

AMENDMENT NO. _____ Calendar No. _____

Purpose: To make companies that support venues and events eligible for grants under the shuttered venue operators grant program.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

H. R. 3684

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. BLACKBURN to the amendment (No. 2137) proposed by Ms. SINEMA (for herself and Mr. PORTMAN)

Viz:

1 At the appropriate place in division I, insert the fol-
2 lowing:

3 **SEC. 90 ____ . ADDING SERVICE AND SUPPORT COMPANIES**
4 **TO THE SHUTTERED VENUE OPERATORS**
5 **GRANT PROGRAM.**

6 (a) IN GENERAL.—Section 324 of the Economic Aid
7 to Hard-Hit Small Businesses, Nonprofits, and Venues
8 Act (title III of division N of Public Law 116–260) is
9 amended—

10 (1) in subsection (a)—

- 1 (A) in paragraph (1)—
- 2 (i) in subparagraph (A)—
- 3 (I) in the matter preceding clause
- 4 (i), by inserting “a service and sup-
- 5 port company,” after “theatre oper-
- 6 ator,”;
- 7 (II) in clause (i)—
- 8 (aa) in the matter preceding
- 9 subclause (I), by inserting “the
- 10 service and support company,”
- 11 after “theatre operator,”; and
- 12 (bb) in subclause (I), by in-
- 13 serting “a service and support
- 14 company,” after “theatre oper-
- 15 ator,”;
- 16 (III) in clause (ii)—
- 17 (aa) in subclause (III), by
- 18 striking “and” at the end;
- 19 (bb) in subclause (IV), by
- 20 adding “and” at the end; and
- 21 (cc) by adding at the end
- 22 the following:
- 23 “(V) the service and support
- 24 company is or intends to resume the

1 services and activities described in
2 paragraph (11);” and

3 (IV) in clause (vi), by inserting
4 “the service and support company,”
5 after “theatre operator,” each place
6 that term appears; and

7 (ii) in subparagraph (B), by inserting
8 “service and support company,” after “the-
9 atre operator,” each place that term ap-
10 pears; and

11 (B) by adding at the end the following:

12 “(11) SERVICE AND SUPPORT COMPANY.—The
13 term ‘service and support company’—

14 “(A) means an individual or entity—

15 “(i) that is assigned a North Amer-
16 ican Industry Classification System code of
17 532490, 541410, 541420, 541430,
18 541490, 561920, 711190, or 711320, as
19 appears on the most recent income tax fil-
20 ing or on the application for a loan under
21 paragraph (36) or (37) of section 7(a) of
22 the Small Business Act (15 U.S.C. 636(a))
23 of the individual or entity, if applicable;
24 and

25 “(ii) that—

1 “(I)(aa) as a principal business
2 activity, provide stages, lighting,
3 sound, casts, or other support for live
4 performing arts events; and

5 “(bb) for which not less than 70
6 percent of the earned revenue gen-
7 erated through providing the support
8 described in item (aa) is for live per-
9 forming arts events organized, pro-
10 moted, produced, managed, or hosted
11 by an eligible person or entity de-
12 scribed in paragraph (1)(A)(iii); or

13 “(II)(aa) showcases performers
14 or pre-packaged productions to poten-
15 tial buyers; and

16 “(bb) for which not less than 70
17 percent of the earned revenue gen-
18 erated through showcasing performers
19 or pre-packaged productions described
20 in item (aa) is for live performing arts
21 events—

22 “(AA) organized, promoted,
23 produced, managed, or hosted by
24 an eligible person or entity de-

1 scribed in paragraph (1)(A)(iii);

2 or

3 “(BB) hosted in a hotel or

4 convention center facility;

5 “(B) includes an individual or entity de-

6 scribed in subparagraph (A) that—

7 “(i) operates for profit;

8 “(ii) is a nonprofit organization;

9 “(iii) is government-owned; or

10 “(iv) is a corporation, limited liability

11 company, or partnership or operated as a

12 sole proprietorship; and

13 “(C) does not include—

14 “(i) an individual or entity described

15 in subparagraph (A) that—

16 “(I) employs more than 250 full-

17 time employees; or

18 “(II) is registered or operates

19 outside of the United States; or

20 “(ii) an entity that is majority owned

21 or controlled by an entity that is an issuer,

22 the securities of which are listed on a na-

23 tional securities exchange under section 6

24 of the Securities Exchange Act of 1934

25 (15 U.S.C. 78f).”; and

1 support companies under this para-
2 graph, the Administrator shall only
3 award grants to those companies with
4 revenue, during the period beginning
5 on April 1, 2020 and ending on De-
6 cember 31, 2020, that is not more
7 than 30 percent of the revenue of the
8 company during the period beginning
9 on April 1, 2019 and ending on De-
10 cember 31, 2019, due to the COVID-
11 19 pandemic.”.

12 (b) TRANSFER OF AMOUNTS FROM CORONAVIRUS
13 STATE AND LOCAL FISCAL RECOVERY FUNDS TO SHUT-
14 TERED VENUE OPERATORS PROGRAM.—

15 (1) RESCISSION.—Of the unobligated balances
16 of amounts appropriated under sections 602(a)(1)
17 and 603(a) of the Social Security Act (as added by
18 section 9901 of the American Rescue Plan Act of
19 2021 (Public Law 117–2)) on the date of enactment
20 of this Act, \$4,000,000,000 is rescinded, provided
21 that amounts shall be rescinded from the unobli-
22 gated balance of amounts appropriated under such
23 section 602(a)(1) first, and amounts shall then be
24 rescinded from the unobligated balance of amounts
25 appropriated under such section 603(a) only if the

1 unobligated balance of amounts appropriated under
2 such section 602(a)(1) is less than \$4,000,000,000.

3 (2) APPROPRIATION.—There is appropriated
4 for an additional amount, out of amounts in the
5 Treasury not otherwise appropriated, for the fiscal
6 year ending September 30, 2021, an amount equal
7 to the amount rescinded under paragraph (1), to re-
8 main available until December 31, 2021, under the
9 heading “Small Business Administration—Shuttered
10 Venue Operators”, to make grants to service and
11 support companies under section 324 of the Eco-
12 nomic Aid to Hard Hit Small Businesses, Non-
13 profits, and Venues Act (title III of division N of
14 Public Law 116-260), as amended by subsection (a).

15 (c) PROCESSING PREVIOUSLY DENIED APPLICA-
16 TIONS.—If a service and support company, as defined in
17 paragraph (11) of section 324(a) of the Economic Aid to
18 Hard-Hit Small Businesses, Nonprofits, and Venues Act
19 (title III of division N of Public Law 116–260), as added
20 by subsection (a), was denied a grant under such section
21 before the date of enactment of this Act due to lack of
22 eligibility but, as a result of the amendments made by sub-
23 section (a), is eligible for a grant under such section, the
24 Administrator of the Small Business Administration shall

1 reconsider and process the application of the service and
2 support company.

3 (d) REGULATIONS.—Not later than 30 days after the
4 date of enactment of this Act, the Administrator of the
5 Small Business Administration shall issue regulations to
6 carry out this Act and the amendments made by this Act
7 without regard to the notice requirements under section
8 553(b) of title 5, United States Code.

9 (e) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the Administrator of the Small Business Ad-
11 ministration should—

12 (1) issue guidance to ensure that entities whose
13 principal business is to provide services and support
14 to the live events industry remain eligible for the
15 program established under section 324 of the Eco-
16 nomic Aid to Hard Hit Small Businesses, Non-
17 profits, and Venues Act (title III of division N of
18 Public Law 116–260); and

19 (2) distribute funds appropriated for that pro-
20 gram not later than 120 days after the date of en-
21 actment of this Act.