

117TH CONGRESS
1ST SESSION

S. 2743

To make companies that support venues and events eligible for grants under the shuttered venue operators grant program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2021

Mrs. BLACKBURN (for herself and Mr. HAGERTY) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To make companies that support venues and events eligible for grants under the shuttered venue operators grant program, 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 “Music Under Severe
5 Income Crisis Act”.

1 **SEC. 2. ADDING SERVICE AND SUPPORT COMPANIES TO**
 2 **THE SHUTTERED VENUE OPERATORS GRANT**
 3 **PROGRAM.**

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

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A)—

11 (I) in the matter preceding clause

12 (i), by inserting “a service and sup-
 13 port company,” after “theatre oper-
 14 ator,”;

15 (II) in clause (i)—

16 (aa) in the matter preceding
 17 subclause (I), by inserting “the
 18 service and support company,”
 19 after “theatre operator,”; and

20 (bb) in subclause (I), by in-
 21 serting “a service and support
 22 company,” after “theatre oper-
 23 ator,”;

24 (III) in clause (ii)—

25 (aa) in subclause (III), by
 26 striking “and” at the end;

1 (bb) in subclause (IV), by
2 adding “and” at the end; and

3 (cc) by adding at the end
4 the following:

5 “(V) the service and support
6 company is or intends to resume the
7 services and activities described in
8 paragraph (11);” and

9 (IV) in clause (vi), by inserting
10 “the service and support company,”
11 after “theatre operator,” each place
12 that term appears; and

13 (ii) in subparagraph (B), by inserting
14 “service and support company,” after “the-
15 atre operator,” each place that term ap-
16 pears; and

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

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

20 “(A) means an individual or entity—

21 “(i) that is assigned a North Amer-
22 ican Industry Classification System code of
23 532490, 541410, 541420, 541430,
24 541490, 561920, 711190, 711300, or
25 711320, as appears on the most recent in-

1 come tax filing or on the application for a
2 loan under paragraph (36) or (37) of sec-
3 tion 7(a) of the Small Business Act (15
4 U.S.C. 636(a)) of the individual or entity,
5 if applicable; and

6 “(ii) that—

7 “(I)(aa) as the principal business
8 of the individual or entity, provides
9 stages, lighting, sound, casts, or other
10 support for live performing arts
11 events; and

12 “(bb) for which not less than 70
13 percent of the earned revenue gen-
14 erated through providing the support
15 described in item (aa) is for live per-
16 forming arts events organized, pro-
17 moted, produced, managed, or hosted
18 by an eligible person or entity de-
19 scribed in paragraph (1)(A)(iii); or

20 “(II)(aa) as the principal busi-
21 ness of the individual or entity, show-
22 cases performers or pre-packaged pro-
23 ductions to potential buyers; and

24 “(bb) for which not less than 70
25 percent of the earned revenue gen-

erated through showcasing performers
or pre-packaged productions described
in item (aa) is for live performing arts
events—

“(AA) organized, promoted,
produced, managed, or hosted by
an eligible person or entity de-
scribed in paragraph (1)(A)(iii);
or

“(BB) hosted in a hotel or
convention center facility;

“(B) includes an individual or entity de-
scribed 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; and

“(C) does not include—

“(i) an individual or entity described
in subparagraph (A) that—

“(I) employs more than 250 full-
time employees; or

1 “(II) is registered or operates
2 outside of the United States; or

3 “(ii) an entity that is majority owned
4 or controlled by an entity that is an issuer,
5 the securities of which are listed on a na-
6 tional securities exchange under section 6
7 of the Securities Exchange Act of 1934
8 (15 U.S.C. 78f).”; and

9 (2) in subsection (b)(2)(B), by adding at the
10 end the following:

11 “(iii) PRIORITY FOR AWARDS TO
12 SERVICE AND SUPPORT COMPANIES.—

13 “(I) FIRST PRIORITY IN AWARD-
14 ING GRANTS.—During the initial 14-
15 day period during which service and
16 support companies are eligible to re-
17 ceive a grant under this paragraph, in
18 making awards to those companies,
19 the Administrator shall only award
20 grants to those companies with rev-
21 enue during the period beginning on
22 April 1, 2020, and ending on Decem-
23 ber 31, 2020, that is not more than
24 10 percent of the revenue of the com-
25 pany during the period beginning on

1 April 1, 2019, and ending on Decem-
 2 ber 31, 2019, due to the COVID-19
 3 pandemic.

4 “(II) SECOND PRIORITY IN
 5 AWARDING GRANTS.—During the 14-
 6 day period immediately following the
 7 14-day period described in clause (i),
 8 in making awards to service and sup-
 9 port companies under this paragraph,
 10 the Administrator shall only award
 11 grants to those companies with rev-
 12 enue, during the period beginning on
 13 April 1, 2020, and ending on Decem-
 14 ber 31, 2020, that is not more than
 15 30 percent of the revenue of the com-
 16 pany during the period beginning on
 17 April 1, 2019, and ending on Decem-
 18 ber 31, 2019, due to the COVID-19
 19 pandemic.”.

20 (b) TRANSFER OF AMOUNTS FROM CORONAVIRUS
 21 STATE AND LOCAL FISCAL RECOVERY FUNDS TO SHUT-
 22 TERED VENUE OPERATORS PROGRAM.—

23 (1) RESCISSION.—Of the unobligated balances
 24 of amounts appropriated under sections 602(a)(1)
 25 and 603(a) of the Social Security Act (as added by

1 section 9901 of the American Rescue Plan Act of
 2 2021 (Public Law 117–2)) on the date of enactment
 3 of this Act, \$4,000,000,000 is rescinded, provided
 4 that amounts shall be rescinded from the unobli-
 5 gated balance of amounts appropriated under such
 6 section 602(a)(1) first, and amounts shall then be
 7 rescinded from the unobligated balance of amounts
 8 appropriated under such section 603(a) only if the
 9 unobligated balance of amounts appropriated under
 10 such section 602(a)(1) is less than \$4,000,000,000.

11 (2) APPROPRIATION.—There is appropriated for
 12 an additional amount, out of amounts in the Treas-
 13 ury not otherwise appropriated, for the fiscal year
 14 ending September 30, 2021, an amount equal to the
 15 amount rescinded under paragraph (1), to remain
 16 available until December 31, 2021, under the head-
 17 ing “Small Business Administration—Shuttered
 18 Venue Operators”, to make grants to service and
 19 support companies under section 324 of the Eco-
 20 nomic Aid to Hard Hit Small Businesses, Non-
 21 profits, and Venues Act (title III of division N of
 22 Public Law 116–260), as amended by subsection
 23 (a).

24 (c) PROCESSING PREVIOUSLY DENIED APPLICA-
 25 TIONS.—If a service and support company, as defined in

1 paragraph (11) of section 324(a) of the Economic Aid to
2 Hard-Hit Small Businesses, Nonprofits, and Venues Act
3 (title III of division N of Public Law 116–260), as added
4 by subsection (a), was denied a grant under such section
5 before the date of enactment of this Act due to lack of
6 eligibility but, as a result of the amendments made by sub-
7 section (a), is eligible for a grant under such section, the
8 Administrator of the Small Business Administration shall
9 reconsider and process the application of the service and
10 support company.

11 (d) REGULATIONS.—Not later than 30 days after the
12 date of enactment of this Act, the Administrator of the
13 Small Business Administration shall issue regulations to
14 carry out this Act and the amendments made by this Act
15 without regard to the notice requirements under section
16 553(b) of title 5, United States Code.

17 (e) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the Administrator of the Small Business Ad-
19 ministration should—

20 (1) issue guidance to ensure that entities whose
21 principal business is to provide services and support
22 to the live events industry remain eligible for the
23 program established under section 324 of the Eco-
24 nomic Aid to Hard Hit Small Businesses, Non-

1 profits, and Venues Act (title III of division N of
2 Public Law 116–260); and

3 (2) distribute funds appropriated for the pro-
4 gram described in paragraph (1) not later than 120
5 days after the date of enactment of this Act.

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