

1 **SEC. ____ . DIRECT APPROPRIATION FOR THE PAYCHECK**
2 **PROTECTION PROGRAM.**

3 There is appropriated, out of amounts in the Treas-
4 ury not otherwise appropriated, for the fiscal year ending
5 September 30, 2020, to remain available until September
6 30, 2021, for additional amount \$185,000,000,000 under
7 the heading “Small Business Administration—Business
8 Loans Program Account, CARES Act” for the cost of
9 guaranteed loans as authorized under paragraph (36) of
10 section 7(a) of the Small Business Act (15 U.S.C. 636(a)),
11 as added by section 1102(a) of the CARES Act (Public
12 Law 116-136).

13 **SEC. ____ . AMENDMENTS TO THE PAYCHECK PROTECTION**
14 **PROGRAM.**

15 (a) AMENDMENTS TO THE PAYCHECK PROTECTION
16 PROGRAM.—Section 7(a)(36) of the Small Business Act
17 (15 U.S.C. 636(a)(36)) is amended—

18 (1) in subparagraph (A)—

19 (A) in clause (viii), by striking “and” at
20 the end;

21 (B) in clause (ix), by striking the period at
22 the end and inserting a semi-colon;

23 (C) by adding at the end the following:

1 “(ix) the term ‘covered agricultural
2 enterprise’ has the meaning given in sec-
3 tion 18(b);

4 “(x) the term ‘Bank Secrecy Act’
5 means—

6 “(I) section 21 of the Federal
7 Deposit Insurance Act (12 U.S.C.
8 1829b);

9 “(II) chapter 2 of title I of Pub-
10 lic Law 91–508 (12 U.S.C. 1951 et
11 seq.); and

12 “(III) subchapter II of chapter
13 53 of title 31, United States Code;

14 “(xi) the term ‘community develop-
15 ment financial institution’ has the meaning
16 given that term under section 103 of the
17 Riegle Community Development and Regu-
18 latory Improvement Act of 1994 (12
19 U.S.C. 4702));

20 “(xii) the term ‘community financial
21 institutions’ means—

22 “(I) a community development fi-
23 nancial institution;

24 “(II) a minority depository insti-
25 tution (as defined in section 308 of

1 the Financial Institutions Reform, Re-
2 covery, and Enforcement Act of 1989
3 (12 U.S.C. 1463 note));

4 “(III) a certified development
5 company (as defined under title V of
6 the Small Business Investment Act of
7 1958 (15 U.S.C. 695 et seq.)); and

8 “(IV) an intermediary (as de-
9 fined in section 7(m)(11) of this Act);

10 “(xiii) the term ‘credit union’ has the
11 meaning given the terms ‘Federal credit
12 union’ and ‘State credit union’ under sec-
13 tion 101 of the Federal Credit Union Act;
14 and

15 “(xiv) the term ‘non-bank CDFI’
16 means a community development financial
17 institution that is not an insured deposi-
18 tory institution or credit union.”;

19 (2) in subparagraph (D), by inserting “covered
20 agricultural enterprise,” after “veterans organiza-
21 tion,” each place it appears; and

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

23 “(S) SET-ASIDE FOR COMMUNITY FINAN-
24 CIAL INSTITUTIONS.—

1 “(i) COMMUNITY FINANCIAL INSTITU-
2 TIONS.—In making loan guarantees under
3 this paragraph, the Administrator shall
4 guarantee not less than \$16,250,000,000
5 in loans made by—

6 “(I) community financial institu-
7 tions;

8 “(II) insured depository institu-
9 tions with consolidated assets of less
10 than \$50,000,000,000; and

11 “(III) credit unions with consoli-
12 dated assets of less than
13 \$50,000,000,000.

14 “(ii) SMALL COMMUNITY FINANCIAL
15 INSTITUTIONS.—In making loan guaran-
16 tees under this paragraph, the Adminis-
17 trator shall guarantee not less than
18 \$48,500,000,000 in loans made by—

19 “(I) community financial institu-
20 tions;

21 “(II) insured depository institu-
22 tions with consolidated assets of less
23 than \$10,000,000,000; and

1 “(III) credit unions with consoli-
2 dated assets of less than
3 \$10,000,000,000.

4 “(T) TECHNICAL ASSISTANCE FOR COMMU-
5 NITY FINANCIAL INSTITUTIONS.—Of amounts
6 appropriated to carry out this paragraph, the
7 Secretary of the Treasury, in consultation with
8 the Administrator, shall use \$1,000,000,000 of
9 such amounts to provide grants to community
10 financial institutions, insured depository institu-
11 tions with consolidated assets of less than
12 \$10,000,000,000, and credit unions with con-
13 solidated assets of less than \$10,000,000,000,
14 to ensure such institutions can update their sys-
15 tems (including updates related to compliance
16 with the Bank Secrecy Act) and efficiently pro-
17 vide loans that are guaranteed under this para-
18 graph.

19 “(U) NON-BANK CDFIS.—The Secretary of
20 the Treasury and the Administrator shall
21 amend any rules or guidance issued to carry
22 out this paragraph to specify that a non-bank
23 CDFI does not have to go through a
24 reverification of information about an existing
25 customer for purposes of the Bank Secrecy Act,

1 if the non-bank CDFI has maintained an ongoing
2 financial relationship with the customer for
3 the previous 24 months that is well documented,
4 and there is no need for further due diligence
5 based on the non-bank CDFI's risk-based approach
6 to Bank Secrecy Act compliance.
7

8 “(V) TREATMENT OF CERTAIN MINOR,
9 LOW-RISK CRIMINAL VIOLATION.—A business
10 concern, organization, or enterprise may not receive
11 a covered loan if an owner of 25 percent or more
12 of the equity of the business concern, organization,
13 or enterprise has been convicted of a felony within
14 the past five years, such that it would prohibit
15 the owner from becoming an institution-affiliated
16 party under section 19 of the Federal Deposit
17 Insurance Act, provided the owner does not qualify
18 for any de minimis offenses exceptions available
19 under the ‘FDIC Statement of Policy for Section 19
20 of the FDI Act’ (dated July 19, 2018) or any other
21 exceptions the Administrator determines would be
22 appropriate, unless the Administrator, upon request,
23 determines that a waiver of such bar is appropriate
24 in the interest of justice.
25

1 “(W) APPLICATION INFORMATION.—

2 “(i) IN GENERAL.—The Administrator
3 shall ensure that any form required by the
4 Administrator to be used in applying for a
5 covered loan complies with the following:

6 “(I) APPLICANT OWNERSHIP.—

7 In the case of an applicant (other
8 than an individual), the form requires
9 the applicant to list all individuals
10 who own 25 percent or more of the
11 equity of the applicant.

12 “(II) PROOF OF IDENTIFICA-

13 TION.—In the case of each individual
14 who own 25 percent or more of the
15 equity of the applicant, the form re-
16 quires the applicant to provide at
17 least one item of proof of identifica-
18 tion for such individual, which may
19 include a United States driver’s li-
20 cense, an identification card issued by
21 a State or territory of the United
22 States, a United States permanent
23 resident card, a United States alien
24 registration card, or a United States
25 passport.

1 “(III) VERIFICATION OF LEGITI-
2 MATE BUSINESS.—In the case of an
3 applicant (other than an individual
4 who is not a sole proprietorship), the
5 form requires the applicant to provide
6 at least one piece of documentation to
7 verify the applicant’s business and the
8 legitimacy of such business, including
9 but not limited to the following:

10 “(aa) For a corporation,
11 LLC, or partnership:

12 “(AA) Partnership
13 Agreement (Partnerships).

14 “(BB) Partnership Op-
15 erating Agreement (Partner-
16 ships).

17 “(CC) Certified Articles
18 of Incorporation (Corp).

19 “(DD) Limited Liabil-
20 ity Company Certificate of
21 Organization/Operating
22 Agreement (Corp or LLCs).

23 “(EE) Articles of Orga-
24 nization (Corp or LLCs).

1 “(FF) State, City, or
2 County issued Business or
3 Professional License.

4 “(GG) Association
5 Charter Papers or Organiza-
6 tional Minutes.

7 “(HH) IRS Certifi-
8 cation of Accuracy or IRS
9 EIN Letter.

10 “(II) Certificate of Sole
11 Proprietorship (Sole Prop).

12 “(JJ) Fictitious or As-
13 sumed Name Certificate or
14 documentation of Applica-
15 tion.

16 “(KK) Certified Trade
17 Name Certificate or docu-
18 mentation of Application.

19 “(LL) If DBA, a Ficti-
20 tious Name or assumed
21 name Certificate is required
22 in addition to at least ONE
23 other document herein

1 “(bb) For a non-profit: One
2 item described under item (aa)
3 and one of the following:

4 “(AA) IRS Form 1023
5 or 1023-EZ tax-exemption
6 application.

7 “(BB) Signed Organi-
8 zational Minutes.

9 “(CC) Organizational
10 Resolution.

11 “(DD) IRS Letter
12 (TIN Verification).

13 “(EE) Organizational
14 Charter.

15 “(FF) Bylaws.

16 “(cc) For a sole proprietor-
17 ship: A Fictitious or Assumed
18 Name Certificate or documenta-
19 tion of Application and one of the
20 following:

21 “(AA) United States
22 driver’s license.

23 “(BB) Identification
24 card issued by a State or

1 territory of the United
2 States.

3 “(CC) United States
4 permanent resident card.

5 “(DD) United States
6 alien registration card.

7 “(EE) United States
8 passport.

9 “(ii) TREATMENT OF OLD FORMS.—

10 “(I) IN GENERAL.—If a lender
11 receives an application using an old
12 form, the lender may process the cov-
13 ered loan using the old form and a
14 lender may not be held liable for using
15 an old form instead of a form that
16 complies with the requirements of
17 clause (i).

18 “(II) OLD FORM DEFINED.—In
19 this clause, the term ‘old form’ means
20 a form to be used in applying for a
21 covered loan that was required by the
22 Administrator before the date of en-
23 actment of this subparagraph.

24 “(X) SATISFACTION OF CERTAIN BANK SE-
25 CRECY ACT REQUIREMENTS.—The certification

1 by an applicant for a covered loan of the ‘pur-
2 pose’ of the loan shall satisfy the ‘nature and
3 purpose’ Customer Due Diligence requirements
4 for customer risk profile under the Bank Se-
5 crecy Act for purposes of the lender of the cov-
6 ered loan, but solely applied to the covered loan
7 itself. Any additional activities shall require
8 standard Customer Due Diligence review.”.

9 (b) DELEGATED AUTHORITY.—Section
10 7(a)(36)(F)(ii) of the Small Business Act (15 U.S.C.
11 636(a)(36)(F)(ii)) is amended—

12 (1) by redesignating subclause (II) as subclause
13 (III); and

14 (2) by inserting after subclause (I) the fol-
15 lowing new subclause:

16 “(III) COMMUNITY FINANCIAL
17 INSTITUTIONS.—Community financial
18 institutions are authorized to make
19 loans under this paragraph and shall
20 be deemed to have been delegated au-
21 thority by the Administrator to make
22 and approve covered loans, subject to
23 the provisions of this paragraph.”.

1 **SEC. ____ . FEDERAL RESERVE SYSTEM FACILITY.**

2 (a) IN GENERAL.—The Board of Governors of the
3 Federal Reserve System shall establish a facility to pur-
4 chase loans guaranteed under section 7(a)(36) of the
5 Small Business Act (15 U.S.C. 636(a)(36)), regardless of
6 the originating lender.

7 (b) REPORT TO CONGRESS.—The Board of Gov-
8 ernors shall issue a monthly report to the Congress on
9 loans purchased by the facility established under para-
10 graph (1), including demographic characteristics.

11 **SEC. ____ . INCLUSION OF AGRICULTURAL ENTERPRISES IN**
12 **EMERGENCY EIDL GRANTS.**

13 Section 1110(a)(2) of the CARES Act (Public Law
14 116-136) is amended—

15 (1) in subparagraph (D), by striking “or” at
16 the end;

17 (2) in subparagraph (E), by striking the period
18 at the end and inserting “; or”; and

19 (3) by adding at the end the following new sub-
20 paragraph:

21 “(F) an agricultural enterprise (as defined
22 in section 18(b) of the Small Business Act (15
23 U.S.C. 647(b)(1))) with not more than 500 em-
24 ployees.”.

1 **SEC. ____ . LOAN AMOUNT AND AMOUNT OF LOAN FORGIVE-**
2 **NESS FOR THE PAYCHECK PROTECTION PRO-**
3 **GRAM.**

4 (a) **MAXIMUM LOAN AMOUNT.**—Section 7(a)(36)(E)
5 of the Small Business Act (15 U.S.C. 636(a)(36)(E)) is
6 amended by striking “2.5” each place it appears and in-
7 serting “3.0”.

8 (b) **PROHIBITION ON LIMITING FORGIVENESS.**—Sec-
9 tion 1106(d) of the CARES Act (Public Law 116-136)
10 is amended by adding at the end the following new para-
11 graph:

12 “(7) **NO LIMITATIONS.**—In carrying out this
13 section, the Administrator may not limit the non-
14 payroll portion of a forgivable covered loan
15 amount.”.

16 **SEC. ____ . COMMITMENTS FOR 7(A) LOANS.**

17 Section 1102(b) of the CARES Act (Public Law 116-
18 136)is amended by striking “June 30, 2020” and all that
19 follows through the period at the end and inserting “June
20 30, 2020, the amount authorized for commitments for
21 loans made under paragraph (36) of section 7(a) of the
22 Small Business Act, as added by subsection (a), shall be
23 \$534,000,000,000.”.