

CARES ACT DISASTER RELIEF: Paycheck Protection Program; Expansion of Disaster Loan Program; Employee Retention Credit

	Paycheck Protection Program (SBA Sec. 7(a))	Expansion of Economic Injury Disaster Loan Program	Employee Retention Tax Credit
General Information	Loan to cover operational costs.	Loan to cover disaster situations.	Credit against employer's payroll tax.
Timeframe	February 15, 2020 to June 30, 2020.	January 31, 2020 to December 31, 2020.	Wages paid after March 12, 2020 and before January 1, 2021.
Who is Eligible	<ul style="list-style-type: none"> - Any business concern with less than 500 employees; - "Accommodation and Food Service" businesses with less than 500 employees per location; - Sole proprietors; - Independent contractors. 	<ul style="list-style-type: none"> - Businesses with fewer than 500 employees; - Sole proprietorships (whether they have employees or not); - Independent contractors; - Cooperatives with 500 or fewer employees; - ESOPs with 500 or fewer employees; and - Tribal small business concerns. 	All employers; employers with more than 100 employees are treated differently than employers with 100 or fewer employees.
Details	<ul style="list-style-type: none"> -2.5 X average monthly payroll costs; -Maximum Rate: 4%; -Cap: \$10m. 	<ul style="list-style-type: none"> - Emergency Advance up to \$10k within 3 days of application; - No personal guaranty on loans of \$200k or less. 	Refundable credit against payroll tax liability equal to 50% of the first \$10k in wages per employee.
Use of Proceeds	<ul style="list-style-type: none"> -Payroll (must constitute 75% of expenditures from loan proceeds); -Interest on mortgage obligations; -Lease payments; -Utilities. 	<ul style="list-style-type: none"> -Providing sick leave to employees unable to work due to the direct effect of COVID-19; -Maintaining payroll; -Meeting increased supply chain costs; -Making rent or mortgage payments; and -Repaying debts that cannot be paid due to lost revenue. 	Not applicable.
Exclusions	<ul style="list-style-type: none"> -Compensation in excess of \$100k and/or paid to employees outside the US; - Certain federal taxes; -Wages for which credit is allowed under the FFCRA. 	If transferred into SBA Loan Program, advance is deducted from any payroll cost forgiveness.	May not be claimed by an employer that receives a Small Business Interruption Loan under Sec. 7(a) of the Small Business Act and is not allowed for any paid time off under the FFCRA.
Eligible for Forgiveness	Generally, yes. Available for amounts listed under "Use of Proceeds."	\$10k is eligible for forgiveness.	Not applicable.

This material is not intended to constitute tax, legal, or other advice from the author or MANLEY & BRAUTIGAM P.C., which assumes no responsibility for advising the reader as to his or her specific tax, legal, or other consequences arising from the reader's particular situation, and shall not be liable for any damages resulting from these materials. Due to the rapidly changing nature of the law, information contained in these publications may become outdated.