

Calendar No. 454

116TH CONGRESS
2D SESSION

S. 3833

To extend the loan forgiveness period for the paycheck protection program,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2020

Mr. RUBIO (for himself, Mr. CARDIN, Ms. COLLINS, Mrs. SHAHEEN, Mr. DURBIN, Mr. GARDNER, Mr. DAINES, Mr. TILLIS, Mr. BRAUN, and Mrs. BLACKBURN) introduced the following bill; which was read the first time

JUNE 1, 2020

Read the second time and placed on the calendar

A BILL

To extend the loan forgiveness period for the paycheck
protection 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 “Paycheck Protection
5 Program Extension Act”.

1 **SEC. 2. AMENDMENTS TO THE PAYCHECK PROTECTION**
 2 **PROGRAM AND LOAN FORGIVENESS.**

3 (a) COVERED PERIOD AND ALLOWABLE USES FOR
 4 LOANS.—Section 7(a)(36) of the Small Business Act (15
 5 U.S.C. 636(a)(36)) is amended—

6 (1) in subparagraph (A)(iii), by striking “June
 7 30, 2020” and inserting “December 31, 2020”; and

8 (2) in subparagraph (F)—

9 (A) in subclause (VI), by striking “and” at
 10 the end;

11 (B) in subclause (VII), by striking the pe-
 12 riod at the end and inserting “; and”; and

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

14 “(VIII) covered worker protection
 15 expenditures, as defined in section
 16 1106(a) of the CARES Act (Public
 17 Law 116–136).”;

18 (b) LOAN FORGIVENESS.—Section 1106 of the
 19 CARES Act (Public Law 116–136) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (3), by striking “8-week”
 22 and inserting “16-week”;

23 (B) by redesignating paragraphs (6), (7),
 24 and (8) as paragraphs (7), (8) and (9), respec-
 25 tively;

1 (C) by inserting after paragraph (5) the
2 following:

3 “(6) the term ‘covered worker protection ex-
4 penditure’—

5 “(A) means an operating or a capital ex-
6 penditure, as determined in accordance with
7 generally accepted accounting principles, that is
8 required to facilitate the adaptation of the busi-
9 ness activities of an eligible recipient to comply
10 with requirements established or guidance
11 issued by the Department of Health and
12 Human Services, the Centers for Disease Con-
13 trol, or the Occupational Safety and Health Ad-
14 ministration during the period beginning on
15 March 1, 2020 and ending December 31, 2020
16 related to the maintenance of standards for
17 sanitation, social distancing, or any other work-
18 er or customer safety requirement related to
19 COVID–19;

20 “(B) may include—

21 “(i) the purchase, maintenance, or
22 renovation of assets that create or ex-
23 pand—

24 “(I) a drive-through window fa-
25 cility;

1 “(II) an indoor, outdoor, or com-
2 bined air or air pressure ventilation or
3 filtration system;

4 “(III) a physical barrier such as
5 a sneeze guard;

6 “(IV) an indoor, outdoor, or com-
7 bined commercial real property;

8 “(V) an onsite or offsite health
9 screening capability; or

10 “(VI) other assets relating to the
11 compliance with the requirements or
12 guidance described in subparagraph
13 (A), as determined by the Adminis-
14 trator in consultation with the Sec-
15 retary of Health and Human Services
16 and the Secretary of Labor; and

17 “(ii) the purchase of—

18 “(I) covered materials described
19 in section 328.103(a) of title 44, Code
20 of Federal Regulations, or any suc-
21 cessor regulation;

22 “(II) particulate filtering face-
23 piece respirators approved by the Na-
24 tional Institute for Occupational Safe-
25 ty and Health, including those ap-

1 proved only for emergency use author-
 2 ization; or

3 “(III) other kinds of personal
 4 protective equipment, as determined
 5 by the Administrator in consultation
 6 with the Secretary of Health and
 7 Human Services and the Secretary of
 8 Labor; and

9 “(C) does not include residential real prop-
 10 erty or intangible property.”; and

11 (D) in paragraph (8), as so redesignated—

12 (i) in subparagraph (C), by striking
 13 “and” at the end; and

14 (ii) by adding at the end the fol-
 15 lowing:

16 “(E) covered worker protection expendi-
 17 tures; and”;

18 (2) in subsection (b), by adding at the end the
 19 following:

20 “(5) Any covered worker protection expendi-
 21 ture.”;

22 (3) in subsection (d)—

23 (A) in paragraph (5)(B)—

24 (i) by striking “date of enactment of
 25 this Act” each place that term appears and

1 inserting “date of enactment of the Pay-
2 check Protection Program Extension Act”;
3 and

4 (ii) by striking “June 30, 2020” each
5 place that term appears and inserting “the
6 date that is 16 weeks after the date of the
7 origination of the covered loan”;

8 (B) by redesignating paragraph (6) as
9 paragraph (7); and

10 (C) by inserting after paragraph (5) the
11 following:

12 “(6) HOLD HARMLESS.—

13 “(A) IN GENERAL.—The amount of loan
14 forgiveness under this section received by an eli-
15 gible recipient of a covered loan shall not be re-
16 duced because of a reduction in number of em-
17 ployees described in paragraph (2) or a reduc-
18 tion relating to salary and wages described in
19 paragraph (3) that occurs outside of the 8-week
20 safe harbor period of the eligible recipient de-
21 scribed in subparagraph (B).

22 “(B) 8-WEEK SAFE HARBOR PERIOD.—An
23 eligible recipient of a covered loan may elect a
24 contiguous 8-week period that occurs during the

covered period for purposes of the safe harbor period described in subparagraph (A).

“(C) APPLICATION DATE.—An eligible recipient that has a forgiveness amount under this section that is equivalent to the amount of the covered loan received by the recipient and that elects an 8-week safe harbor period described in subparagraph (B) may apply for loan forgiveness at the end of the 8-week safe harbor period elected by the eligible recipient.”;

(4) in subsection (e)—

(A) in paragraph (2), by inserting “covered worker protection expenditures,” after “lease obligations,”; and

(B) in paragraph (3), by inserting “make payments on covered worker protection expenditures,” after “rent obligation,”; and

(5) by amending subsection (h) to read as follows:

low:

“(h) HOLD HARMLESS.—

“(1) IN GENERAL.—A lender may rely on any certification or documentation submitted by an applicant for a covered loan or an eligible recipient of a covered loan that—

1 “(A) is submitted pursuant to any statu-
2 tory requirement relating to covered loans or
3 any rule or guidance issued to carry out any ac-
4 tion relating to covered loans; and

5 “(B) attests that the applicant or eligible
6 recipient, as applicable, has accurately verified
7 any certification or documentation provided to
8 the lender.

9 “(2) NO ENFORCEMENT ACTION.—With respect
10 to a lender that relies on a certification or docu-
11 mentation described in paragraph (1)—

12 “(A) an enforcement action may not be
13 taken against the lender acting in good faith re-
14 lating to origination or forgiveness of a covered
15 loan based on such reliance; and

16 “(B) the lender acting in good faith shall
17 not be subject to any penalties relating to origi-
18 nation or forgiveness of a covered loan based on
19 such reliance.”.

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