

.....  
(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.**

To direct the Secretary of the Treasury to establish a grant program for employers adversely affected by COVID–19, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

Ms. JAYAPAL introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

**A BILL**

To direct the Secretary of the Treasury to establish a grant program for employers adversely affected by 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Paycheck Recovery Act of 2020”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Paycheck recovery program.

- Sec. 3. Conditions in general.
- Sec. 4. Conditions relating to labor protections.
- Sec. 5. Application of bankruptcy provisions.
- Sec. 6. Rehiring bonus and Pandemic Unemployment Compensation.
- Sec. 7. Audits and penalties.
- Sec. 8. Paycheck recovery program implementation oversight board.
- Sec. 9. Severability.
- Sec. 10. Definitions.

**1 SEC. 2. PAYCHECK RECOVERY PROGRAM.**

2 (a) PROGRAM AUTHORIZED.—The Secretary of the  
3 Treasury (in this Act referred to as the “Secretary”) shall  
4 establish a grant program (in this Act referred to as the  
5 “Program”) to award grants to carry out the activities  
6 described in subsection (f).

7 (b) ELIGIBILITY.—

8 (1) LOSS OF REVENUE AND SMALL BUSI-  
9 NESSES.—

10 (A) LOSS OF REVENUE ELIGIBILITY.—The  
11 Secretary shall award a grant under the Pro-  
12 gram to an employer that submits an applica-  
13 tion under subsection (c) and has experienced,  
14 or anticipates experiencing, a loss of revenue as  
15 a result of the coronavirus disease 2019  
16 (COVID–19)—

17 (i) for an employer that is not a new  
18 employer, in an amount that is at least 10  
19 percent of the gross receipts of the em-  
20 ployer for the corresponding 2019 period  
21 that relates to the calendar quarter in

1           which the employer submits such applica-  
2           tion; or

3                   (ii) for a new employer, in an amount  
4           that is at least 10 percent of the gross re-  
5           ceipts of the new employer for the period  
6           for which the new employer most recently  
7           filed employment tax information with the  
8           Secretary.

9           (B) SMALL BUSINESS ELIGIBILITY.—Re-  
10          gardless of whether the employer meets the re-  
11          quirements of subparagraph (A), the Secretary  
12          shall award a grant under the Program to an  
13          employer that submits an application under  
14          subsection (c) if—

15                   (i) the employer employed 20 or fewer  
16           employees on March 1, 2020; and

17                   (ii) the annual gross receipts of such  
18           employer for 2019 is an amount less than  
19           \$3,000,000 or, in the case of a new em-  
20           ployer, the projected annual gross receipts  
21           of such new employer (calculated by deter-  
22           mining the median amount of gross re-  
23           ceipts for the months for which the new  
24           employer has been in existence and multi-

1                   plying the amount by 12) is an amount  
2                   less than \$3,000,000.

3           (2) INTERACTION WITH OTHER PROGRAMS.—

4                   (A) IN GENERAL.—An employer is not eli-  
5                   gible to receive a grant under the Program if  
6                   the employer is simultaneously receiving assist-  
7                   ance under—

8                           (i) an employee retention tax credit  
9                           pursuant to section 2301 of the CARES  
10                          Act (Public Law 116–136);

11                           (ii) the Exchange Stabilization Fund  
12                          established under section 5302 of title 31,  
13                          United States Code;

14                           (iii) a covered loan under section  
15                          7(a)(36) of the Small Business Act (15  
16                          U.S.C. 636(a)(36)); or

17                           (iv) a Main Street Lending Program  
18                          of the Federal Reserve System.

19                   (B) CONVERSION OF ASSISTANCE FROM  
20                   OTHER PROGRAMS.—The Secretary shall take  
21                   such steps as are necessary to establish a proc-  
22                   ess by which an employer who has received as-  
23                   sistance under a program specified in subpara-  
24                   graph (A) may convert such assistance into a  
25                   grant under the Program.

1           (3) STAY-AT-HOME ORDERS.—The existence or  
2 nonexistence of a stay-at-home order issued as a re-  
3 sult of COVID–19 by the government of the State  
4 or locality in which an employer operates shall have  
5 no effect on the eligibility of the employer under the  
6 Program.

7           (c) APPLICATIONS.—

8           (1) IN GENERAL.—Except as provided in para-  
9 graph (2), to receive a grant under the Program, an  
10 eligible employer shall submit to the Secretary an  
11 application in such form, at such time, and con-  
12 taining such information the Secretary determines  
13 appropriate, which shall include at a minimum a  
14 sworn declaration attesting to any loss of revenue  
15 experienced, or anticipated to be experienced, by the  
16 employer as a result of COVID–19.

17           (2) SMALL BUSINESSES.—

18           (A) APPLICATION.—The Secretary shall  
19 not require an employer that is eligible under  
20 subsection (b)(1)(B) to include in an applica-  
21 tion for a grant under the Program a sworn  
22 declaration attesting to any loss of revenue ex-  
23 perience, or anticipated to be experienced, by  
24 the employer as a result of COVID-19.

1 (B) OUTREACH AND TECHNICAL ASSIST-  
2 ANCE.—The Secretary shall conduct outreach  
3 and provide technical assistance to small busi-  
4 nesses to assist eligible small businesses in ap-  
5 plying for grants under the Program.

6 (d) AMOUNT OF GRANT.—

7 (1) INITIAL GRANT.—Under the Program, the  
8 Secretary shall provide to an eligible employer an  
9 initial grant in an amount that is equal to the sum  
10 of—

11 (A) except as provided in paragraph (3)  
12 and subject to paragraph (4)—

13 (i) for an employer that is not a new  
14 employer, an amount calculated by multi-  
15 plying the percentage of experienced or an-  
16 ticipated loss of revenue attested to in sub-  
17 section (c) by the amount of wages pro-  
18 vided by the employer to any covered em-  
19 ployees or covered former employees during  
20 the corresponding 2019 period that relates  
21 to the period—

22 (I) beginning on the date that is  
23 the later of March 1, 2020, or the  
24 date on which the employer became el-  
25 ible under subsection (b); and

1 (II) ending on the date that is 90  
2 days after the date on which the Sec-  
3 retary provides the initial grant; or

4 (ii) for a new employer, an amount  
5 calculated by multiplying the percentage of  
6 experienced or anticipated loss of revenue  
7 attested to in subsection (c) by an amount  
8 determined by the Secretary based on the  
9 employment tax information statement  
10 filed with the Secretary by the new em-  
11 ployer for the most recent month; and

12 (B) the amount that is 25 percent of the  
13 amount of wages provided by the employer to  
14 any covered employees or covered former em-  
15 ployees during—

16 (i) for an employer that is not a new  
17 employer, the corresponding 2019 period  
18 specified in subparagraph (A)(i); or

19 (ii) for a new employer, the most re-  
20 cent month for which the new employer  
21 filed an employment tax information state-  
22 ment with the Secretary.

23 (2) SUBSEQUENT GRANTS.—With respect to the  
24 first full month beginning 90 days after the date on  
25 which the Secretary provides to an eligible employer

1 an initial grant under paragraph (1), and each  
2 month thereafter until the date on which the Sec-  
3 retary terminates the program, the Secretary shall  
4 provide to such employer a grant in an amount that  
5 is equal to the sum of—

6 (A) except as provided in paragraph (3)  
7 and subject to paragraph (4)—

8 (i) for an employer that is not a new  
9 employer, an amount calculated by multi-  
10 plying the percentage of experienced or an-  
11 ticipated loss of revenue attested to in sub-  
12 section (c) by the amount of wages pro-  
13 vided by the employer to covered employees  
14 and covered former employees during the  
15 corresponding 2019 period that relates to  
16 such month; or

17 (ii) for a new employer, an amount  
18 calculated by multiplying the percentage of  
19 experienced or anticipated loss of revenue  
20 attested to in subsection (c) by an amount  
21 determined by the Secretary based on the  
22 employment tax information statement  
23 filed with the Secretary by the new em-  
24 ployer for the most recent month; and



1 (B) the amount that is 25 percent of the  
2 amount of the amount of wages provided by the  
3 employer to any covered employees or covered  
4 former employees during—

5 (i) for an employer that is not a new  
6 employer, the corresponding 2019 period  
7 that relates to such month; or

8 (ii) for a new employer, the most re-  
9 cent month for which the new employer  
10 filed an employment tax information state-  
11 ment with the Secretary.

12 (3) SMALL BUSINESS AMOUNTS.—In calculating  
13 the amount of an initial or subsequent grant under  
14 the Program for an employer that was determined  
15 eligible under subsection (b)(1)(B), the Secretary  
16 shall add—

17 (A) subject to paragraph (4), the amount  
18 of wages provided by the employer to any cov-  
19 ered employees or covered former employees  
20 during the period specified in paragraph (1),  
21 for an initial grant, or paragraph (2), for a sub-  
22 sequent grant; and

23 (B) the amount that is 25 percent of the  
24 amount of wages provided by the employer to

1           any covered employees or covered former em-  
2           ployees during such period.

3           (4) SALARY LIMITATION.—The amount of  
4           wages (excluding any benefits) provided by an em-  
5           ployer to any covered employee or covered former  
6           employee of the employer which may be taken into  
7           account to determine a grant amount under this  
8           subsection shall not exceed \$90,000 in annual salary  
9           (excluding any benefits) per employee.

10          (5) REGULATIONS.—The Secretary may pro-  
11          mulgate regulations on the formula for determining  
12          grant amounts pursuant to this subsection.

13          (e) CONDITION ON ACCEPTANCE OF FUNDS.—Before  
14          accepting grant funds awarded under the Program, an em-  
15          ployer shall enter into an agreement with the Secretary,  
16          or otherwise certify, as determined appropriate by the Sec-  
17          retary, that the employer shall comply with each condition  
18          required under this section and sections 3 and 4.

19          (f) USE OF FUNDS.—Grant funds awarded under the  
20          Program may only be used as follows:

21                 (1) Grant funds in amounts determined under  
22                 paragraphs (1)(A), (2)(A), or (3)(A) of subsection  
23                 (d) may be used to pay any covered employees or  
24                 covered former employees the amount of wages (sub-

1       ject to the salary limitation in subsection (d)(4))  
2       provided by the employer to such employees—

3               (A) for an employer that is not a new em-  
4               ployer, during the corresponding 2019 period  
5               (adjusted, in the case of amounts determined  
6               under paragraphs (1)(A) or (2)(A), for the per-  
7               centage of experienced or anticipated loss of  
8               revenue attested to in subsection (c)); or

9               (B) for a new employer, during the cor-  
10              responding period for which the employer most  
11              recently filed with the Secretary an employment  
12              tax information statement (adjusted, in the case  
13              of amounts determined under paragraphs  
14              (1)(A) or (2)(A), for the percentage of experi-  
15              enced or anticipated loss of revenue attested to  
16              in subsection (c)).

17             (2) Grant funds in amounts determined under  
18             paragraphs (1)(B), (2)(B), or (3)(B) of subsection  
19             (d) may be used to pay fixed expenses of the em-  
20             ployer, including expenses relating to rent, utilities,  
21             mortgage payments, costs associated with vehicles or  
22             equipment, and costs necessary to protect against or  
23             minimize the effects of COVID-19, including the  
24             cost of safety equipment.

1 (g) REPAYMENT OF FUNDS.—If a covered employee  
2 or covered former employee of an employer receiving a  
3 grant under the Program quits or is terminated for cause  
4 during a month for which the employer receives grant  
5 funds, the employer shall be required to repay to the De-  
6 partment of Treasury, on a no-interest basis and by the  
7 date that is not later than two years after the date on  
8 which such employee quits or is terminated, the pro rata  
9 grant amount received with respect to the wages of such  
10 employee.

11 (h) TERMINATION.—

12 (1) IN GENERAL.—The Secretary shall termi-  
13 nate the Program on the date on which the season-  
14 ally adjusted unemployment rate has remained below  
15 seven percent, as measured by the Bureau of Labor  
16 Statistics, for three consecutive months.

17 (2) NOTICE OF POTENTIAL TERMINATION.—  
18 The Secretary shall publish in the Federal Register  
19 notice of potential termination of the Program on  
20 any date on which the seasonally adjusted unemploy-  
21 ment rate has remained below seven percent, as  
22 measured by the Bureau of Labor Statistics, for two  
23 consecutive months.

1 **SEC. 3. CONDITIONS IN GENERAL.**

2 (a) SHARE REPURCHASES.—An employer receiving a  
3 grant under the Program may not purchase an equity in-  
4 terest of the employer on a national securities exchange.

5 (b) PAYMENTS TO SHAREHOLDERS OR BOND-  
6 HOLDERS.—An employer receiving a grant under the Pro-  
7 gram may not use grant funds awarded under the Pro-  
8 gram to make any distribution of funds, including stock  
9 dividends, to shareholders or bondholders of the employer.

10 (c) EXECUTIVE BONUSES.—An employer receiving a  
11 grant under the Program may not award an executive  
12 bonus to an employee of the employer during the period  
13 beginning on the date on which the employer receives an  
14 initial grant under the Program and ending on the date  
15 on which the Secretary terminates the Program.

16 (d) EXECUTIVE COMPENSATION.—If an employer re-  
17 ceiving a grant under the Program employs a chief execu-  
18 tive officer, during the period beginning on the date on  
19 which the employer receives an initial grant under the Pro-  
20 gram and ending on the date on which the Secretary ter-  
21 minates the Program, the employer may not provide to  
22 the chief executive officer—

23 (1) annual wages in excess of the amount that  
24 is—

25 (A) for an employer that is not a new em-  
26 ployer, 50 times the median of the wages pro-

1           vided by the employer to employees of the em-  
2           ployer in 2019; or

3           (B) for a new employer, 50 times the an-  
4           nual median of wages provided by the employer  
5           to employees of the employer (calculated by de-  
6           termining the median amount of monthly wages  
7           paid during the months for which the new em-  
8           ployer has been in existence and multiplying the  
9           amount by 12); and

10          (2) in the case of termination of employment  
11         with the employer, severance pay or other benefits  
12         relating to the termination in excess of twice the  
13         amount of—

14                 (A) for an employer that is not a new em-  
15                 ployer, wages provided by the employer to the  
16                 chief executive officer in 2019; or

17                 (B) for a new employer, the projected an-  
18                 nual median of wages provided by the employer  
19                 to the chief executive officer (calculated by de-  
20                 termining the median amount of monthly wages  
21                 paid during the months for which the new em-  
22                 ployer has been in existence and multiplying the  
23                 amount by 12).

1 **SEC. 4. CONDITIONS RELATING TO LABOR PROTECTIONS.**

2 (a) MAINTENANCE OF WORKFORCE; COLLECTIVE  
3 BARGAINING.—During the period beginning on the date  
4 on which an employer receives an initial grant under the  
5 Program and ending on the date that is 90 days after the  
6 date on which the Secretary terminates the Program—

7 (1) the employer shall make a good-faith effort  
8 to rehire and maintain covered former employees  
9 who were employed by the employer on or prior to  
10 March 1, 2020;

11 (2) the employer shall compensate the covered  
12 former employees rehired and maintained under  
13 paragraph (1) at a level that is not less than the  
14 level of wages received by the covered former em-  
15 ployees prior to March 1, 2020;

16 (3) the employer may not abrogate any collec-  
17 tive bargaining agreement entered into by the em-  
18 ployer and the authorized representatives of the em-  
19 ployees of the employer and in force on March 1,  
20 2020;

21 (4) the employer shall remain neutral in any  
22 union organizing effort; and

23 (5) the employer shall refrain from conducting  
24 involuntary furloughs or reducing pay rates of the  
25 employees of the employer.

1 (b) WORKING AND TRAVEL CONDITIONS.—For the  
2 duration of the national emergency declared by the Presi-  
3 dent under the National Emergencies Act (50 U.S.C.  
4 1601 et seq.) with respect to COVID–19, an employer re-  
5 ceiving a grant under the Program shall adhere to guid-  
6 ance published by the Director of the Centers for Disease  
7 Control and Prevention and all applicable public health  
8 authorities for providing safe conditions for employees, in-  
9 cluding by providing employees with adequate personal  
10 protective equipment and ensuring all facilities owned or  
11 operated by the employer are clean and sanitary.

12 **SEC. 5. APPLICATION OF BANKRUPTCY PROVISIONS.**

13 In the case of an employer receiving a grant under  
14 the Program that is a debtor under title 11 of the United  
15 States Code, S.2518 (115th Cong.) shall be deemed to be  
16 enacted.

17 **SEC. 6. REHIRING BONUS AND PANDEMIC UNEMPLOYMENT**  
18 **COMPENSATION.**

19 (a) REHIRING BONUS.—The Secretary may award to  
20 any covered former employee of an employer receiving a  
21 grant under the Program a rehiring bonus in the amount  
22 of \$1,500 if the covered former employee—

23 (1) has been rehired or has otherwise returned  
24 to employment with the employer with the assistance  
25 of such grant; and



1 (2) earned less than \$40,000 in wages in 2019.

2 (b) DISREGARD OF ADDITIONAL COMPENSATION FOR  
3 PURPOSES OF MEDICAID AND CHIP.—The monthly  
4 equivalent of any rehiring bonus paid to a covered former  
5 employee under subsection (a) shall be disregarded when  
6 determining income for any purpose under the programs  
7 established under titles XIX and title XXI of the Social  
8 Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.).

9 (c) ADDITIONAL REHIRING BONUS.—If the Pan-  
10 demic Unemployment Compensation program established  
11 under the Relief for Workers Affected by Coronavirus Act  
12 (title II of division A of Public Law 116–136) continues  
13 after July 31, 2020, a covered former employee that re-  
14 ceived a rehiring bonus under subsection (a) shall be eligi-  
15 ble for a \$1,200 monthly stimulus check for every month  
16 that the Pandemic Unemployment Compensation program  
17 is extended.

18 **SEC. 7. AUDITS AND PENALTIES.**

19 (a) AUDITS.—Not later than one year after a grant  
20 is awarded under the Program, the Inspector General of  
21 the Department of Treasury (in this section referred to  
22 as the “Inspector General”) shall audit the grant recipient  
23 to determine—

24 (1) the amount of loss of revenue the grant re-  
25 cipient experienced as a result of COVID–19; and

1           (2) whether any instance of overpayment oc-  
2           curred with respect to the grant.

3           (b) LOSS OF REVENUE.—

4           (1) IN GENERAL.—Except as provided in para-  
5           graph (2), a grant recipient under the Program shall  
6           be required to repay to the Department of Treasury  
7           (on a no-interest basis and by a date determined by  
8           the Secretary that is not later than five years after  
9           the date on which the Secretary terminates the Pro-  
10          gram) the total amount of grant funds received  
11          under the Program if, as a result of an audit con-  
12          ducted under subsection (a), the Inspector General  
13          determines—

14                (A) in the case of a grant recipient that is  
15                not a new employer, that the grant recipient did  
16                not experience a decline in gross receipts, dur-  
17                ing a calendar year after receiving the grant, in  
18                an amount that was at least 10 percent of the  
19                gross receipts of the employer for 2019; or

20                (B) in the case of a grant recipient that is  
21                a new employer, that the grant recipient did not  
22                experience a decline in gross receipts, during a  
23                period that corresponds with the period for  
24                which the new employer had most recently filed  
25                employment tax information with the Secretary

1           prior to submitting the grant application under  
2           section 2(c), in an amount that was at least 10  
3           percent of the gross receipts of the new em-  
4           ployer for such period.

5           (2) SMALL BUSINESS EXCEPTION.—A grant re-  
6           cipient that was determined eligible for a grant  
7           under the Program pursuant to section 2(b)(1)(B)  
8           shall not be subject to this subsection.

9           (c) OVERPAYMENT PENALTIES.—

10           (1) FRAUDULENT OVERPAYMENT.—If, as a re-  
11           sult of an audit conducted under subsection (a), the  
12           Inspector General determines that an individual  
13           knowingly has made, or caused to be made by an-  
14           other, a false statement or representation of a mate-  
15           rial fact, or knowingly has failed, or caused another  
16           to fail, to disclose a material fact, and as a result  
17           of such false statement or representation or of such  
18           non-disclosure the individual has received an amount  
19           under the Program to which the individual was not  
20           entitled—

21                   (A) the Inspector General shall notify the  
22                   individual of such determination; and

23                   (B) the individual—

24                           (i) shall be ineligible for subsequent  
25                           grants under the Program; and

1 (ii) shall be required to repay to the  
2 Department of Treasury the amount to  
3 which the individual was not entitled by a  
4 date determined by the Secretary that is  
5 not later than two years after the date on  
6 which the Secretary terminates the Pro-  
7 gram.

8 (2) NON-FRAUDULENT OVERPAYMENT.—If, as  
9 a result of an audit conducted under subsection (a),  
10 the Inspector General determines that an individual  
11 has received an amount under the Program to which  
12 the individual was not entitled as the result of an ac-  
13 tion that is not specified in paragraph (1)—

14 (A) the Inspector General shall notify the  
15 individual of such determination; and

16 (B) the individual shall be required to  
17 repay to the Department of Treasury, on a no-  
18 interest basis, the amount to which the indi-  
19 vidual was not entitled by the date that is not  
20 later than two years after the date on which the  
21 Inspector General notified the individual under  
22 subparagraph (A).

1 **SEC. 8. PAYCHECK RECOVERY PROGRAM IMPLEMENTA-**  
2 **TION OVERSIGHT BOARD.**

3 (a) ESTABLISHMENT.—There is established in the  
4 legislative branch a Congressional Paycheck Recovery Pro-  
5 gram Implementation Oversight Board (in this section re-  
6 ferred to as the “Oversight Board”).

7 (b) DUTIES.—The duties of the Oversight Board  
8 shall be to conduct oversight to ensure that an employer  
9 receiving a grant under the Program uses the grant funds  
10 in accordance with section (2)(f) and complies with the  
11 conditions agreed to under section (2)(e).

12 (c) MEMBERSHIP.—

13 (1) NUMBER AND APPOINTMENT.—The Over-  
14 sight Board shall be composed of 12 members ap-  
15 pointed by the Speaker of the House of Representa-  
16 tives and the majority leader of the Senate as fol-  
17 lows:

18 (A) Four members of Congress appointed  
19 upon the recommendation of the minority lead-  
20 ers of the House of Representatives and the  
21 Senate.

22 (B) Four representatives from the private  
23 sector, including labor unions and management  
24 representatives.

25 (C) Four representatives from State or  
26 local government.

1           (2) CHAIRPERSON.—The chairperson of the  
2           Oversight Board shall be a member of the Oversight  
3           Board designated by the Speaker of the House of  
4           Representatives and the majority leader of the Sen-  
5           ate.

6           (3) VICE CHAIRPERSON.—The vice chairperson  
7           of the Oversight Board shall be a member of the  
8           Oversight Board designated by the Speaker of the  
9           House of Representatives and the majority leader of  
10          the Senate upon the recommendation of the minority  
11          leaders of the House of Representatives and the  
12          Senate.

13          (4) VACANCIES.—A vacancy in the Oversight  
14          Board shall be filled in the same manner in which  
15          the original appointment was made.

16          (d) ADDITIONAL AUTHORITIES.—

17               (1) SUBPOENA.—The Oversight Board may  
18               issue subpoenas requiring the attendance and testi-  
19               mony of witnesses and the production of any evi-  
20               dence relating to any matter the Oversight Board is  
21               empowered to investigate under subsection (b). The  
22               attendance of witnesses and the production of evi-  
23               dence may be required from any place within the  
24               United States at any designated place of hearing  
25               within the United States.

1           (2) OBTAINING OFFICIAL DATA.—The Over-  
2           sight Board may secure directly from the Internal  
3           Revenue Service information necessary to enable it  
4           to carry out this section. Upon request of the Chair-  
5           person of the Oversight Board, the Commissioner of  
6           Internal Revenue shall furnish such information to  
7           the Oversight Board.

8           (e) TERMINATION.—The Oversight Board, and its  
9           authorities under this section, shall terminate on the expi-  
10          ration of the 15-day period beginning on the date on which  
11          the Secretary terminates the Program.

12       **SEC. 9. SEVERABILITY.**

13          If any provision of this Act (or the application of such  
14          provision to any person or circumstance) is held invalid,  
15          the remainder of this Act (or the application of such provi-  
16          sion to other persons or circumstances) shall not be af-  
17          fected.

18       **SEC. 10. DEFINITIONS.**

19          In this Act:

20               (1) AUTHORIZED REPRESENTATIVE.—The term  
21               “authorized representative” means an exclusive rep-  
22               resentative of employees, designated and authorized  
23               by the employees without interference, influence, or  
24               coercion by an employer of such employees.

1           (2) CORRESPONDING 2019 PERIOD.—The term  
2           “corresponding 2019 period” means, with respect to  
3           a month or period of months, that same month or  
4           period of months in 2019.

5           (3) COVERED EMPLOYEE.—The term “covered  
6           employee” means an individual—

7                   (A) employed by a grant recipient under  
8                   the Program on a full time, part-time, or other  
9                   basis; and

10                   (B) who is not receiving unemployment  
11                   compensation, Pandemic Unemployment Com-  
12                   pensation under section 2104 of the CARES  
13                   Act (Public Law 116–136), or any other unem-  
14                   ployment benefit while receiving funds under  
15                   the Program.

16           (4) COVERED FORMER EMPLOYEE.—The term  
17           “covered former employee” means an individual—

18                   (A) previously employed by a grant recipi-  
19                   ent under the Program;

20                   (B) who has been furloughed or laid off by  
21                   the grant recipient as a result of COVID–19;  
22                   and

23                   (C) who is not receiving unemployment  
24                   compensation, Pandemic Unemployment Com-  
25                   pensation under section 2104 of the CARES



1 Act (Public Law 116–136), or any other unem-  
2 ployment benefit while receiving funds under  
3 the Program.

4 (5) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—  
5 The term “eligible self-employed individual” has the  
6 meaning given the term in section 7002(b) of the  
7 Families First Coronavirus Response Act (Public  
8 Law 116–127).

9 (6) EMPLOYER.—The term “employer”—  
10 (A) has the meaning given such term in  
11 section 3401 of the Internal Revenue Code of  
12 1986 (26 U.S.C. 3401); and

13 (B) includes an eligible self-employed indi-  
14 vidual.

15 (7) EXCHANGE.—The term “exchange” has the  
16 meaning given the term in section 3 of the Securities  
17 Exchange Act of 1934 (15 U.S.C. 78c).

18 (8) NATIONAL SECURITIES EXCHANGE.—The  
19 term “national securities exchange” means an ex-  
20 change registered under section 6 of the Securities  
21 Exchange Act of 1934 (15 U.S.C. 78f).

22 (9) NEW EMPLOYER.—The term “new em-  
23 ployer” means an employer (including any prede-  
24 cessor) that was not in existence for any taxable  
25 year ending before January 1, 2020.

1           (10) STATE.—The term “State” means each of  
2           the several States, the District of Columbia, Amer-  
3           ican Samoa, Guam, the Commonwealth of the  
4           Northern Mariana Islands, the Commonwealth of  
5           Puerto Rico, the Virgin Islands of the United States,  
6           and any other territory or possession of the United  
7           States.

8           (11) UNEMPLOYMENT COMPENSATION.—The  
9           term “unemployment compensation” has the mean-  
10          ing given such term in section 85 of the Internal  
11          Revenue Code of 1986 (26 U.S.C. 85).

12          (12) WAGES.—The terms “wages”—

13               (A) has the meaning given such term in  
14               section 3121 of the Internal Revenue Code of  
15               1986 (26 U.S.C. 3121); and

16               (B) includes any healthcare benefits pro-  
17               vided by an employer.