



Grant Routing Sheet

COMPLETED GRANT OVERVIEW PROPOSAL MUST BE ATTACHED BEFORE ROUTING IS INITIATED

Date Routing Initiated: _____ Application Due Date: _____

Originating Department: _____ Department No.: _____

Submitter's Name: _____ Direct Telephone No. (_____) _____

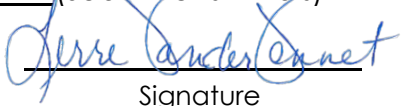
E-mail Address: _____

Grant Title: _____

Other Participating Departments: _____

BEFORE COMPLETING AN APPLICATION:

- 1. READ THE GENERAL INSTRUCTIONS. _____ (Submitter's Initials)
- 2. COMPLETE GRANT PROPOSAL OVERVIEW. _____ (Submitter's Initials)
- 3. DEPARTMENT HEAD ORIGINATING DEPT. _____

	Print Name	Signature		Date
	Brian DeProffio			7/27/21
	Print Name	Signature		Date
- 4. ASSISTANT CITY MANAGER _____

	Print Name	Signature		Date
	Brian DeProffio	Email Approval		7/27/21
	Print Name	Signature		Date

BEFORE SUBMITTING AN APPLICATION TO THE AWARDING AGENCY:

- 5. PREPARE INITIAL DOCUMENTATION PACKAGE FOR REVIEW TO INCLUDE (EITHER HARD COPY OR ELECTRONIC): ALL DOCUMENTS RELATED TO THE GRANT, INCLUDING, BUT NOT LIMITED TO INSTRUCTIONS, ATTACHMENTS, EXHIBITS, GRANT DOCUMENTS, PRIMARY GRANT (IF SUBAWARDEE). _____ (Submitter's Initials)
- 6. COMPLETE APPLICATION **EXCEPT** NECESSARY SIGNATURES. _____ (Submitter's Initials)
- 7. CITY ATTORNEY _____

	Print Name	Signature		Date
	Ben Naidorf	Email Approval		7/28/21
	Print Name	Signature		Date
- 8. BUDGET DIVISION _____

	Print Name	Signature		Date
	Lori Green	Email Approval		7/28/21
	Print Name	Signature		Date
- 9. HUMAN RESOURCES _____

	Print Name	Signature		Date
	Nicole Clark	Email Approval		7/30/21
	Print Name	Signature		Date

10. FINANCE DEPARTMENT	Karl Daughtrey _____ Print Name	_____ Signature	<u>7/30/21</u> Date
11. RISK MANAGEMENT	_____ Print Name	<i>Patricia Parker</i> _____ Signature	_____ Date

AFTER GRANT IS AWARDED:

- ✓ After the grant award has been received, and if there are no changes to the application or condition(s), the grant may now be placed in Granicus for City Council action.
- ✓ Reference "Quick Tips for Submitting Grants - City Council Agenda"



If there are **ANY** changes to **ANY** component of the grant, consult with your department's City Attorney for advice on whether to re-route the grant for second approval or continue with the placement of the grant on the Council agenda.

PURPOSE: This form is used to notify grant recipients of award reporting and record keeping requirements. Grantees are required to review and sign the form and return to SBA at the address: SBDC- SBA/OSBDC, 409 Third Street, SW 6th Floor, Washington, DC 20416 All other SBA/OGM, 409 Third Street, 5th Floor, Washington, DC 20416

OMB Approval No.: 3245-0140
Expiration Date 5/31/2015



U.S. Small Business Administration **NOTICE OF AWARD**

1. AUTHORIZATION (Legislation/Regulation) Section 324 of division N of the Consolidated Appropriations Act, 2021 (Pub. L. 116-260)		2. Grant/Cooperative Agreement No.: SBAHQ21SV005000	
3. RECIPIENT: (Name, Organizational Unit, Address) City of Hampton, Virginia 546001336 066019902-0000 22 Lincoln Street Hampton VA 23669 United States		4. PROJECT PERIOD (Mo./Day/Yr.) From 07/14/2021 Through 12/31/2021	
8. TITLE OF PROJECT/PROGRAM (limit to 53 spaces) Shuttered Venue Operators Grant		5. BUDGET PERIOD (Mo./Day/Yr.) From 07/14/2021 Through 07/13/2022	
10. DIRECTOR OF PROJECT (Program or Center Director, Coordinator or Principal Investigator) NAME Vander Venne Terri Last First Initial ADDRESS: 22 Lincoln Street Hampton VA 23669 United States		6. FEDERAL CATALOG NO. 59.075	
12. Approved Budget (Excludes SBA Direct Assistance) <input checked="" type="checkbox"/> SBA Funds Only <input type="checkbox"/> Total project costs including all other financial participation.		7. ADMINISTRATIVE CODES	
13. REMARKS (Other Terms & Conditions Attached) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		9. AWARD AMOUNT Amount of SBA Financial Assistance \$4,944,206.70	

11. RECOMMENDED FUTURE SUPPORT (Subject to the availability of funds and satisfactory progress of the project)			
BUDGET YEAR	TOTAL DIRECT COST	BUDGET YEAR	TOTAL DIRECT COST
a. N/A	N/A	b. N/A	N/A

	Federal Share	Non-Federal Share	Non-Federal In-Kind	Non-Federal Program Inc.
a. Personal Service.....	\$2,407,592.00			
b. Fringe Benefits.....	\$1,140,000.00			
c. Consultants.....	N/A			
d. Travel.....	\$0.00			
e. Equipment.....	\$50,000.00			
f. Supplies.....	\$410,000.00			
g. Contractual.....	\$198,000.00			
h. Other.....	\$2,034,617.00			
i. TOTAL DIRECT COSTS.....	\$6,240,209.00			
j. Indirect cost..... (Rate).	N/A	N/A	N/A	N/A
k. OTHER APPL. COSTS.....	N/A	N/A	N/A	N/A
l. TOTAL APPROVED BUDGET	\$4,944,206.70			

- 14. THIS AWARD IS SUBJECT TO THE FOLLOWING COST PRINCIPLES AND OMB UNIFORM ADMINISTRATIVE REQUIREMENTS:**
- 2 CFR Chapter 1, Chapter II, Part 200, et al, uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
 - Part 180 - OMB Guidelines to Agencies on government debarment and suspension (Non Procurement)

*Must meet all matching or cost participation requirements subject to adjustment in accordance with SBA policy

15. THIS AWARD IS SUBJECT TO THE TERMS AND CONDITIONS ON THE REVERSE SIDE

16. CRS - EIN 546001336-DA-000010510		17. COUNTY NAME		18. CONGRESSIONAL DISTRICT NO.	
19a. CITY CODE Hampton	b. COUNTY CODE	c. STATE CODE VA	d. PROGRAM CODE SVOG		
BUDGET CODE	DOCUMENT NO.	AMT. ACTION FIN. ASST.	TYPE OF ORGANIZATION		
20a. X0700DB90050060500	b. 1	c. \$4,944,206.70	d. Majority Government Owned		
21. AGENCY OFFICIAL (Signature, Name and Title) 23. RECIPIENT OFFICIAL (Signature, Name and Title) Steven D. Bond, Assist. City Manager			22. DATE ISSUED (Mo./Day/Yr.) 07/14/2021		
			24. DATE (Mo./Day/Yr.) 7/19/21		

Disbursement
D-08611

+ Follow

Funding Request	Amount
City of Hampton, Virginia - SV...	\$4,944,206.70

External Status	Amount
Pending	\$4,944,206.70

Response Date	Scheduled Date
	7/20/2021

Disbursement Method
EFT

System Information

Funding Request	Disbursement
City of Hampton, Virginia - SVOG (/s/funding_request/a1rt000000249BsAAI/city-of-hampton-virginia-svog)	D-08611

**SECURITIES AND EXCHANGE
COMMISSION**

[SEC File No. 270–428, OMB Control No. 3235–0478]

**Proposed Collection; Comment
Request**

Upon Written Request, Copies Available
From: Securities and Exchange
Commission, Office of FOIA Services,
100 F Street NE, Washington, DC
20549–2736

Extension:
Rule 11a1–1(T)

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the existing collection of information provided for in Rule 11a1–1(T) (17 CFR 240.11a1–1(T)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (“Exchange Act”). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

On January 27, 1976, the Commission adopted Rule 11a1–1(T)—Transactions Yielding Priority, Parity, and Precedence (17 CFR 240.11a1–1(T)) under the Exchange Act (15 U.S.C. 78a *et seq.*) to exempt certain transactions of exchange members for their own accounts that would otherwise be prohibited under Section 11(a) of the Exchange Act. The Rule provides that a member’s proprietary order may be executed on the exchange of which the trader is a member, if, among other things: (1) The member discloses that a bid or offer for its account is for its account to any member with whom such bid or offer is placed or to whom it is communicated; (2) any such member through whom that bid or offer is communicated discloses to others participating in effecting the order that it is for the account of a member; and (3) immediately before executing the order, a member (other than a specialist in such security) presenting any order for the account of a member on the exchange clearly announces or otherwise indicates to the specialist and to other members then present that he is presenting an order for the account of a member.

Without these requirements, it would not be possible for the Commission to monitor its mandate under the Exchange Act to promote fair and orderly markets and ensure that exchange members have, as the principle purpose of their exchange memberships, the conduct of a public securities business.

There are approximately 538 respondents that require an aggregate total of approximately 15 hours per year to comply with this Rule. Each of these approximately 538 respondents makes an estimated 20 annual responses, for an aggregate of 10,760 responses per year. Each response takes approximately 5 seconds to complete. Thus, the total compliance burden per year is approximately 15 hours (10,760 × 5 seconds/60 seconds per minute/60 minutes per hour = 15 hours). The approximate internal cost of compliance per hour is approximately \$355, resulting in a total internal cost of compliance of approximately \$5,325 per year (15 hours @ \$355).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission’s estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: March 22, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021–06241 Filed 3–25–21; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

**Applications for New Awards;
Shuttered Venue Operators Grants
(SVOG)**

AGENCY: U.S. Small Business Administration.

ACTION: Notice of funding opportunity.

SUMMARY: The U.S. Small Business Administration (SBA) issues a notice

inviting applications for new awards for fiscal year (FY) 2021 for SVOG, Catalog of Federal Domestic Assistance (CFDA) number 59.075. This notice relates to the approved information collection under OMB control number 4040–0004.

DATES:

Applications Available: April 8, 2021.
Deadline for Transmittal of

Applications: The SBA will receive and process applications on a rolling basis, and submission will remain available until funds become exhausted.

Pre-application webinar information: The SBA held a pre-application meeting, via webinar, for prospective applicants on January 14, 2021, Eastern time. The webinar is available for viewing at <https://www.youtube.com/watch?v=PdfQGb6z-gg>.

The SBA will hold a second webinar on March 30, 2021 and will make information available on the webinar at www.sba.gov/svogrant.

ADDRESSES: The SBA will only accept applications submitted electronically through the SBA’s website via the following link: www.sba.gov/svogrant.

FOR FURTHER INFORMATION CONTACT: Barbara E. Carson, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416. Telephone: (800) 659–2955. Email: SVOGrant@sba.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

*Purpose of Program*¹: The Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act signed into law on December 27, 2020 included \$15 billion in grants to operators of shuttered venues, which the SBA’s Office of Disaster Assistance will administer. On March 11, 2021, the American Rescue Plan Act of 2021 (Pub. L. 117–2, title V, sec. 5005) was enacted; it provides an additional \$1,249,500,000 in grants for these entities. Of this total grant funding, at least \$2 billion is reserved for applicants with up to 50 *full-time employees*. Grants of up to \$10 million will be disbursed to eligible entities in accordance with requirements set forth in 2 CFR part 200, as applicable. This guidance explains the rules associated with the use of federal grant funds.

¹ The terms in the text of this notice that are in italics are defined in the Definitions section.

Background: Under the SVOG Program, an eligible entity that was in operation on January 1, 2019 may qualify for grants equal to the lesser of an amount equal to 45% of its gross earned revenue or \$10 million. Eligible entities that began operations after January 1, 2019, may qualify for grants equal to the lesser of the average monthly gross revenue for each full month the entity was in operation during 2019 multiplied by 6 OR \$10 million. The maximum award amount is \$10 million. No less than \$2 billion of the total program is reserved for small employers who meet the eligibility requirements and have not more than 50 full-time employees.

The SBA will receive and process awards on a rolling basis to ensure that those entities hardest hit by the COVID-19 pandemic are granted an opportunity to access this much-needed assistance.

Priorities

First Priority: Applicants who lost 90% or more of their revenue between April 2020 and December 2020, due to the COVID-19 pandemic.

Second Priority: Entities that lost 70% or more of their revenue between April 2020 and December 2020, due to the COVID-19 pandemic.

Third Priority: Entities that suffered a 25% or greater revenue loss between any one quarter of 2019 and the corresponding quarter of 2020.

Definitions

Cover Charges means charges to encompass front door entrance fees, food or beverage minimums, or other similar charges required to gain admission to a venue, whether collected via ticket sales, addition to a tab, or direct payment.

Covered Mortgage Obligation means a debt obligation that is an obligation of the borrower, including a related mortgage on real or personal property, and that was entered into before February 15, 2020.

Covered Rent Obligation means rent obligated under a leasing agreement in force before February 15, 2020.

Covered Utility Obligation means electricity, gas, water, transportation, telephone, or internet access expenses for which service began before February 15, 2020.

Covered Worker Protection

Expenditures means an operating or a capital expenditure to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and

Health Administration, or any equivalent requirements established or guidance issued by a state or local government, during the period beginning on March 1, 2020 and ending on December 31, 2021.

Eligible Person or Entity is a: *Live venue operator* or promoter, theatrical producer, or live performing arts organization operator, a relevant museum operator, a *motion picture theatre operator*, or a talent representative that meets the relevant facility and category requirements related to its entity type in addition to the following eligibility requirements:

1. The *eligible entity* was fully operational (including in a pre-opening, start-up capacity) as an eligible entity on February 29, 2020, and

2. The *eligible entity* had gross earned revenue during the first, second, third, or fourth quarter in 2020 that demonstrates not less than a 25% reduction from the gross earned revenue of the eligible entity during the same quarter in 2019. Firms not in operation in 2019 may qualify for an SVOG if their gross earned revenues for the second, third, or fourth quarter of 2020 demonstrate a reduction of not less than 25% from their gross earned revenue for the first quarter of 2020.

3. As of the date of the grant under this section—

a. the *live venue operator or promoter, theatrical producer, or live performing arts organization operator* is or intends to resume organizing, promoting, producing, managing, or hosting future live concerts, comedy shows, theatrical productions, or other performing arts events;

b. the *motion picture theatre operator* is open or intends to reopen for the primary purpose of public exhibition of motion pictures;

c. the *relevant museum operator* is open or intends to reopen; or

d. the talent representative is representing or managing artists and entertainers.

4. The venues at which the *live venue operators or promoters, theatrical producers, or live performing arts organization operators* stage events, or at which the artists and entertainers represented or managed by the talent representative perform, have the following characteristics:

a. A defined performance and audience space, and

b. Mixing equipment, a public address system, and a lighting rig.

c. Engage 1 or more individuals to carry out at least 2 of the following roles:

(1) A sound engineer;

(2) A booker;

(3) A promoter;

(4) A stage manager;

(5) Security personnel; or

(6) A box office manager.

d. Most performances and artists are paid fairly and do not play for free or solely for tips, except for fundraisers or similar charitable events.

e. For a venue owned or operated by a nonprofit entity that produces free events, the events are produced and managed primarily by paid employees, not by volunteers.

f. Performances are marketed through listings in printed or electronic publications, on websites, by mass email, or on social media.

5. A motion picture theater or theaters operated by the *motion picture theatre operator* have the following characteristics:

a. At least 1 auditorium that includes a motion picture screen and fixed audience seating.

b. A projection booth or space containing not less than 1 motion picture projector.

c. A paid ticket charge to attend exhibition of motion pictures.

d. Motion picture exhibitions are marketed through showtime listings in printed or electronic publications, on websites, by mass mail, or on social media.

6. The *relevant museum (s)* for which the relevant museum operator is seeking a grant under this section have the following characteristics:

a. Serves as a *relevant museum* as its *principal business activity*.

b. Uses indoor exhibition spaces that are a component of the *principal business activity* and which have been subjected to pandemic-related occupancy restrictions.

c. Uses at least 1 auditorium, theater, or performance or lecture hall with fixed audience seating and *regular programming*.

Fixed Seating means seating that is permanently fixed to the floor or ground, or which is so heavy or cumbersome as to make removing it impractical. Where *fixed seating* is required for an auditorium or similar space, a majority of the seating provided in that space must meet the definition of *fixed seating*.

Full-time employee means—

1. any employee working not fewer than 30 hours per week shall be considered a *full-time employee*; and

2. any employee working not fewer than 10 hours and fewer than 30 hours per week shall be counted as one-half of a *full-time employee*.

Live Venue Operator or Promoter, Theatrical Producer or Live Performing Arts Organization Operator

1. means—

a. an individual or entity—

(1) that, as a *principal business activity*, organizes, promotes, produces, manages, or hosts live concerts, comedy shows, theatrical productions, or other events by performing artists for which—

(a) a *cover charge* through ticketing or front door entrance fee is applied; and

(b) performers are paid in an amount that is based on a percentage of sales, a guarantee (in writing or standard contract), or another mutually-beneficial formal agreement, and (2) for which not less than 70% of the earned revenue of the individual or entity is generated through, to the extent related to a live event cover described in subclause a(1) of this section, *cover charges* or ticket sales, production fees or production reimbursements, nonprofit educational initiatives, or the sale of event beverages, food, or merchandise; or

b. an individual or entity that, as a principal business activity, makes available for purchase by the public an average of not less than 60 days before the date of the event tickets to events—

(1) described in subclause a(1) of this section; and

(2) for which performers are paid in an amount that is based on a percentage of sales, a guarantee (in writing or standard contract), or another mutually beneficial formal agreement; and

2. includes an individual or entity described in subparagraph 1 of this section that—

a. operates for profit;

b. is a nonprofit organization;

c. is government-owned; or

d. is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

Majority Owned or Controlled means that at least 51% of the ownership interests in an entity (regardless of its legal structure) are held by a single individual or entity.

Motion Picture Theatre Operator means an individual or entity that—

1. as the *principal business activity* of the individual or entity, owns or operates at least 1 place of public accommodation for the purpose of motion picture exhibition for a fee; and

2. includes an individual or entity described in subparagraph 1 that—

a. operates for profit;

b. is a nonprofit organization;

c. is government-owned; or

d. is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

Principal Business Activity is determined using a firm's primary industry under the SBA size regulations (13 CFR 121.107) to define "principal business activity." To determine a given firm's principal business activity, the

SBA will consider the distribution of an entity's receipts, employees and costs of doing business among the different lines of business activity in which its business operations occurred for the most recently completed fiscal year. The SBA may also consider other factors, such as the distribution of patents, contract awards, and assets, as appropriate.

Regular Programming means programming provided on an ongoing and near-continuous basis of an average of at least four times a month.

Relevant Museum means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis. Such term includes museums that have tangible and digital collections and includes aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.

Application Requirements

Applications for SVOG funds must address the following application requirements and the application must include the following supporting documentation—

1. *Certification of Need and Assurance*—All entities shall include an assurance that the entity was fully operational on February 29, 2020 and that the funds will only be used for the allowable purposes established by law. This statement is required by statute and must include the following:

a. If the entity is currently in operation, the entity will remain in operation after receipt of the funds; or

b. If the entity is currently shuttered, the statement shall include the intent to reopen with an estimated date of reopening.

2. 2019 Federal Tax Returns;

3. 2020 Federal Tax Returns—Entities are required to submit 2020 Federal tax returns with their applications. If an entity has not filed 2020 Federal tax returns at the time of application, and if the entity is awarded an SVOG and the due date for the entity's 2020 tax returns has passed, the entity must submit 2020 Federal tax returns after the first disbursement. If an entity's 2020 tax returns are not yet due, the entity must provide 2018 and 2019 taxes at the

time of application and 2020 taxes as soon as practicable after filing 2020 taxes.

4. Employee List with Job Titles and Employee Status (Full or Part time);

5. Quarterly Profit and Loss Statements for 2019 and 2020;

6. Articles of Incorporation, Bylaws and DBA Certificate (if applicable);

7. Income Statements for 2019 and 2020;

8. Copy of most recent Audited Financial Statement (2019) or Single Audit (if applicable) or link to website where the report can be located;

9. Tax Exempt Status Letter (applicable only for Non-profit entities);

10. Listing of all Individuals Represented and Venues for which they have contracted to perform (applicable only for Talent Representatives);

11. Examples of Contractual/ Consultant Agreements with talent represented, and venues used and evidence of booking (This applies only for Talent Representatives);

12. State or Local COVID Occupancy Restrictions (applicable only for Museum Operators);

13. Floor Plan (and plan of grounds if outdoor space is used for the performance venue). The floor plan must demonstrate the location of the defined performance space. Applicants must provide the floor plan that is used for insurance purposes or local fire inspections. In the case of *motion picture theatre operators*, the floor plan must also identify the projection booth. (This applies only to *Live Venue Operator* or Promoter, Theatrical Producer, or Live Performing Arts Organization Operator (Excluding Freelancers); *Motion Picture Theatre Operators*; *Relevant Museums*);

14. Evidence of Marketing (applicable only for *Live Venue Operator* or Promoter, Theatrical Producer, or Live Performing Arts Organization Operator (Excluding Freelancers); *Motion Picture Theatre Operators*; *Relevant Museums*) Entities that remain open must provide their most recent marketing materials. Those entities that closed due to the COVID-19 pandemic must provide the most recent marketing materials used prior to closing.

15. Indirect Cost Rate Agreement from Cognizant Agency (if applicable). If the entity does not have a current negotiated indirect cost rate in place, the entity may negotiate a proposed indirect cost rate. If the entity has never had a negotiated cost rate agreement, the 10% de minimis rate may be utilized, in accordance with the procedures set forth in 2 CFR 200.414. If the entity has an indirect cost rate agreement from a cognizant agency, a copy of that

agreement must be included in the application.

Assurances: All applicants must submit assurances through the application process. The assurances include the Standard 424 (b), SBA Form 1711—Certification Regarding Lobbying & Disclosure of Lobbying Activities, SBA Form 1623—Debarment and Suspension, a Drug-free Workplace Agreement, and certifications described in section 324 of division N of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260).

Program Authority: Section 324 of division N of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260).

Applicable Regulations:

1. The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Agency in 2 CFR part 3485.

2. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Agency in 2 CFR part 3474.

II. Award Information

Type of Award: Grants.

Estimated Available Funds: \$15,000,000,000. Contingent upon the availability of funds and the quality of applications, the SBA may make supplemental awards in FY 2021.

Estimated Range of Awards: \$250,000—\$10,000,000.

Estimated Average Size of Awards: \$1,000,000.

Maximum Award: No grant shall exceed \$10 million and the combined grants of an entity and its subsidiaries may not exceed \$10 million. The SBA will grant Initial Phase awards either to:

1. An *eligible entity* that was in operation on January 1, 2019, the lesser of an amount equal to 45% of their 2019 gross earned revenue; or

2. An *eligible entity* that began operation after January 1, 2019, the lesser of the average monthly gross revenue for each full month the entity was in operation during 2019 multiplied by 6; or

3. \$10 million.

Estimated Number of Awards: 15,000.

Note: The SBA is not bound by any estimates in this notice.

Limits to Initial Grants to Affiliates: Not more than 5 business entities of an *eligible person or entity* that would be considered affiliates under the affiliation rules of the Administration may receive a grant.

Budget Period: Funding received under this grant may be used for allowable costs incurred during the period beginning on March 1, 2020 and ending on December 31, 2021.

III. Eligibility Information

1. **Eligible Entity:** An *eligible person or entity* is a *live venue operator* or promoter, theatrical producer, or live performing arts organization operator, a *relevant museum operator*, a *motion picture theatre operator*, or a talent representative that meets the criteria included in the definition of an *eligible person or entity*.

2. **Exclusions and Ineligible Entity:** An entity is determined ineligible if it has any of the following characteristics:

a. Is a publicly-traded corporation listed on a stock exchange.

b. Receive more than 10% of gross revenue from Federal funding during 2019, excluding amounts received by the eligible entity under the CARES Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*).

c. Is not *majority owned or controlled* by an entity with all of the following characteristics:

(1) Owning or operating eligible entities in more than 1 country;

(2) Owning or operating eligible entities in more than 10 States; and

(3) Employing more than 500 *full-time employees* as of February 29, 2020.

d. Where an *eligible entity* is owned by a State or a political subdivision of a State, it—

(1) must function as the *eligible entity*; and

(2) cannot include entities of the State or political subdivision other than the *eligible entity*.

e. The entity cannot present live performance of a prurient or sexual nature and cannot derive more than 5% of its gross revenue, directly or indirectly, from the sale of products or services or the presentation of any depictions or displays that are of a prurient or sexual nature.

3. **Cost Sharing or Matching:** This grant does not require cost sharing or matching.

4. **Subgrantees:** A grantee under this program may not award subgrants.

IV. Application and Submission Instructions

1. **Application Submission Instructions:** All applications for this grant will be submitted electronically via SBA's website. Please visit www.sba.gov/svgrant for information on how to submit an application.

2. **Intergovernmental Review:** This program is not subject to Executive

Order 12372 and the regulations in 34 CFR part 79.

3. **Funding Uses:** Grantees under this program must only use the grant funds for the following—

a. Payroll costs;

b. Payments on any *covered rent obligation*;

c. Any *covered utility payment*;

d. Scheduled payments of interest or principal on any *covered mortgage obligation* (which shall not include any prepayment of principal on a *covered mortgage obligation*);

e. Scheduled payments of interest or principal on any indebtedness or debt instrument (which shall not include any prepayment of principal) incurred in the ordinary course of business that is a liability of the *eligible person or entity* and was incurred prior to February 15, 2020;

f. *Covered worker protection expenditures*;

g. Payments made to independent contractors, as reported on Form-1099 MISC, not to exceed a total of \$100,000 in annual compensation for any individual employee of an independent contractor, and

h. Other ordinary and necessary business expenses, including—

(1) Maintenance expenses,

(2) Administrative costs, including fees and licensing costs,

(3) State and local taxes and fees,

(4) Operating leases in effect as of February 15, 2020,

(5) Payments required for insurance on any insurance policy, and

(6) Advertising, production transportation, and capital expenditures related to producing a theatrical or live performing arts production, concert, exhibition, or comedy show, except that a grant under this section may not be used primarily for such expenditures.

4. **Funding Restrictions:** An *eligible person or entity* may not use amounts received under a grant for the following purposes:

(a) To purchase real estate;

(b) For payments of interest or principal on loans originated after February 15, 2020;

(c) To invest or re-lend funds;

(d) For contributions or expenditures to, or on behalf of, any political party, party committee, or candidate for elective office; or

(e) For any other use as may be prohibited by the Administrator.

V. Application Review Information

1. **Review and Selection Process:** The SBA will review complete applications in the order in which it receives them based on the established priorities and the availability of funds. The SBA may

decline incomplete applications or applications failing to provide required documentation.

2. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition, the SBA conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Administrator may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

3. *Integrity and Performance System:* If you are selected under this opportunity to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.205(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards, that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we will notify you via electronic correspondence containing a link to access an electronic version of your grant award notification.

If your application is not evaluated or not selected for funding, we will notify you.

2. *Administrative and National Policy Requirements:* If awarded funds under this grant, the recipient must agree to cooperate with all financial monitoring

and audit reviews conducted by SBA, its agents, or contractors.

3. Reporting:

(a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170, should you receive funding under the opportunity. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) After using all the funds awarded to you, you must submit a final report, including financial information, as directed by the Administrator.

4. *Documentation*—Additional documentation requirements that are consistent with the eligibility and other requirements under this NOFO, including requiring an eligible person or entity that receives a grant under this funding opportunity to retain records that document compliance with the requirements for grants under this program—

(a) with respect to employment records, for the 4-year period following receipt of the grant; and

(b) with respect to other records, for the 3-year period following receipt of the grant.

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site, you can view this document, as well as all other documents of the SBA published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available for free at the site.

You can also access documents of the SBA published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the SBA.

Dated: March 23, 2021.

Barbara E. Carson,

Deputy Associate Administrator, Office of Disaster Assistance.

[FR Doc. 2021-06338 Filed 3-25-21; 8:45 am]

BILLING CODE 8026-03-P

DEPARTMENT OF STATE

[Public Notice: 11387]

Notice of Charter Renewal for the Shipping Advisory Committee

The official designation of this advisory committee is the Shipping Coordinating Committee, hereinafter referred to as “the Committee.”

The Committee is established under the general authority of the Secretary of State and the Department of State (“the Department”) as set forth in Title 22 of the United States Code, in particular Section 2656 of that Title, and consistent with the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix). The approval of this Charter by the Acting Under Secretary of State for Management constitutes a determination by the Secretary of State that this Committee Charter is in the public interest in connection with the performance of duties of the Department.

In accordance with Public Law 92-463, Section 14, it has been formally determined to be in the public interest to continue the Charter for another two years. The Charter was filed on March 17, 2021.

For further information about the Committee, please contact Jeremy Greenwood, Executive Secretary, Shipping Coordinating Committee, U.S. Department of State, Office of Ocean and Polar Affairs, at greenwoodjm@state.gov or by telephone at (202) 647-3946.

Jeremy M. Greenwood,

Executive Secretary, Shipping Coordinating Committee, U.S. Department of State.

[FR Doc. 2021-06224 Filed 3-25-21; 8:45 am]

BILLING CODE 4710-09-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Idaho

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final. The actions relate to a proposed highway project, U.S. 20 at Targhee Pass, specifically the section between its junction with Idaho State Highway 87 and the Montana State line, milepost 402.1 to 406.3 in Fremont County, State

THIS UNOFFICIAL COPY OF THE LEGISLATIVE TEXT ESTABLISHING THE SVOG IS TAKEN FROM THE OFFICIAL VERSION OF PUBLIC LAW NO. 116-260 AND IS PROVIDED SOLELY FOR INFORMATIONAL PURPOSES. NO LEGAL RELIANCE SHOULD BE BASED UPON THIS UNOFFICIAL TEXT. FOR THE OFFICIAL VERSION OF PUBLIC LAW NO. 116-260, PLEASE SEE <https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf>

FY21 Omnibus Appropriation and COVID Relief Act (Public Law No. 116-260)

.....

Division N - ADDITIONAL CORONAVIRUS RESPONSE AND RELIEF

.....

Title III - Continuing the Paycheck Protection Program and Other Small Business Support (aka the Economic Aid Act)

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SEC. 324. GRANTS FOR SHUTTERED VENUE OPERATORS.

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SEC. 324. GRANTS FOR SHUTTERED VENUE OPERATORS.

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE PERSON OR ENTITY.**—

(A) **IN GENERAL.**—The term “*eligible person or entity*” means a live venue operator or promoter, theatrical producer, or live performing arts organization operator, a relevant museum operator, a motion picture theatre operator, or a talent representative that meets the following requirements:

(i) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative—

(I) was fully operational as a live venue operator or promoter, theatrical producer, or live performing arts organization operator, a relevant museum operator, a motion picture theatre operator, or a talent representative on February 29, 2020; and

(II) has gross earned revenue during the first, second, third, or, only with respect to an application submitted on or after January 1, 2021, fourth quarter in 2020 that demonstrates not less than a 25 percent reduction from the gross earned revenue of the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative during the same quarter in 2019.

(ii) As of the date of the grant under this section—

(I) the live venue operator or promoter, theatrical producer, or live performing arts organization operator is or intends to resume organizing, promoting, producing, managing, or hosting future live events described in paragraph (3)(A)(i);

(II) the motion picture theatre operator is open or intends to reopen for the primary purpose of public exhibition of motion pictures;

(III) the relevant museum operator is open or intends to reopen; or

(IV) the talent representative is representing or managing artists and entertainers.

(iii) The venues at which the live venue operator or promoter, theatrical producer, or live performing arts organization operator promotes, produces, manages, or hosts events described in paragraph (3)(A)(i) or the artists and entertainers represented or managed by the talent representative perform have the following characteristics:

(I) A defined performance and audience space.

(II) Mixing equipment, a public address system, and a lighting rig.

(III) Engages 1 or more individuals to carry out not less than 2 of the following roles:

(aa) A sound engineer.

(bb) A booker.

(cc) A promoter.

(dd) A stage manager.

(ee) Security personnel.

(ff) A box office manager.

(IV) There is a paid ticket or cover charge to attend most performances and artists are paid fairly and do not play for free or solely for tips, except for fundraisers or similar charitable events.

(V) For a venue owned or operated by a nonprofit entity that produces free events, the events are produced and managed primarily by paid employees, not by volunteers.

(VI) Performances are marketed through listings in printed or electronic publications, on websites, by mass email, or on social media.

(iv) A motion picture theatre or motion picture theatres operated by the motion picture theatre operator have the following characteristics:

- (I) At least 1 auditorium that includes a motion picture screen and fixed audience seating.
 - (II) A projection booth or space containing not less than 1 motion picture projector.
 - (III) A paid ticket charge to attend exhibition of motion pictures.
 - (IV) Motion picture exhibitions are marketed through showtime listings in printed or electronic publications, on websites, by mass mail, or on social media.
- (v) The relevant museum or relevant museums for which the relevant museum operator is seeking a grant under this section have the following characteristics:
- (I) Serving as a relevant museum as its principal business activity.
 - (II) Indoor exhibition spaces that are a component of the principal business activity and which have been subjected to pandemic-related occupancy restrictions.
 - (III) At least 1 auditorium, theater, or performance or lecture hall with fixed audience seating and regular programming.
- (vi)(I) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative does not have, or is not majority owned or controlled by an entity with, any of the following characteristics:
- (aa) Being an issuer, the securities of which are listed on a national securities exchange.
 - (bb) Receiving more than 10 percent of gross revenue from Federal funding during 2019, excluding amounts received by the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42 U.S.C. 5121 et seq.](#)).
- (II) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative does not have, or is not majority owned or controlled by an entity with, more than 2 of the following characteristics:

(aa) Owning or operating venues, relevant museums, motion picture theatres, or talent agencies or talent management companies in more than 1 country.

(bb) Owning or operating venues, relevant museums, motion picture theatres, or talent agencies or talent management companies in more than 10 States.

(cc) Employing more than 500 employees as of February 29, 2020, determined on a full-time equivalent basis in accordance with subparagraph (C).

(III) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative has not received, on or after the date of enactment of this Act, a loan guaranteed under paragraph (36) or (37) of section 7(a) of the Small Business Act ([15 U.S.C. 636\(a\)](#)), as amended and added by this division.

(IV) For purposes of applying the characteristics described in subclauses (I), (II), and (III) to an entity owned by a State or a political subdivision of a State, the relevant entity—

(aa) shall be the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative; and

(bb) shall not include entities of the State or political subdivision other than the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative.

(B) EXCLUSION.—The term “*eligible person or entity*” shall not include a live venue operator or promoter, theatrical producer, or live performing arts organization operator, a relevant museum operator, a motion picture theatre operator, or a talent representative that—

(i) presents live performances of a prurient sexual nature; or

(ii) derives, directly or indirectly, more than de minimis gross revenue through the sale of products or services, or the presentation of any depictions or displays, of a prurient sexual nature.

(C) **CALCULATION OF FULL-TIME EMPLOYEES.**—For purposes of determining the number of full-time equivalent employees under subparagraph (A)(vi)(II)(cc) of this paragraph and under paragraph (2)(E)—

(i) any employee working not fewer than 30 hours per week shall be considered a full-time employee; and

(ii) any employee working not fewer than 10 hours and fewer than 30 hours per week shall be counted as one-half of a full-time employee.

(D) **MULTIPLE BUSINESS ENTITIES.**—Each business entity of an eligible person or entity that also meets the requirements under subparagraph (A) and that is not described in subparagraph (B) shall be treated by the Administrator as an independent, non-affiliated entity for the purposes of this section.

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

(3) **LIVE VENUE OPERATOR OR PROMOTER, THEATRICAL PRODUCER, OR LIVE PERFORMING ARTS ORGANIZATION OPERATOR.**—The term “*live venue operator or promoter, theatrical producer, or live performing arts organization operator*”—

(A) means—

(i) an individual or entity—

(I) that, as a principal business activity, organizes, promotes, produces, manages, or hosts live concerts, comedy shows, theatrical productions, or other events by performing artists for which—

(aa) a cover charge through ticketing or front door entrance fee is applied; and

(bb) performers are paid in an amount that is based on a percentage of sales, a guarantee (in writing or standard contract), or another mutually beneficial formal agreement; and

(II) for which not less than 70 percent of the earned revenue of the individual or entity is generated through, to the extent related to a live event described in subclause (I), cover charges or ticket sales, production fees or production reimbursements, nonprofit educational initiatives, or the sale of event beverages, food, or merchandise; or

(ii) an individual or entity that, as a principal business activity, makes available for purchase by the public an average of not less than 60 days before the date of the event tickets to events—

(I) described in clause (i)(I); and

(II) for which performers are paid in an amount that is based on a percentage of sales, a guarantee (in writing or standard contract), or another mutually beneficial formal agreement; and

(B) includes an individual or entity described in subparagraph (A) that—

(i) operates for profit;

(ii) is a nonprofit organization;

(iii) is government-owned; or

(iv) is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

(4) MOTION PICTURE THEATRE OPERATOR.—The term “*motion picture theatre operator*” means an individual or entity that—

(A) as the principal business activity of the individual or entity, owns or operates at least 1 place of public accommodation for the purpose of motion picture exhibition for a fee; and

(B) includes an individual or entity described in subparagraph (A) that—

(i) operates for profit;

(ii) is a nonprofit organization;

(iii) is government-owned; or

(iv) is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

(5) NATIONAL SECURITIES EXCHANGE.—The term “*national securities exchange*” means an exchange registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934 ([15 U.S.C. 78f](#)).

(6) **NONPROFIT.**—The term “*nonprofit*”, with respect to an organization, means that the organization is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(7) **RELEVANT MUSEUM.**—The term “*relevant museum*” —

(A) has the meaning given the term “*museum*” in section 273 of the Museum and Library Services Act ([20 U.S.C. 9172](#)); and

(B) shall not include any entity that is organized as a for-profit entity.

(8) **SEASONAL EMPLOYER.**—The term “*seasonal employer*” has the meaning given that term in subparagraph (A) of section 7(a)(36) of the Small Business Act ([15 U.S.C. 636\(a\)](#)), as amended by this Act.

(9) **STATE.**—The term “*State*” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(10) **TALENT REPRESENTATIVE.**—The term “*talent representative*” —

(A) means an agent or manager that—

(i) as not less than 70 percent of the operations of the agent or manager, is engaged in representing or managing artists and entertainers;

(ii) books or represents musicians, comedians, actors, or similar performing artists primarily at live events in venues or at festivals; and

(iii) represents performers described in clause (ii) that are paid in an amount that is based on the number of tickets sold, or a similar basis; and (B) includes an agent or manager described in subparagraph (A) that—

(i) operates for profit;

(ii) is a nonprofit organization;

(iii) is government-owned; or

(iv) is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

(b) AUTHORITY.—

(1) IN GENERAL.—

(A) ADMINISTRATION.—The Associate Administrator for the Office of Disaster Assistance of the Administration shall coordinate and formulate policies relating to the administration of grants made under this section.

(B) CERTIFICATION OF NEED.—An eligible person or entity applying for a grant under this section shall submit a good faith certification that the uncertainty of current economic conditions makes necessary the grant to support the ongoing operations of the eligible person or entity.

(2) INITIAL GRANTS.—

(A) IN GENERAL.—The Administrator may make initial grants to eligible persons or entities in accordance with this section.

(B) INITIAL PRIORITIES FOR AWARDING GRANTS.—

(i) FIRST PRIORITY IN AWARDING GRANTS.—During the initial 14-day period during which the Administrator awards grants under this paragraph, the Administrator shall only award grants to an eligible person or entity with revenue, during the period beginning on April 1, 2020 and ending on December 31, 2020, that is not more than 10 percent of the revenue of the eligible person or entity during the period beginning on April 1, 2019 and ending on December 31, 2019, due to the COVID-19 pandemic.

(ii) SECOND PRIORITY IN AWARDING GRANTS.—During the 14-day period immediately following the 14-day period described in clause (i), the Administrator shall only award grants to an eligible person or entity with revenue, during the period beginning on April 1, 2020 and ending on December 31, 2020, that is not more than 30 percent of the revenue of the eligible person or entity during the period beginning on April 1, 2019 and ending on December 31, 2019, due to the COVID-19 pandemic.

(iii) DETERMINATION OF REVENUE.—For purposes of clauses (i) and (ii)—

(I) any amounts received by an eligible person or entity under the CARES Act ([Public Law 116-136; 134 Stat. 281](#)) or an amendment made by the CARES Act shall not be counted as revenue of an eligible person or entity;

(II) the Administrator shall use an accrual method of accounting for determining revenue; and

(III) the Administrator may use alternative methods to establish revenue losses for an eligible person or entity that is a seasonal employer and that would be adversely impacted if January, February, and March are excluded from the calculation of year-over-year revenues.

(iv) **LIMIT ON USE OF AMOUNTS FOR PRIORITY APPLICANTS.**—The Administrator may use not more than 80 percent of the amounts appropriated under section 323(d)(1)(H) of this Act to carry out this section to make initial grants under this paragraph to eligible persons or entities described in clause (i) or (ii) of this subparagraph that apply for a grant under this paragraph during the initial 28-day period during which the Administrator awards grants under this paragraph.

(C) **GRANTS AFTER PRIORITY PERIODS.**—After the end of the initial 28-day period during which the Administrator awards grants under this paragraph, the Administrator may award an initial grant to any eligible person or entity.

(D) **LIMITS ON NUMBER OF INITIAL GRANTS TO AFFILIATES.**—Not more than 5 business entities of an eligible person or entity that would be considered affiliates under the affiliation rules of the Administration may receive a grant under this paragraph.

(E) **SET-ASIDE FOR SMALL EMPLOYERS.**—

(i) **IN GENERAL.**—Subject to clause (ii), not less than \$2,000,000,000 of the total amount of grants made available under this paragraph shall be awarded to eligible persons or entities which employ not more than 50 full-time employees, determined in accordance with subsection (a)(1)(C).

(ii) **TIME LIMIT.**—Clause (i) shall not apply on and after the date that is 60 days after the Administrator begins awarding grants under this section and, on and after such date, amounts available for grants under this section may be used for grants under this section to any eligible person or entity.

(3) **SUPPLEMENTAL GRANTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Administrator may make a supplemental grant in accordance with this section to an eligible person or entity that receives a grant under paragraph (2) if, as of April 1, 2021, the revenues of the eligible

person or entity for the most recent calendar quarter are not more than 30 percent of the revenues of the eligible person or entity for the corresponding calendar quarter during 2019 due to the COVID–19 pandemic.

(B) PROCESSING TIMELY INITIAL GRANT APPLICATIONS FIRST.—The Administrator may not award a supplemental grant under subparagraph (A) until the Administrator has completed processing (including determining whether to award a grant) each application for an initial grant under paragraph (2) that is submitted by an eligible person or entity on or before the date that is 60 days after the date on which the Administrator begins accepting such applications.

(4) CERTIFICATION.—An eligible person or entity applying for a grant under this section that is an eligible business described in the matter preceding subclause (I) of section 4003(c)(3)(D)(i) of the CARES Act ([15 U.S.C. 9042\(c\)\(3\)\(D\)\(i\)](#)), shall make a good-faith certification described in subclauses (IX) and (X) of such section.

(c) AMOUNT.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—A grant under subsection (b)(2) shall be in the amount equal to the lesser of—

(i)(I) for an eligible person or entity that was in operation on January 1, 2019, the amount equal to 45 percent of the gross earned revenue of the eligible person or entity during 2019; or

(II) for an eligible person or entity that began operations after January 1, 2019, the amount equal to the product obtained by multiplying—

(aa) the average monthly gross earned revenue for each full month during which the eligible person or entity was in operation during 2019; by

(bb) 6; or

(ii) \$10,000,000.

(B) APPLICATION TO RELEVANT MUSEUM OPERATORS.—A relevant museum operator may not receive grants under subsection (b)(2) in a total amount that is more than \$10,000,000 with respect to all relevant museums operated by the relevant museum operator.

(2) **SUPPLEMENTAL GRANTS.**—A grant under subsection (b)(3) shall be in the amount equal to 50 percent of the grant received by the eligible person or entity under subsection (b)(2).

(3) **OVERALL MAXIMUMS.**—The total amount of grants received under paragraphs (2) and (3) of subsection (b) by an eligible person or entity shall be not more than \$10,000,000.

(d) **USE OF FUNDS.**—

(1) **TIMING.**—

(A) **EXPENSES INCURRED.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), 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 December 31, 2021.

(ii) **EXTENSION FOR SUPPLEMENTAL GRANTS.**—If an eligible person or entity receives a grant under subsection (b)(3), amounts received under either grant under this section may be used for costs incurred during the period beginning on March 1, 2020, and ending on June 30, 2022.

(B) **EXPENDITURE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), 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 the date that is 1 year after the date of disbursement of the grant.

(ii) **EXTENSION FOR SUPPLEMENTAL GRANTS.**—If an eligible person or entity receives a grant under subsection (b)(3), the eligible person or entity shall return to the Administrator any amounts received under either grant under this section that are not expended on or before the date that is 18 months after the date of disbursement to the eligible person or entity of the grant under subsection (b)(2).

(2) **ALLOWABLE EXPENSES.**—

(A) **DEFINITIONS.**—In this paragraph—

(i) the terms “*covered mortgage obligation*”, “*covered rent obligation*”, “*covered utility payment*”, and “*covered worker protection expenditure*” have the meanings given those terms in [section 7A\(a\)](#) of the Small Business Act, as redesignated, transferred, and amended by this Act; and

(ii) the term “*payroll costs*” has the meaning given that term in section 7(a)(36)(A) of the Small Business Act [\(15 U.S.C. 636\(a\)\(36\)\(A\)\)](#).

(B) **EXPENSES.**—An eligible person or entity may use amounts received under a grant under this section for—

(i) payroll costs;

(ii) payments on any covered rent obligation;

(iii) any covered utility payment;

(iv) scheduled payments of interest or principal on any covered mortgage obligation (which shall not include any prepayment of principal on a covered mortgage obligation);

(v) scheduled payments of interest or principal on any indebtedness or debt instrument (which shall not include any prepayment of principal) incurred in the ordinary course of business that is a liability of the eligible person or entity and was incurred prior to February 15, 2020;

(vi) covered worker protection expenditures;

(vii) payments made to independent contractors, as reported on Form-1099 MISC, not to exceed a total of \$100,000 in annual compensation for any individual employee of an independent contractor; and

(viii) other ordinary and necessary business expenses, including—

(I) maintenance expenses;

(II) administrative costs, including fees and licensing costs;

(III) State and local taxes and fees;

(IV) operating leases in effect as of February 15, 2020;

(V) payments required for insurance on any insurance policy; and

(VI) advertising, production transportation, and capital expenditures related to producing a theatrical or live performing arts production, concert, exhibition, or comedy show, except that a grant under this section may not be used primarily for such expenditures.

(3) **PROHIBITED EXPENSES.**—An eligible person or entity may not use amounts received under a grant under this section—

- (A) to purchase real estate;
- (B) for payments of interest or principal on loans originated after February 15, 2020;
- (C) to invest or re-lend funds;
- (D) for contributions or expenditures to, or on behalf of, any political party, party committee, or candidate for elective office; or
- (E) for any other use as may be prohibited by the Administrator.

(e) **INCREASED OVERSIGHT OF SHUTTERED VENUE OPERATOR GRANTS.**—The Administrator shall increase oversight of eligible persons and entities receiving grants under this section, which may include the following:

(1) **DOCUMENTATION.**—Additional documentation requirements that are consistent with the eligibility and other requirements under this section, including requiring an eligible person or entity that receives a grant under this section to retain records that document compliance with the requirements for grants under this section—

(A) with respect to employment records, for the 4-year period following receipt of the grant; and

(B) with respect to other records, for the 3-year period following receipt of the grant.

(2) **REVIEWS OF USE.**—Reviews of the use of the grant proceeds by an eligible person or entity to ensure compliance with requirements established under this section and by the Administrator, including that the Administrator may—

(A) review and audit grants under this section; and

(B) in the case of fraud or other material noncompliance with respect to a grant under this section—

(i) require repayment of misspent funds; or

(ii) pursue legal action to collect funds.

(f) **SHUTTERED VENUE OVERSIGHT AND AUDIT PLAN.**—

(1) **IN GENERAL.**—Not later than 45 days after the date of 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 an audit plan that details—

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

(B) the metrics that the Administrator shall use to determine which grants under this section will be audited pursuant to subsection (e).

(2) **REPORTS.**—Not later than 60 days after the date of enactment of this Act, and each month thereafter until the date that is 1 year after the date on which all amounts made available under section 323(d)(1)(H) of this Act have been expended, 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 initial grants approved and disbursed;

(B) the total amount of grants received by each eligible person or entity, including any supplemental grants;

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

(D) the number of completed reviews and audits of grants under this section, including a description of any findings of fraud or other material noncompliance.

(E) any substantial changes made to the oversight and audit plan submitted under paragraph (1).