
25 GANIZATION DEFINED.—In this

1 clause, the term ‘covered nonprofit or-
2 ganization’ means a nonprofit organi-
3 zation that—

4 “(aa) that provides home
5 and community-based services (as
6 referred to in section 1915(c)(1)
7 of the Social Security Act (42
8 U.S.C. 1396n(c)(1))) to individ-
9 uals with developmental disabili-
10 ties (as defined in section 102(8)
11 of the Developmental Disabilities
12 Assistance and Bill of Rights Act
13 of 2000 (42 U.S.C. 15002(8)));
14 and

15 “(bb) whose annual gross
16 receipts do not exceed
17 \$30,000,000.”.

18 **SEC. 13. PROHIBITION ON USE OF LOAN PROCEEDS FOR**
19 **LOBBYING ACTIVITIES.**

20 Section 7(a)(36)(F) of the Small Business Act (15
21 U.S.C. 636(a)(36)(F)) is amended by adding at the end
22 the following:

23 “(vi) PROHIBITION.—None of the pro-
24 ceeds of a covered loan may be used for
25 lobbying activities, as defined in section 3

1 of the Lobbying Disclosure Act of 1995 (2
2 U.S.C. 1602).”.

3 **SEC. 14. EFFECTIVE DATE; APPLICABILITY.**

4 The amendments made to paragraph (36) of section
5 7(a) of the Small Business Act (15 U.S.C. 636(a)) and
6 title I of the CARES Act (Public Law 116–136) under
7 this Act, except for sections 7 and 17 of this Act, shall
8 be effective as if included in the CARES Act and shall
9 apply to any loan made pursuant to section 7(a)(36) of
10 the Small Business Act (15 U.S.C. 636(a)(36)).

11 **SEC. 15. BANKRUPTCY PROVISIONS.**

12 (a) IN GENERAL.—Section 364 of title 11, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(g)(1) The court, after notice and a hearing, may
16 authorize a debtor in possession or a trustee that is au-
17 thorized to operate the business of the debtor under sec-
18 tion 1183, 1184, 1203, 1204, or 1304 of this title to ob-
19 tain a loan under section 7(a)(36) of the Small Business
20 Act (15 U.S.C. 636(a)(36)), and such loan shall be treated
21 as a debt to the extent the loan is not forgiven under sec-
22 tion 1106 of the CARES Act (15 U.S.C. 9005) with pri-
23 ority equal to a claim of the kind specified in subsection
24 (c)(1) of this section.

1 “(2) The trustee may incur debt described in para-
2 graph (1) notwithstanding any provision in a contract,
3 prior order authorizing the trustee to incur debt under this
4 section, prior order authorizing the trustee to use cash col-
5 lateral under section 363, or applicable law that prohibits
6 the debtor from incurring additional debt.

7 “(3) The court shall hold a hearing within 7 days
8 after the filing and service of the motion to obtain a loan
9 described in paragraph (1).”.

10 (b) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—
11 Section 503(b) of title 11, United States Code, is amend-
12 ed—

13 (1) in paragraph (8)(B), by striking “and” at
14 the end;

15 (2) in paragraph (9), by striking the period at
16 the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(10) any debt incurred under section
19 364(g)(1) of this title.”.

20 (c) CONFIRMATION OF PLAN FOR REORGANIZA-
21 TION.—Section 1191 of title 11, United States Code, is
22 amended by adding at the end the following:

23 “(f) SPECIAL PROVISION RELATED TO COVID–19
24 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of
25 this title and subsection (e) of this section, a plan that

1 provides for payment of a claim of a kind specified in sec-
2 tion 503(b)(10) of this title may be confirmed under sub-
3 section (b) of this section if the plan proposes to make
4 payments on account of such claim when due under the
5 terms of the loan giving rise to such claim.”.

6 (d) CONFIRMATION OF PLAN FOR FAMILY FARMERS
7 AND FISHERMEN.—Section 1225 of title 11, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(d) Notwithstanding section 1222(a)(2) of this title
11 and subsection (b)(1) of this section, a plan that provides
12 for payment of a claim of a kind specified in section
13 503(b)(10) of this title may be confirmed if the plan pro-
14 poses to make payments on account of such claim when
15 due under the terms of the loan giving rise to such
16 claim.”.

17 (e) CONFIRMATION OF PLAN FOR INDIVIDUALS.—
18 Section 1325 of title 11, United States Code, is amended
19 by adding at the end the following:

20 “(d) Notwithstanding section 1322(a)(2) of this title
21 and subsection (b)(1) of this section, a plan that provides
22 for payment of a claim of a kind specified in section
23 503(b)(10) of this title may be confirmed if the plan pro-
24 poses to make payments on account of such claim when

1 due under the terms of the loan giving rise to such
2 claim.”.

3 (f) EFFECTIVE DATE; SUNSET.—

4 (1) EFFECTIVE DATE.—The amendments made
5 by subsections (a) through (e) shall—

6 (A) take effect on the date on which the
7 Administrator of the Small Business Adminis-
8 tration submits to the Director of the Executive
9 Office for United States Trustees a written de-
10 termination that, subject to satisfying any other
11 eligibility requirements, any debtor in posses-
12 sion or trustee that is authorized to operate the
13 business of the debtor under section 1183,
14 1184, 1203, 1204, or 1304 of title 11, United
15 States Code, would be eligible for a loan under
16 section 7(a)(36) of the Small Business Act (15
17 U.S.C. 636(a)(36)); and

18 (B) apply to any case pending on or com-
19 menced on or after the date described in sub-
20 paragraph (A).

21 (2) SUNSET.—

22 (A) IN GENERAL.—If the amendments
23 made by this section take effect under para-
24 graph (1), effective on the date that is 2 years
25 after the date of enactment of this Act—

1 (i) section 364 of title 11, United
2 States Code, is amended by striking sub-
3 section (g);

4 (ii) section 503(b) of title 11, United
5 States Code, is amended—

6 (I) in paragraph (8)(B), by add-
7 ing “and” at the end;

8 (II) in paragraph (9), by striking
9 “; and” at the end and inserting a pe-
10 riod; and

11 (III) by striking paragraph (10);

12 (iii) section 1191 of title 11, United
13 States Code, is amended by striking sub-
14 section (f);

15 (iv) section 1225 of title 11, United
16 States Code, is amended by striking sub-
17 section (d); and

18 (v) section 1325 of title 11, United
19 States Code, is amended by striking sub-
20 section (d).

21 (B) APPLICABILITY.—Notwithstanding the
22 amendments made by subparagraph (A) of this
23 paragraph, if the amendments made by sub-
24 sections (a), (b), (c), (d), and (e) take effect
25 under paragraph (1) of this subsection, such

1 amendments shall apply to any case under title
2 11, United States Code, commenced before the
3 date that is 2 years after the date of enactment
4 of this Act.

5 **SEC. 16. CONFLICTS OF INTEREST.**

6 (a) DEFINITIONS.—In this section:

7 (1) CONTROLLING INTEREST.—The term “con-
8 trolling interest” means owning, controlling, or hold-
9 ing not less than 20 percent, by vote or value, of the
10 outstanding amount of any class of equity interest in
11 an entity.

12 (2) COVERED ENTITY.—

13 (A) DEFINITION.—The term “covered enti-
14 ty” means an entity in which a covered indi-
15 vidual directly or indirectly holds a controlling
16 interest.

17 (B) TREATMENT OF SECURITIES.—For the
18 purpose of determining whether an entity is a
19 covered entity, the securities owned, controlled,
20 or held by 2 or more individuals who are related
21 as described in paragraph (3)(B) shall be ag-
22 gregated.

23 (3) COVERED INDIVIDUAL.—The term “covered
24 individual” means—

1 (A) the President, the Vice President, the
2 head of an Executive department, or a Member
3 of Congress; and

4 (B) the spouse, child, son-in-law, or daugh-
5 ter-in-law, as determined under applicable com-
6 mon law, of an individual described in subpara-
7 graph (A).

8 (4) EXECUTIVE DEPARTMENT.—The term “Ex-
9 ecutive department” has the meaning given the term
10 in section 101 of title 5, United States Code.

11 (5) MEMBER OF CONGRESS.—The term “Mem-
12 ber of Congress” means a Member of the Senate or
13 House of Representatives, a Delegate to the House
14 of Representatives, and the Resident Commissioner
15 from Puerto Rico.

16 (6) EQUITY INTEREST.—The term “equity in-
17 terest” means—

18 (A) a share in an entity, without regard to
19 whether the share is—

20 (i) transferable; or

21 (ii) classified as stock or anything
22 similar;

23 (B) a capital or profit interest in a limited
24 liability company or partnership; or

1 (C) a warrant or right, other than a right
2 to convert, to purchase, sell, or subscribe to a
3 share or interest described in subparagraph (A)
4 or (B), respectively.

5 (b) REQUIREMENT.—The principal executive officer
6 and the principal financial officer, or individuals per-
7 forming similar functions, of an entity seeking to enter
8 a transaction made under paragraph (36) or (37) of sec-
9 tion 7(a) of the Small Business Act (15 U.S.C. 636(a)),
10 as added and amended by this Act, shall, before that
11 transaction is approved, disclose to the Administrator
12 whether the entity is a covered entity.

13 (c) APPLICABILITY.—The requirement under sub-
14 section (b)—

15 (1) shall apply with respect to any transaction
16 made under paragraph (36) or (37) of section 7(a)
17 of the Small Business Act (15 U.S.C. 636(a)), as
18 added and amended by this Act, on or after the date
19 of enactment of this Act; and

20 (2) shall not apply with respect to—

21 (A) any transaction described in paragraph
22 (1) that was made before the date of enactment
23 of this Act; or

24 (B) forgiveness under section 1106 of the
25 CARES Act (15 U.S.C. 9005) or any other pro-

1 vision of law of any loan associated with any
2 transaction described in paragraph (1) that was
3 made before the date of enactment of this Act.

4 **SEC. 17. FUNDING.**

5 (a) COMMITMENT AUTHORITY.—Section 1102(b) of
6 the CARES Act (Public Law 116–136) is amended—

7 (1) in paragraph (1)—

8 (A) in the paragraph heading, by inserting
9 “AND SECOND DRAW” after “PPP”;

10 (B) by striking “August 8, 2020” and in-
11 serting “December 31, 2020”; and

12 (C) by striking “paragraph (36)” and in-
13 serting “paragraphs (36) and (37)”; and

14 (2) by amending paragraph (2) to read as fol-
15 lows:

16 “(2) OTHER 7(a) LOANS.—During fiscal year
17 2020, the amount authorized for commitments for
18 section 7(a) of the Small Business Act (15 U.S.C.
19 636(a)) under the heading ‘Small Business Adminis-
20 tration—Business Loans Program Account’ in the
21 Financial Services and General Government Appro-
22 priations Act, 2020 (division C of Public Law 116–
23 93) shall apply with respect to any commitments
24 under such section 7(a) other than under para-
25 graphs (36) and (37) of such section 7(a).”.

1 (b) AMENDMENT TO DIRECT APPROPRIATION.—Sec-
2 tion 1107(a)(1) of the CARES Act (15 U.S.C.
3 9006(a)(1)) is amended by striking “paragraph (36)” and
4 all that follows through the semicolon at the end and in-
5 serting “paragraph (36) of section 7(a) of the Small Busi-
6 ness Act (15 U.S.C. 636(a));”.

7 **SEC. 18. EMERGENCY RULEMAKING AUTHORITY.**

8 Not later than 30 days after the date of enactment
9 of this Act, the Administrator shall issue regulations to
10 carry out this Act and the amendments made by this Act
11 without regard to the notice requirements under section
12 553(b) of title 5, United States Code.

13 **SEC. 19. DEFINITIONS.**

14 In this Act:

15 (1) ADMINISTRATION; ADMINISTRATOR.—The
16 terms “Administration” and “Administrator” mean
17 the Small Business Administration and the Adminis-
18 trator thereof.

19 (2) SMALL BUSINESS CONCERN.—The term
20 “small business concern” has the meaning given the
21 term in section 3 of the Small Business Act (15
22 U.S.C. 632).

○