

117TH CONGRESS
1ST SESSION

S. 1430

To amend the Small Business Act to prevent predatory debt collectors from receiving paycheck protection program loans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2021

Mr. HEINRICH (for himself, Mr. WYDEN, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To amend the Small Business Act to prevent predatory debt collectors from receiving paycheck protection program loans, 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 “Ceasing Undeserved
5 Relief Benefits for Debt Collectors Act for 2021” or the
6 “CURB Debt Collectors Act”.

1 **SEC. 2. DEBT COLLECTORS INELIGIBLE FOR PAYCHECK**
2 **PROTECTION PROGRAM LOANS.**

3 (a) IN GENERAL.—Section 7(a) of the Small Busi-
4 ness Act (15 U.S.C. 636(a)) is amended—

5 (1) in paragraph (36), by adding at the end the
6 following:

7 “(W) DEBT COLLECTORS INELIGIBLE.—
8 An individual or entity shall be ineligible to re-
9 ceive a covered loan if—

10 “(i) the individual or entity is a debt
11 collector, as defined in section 803 of the
12 Fair Debt Collection Practices Act (15
13 U.S.C. 1692a);

14 “(ii) the individual or entity has been
15 found to have violated of any provision of
16 the Fair Debt Collection Practices Act (15
17 U.S.C. 1692 et seq.) pursuant to—

18 “(I) an adjudication by a Federal
19 agency or an action brought in a
20 court of competent jurisdiction if the
21 adjudication or action constitutes an
22 exercise of enforcement authority
23 under section 814 of such Act (15
24 U.S.C. 1692l); or

25 “(II) any other action brought in
26 a court of competent jurisdiction;

1 “(iii) the adjudication or action de-
 2 scribed in clause (ii) was not resolved by a
 3 settlement agreement or consent decree
 4 that remains in effect as of the date on
 5 which the individual or entity applies for
 6 the covered loan if the adjudication or ac-
 7 tion was brought by a Federal agency; and

8 “(iv) a final order or final judgment
 9 against the individual or entity pursuant to
 10 an adjudication or action described in
 11 clause (ii), as appropriate—

12 “(I) is issued or entered, as ap-
 13 propriate, during the 10-year period
 14 ending on the date on which the indi-
 15 vidual or entity applies for the covered
 16 loan;

17 “(II) has not been overturned;
 18 and

19 “(III) is no longer subject to ap-
 20 peal.”; and

21 (2) in paragraph (37)(A)(iv)(III)—

22 (A) in item (dd), by striking “or” at the
 23 end;

24 (B) in item (ee), by striking “; and” and
 25 inserting “; or” ; and

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

2 “(ff) an individual or entity
3 that, under subparagraph (W) of
4 paragraph (36), is ineligible for a
5 covered loan under such para-
6 graph; and”.

7 (b) APPLICABILITY.—The amendments made by sub-
8 section (a) shall not apply with respect to any loan made
9 prior to date of enactment of this Act.

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