

116TH CONGRESS
2D SESSION

S. 4012

To establish a \$120,000,000,000 Restaurant Revitalization Fund to provide structured relief to food service or drinking establishments through December 31, 2020, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2020

Mr. WICKER (for himself, Ms. SINEMA, Mr. GRAHAM, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To establish a \$120,000,000,000 Restaurant Revitalization Fund to provide structured relief to food service or drinking establishments through December 31, 2020, 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. SHORT TITLE.**

4 This Act may be cited as the “Real Economic Sup-
5 port That Acknowledges Unique Restaurant Assistance
6 Needed To Survive Act of 2020” or the “RES-
7 TAURANTS Act of 2020”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AFFILIATED BUSINESS.**—The term “affili-
4 ated business” means a business in which an eligible
5 entity has an equity or right to profit distributions
6 of not less than 50 percent, or in which an eligible
7 entity has the contractual authority to control the
8 direction of the business, provided that such affili-
9 ation shall be determined as of any arrangements or
10 agreements in existence as of March 13, 2020.

11 (2) **COVERED PERIOD.**—The term “covered pe-
12 riod” means the period beginning on February 15,
13 2020, and ending on December 31, 2020.

14 (3) **ELIGIBLE ENTITY.**—The term “eligible enti-
15 ty”—

16 (A) means a restaurant, food stand, food
17 truck, food cart, caterer, saloon, inn, tavern,
18 bar, lounge, or other similar place of business
19 in which the public or patrons assemble for the
20 primary purpose of being served food or drink;

21 (B) includes an entity described in sub-
22 paragraph (A) that is located in an airport ter-
23 minal; and

24 (C) does not include an entity described in
25 subparagraph (A) that—

1 (i) is part of a State or local govern-
 2 ment facility; or

3 (ii) as of March 13, 2020, owns or op-
 4 erates (together with any affiliated busi-
 5 ness) more than 20 locations, regardless of
 6 whether those locations do business under
 7 the same or multiple names.

8 (4) FUND.—The term “Fund” means the Res-
 9 taurant Revitalization Fund established under sec-
 10 tion 3.

11 (5) PAYROLL COSTS.—The term “payroll costs”
 12 has the meaning given the term in section
 13 7(a)(36)(A) of the Small Business Act (15 U.S.C.
 14 636(a)(36)(A)).

15 (6) SECRETARY.—The term “Secretary” means
 16 the Secretary of the Treasury.

17 **SEC. 3. RESTAURANT REVITALIZATION FUND.**

18 (a) IN GENERAL.—There is established in the Treas-
 19 ury of the United States a fund to be known as the Res-
 20 taurant Revitalization Fund.

21 (b) APPROPRIATIONS.—

22 (1) IN GENERAL.—There is appropriated to the
 23 Fund, out of amounts in the Treasury not otherwise
 24 appropriated, \$120,000,000,000, to remain available
 25 until December 31, 2020.

1 (2) REMAINDER TO TREASURY.—Any amounts
 2 remaining in the Fund after December 31, 2020,
 3 shall be deposited in the general fund of the Treas-
 4 ury.

5 (c) USE OF FUNDS.—The Secretary shall use
 6 amounts in the Fund to make grants described in section
 7 4.

8 **SEC. 4. RESTAURANT REVITALIZATION GRANTS.**

9 (a) IN GENERAL.—The Secretary shall award grants
 10 to eligible entities in the order in which applications are
 11 received by the Secretary.

12 (b) REGISTRATION.—The Secretary shall register
 13 each grant awarded under this section using the employer
 14 identification number of the eligible entity.

15 (c) APPLICATION.—

16 (1) IN GENERAL.—An eligible entity desiring a
 17 grant under this section shall submit to the Sec-
 18 retary an application at such time, in such manner,
 19 and containing such information as the Secretary
 20 may require.

21 (2) CERTIFICATION.—An eligible entity apply-
 22 ing for a grant under this section shall make a good
 23 faith certification—

24 (A) that the uncertainty of current eco-
 25 nomic conditions makes necessary the grant re-

1 quest to support the ongoing operations of the
2 eligible entity;

3 (B) acknowledging that funds will be used
4 to retain workers and maintain payroll or for
5 other allowable expenses described in subsection
6 (e);

7 (C) that the eligible entity does not have
8 an application pending for a grant under sub-
9 section (a)(36) or (b)(2) of section 7 of the
10 Small Business Act (15 U.S.C. 636) for the
11 same purpose and duplicative of amounts ap-
12 plied for or received under this section; and

13 (D) that, during the covered period, the el-
14 igible entity has not received amounts under
15 subsection (a)(36) or (b)(2) of section 7 of the
16 Small Business Act (15 U.S.C. 636) for the
17 same purpose and duplicative of amounts ap-
18 plied for or received under this section.

19 (3) HOLD HARMLESS.—An eligible entity apply-
20 ing for a grant under this section shall not be ineli-
21 gible for a grant if the eligible entity is able to docu-
22 ment—

23 (A) an inability to rehire individuals who
24 were employees of the eligible entity on Feb-
25 ruary 15, 2020; and

1 (B) an inability to hire similarly qualified
2 employees for unfilled positions on or before
3 December 31, 2020.

4 (d) PRIORITY IN AWARDING GRANTS.—During the
5 initial 14-day period in which the Secretary awards grants
6 under this section, the Secretary shall—

7 (1) prioritize awarding grants to marginalized
8 and underrepresented communities, with a focus on
9 women, veteran, and minority-owned and operated
10 eligible entities; and

11 (2) only award grants to eligible entities with
12 annual revenues of less than \$1,500,000.

13 (e) GRANT AMOUNT.—

14 (1) AGGREGATE MAXIMUM AMOUNT.—The ag-
15 gregate amount of grants made to an eligible entity
16 and any affiliate businesses of the eligible entity
17 under this section shall not exceed \$10,000,000.

18 (2) DETERMINATION OF GRANT AMOUNT.—

19 (A) IN GENERAL.—The amount of a grant
20 made to an eligible entity under this section
21 shall be based on the difference in revenues or
22 estimated revenues of the eligible entity during
23 a calendar quarter in 2020 selected by the eligi-
24 ble entity as compared to 95 percent of the rev-

1 enues of the eligible entity in the same calendar
2 quarter in 2019.

3 (B) VERIFICATION.—An eligible entity
4 shall submit to the Secretary such revenue
5 verification documentation as the Secretary
6 may require to determine the amount of a grant
7 under subparagraph (A).

8 (C) REPAYMENT.—Any amount of a grant
9 made under this section to an eligible entity
10 based on estimated revenues in a calendar quar-
11 ter in 2020 that is above the actual revenues of
12 the eligible entity during that calendar quarter
13 shall be converted to a loan that has—

14 (i) an interest rate of 1 percent; and

15 (ii) a maturity date of 10 years begin-
16 ning on January 1, 2021.

17 (3) NO DUPLICATION OF BENEFITS.—An eligi-
18 ble entity that received a loan under section 7(a)(36)
19 of the Small Business Act (15 U.S.C. 636(a)(36))
20 may not apply for or use grant amounts under this
21 section for the same expenses for which the eligible
22 entity received the loan.

23 (4) LIMITATION.—An eligible entity may not re-
24 ceive more than 1 grant under this section.

25 (f) USE OF FUNDS.—

1 (1) IN GENERAL.—During the covered period,
2 an eligible entity that receives a grant under this
3 section may use the grant funds for the following ex-
4 penses incurred as a direct result of the COVID–19
5 pandemic:

6 (A) Payroll costs.

7 (B) Payments of principal or interest on
8 any mortgage obligation.

9 (C) Rent payments, including rent under a
10 lease agreement.

11 (D) Utilities.

12 (E) Maintenance expenses, including—

13 (i) construction to accommodate out-
14 door seating; and

15 (ii) walls, floors, deck surfaces, fur-
16 niture, fixtures, and equipment.

17 (F) Supplies, including protective equip-
18 ment and cleaning materials, as required by ap-
19 plicable public health departments.

20 (G) Food and beverage expenses that are
21 within the scope of the normal business practice
22 of the eligible entity before the covered period.

23 (H) Debt obligations to suppliers that were
24 incurred before the covered period.

1 (I) Any other expenses that the Secretary
 2 determines to be essential to maintaining the el-
 3 igible entity.

4 (2) RETURNING FUNDS.—If an eligible entity
 5 that receives a grant under this section permanently
 6 ceases operations on or before December 31, 2020,
 7 the eligible entity shall return to the Treasury any
 8 funds that the eligible entity did not use for the al-
 9 lowable expenses under paragraph (1).

10 (3) CONVERSION TO LOAN.—Any grant
 11 amounts received by an eligible entity under this sec-
 12 tion that are unused after December 31, 2020, shall
 13 be immediately converted to a loan with—

14 (A) an interest rate of 1 percent; and

15 (B) a maturity date of 10 years.

16 (g) TAXABILITY.—For purposes of the Internal Rev-
 17 enue Code of 1986—

18 (1) the amount of a grant awarded to an eligi-
 19 ble entity under this section shall be excluded from
 20 the gross income of the eligible entity;

21 (2) no deduction shall be denied or reduced, no
 22 tax attribute shall be reduced, and no basis increase
 23 shall be denied, by reason of the exclusion from
 24 gross income provided by subsection; and

1 (3) an eligible entity that receives a grant under
2 this section shall not be eligible for the credit de-
3 scribed in section 2301 of the CARES Act (Public
4 Law 116–136).

5 (h) REGULATIONS.—Not later than 15 days after the
6 date of enactment of this Act, the Secretary shall issue
7 regulations to carry out this section without regard to the
8 notice and comment requirements under section 553 of
9 title 5, United States Code.

10 (i) APPROPRIATIONS FOR STAFFING AND ADMINIS-
11 TRATIVE EXPENSES.—

12 (1) IN GENERAL.—There is appropriated to the
13 Secretary, out of amounts in the Treasury not other-
14 wise appropriated, \$200,000,000, to remain avail-
15 able until December 31, 2020, for staffing and ad-
16 ministrative expenses related to administering grants
17 awarded under this section.

18 (2) SET ASIDE.—Of amounts appropriated
19 under paragraph (1), \$60,000,000 shall be allocated
20 for outreach to traditionally marginalized and under-
21 represented communities, with a focus on women,
22 veteran, and minority-owned and operated eligible
23 entities, including the creation of a resource center
24 targeted toward these communities.

1 **SEC. 5. EMERGENCY DESIGNATION.**

2 (a) IN GENERAL.—The amounts provided by this Act
3 are designated as an emergency requirement pursuant to
4 section 4(g) of the Statutory Pay-As-You-Go Act of 2010
5 (2 U.S.C. 933(g)).

6 (b) DESIGNATION IN SENATE.—In the Senate, this
7 Act is designated as an emergency requirement pursuant
8 to section 4112(a) of H. Con. Res. 71 (115th Congress),
9 the concurrent resolution on the budget for fiscal year
10 2018.

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