

116TH CONGRESS
2D SESSION

H. R. 7777

To provide automatic forgiveness for paycheck protection program loans under \$150,000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2020

Ms. HOULAHAN (for herself, Mr. UPTON, Mr. FLORES, Mr. FITZPATRICK, Mr. WELCH, Mr. KUSTOFF of Tennessee, Mr. PALAZZO, Mr. EVANS, Mr. CARTER of Texas, Mr. ROUDA, Mr. BARR, Mr. FERGUSON, Mr. GUEST, Mr. BUDD, Mr. WILSON of South Carolina, Mr. WILLIAMS, Mr. LUCAS, Mr. COOPER, Mr. MCCAUL, Mr. DAVID P. ROE of Tennessee, Mr. THOMPSON of Mississippi, Mr. BALDERSON, Mr. GIBBS, Mr. CURTIS, Mr. BISHOP of North Carolina, and Mr. ROY) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To provide automatic forgiveness for paycheck protection program loans under \$150,000, 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 “Paycheck Protection
5 Small Business Forgiveness Act”.

1 **SEC. 2. LOAN FORGIVENESS FOR PPP LOANS UNDER**
2 **\$150,000.**

3 Section 1106 of the CARES Act (Public Law 116–
4 136) is amended—

5 (1) in subsection (e), in the matter preceding
6 paragraph (1), by striking “An eligible” and insert-
7 ing “Except as provided in subsection (m), an eligi-
8 ble”;

9 (2) in subsection (f), by inserting “or the infor-
10 mation required under subsection (m), as applica-
11 ble” after “subsection (e)”;

12 (3) by striking subsection (h) and inserting the
13 following:

14 “(h) HOLD HARMLESS.—

15 “(1) IN GENERAL.—A lender may rely on all
16 certifications and documentation submitted by an
17 applicant or eligible recipient pursuant to any re-
18 quirement in statute regarding covered loans, or
19 rules or guidance promulgated to carry out any ac-
20 tion relating to covered loans, from an applicant or
21 eligible recipient attesting that the applicant or eligi-
22 ble recipient has accurately verified all documenta-
23 tion provided to the lender.

24 “(2) NO ENFORCEMENT ACTION.—With respect
25 to a lender that relies on the certifications and docu-
26 mentation described in paragraph (1)—

1 “(A) no enforcement or other action may
2 be taken against the lender relating to loan
3 origination, forgiveness, or guarantee based on
4 such reliance, including claims under—

5 “(i) the Small Business Act (15
6 U.S.C. 631 et seq.);

7 “(ii) sections 3729 through 3733 of
8 title 31, United States Code (commonly
9 known as the ‘False Claims Act’);

10 “(iii) the Financial Institutions Re-
11 form, Recovery, and Enforcement Act
12 (Public Law 101–73);

13 “(iv) section 21 of the Federal De-
14 posit Insurance Act (12 U.S.C. 1829b),
15 chapter 2 of title I of Public Law 91–508
16 (12 U.S.C. 1951 et seq.), and subchapter
17 II of chapter 53 of title 31, United States
18 Code (collectively known as the ‘Bank Se-
19 crecy Act’); or

20 “(v) any other Federal, State, or
21 other criminal or civil law or regulation;
22 and

23 “(B) the lender shall not be subject to any
24 penalties relating to loan origination, forgive-

1 ness, or guarantee based on such reliance.”;
2 and

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

4 “(m) FORGIVENESS FOR COVERED LOANS UNDER
5 \$150,000.—

6 “(1) IN GENERAL.—Notwithstanding subsection
7 (e), with respect to a covered loan made to an eligi-
8 ble recipient that is not more than \$150,000, the
9 covered loan amount shall be forgiven under this
10 section if the eligible recipient submits to the lender
11 a one-page online or paper form, to be established
12 by the Administrator, that attests that the eligible
13 recipient complied with the requirements under sec-
14 tion 7(a)(36) of the Small Business Act (15 U.S.C.
15 636(a)(36)). Covered individuals (defined under sec-
16 tion 4019 of this Act) are not eligible for forgiveness
17 under this subsection.

18 “(2) HOLD HARMLESS.—With respect to a
19 lender that relies on an attestation submitted by an
20 eligible recipient under paragraph (1), no enforce-
21 ment action may be taken against the lender for any
22 falsehoods contained in the attestation.

23 “(3) DEMOGRAPHIC INFORMATION.—The online
24 or paper form established by the Administrator
25 under paragraph (1) shall include a means by which

1 an eligible recipient may, at the discretion of the eli-
2 gible recipient, submit demographic information of
3 the owner of the eligible recipient, including the sex,
4 race, ethnicity, and veteran status of the owner.

5 “(4) EXPENDITURE INFORMATION.—The form
6 established by the Administrator under paragraph
7 (1) shall include a process by which an eligible re-
8 cipient may elect to submit information about the
9 use of the covered loan, including indication of
10 whether the eligible recipient—

11 “(A) used 60 percent or more of the cov-
12 ered loan amount for payroll costs as defined in
13 section 7(a)(36) of the Small Business Act (15
14 U.S.C. 636(a)(36));

15 “(B) used less than 60 percent of the cov-
16 ered loan amount for payroll costs but is able
17 to document an inability to hire or rehire em-
18 ployees as described under subsection (d)(7)(A);
19 or

20 “(C) used less than 60 percent of the cov-
21 ered loan amount for payroll costs but is able
22 to document an inability to return to the same
23 level of business activity as described under
24 subsection (d)(7)(B).

1 “(n) ENFORCEMENT ACTION AGAINST BOR-
2 ROWERS.—An eligible recipient of a covered loan may only
3 be subject to an enforcement action or penalty relating
4 to loan origination, forgiveness, or guarantee of the cov-
5 ered loan if the eligible recipient commits fraud or expends
6 covered loan proceeds on expenses that are not allowable
7 under section 7(a)(36)(F) of the Small Business Act (15
8 U.S.C. 636(a)(36)(F)).”.

○