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Calendar No. 8

119TH CONGRESS
1ST SESSION

S. 68

To prohibit the suspension of collections on loans made to small businesses related to COVID–19, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2025

Ms. ERNST (for herself, Mr. YOUNG, Mrs. BLACKBURN, Mr. LANKFORD, Mr. CURTIS, Mr. SCHMITT, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

FEBRUARY 10, 2025

Reported by Ms. ERNST, with amendments

[Omit the parts struck through and insert the parts printed in italic]

A BILL

To prohibit the suspension of collections on loans made to small businesses related to COVID–19, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Complete COVID Collections Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION; ADMINISTRATOR.—The terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively.

(2) COVERED FUNDS.—The term ''covered funds'' means amounts made available for COVID–19 relief under—

(A) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123; 134 Stat. 146);

(B) the Families First Coronavirus Response Act (Public Law 116–127; 134 Stat. 178);

(C) the CARES Act (Public Law 116–136; 134 Stat. 281);

(D) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620);

(E) division M or N of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. ~~1909~~ *1182*); or

(F) the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4).

(3) COVERED LOAN.—The term ''covered loan'' means—

(A) a loan guaranteed under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(B) a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) related to COVID–19.

(4) COVERED PROGRAM.—The term ''covered program'' means—

(A) loans made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a));

(B) economic injury disaster loans made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) related to COVID–19;

(C) advances provided pursuant to section 1110 of the CARES Act (15 U.S.C. 9009), section 331 of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9009b), or section 5002(b) of the American Rescue Plan Act of 2021 (15 U.S.C. 9009 note);

(D) restaurant revitalization grants made under section 5003 of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c); and

(E) grants for shuttered venue operators made under section 324 of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9009a).

(5) IMPROPER PAYMENT.—The term ''improper payment'' has the meaning given the term in section 3351 of title 31, United States Code.

SEC. 3. SPECIAL INSPECTOR GENERAL FOR PANDEMIC RECOVERY.

(a) EXTENSION.—Section 4018 of the CARES Act (15 U.S.C. 9053) is amended—

(1) in subsection (c)(1), in the matter preceding subparagraph (A)—

(A) by inserting ''or the Administrator of the Small Business Administration (referred to in this ~~section~~ *subsection* as the 'Administrator')'' after ''the Secretary of the Treasury'';

(B) by inserting ''or the Administrator'' after ''established by the Secretary'';

(C) by inserting ''or any assistance provided under any covered program'' after ''under this Act'' each place that term appears; and

(D) by inserting ''or the Administrator'' after ''management by the Secretary'';

(2) in subsection (h), by striking ''the date 5 years after ~~March 27, 2020~~ *the enactment of this Act*'' and inserting ''September 30, 2030''; and

(3) by adding at the end the following:

''(k) COORDINATION AND PROVISION OF INFORMATION.—

''(1) COORDINATION.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this section, the Special Inspector General shall coordinate with, and receive the cooperation of, the Administrator *of the Small Business Administration* and the Inspector General of the Small Business Administration.

''(2) INFORMATION.—The Administrator *of the Small Business Administration* shall provide data and information related to covered programs to the Special Inspector General in the same manner as the Administrator provides that data and information to the Inspector General of the Small Business Administration.

''(l) COVERED PROGRAM.—In this section, the term 'covered program' has the meaning given the term in section 2 of the Complete COVID Collections Act.''.

SEC. 4. FRAUD ENFORCEMENT HARMONIZATION.

(a) EMERGENCY RELIEF AND TAXPAYER PROTECTIONS.—Section 4003 of the CARES Act (15 U.S.C. 9042) is amended by adding at the end the following:

''(i) FRAUD ENFORCEMENT HARMONIZATION.—Notwithstanding any other provision of law, any criminal charge or civil enforcement action alleging that a business, State, or municipality engaged in fraud or similarly related crime with respect to any loan, loan guarantee, or other investment made under this section shall be filed not later than 10 years after the offense was committed.''.

(b) GRANTS FOR SHUTTERED VENUE OPERATORS.—Section 324 of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9009a) is amended by adding at the end the following:

''(g) FRAUD ENFORCEMENT HARMONIZATION.—Notwithstanding any other provision of law, any criminal charge or civil enforcement action alleging that ~~a business, State, or municipality~~ *an eligible person or entity* engaged in fraud or similarly related crime with respect to any grant made under this section shall be filed not later than 10 years after the offense was committed.''.

(c) RESTAURANT REVITALIZATION GRANTS.—Section 5003 of the American Rescue Plan Act of 2021 (15 U.S.C. 9009c) is amended by adding at the end the following:

"(d) FRAUD ENFORCEMENT HARMONIZATION.—Notwithstanding any other provision of law, any criminal charge or civil enforcement action alleging that ~~a business, State, or municipality~~ *an eligible entity* engaged in fraud or similarly related crime with respect to any grant made under this section shall be filed not later than 10 years after the offense was committed.".

SEC. 5. PROHIBITION ON SUSPENDING COLLECTIONS ON SBA LOANS RELATED TO COVID–19.

(a) REFERRAL OF CLAIMS.—The Administrator shall refer to the Department of the Treasury any claim for collection related to a covered loan under $100,000.

(b) DEPARTMENT OF THE TREASURY DETERMINATION.—The Department of the Treasury shall render a final decision as to suspend, end, or make collection on a claim referred to the Department of the Treasury by the Administrator under subsection (a).

(c) BRIEFINGS AND TESTIMONY.—

(1) MONTHLY BRIEFINGS.—Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter, the Administrator shall brief the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in pursuing the

collection of claims related to covered loans and transferring claims to the Department of the Treasury for collection in accordance with subchapter II of chapter 37 of title 31, United States Code.

(2) TESTIMONY.—

(A) IN GENERAL.—The Administrator shall testify annually before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on—

(i) the implementation of collections of claims related to covered loans;

(ii) improper payments related to covered programs; and

(iii) the compliance of the Administration with the reporting requirements under subchapter IV of chapter 33 of title 31, United States Code.

(B) NONDELEGATION.—The Administrator may not delegate the responsibility under subparagraph (A) to any other individual.

SEC. 6. DEPARTMENT OF JUSTICE COVID–19 PROGRAM FRAUD REPORT.

(a) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, and every month thereafter,

the Attorney General shall submit to Congress a report on activities *of the Department of Justice* related to covered programs, which shall include—

(1) a summary of the information contained in the report, specifically the total number of prosecutions, the total dollar amount recovered by prosecutions, the total number of referrals and source of such referrals, and the total number of declined cases and reasons for declining;

(2) with respect to each covered program—

(A) the number *of prosecutions* and disposition of each prosecution;

(B) the dollar amount recovered from prosecutions;

(C) the number of declined cases and the reasons for declining;

(D) the number of referrals—

(i) from the Department of Justice; and

(ii) from sources other than the Department of Justice, such as ~~other~~ inspectors general *of other agencies*; and

(E) the disposition of each referral described in subparagraph (D), specifically wheth-

er the referral resulted in prosecution or declination; and

(3) any additional matters as the Attorney General determines appropriate.

SEC. 7. RECOVERIES TRANSPARENCY.

Not later than 60 days after the date of enactment of this Act, the Pandemic Response Accountability Committee established under section 15010 of division B of the CARES Act (Public Law 116–136; 134 Stat. 533) shall establish and maintain on the website of the Committee real-time data relating to covered funds recovered by the Federal Government, which shall be broken out by type of covered funds and dollar amount of covered funds recovered by the Federal Government.

SEC. 8. FRAUD RECOVERY COLLECTIONS.

Any collection of amounts that were obtained through a covered program as a result of fraud shall be applied solely towards reduction of the Federal debt.

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