

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2025

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

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## A BILL

To prohibit the suspension of collections on loans made to small businesses related to COVID–19, 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 “Complete COVID Col-  
5       lections Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) ADMINISTRATION; ADMINISTRATOR.—The  
9       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); or

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

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

1 (A) a loan guaranteed under paragraph  
 2 (36) or (37) of section 7(a) of the Small Busi-  
 3 ness Act (15 U.S.C. 636(a)); and

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

7 (4) COVERED PROGRAM.—The term “covered  
 8 program” means—

9 (A) loans made under paragraph (36) or  
 10 (37) of section 7(a) of the Small Business Act  
 11 (15 U.S.C. 636(a));

12 (B) economic injury disaster loans made  
 13 under section 7(b)(2) of the Small Business Act  
 14 (15 U.S.C. 636(b)(2)) related to COVID-19;

15 (C) advances provided pursuant to section  
 16 1110 of the CARES Act (15 U.S.C. 9009), sec-  
 17 tion 331 of division N of the Consolidated Ap-  
 18 propriations Act, 2021 (15 U.S.C. 9009b), or  
 19 section 5002(b) of the American Rescue Plan  
 20 Act of 2021 (15 U.S.C. 9009 note);

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

24 (E) grants for shuttered venue operators  
 25 made under section 324 of division N of the

1 Consolidated Appropriations Act, 2021 (15  
2 U.S.C. 9009a).

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

6 **SEC. 3. SPECIAL INSPECTOR GENERAL FOR PANDEMIC RE-**  
7 **COVERY.**

8 (a) EXTENSION.—Section 4018 of the CARES Act  
9 (15 U.S.C. 9053) is amended—

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

12 (A) by inserting “or the Administrator of  
13 the Small Business Administration (referred to  
14 in this section as the ‘Administrator’)” after  
15 “the Secretary of the Treasury”;

16 (B) by inserting “or the Administrator”  
17 after “established by the Secretary”;

18 (C) by inserting “or any assistance pro-  
19 vided under any covered program” after “under  
20 this Act” each place that term appears; and

21 (D) by inserting “or the Administrator”  
22 after “management by the Secretary”;

23 (2) in subsection (h), by striking “the date 5  
24 years after March 27, 2020” and inserting “Sep-  
25 tember 30, 2030”; and

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

2 “(k) COORDINATION AND PROVISION OF INFORMA-  
3 TION.—

4 “(1) COORDINATION.—In carrying out the du-  
5 ties, responsibilities, and authorities of the Special  
6 Inspector General under this section, the Special In-  
7 spector General shall coordinate with, and receive  
8 the cooperation of, the Administrator and the In-  
9 spector General of the Small Business Administra-  
10 tion.

11 “(2) INFORMATION.—The Administrator shall  
12 provide data and information related to covered pro-  
13 grams to the Special Inspector General in the same  
14 manner as the Administrator provides that data and  
15 information to the Inspector General of the Small  
16 Business Administration.

17 “(l) COVERED PROGRAM.—In this section, the term  
18 ‘covered program’ has the meaning given the term in sec-  
19 tion 2 of the Complete COVID Collections Act.”.

20 **SEC. 4. FRAUD ENFORCEMENT HARMONIZATION.**

21 (a) EMERGENCY RELIEF AND TAXPAYER PROTEC-  
22 TIONS.—Section 4003 of the CARES Act (15 U.S.C.  
23 9042) is amended by adding at the end the following:

24 “(i) FRAUD ENFORCEMENT HARMONIZATION.—Not-  
25 withstanding any other provision of law, any criminal

1 charge or civil enforcement action alleging that a business,  
 2 State, or municipality engaged in fraud or similarly re-  
 3 lated crime with respect to any loan, loan guarantee, or  
 4 other investment made under this section shall be filed not  
 5 later than 10 years after the offense was committed.”.

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

10 “(g) FRAUD ENFORCEMENT HARMONIZATION.—Not-  
 11 withstanding any other provision of law, any criminal  
 12 charge or civil enforcement action alleging that a business,  
 13 State, or municipality engaged in fraud or similarly re-  
 14 lated crime with respect to any grant made under this sec-  
 15 tion shall be filed not later than 10 years after the offense  
 16 was committed.”.

17 (c) RESTAURANT REVITALIZATION GRANTS.—Sec-  
 18 tion 5003 of the American Rescue Plan Act of 2021 (15  
 19 U.S.C. 9009c) is amended by adding at the end the fol-  
 20 lowing:

21 “(d) FRAUD ENFORCEMENT HARMONIZATION.—Not-  
 22 withstanding any other provision of law, any criminal  
 23 charge or civil enforcement action alleging that a business,  
 24 State, or municipality engaged in fraud or similarly re-  
 25 lated crime with respect to any grant made under this sec-

tion 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 related to covered programs, which shall include—

(1) a summary of the information contained in the report, specifically the total number of prosecu-

1        tions, the total dollar amount recovered by prosecu-  
2        tions, the total number of referrals and source of  
3        such referrals, and the total number of declined  
4        cases and reasons for declining;

5            (2) with respect to each covered program—

6                    (A) the number and disposition of each  
7            prosecution;

8                    (B) the dollar amount recovered from pros-  
9            ecutions;

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

12                   (D) the number of referrals—

13                            (i) from the Department of Justice;  
14                   and

15                            (ii) from sources other than the De-  
16                   partment of Justice, such as other inspec-  
17                   tors general; and

18                   (E) the disposition of each referral de-  
19           scribed in subparagraph (D), specifically wheth-  
20           er the referral resulted in prosecution or dec-  
21           lination; and

22            (3) any additional matters as the Attorney Gen-  
23        eral determines appropriate.

1 **SEC. 7. RECOVERIES TRANSPARENCY.**

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

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