

116TH CONGRESS
2D SESSION

S. _____

To provide that payments for waste and recycling collection services are allowable expenses under the paycheck protection program and eligible for loan forgiveness under the CARES Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CARPER (for himself, Mr. BOOZMAN, and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide that payments for waste and recycling collection services are allowable expenses under the paycheck protection program and eligible for loan forgiveness under the CARES Act, 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. INCLUSION OF WASTE AND RECYCLING COL-**
4 **LECTION SERVICES.**

5 (a) ALLOWABLE USE OF PPP LOAN.—Section
6 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C.
7 636(a)(36)(F)(i)) is amended—

1 (1) in subclause (VI), by striking “and” at the
2 end;

3 (2) in subclause (VII), by striking the period at
4 the end and inserting “; and” and

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

6 “(VIII) payments for waste or
7 recycling collection services.”.

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

10 (1) in subsection (a)—

11 (A) in paragraph (7)—

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 waste and recycling collection
17 services payments;”;

18 (B) in paragraph (8), by striking the pe-
19 riod at the end and inserting “; and”; and

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

21 “(9) the term ‘covered waste or recycling collec-
22 tion service payment’ means a payment for a waste
23 or recycling collection service for which service began
24 before February 15, 2020.”;

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

3 “(5) Any covered waste or recycling collection
4 service payment.”;

5 (3) in subsection (d)(8), by inserting “any cov-
6 ered waste or recycling collection service payment,”
7 after “rent obligation,”;

8 (4) in subsection (e)—

9 (A) in paragraph (2), by inserting “covered
10 waste or recycling collection service payments,”
11 after “lease obligations,”; and

12 (B) in paragraph (3), by inserting “make
13 covered waste or recycling collection service
14 payments,” after “rent obligation,”; and

15 (5) in subsection (h), by inserting “covered
16 waste or recycling collection service payments,” after
17 “lease obligations,” each place that term appears.

false

PRESS RELEASES

Senate Recycling Caucus Co-Chairs Introduce Legislation to Expand Small Business Loan Eligibility to Waste and Recycling Collection Services

(/public/index.cfm/press-releases?ID=DC167C8E-AE20-408B-87B2-7A3146A0C0D2)

Jun 18 2020

WASHINGTON— Following the Senate Environment and Public Works (EPW) Committee’s hearing to examine challenges facing the recycling industry (<https://youtu.be/k0SNDwVo5bl>), Senate Recycling Caucus Co-chairs John Boozman (R-AR) and Tom Carper (D-DE), senior Democrat on the committee, introduced bipartisan legislation that would expand the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* to cover waste and recycling collection services.

This legislation would designate waste and recycling collection services allowable expenses under the Paycheck Protection Program (PPP), making them eligible for loan forgiveness under the CARES Act.

"I appreciate Senator Carper's leadership to ensure waste and recycling collection services are eligible for PPP loans. Their employees have been on the frontlines to help keep our neighborhoods clean and minimize the spread of infectious diseases. These small businesses are vital industries and allowing them to qualify for participation in the PPP is important to maintaining this public service," Boozman said.

"As our country continues to grapple with the fallout of China's Green Fence policy and the ongoing impacts of the COVID-19 pandemic, many municipalities and businesses are unable to afford waste and recycling collection services. When recycling becomes unaffordable, recyclables are oftentimes incinerated or piled up in landfills, leaking toxins and polluting the air we breathe. Amid a respiratory pandemic whose effects are exacerbated by air pollution, this is a public health problem Congress cannot afford to ignore," said Carper, who founded the Senate Recycling Caucus in 2006. "By expanding the CARES Act Paycheck Protection Program to include waste and recycling services, we can ensure no Americans are forced to pay out of pocket for these basic services that keep our environment clean and protect our air."

Created in the *Coronavirus Aid, Relief, and Economic Security (CARES) Act*, the PPP provides low-interest loans to small businesses and can be eligible for forgiveness. To receive full forgiveness, the borrower must spend no less than 75 percent of the loan proceeds on payroll costs and no more than 25 percent of the proceeds on non-payroll covered costs.

The CARES Act specifies that non-payroll costs include mortgage interest, rent, and utilities (e.g. gas, electric, water). However, waste and recycling collections costs are not listed among the covered utility non-payroll costs.

This legislation would designate waste/recycling collection as a non-payroll utility cost. Senator Rob Portman (R-Ohio) also is an original cosponsor.

Earlier this month, Boozman and Carper wrote a letter to Senate leaders

(https://www.boozman.senate.gov/public/_cache/files/8/3/83d72ab6-

United States Senate

WASHINGTON, DC 20510

June 3, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Leaders McConnell and Schumer,

As members of the Senate Recycling Caucus, we write to you today to express our concerns about our nation's men and women in the waste and recycling collection industry that have been declared essential in all fifty states. We are concerned that those working in the sanitation industry on the frontlines are vulnerable to the impacts the coronavirus. We urge you to consider the waste and recycling industries in any future coronavirus relief packages to address this critical infrastructure industry, particularly as we work through issues surrounding Personal Protective Equipment (PPE).

America's waste and recycling collection sector directly and indirectly employs nearly 1.5 million people across our country in every state and congressional district with a total payroll of nearly \$30 billion. During this national emergency, members of this sector have been classified as "essential," having been listed under five different "essential critical infrastructure workers" headings in the Cybersecurity and Infrastructure Security Agency (CISA) 3.0 guidelines.^[1]

Due to their essential status, these hardworking Americans will continue to provide waste and recycling services to customers and communities in order to protect the public's health and safety. As waste and recycling bins continue to fill up, these men and women need to have the adequate equipment, including PPE, to do their jobs in a safe and responsible way. Providing this equipment will ensure community and household waste and recycling programs can continue to operate, as these programs are often also playing a critical role in supplying raw materials for the manufacturing of essential products during this unique time.


From the healthcare sector to the restaurant industry and from those that own small businesses and to the places we call home, these services have a material impact on nearly every sector in our society. Every day, the employees in this industry perform essential services even though many of their service contracts are not being paid during these unprecedented times. As

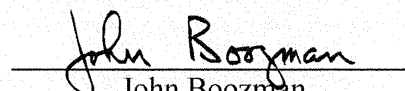
^[1] "Public Works and Infrastructure Support Services," "Critical Manufacturing," "Hazardous Materials," "Healthcare / Public Health," and "Transportation and Logistics." Source: https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_4.pdf


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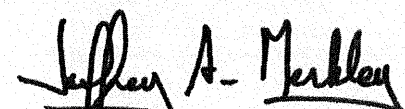
Congress continues our work to provide relief from the COVID-19 pandemic, we ask that you also consider the needs of the men and women in the waste and recycling collection industry. Should you have any questions, please do not hesitate to reach out to Avery Mulligan of Senator Carper's staff at avery_mulligan@epw.senate.gov or Jace Motley of Senator Boozman's staff at jace_motley@boozman.senate.gov.

Thank you,


Thomas R. Carper
United States Senator


John Boozman
United States Senator


Ron Wyden
United States Senator


Jeffrey A. Merkley
United States Senator

Christopher A. Coons
United States Senator



FOR IMMEDIATE RELEASE

June 17, 2020

NWRA APPLAUDS INTRODUCTION OF PPP FLEXIBILITY BILL IN SENATE

Amends the CARES Act to Allow PPP Loan Recipients to Pay for Waste and Recycling Collection Services

Arlington, VA – The National Waste & Recycling Association (NWRA) applauds Senators Tom Carper (D-DE), John Boozman (R-AR) and Rob Portman (R-OH) for introducing bipartisan legislation that would increase the Paycheck Protection Program’s (PPP) flexibility by specifically including payments for waste and recycling collection services as an allowable expenditure under debt forgiveness provisions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

“We thank Senators Carper, Boozman and Portman for introducing this NWRA-originated bill to amend the CARES Act to allow PPP funds to be used by businesses to pay for their waste and recycling collection services,” said NWRA President and CEO Darrell Smith. “The private sector waste and recycling industry is essential to preventing the spread of disease and illness, especially now during the COVID-19 crisis. We urge Congress to swiftly pass this legislation and send it to the president for his signature.”

NWRA conceived the idea and worked with congressional staff and legislative counsel on the language. NWRA has conducted more than 150 teleconferences with congressional staff to urge support for such a measure in both the House and Senate. Separate House legislation addressing the issue was introduced by Representatives David McKinley (R-WV) and Paul Tonko (D-NY) at the urging of NWRA last month. That bill, H.R. 6987, currently has 13 cosponsors.

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ABOUT NWRA

The National Waste & Recycling Association (NWRA) represents the private sector waste and recycling services industry. Association members conduct business in all 50 states and include companies that manage waste, recycling and medical waste, equipment manufacturers and distributors, and a variety of other service providers. For more information about NWRA, please visit www.wasterecycling.org (<http://www.wasterecycling.org/>).

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