

116TH CONGRESS
2D SESSION

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

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO (for himself, Mr. CARDIN, Ms. COLLINS, and Mrs. SHAHEEN) in-
troduced the following bill; which was read twice and referred to the Com-
mittee on

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”.

6 SEC. 2. AMENDMENTS TO THE PAYCHECK PROTECTION
7 PROGRAM AND LOAN FORGIVENESS.

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

1 (1) in subparagraph (A)(iii), by striking “June
2 30, 2020” and inserting “December 31, 2020”; and

3 (2) in subparagraph (F)—

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

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

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

9 “(VIII) covered worker protection
10 expenditures, as defined in section
11 1106(a) of the CARES Act (Public
12 Law 116–136).”;

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

15 (1) in subsection (a)—

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

18 (B) by redesignating paragraphs (6), (7),
19 and (8) as paragraphs (7), (8) and (9), respec-
20 tively;

21 (C) by inserting after paragraph (5) the
22 following:

23 “(6) the term ‘covered worker protection ex-
24 penditure’—

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

16 “(B) may include—

17 “(i) the purchase, maintenance, or
18 renovation of assets that create or ex-
19 pand—

20 “(I) a drive-through window fa-
21 cility;

22 “(II) an indoor, outdoor, or com-
23 bined air or air pressure ventilation or
24 filtration system;

4

1 “(III) a physical barrier such as
2 a sneeze guard;

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

5 “(V) an onsite or offsite health
6 screening capability; or

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

14 “(ii) the purchase of—

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

19 “(II) particulate filtering face-
20 piece respirators approved by the Na-
21 tional Institute for Occupational Safe-
22 ty and Health, including those ap-
23 proved only for emergency use author-
24 ization; or

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

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

9 (D) in paragraph (8), as so redesignated—
10 (i) in subparagraph (C), by striking
11 “and” at the end; and

12 (ii) by adding at the end the fol-
13 lowing:

14 “(E) covered worker protection expendi-
15 tures; and”;

16 (2) in subsection (b), by adding at the end the
17 following:

18 “(5) Any covered worker protection expendi-
19 ture.”;

20 (3) in subsection (d)—

21 (A) in paragraph (5)(B)—

22 (i) by striking “date of enactment of
23 this Act” each place that term appears and
24 inserting “date of enactment of the Pay-

1 check Protection Program Extension Act”;

2 and

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

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

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

11 “(6) HOLD HARMLESS.—

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

21 “(B) 8-WEEK SAFE HARBOR PERIOD.—An
22 eligible recipient of a covered loan may elect a
23 contiguous 8-week period that occurs during the
24 covered period for purposes of the safe harbor
25 period described in subparagraph (A).

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

9 (4) in subsection (e)—

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

13 (B) in paragraph (3), by inserting “make
14 payments on covered worker protection expendi-
15 tures,” after “rent obligation,”; and

16 (5) by amending subsection (h) to read as fol-
17 lows:

18 “(h) HOLD HARMLESS.—

19 “(1) IN GENERAL.—A lender may rely on any
20 certification or documentation submitted by an ap-
21 plicant for a covered loan or an eligible recipient of
22 a covered loan that—

23 “(A) is submitted pursuant to any statu-
24 tory requirement relating to covered loans or

1 any rule or guidance issued to carry out any ac-
2 tion relating to covered loans; and

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

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

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

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