

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.

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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATION; ADMINISTRATOR.—The
 4 terms “Administration” and “Administrator” mean
 5 the Small Business Administration and the Adminis-
 6 trator thereof, respectively.

7 (2) COVERED FUNDS.—The term “covered
 8 funds” means amounts made available for COVID–
 9 19 relief under—

10 (A) the Coronavirus Preparedness and Re-
 11 sponse Supplemental Appropriations Act, 2020
 12 (Public Law 116–123; 134 Stat. 146);

13 (B) the Families First Coronavirus Re-
 14 sponse Act (Public Law 116–127; 134 Stat.
 15 178);

16 (C) the CARES Act (Public Law 116–136;
 17 134 Stat. 281);

18 (D) the Paycheck Protection Program and
 19 Health Care Enhancement Act (Public Law
 20 116–139; 134 Stat. 620);

21 (E) division M or N of the Consolidated
 22 Appropriations Act, 2021 (Public Law 116–
 23 260; 134 Stat. ~~1909~~ 1182); or

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

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

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

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

9 (4) COVERED PROGRAM.—The term “covered
10 program” means—

11 (A) loans made under paragraph (36) or
12 (37) of section 7(a) of the Small Business Act
13 (15 U.S.C. 636(a));

14 (B) economic injury disaster loans made
15 under section 7(b)(2) of the Small Business Act
16 (15 U.S.C. 636(b)(2)) related to COVID–19;

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

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

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

5 (5) IMPROPER PAYMENT.—The term “improper
 6 payment” has the meaning given the term in section
 7 3351 of title 31, United States Code.

8 **SEC. 3. SPECIAL INSPECTOR GENERAL FOR PANDEMIC RE-**
 9 **COVERY.**

10 (a) EXTENSION.—Section 4018 of the CARES Act
 11 (15 U.S.C. 9053) is amended—

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

14 (A) by inserting “or the Administrator of
 15 the Small Business Administration (referred to
 16 in this ~~section~~ *subsection* as the ‘Adminis-
 17 trator’)” after “the Secretary of the Treasury”;

18 (B) by inserting “or the Administrator”
 19 after “established by the Secretary”;

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

23 (D) by inserting “or the Administrator”
 24 after “management by the Secretary”;

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

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

5 “(k) COORDINATION AND PROVISION OF INFORMA-
 6 TION.—

7 “(1) COORDINATION.—In carrying out the du-
 8 ties, responsibilities, and authorities of the Special
 9 Inspector General under this section, the Special In-
 10 spector General shall coordinate with, and receive
 11 the cooperation of, the Administrator *of the Small*
 12 *Business Administration* and the Inspector General
 13 of the Small Business Administration.

14 “(2) INFORMATION.—The Administrator *of the*
 15 *Small Business Administration* shall provide data
 16 and information related to covered programs to the
 17 Special Inspector General in the same manner as the
 18 Administrator provides that data and information to
 19 the Inspector General of the Small Business Admin-
 20 istration.

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

1 **SEC. 4. FRAUD ENFORCEMENT HARMONIZATION.**

2 (a) EMERGENCY RELIEF AND TAXPAYER PROTEC-
 3 TIONS.—Section 4003 of the CARES Act (15 U.S.C.
 4 9042) is amended by adding at the end the following:

5 “(i) FRAUD ENFORCEMENT HARMONIZATION.—Not-
 6 withstanding any other provision of law, any criminal
 7 charge or civil enforcement action alleging that a business,
 8 State, or municipality engaged in fraud or similarly re-
 9 lated crime with respect to any loan, loan guarantee, or
 10 other investment made under this section shall be filed not
 11 later than 10 years after the offense was committed.”.

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

16 “(g) FRAUD ENFORCEMENT HARMONIZATION.—Not-
 17 withstanding any other provision of law, any criminal
 18 charge or civil enforcement action alleging that ~~a business,~~
 19 ~~State, or municipality~~ *an eligible person or entity* engaged
 20 in fraud or similarly related crime with respect to any
 21 grant made under this section shall be filed not later than
 22 10 years after the offense was committed.”.

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

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

8 **SEC. 5. PROHIBITION ON SUSPENDING COLLECTIONS ON**
 9 **SBA LOANS RELATED TO COVID-19.**

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

13 (b) DEPARTMENT OF THE TREASURY DETERMINA-
 14 TION.—The Department of the Treasury shall render a
 15 final decision as to suspend, end, or make collection on
 16 a claim referred to the Department of the Treasury by
 17 the Administrator under subsection (a).

18 (c) BRIEFINGS AND TESTIMONY.—

19 (1) MONTHLY BRIEFINGS.—Not later than 30
 20 days after the date of enactment of this Act, and
 21 every 30 days thereafter, the Administrator shall
 22 brief the Committee on Small Business and Entre-
 23 preneurship of the Senate and the Committee on
 24 Small Business of the House of Representatives on
 25 the progress of the Administrator in pursuing the

1 collection of claims related to covered loans and
 2 transferring claims to the Department of the Treas-
 3 ury for collection in accordance with subchapter II
 4 of chapter 37 of title 31, United States Code.

5 (2) TESTIMONY.—

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

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

13 (ii) improper payments related to cov-
 14 ered programs; and

15 (iii) the compliance of the Administra-
 16 tion with the reporting requirements under
 17 subchapter IV of chapter 33 of title 31,
 18 United States Code.

19 (B) NONDELEGATION.—The Administrator
 20 may not delegate the responsibility under sub-
 21 paragraph (A) to any other individual.

22 **SEC. 6. DEPARTMENT OF JUSTICE COVID-19 PROGRAM**
 23 **FRAUD REPORT.**

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

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

4 (1) a summary of the information contained in
5 the report, specifically the total number of prosecu-
6 tions, the total dollar amount recovered by prosecu-
7 tions, the total number of referrals and source of
8 such referrals, and the total number of declined
9 cases and reasons for declining;

10 (2) with respect to each covered program—

11 (A) the number *of prosecutions* and disposi-
12 tion of each prosecution;

13 (B) the dollar amount recovered from pros-
14 ecutions;

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

17 (D) the number of referrals—

18 (i) from the Department of Justice;

19 and

20 (ii) from sources other than the De-
21 partment of Justice, such as ~~other~~ inspec-
22 tors general *of other agencies*; and

23 (E) the disposition of each referral de-
24 scribed in subparagraph (D), specifically wheth-

1 er the referral resulted in prosecution or dec-
2 lination; and

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

5 **SEC. 7. RECOVERIES TRANSPARENCY.**

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

15 **SEC. 8. FRAUD RECOVERY COLLECTIONS.**

16 *Any collection of amounts that were obtained through*
17 *a covered program as a result of fraud shall be applied sole-*
18 *ly towards reduction of the Federal debt.*

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