

## Save Our Stages Act: Eligibility requirements of the SOS Program

Eligibility Requirements (A Business Must Satisfy All Applicable Requirements Per Category)	Business Type			
	Live Venue Operator or Promoter, Theatrical Producer, or Live Performing Arts Organization Operator	Motion Picture Theatre Operator	Museum Operator	Talent Representative
<b>General Requirements:</b>	Was fully operational on February 29, 2020.			
	Had gross earned revenue during any of the first, second, third, or fourth quarter in 2020 that demonstrated not less than a 25 percent reduction from the gross earned revenue of such business during the corresponding quarter in 2019.			
<b>Operational/Intention Requirements:</b>	Has resumed or intends to resume organizing, promoting, producing, managing, or hosting future Eligible Live Events. <sup>1</sup>	Is open or intends to reopen for the primary purpose of public exhibition of motion pictures.	Is open or intends to reopen.	Is representing or managing artists and entertainers.
<b>Facility Requirements:</b>	Has a defined performance and audience space. <sup>2</sup>	Has at least one auditorium that includes a motion picture screen and fixed audience seating.	Has indoor exhibition spaces that are a component of the principal business activity and which have been subject to pandemic-related occupancy restrictions.	
	Has mixing equipment, a public address system, and a lighting rig.	Has a projection booth or space containing not less than one motion picture projector.	Has at least one auditorium, theater, or performance or lecture hall with fixed audience seating and regular programming.	
	Engages one or more individuals to carry out not less than two of the following roles: a sound engineer; a booker; a promoter; a stage manager; security personnel; or a box office manager.	Requires a paid ticket charge to attend exhibition of motion pictures.		
	Requires a paid ticket or cover charge to attend most performances and artists are paid fairly (rather than performing for free or for tips, except for fundraisers or similar charitable events).	Markets motion picture exhibitions through showtime listings in printed or electronic publications, on websites, by mass mail, or on social media.		
	If owned or operated by a nonprofit entity that produces free events, the Eligible Live Events are produced and managed primarily by paid employees, not by volunteers.			
	Markets performances in printed or electronic publications, on websites, by mass email, or on social media.			
		Not majority owned or controlled by an entity that is an issuer of securities listed on a national securities exchange.		

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<b>Ownership Restrictions:</b>	Not majority owned or controlled by an entity that received more than 10% of gross revenue from federal funding during 2019, excluding amounts received by such business under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. <sup>3</sup>			
	Not majority owned or controlled by an entity that has <u>all</u> three of the following characteristics: <ol style="list-style-type: none"> <li>1. Owns or operates venues, relevant museums, motion picture theatres, or talent agencies or talent management companies in more than one country;</li> <li>2. Owns or operates venues, relevant museums, motion picture theatres, or talent agencies or talent management companies in more than ten States; and</li> <li>3. Employs more than 500 employees as of February 29, 2020, determined on a full-time equivalent basis.<sup>4</sup></li> </ol>			
<b>Prohibited Activities:</b>	Does not (i) present live performances of a prurient sexual nature or (ii) derive, 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.			
	Has not received on or after December 27, 2020 any loan under the SBA's Paycheck Protection Program (PPP), whether under paragraph (36) (first draw PPP loans) or paragraph (37) (second draw PPP loans) of Section 7(a) of the Small Business Act). Note that PPP loans borrowed prior to the initial expiration of the PPP loan program on August 8, 2020, should not adversely affect eligibility for a SOS Act grant.			
<b>Business Requirements:</b>	One of its principal business activities is operating or using venues for Eligible Live Events for which (i) a cover charge through ticketing or front door entrance fee is applied, and (ii) 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.	One of its principal business activities is owning and operating at least one place of public accommodation for the purpose of motion picture exhibition for a fee.	Operates museums that are Relevant Museum as its principal business activity. <sup>5</sup>	Not less than 70% of its operations are engaged in representing or managing artists and entertainers.
	<p>Either:</p> <ul style="list-style-type: none"> <li>• not less than 70% of the earned revenue of the business is generated through, to the extent related to a live event described immediately above, cover charges or ticket sales, production fees or production reimbursements, nonprofit educational initiatives, or the sale of event beverages, food, or merchandise; or</li> <li>• one its principle business activities is making available for purchaser by the public an average of not less 60 days before the date of the event tickets to live events described immediately above.</li> </ul>			Books or represents musicians, comedians, actors, or similar performing artists primarily at live events in venues or at festivals, with such performing artists paid in an amount that is based on the number of tickets sold, or a similar basis.

<sup>1</sup> "Eligible Live Events" means events in respect of which (i) a cover charge through ticketing or front door entrance fee is applied; and (ii) 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.

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- <sup>2</sup> As applied to a promoter or producer, each of the facility requirements listed here are to be read as a requirement for the venue(s) at which such business promoted or produced Eligible Live Events.
  - <sup>3</sup> The Robert T. Stafford Disaster Relief and Emergency Assistance Act, often referred to as the “Stafford Act,” constitutes the statutory authority for most Federal disaster response activities, especially as they pertain to the FEMA and its programs.
  - <sup>4</sup> For the purposes of the SOS Act, full-time equivalency is calculated as follows: (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.
  - <sup>5</sup> “Relevant Museum” means a public, tribal, or private nonprofit agency or institution organized on a permanent basis for essentially educational, cultural heritage, 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. The 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.