

116TH CONGRESS
2D SESSION

H. R. 6344

To modify the economic injury disaster loan of the Small Business Administration in response to COVID–19, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2020

Mr. EVANS introduced the following bill; which was referred to the Committee on Small Business

A BILL

To modify the economic injury disaster loan of the Small Business Administration in response to COVID–19, 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 “Expediting the EIDL
5 Program Act of 2020”.

6 **SEC. 2. ECONOMIC INJURY DISASTER LOANS.**

7 (a) TERMS.—With respect to a loan made under sec-
8 tion 7(b)(2) of the Small Business Act (15 U.S.C.
9 636(b)(2)) in response to COVID–19, the Administrator
10 of the Small Business Administration—

1 (1) may make such a loan to a start-up small
2 business concern;

3 (2) may waive any rules related to affiliation;
4 and

5 (3) shall, with respect to such a loan made to
6 a cooperative, waive any requirement that the bor-
7 rower of such loan provide a personal guarantee to
8 repay such loan.

9 (b) PRELIMINARY AMOUNTS.—

10 (1) IN GENERAL.—An applicant for a loan
11 under section 7(b)(2) of the Small Business Act (15
12 U.S.C. 636(b)(2)) in response to COVID–19 may re-
13 quest that the Administrator provide an advance in
14 the amount requested by such applicant (not to ex-
15 ceed \$10,000) to such applicant within 3 days after
16 the Administrator receives an application from such
17 applicant.

18 (2) VERIFICATION.—Before disbursing amounts
19 under this subsection, the Administrator shall verify
20 that the applicant is a small business concern (as
21 defined under section 3 of such Act (15 U.S.C.
22 632)).

23 (3) REPAYMENT.—An applicant that is subse-
24 quently denied a loan under such section 7(b)(2)

1 shall not be required to repay any amounts of an ad-
2 vance provided under this subsection.

3 (c) APPROVAL AND ABILITY TO REPAY FOR SMALL
4 DOLLAR LOANS.—With respect to a loan made under sec-
5 tion 7(b)(2) of the Small Business Act (15 U.S.C.
6 636(b)(2)) in response to COVID–19 that does not exceed
7 \$350,000, the Administrator—

8 (1) may approve an applicant based solely on
9 the credit score of the applicant and shall not re-
10 quire an applicant to submit a tax return or a tax
11 return transcript for such approval; or

12 (2) use alternative appropriate methods to de-
13 termine an applicant’s ability to repay.

14 (d) EMERGENCIES INVOLVING FEDERAL PRIMARY
15 RESPONSIBILITY QUALIFYING FOR SMALL BUSINESS AD-
16 MINISTRATION ASSISTANCE.—Section 7(b)(2) of the
17 Small Business Act (15 U.S.C. 636(b)(2)) is amended—

18 (1) in subparagraph (A), by striking “or” at
19 the end;

20 (2) in subparagraph (B), by striking “or” at
21 the end;

22 (3) in subparagraph (C), by striking “or” at
23 the end;

24 (4) by redesignating subparagraph (D) as sub-
25 paragraph (E);

1 (5) by inserting after subparagraph (C) the fol-
2 lowing:

3 “(D) an emergency involving Federal pri-
4 mary responsibility determined to exist by the
5 President under section 501(b) of the Robert T.
6 Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 5191(b)); or”;

8 (6) in subparagraph (E), as so redesignated—

9 (A) by striking “or (C)” and inserting
10 “(C), or (D)”;

11 (B) by striking “disaster declaration” each
12 place it appears and inserting “disaster or
13 emergency declaration”;

14 (C) by striking “disaster has occurred”
15 and inserting “disaster or emergency has oc-
16 curred”;

17 (D) by striking “such disaster” and insert-
18 ing “such disaster or emergency”; and

19 (E) by striking “disaster stricken” and in-
20 serting “disaster- or emergency-stricken”; and

21 (7) in the flush matter following subparagraph
22 (E) (as so redesignated), by striking the period at
23 the end and inserting the following: “: *Provided fur-*
24 *ther*, That for purposes of subparagraph (D), the
25 Administrator shall deem that such an emergency

1 affects each State or subdivision thereof (including
2 counties), and that each State or subdivision has
3 sufficient economic damage to small business con-
4 cerns to qualify for assistance under this paragraph
5 and the Administrator shall accept applications for
6 such assistance immediately.”

7 (e) CREDIT ELSEWHERE REQUIREMENTS.—The
8 flush matter following subparagraph (E) (as so redesi-
9 gnated) of section 7(b)(2) of the Small Business Act (15
10 U.S.C. 636(b)(2)) is amended by striking “That no loan
11 or guarantee” and all that follows through “credit else-
12 where.” and inserting the following: “The interest rate on
13 a loan or guarantee made under this paragraph shall be
14 not more than 2 percent, if the Administrator determines
15 the applicant is not able to obtain credit elsewhere, or not
16 more than 4 percent, if the Administrator determines the
17 applicant is able to obtain credit elsewhere.”.

18 (f) ELIGIBILITY.—Section 7(b)(2) of the Small Busi-
19 ness Act is amended by striking “small agricultural coop-
20 erative” and inserting “small cooperative”.

21 (g) ADDITIONAL AMOUNTS.—

22 (1) IN GENERAL.—The Administrator of the
23 Small Business Administration may increase by 20
24 percent the amount received by an eligible small
25 business concern under section 7(b)(2) of the Small

1 Business Act (15 U.S.C. 636(b)(2)) to cover con-
2 tinuity-of-operations and risk mitigation improve-
3 ments, including telework capability, offsite record
4 keeping, redundancy, the administrative costs of es-
5 tablishing paid sick leave, and presenteeism preven-
6 tion.

7 (2) DEFINITION.—In this section, the term “el-
8 igible small business concern” means a small busi-
9 ness concern that—

10 (A) meets the applicable size standard es-
11 tablished under section 3 of the Small Business
12 Act (15 U.S.C. 632); and

13 (B) is receiving assistance under section
14 7(b)(2) of the Small Business Act (15 U.S.C.
15 636(b)(2)) related to COVID–19.

16 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Administrator to
18 carry out the loan program under section 7(b)(2) of the
19 Small Business Act (15 U.S.C. 636(b)(2))—

20 (1) \$177,000,000 for administration costs; and

21 (2) \$1,000,000,000 to provide loans or other
22 assistance.

○