

118TH CONGRESS
1ST SESSION

S. 2664

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

JULY 27, 2023

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

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 “Strengthening Tax-
5 payer Recoveries Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATION; ADMINISTRATOR.—The
9 terms “Administration” and “Administrator” mean

1 the Small Business Administration and the Adminis-
2 trator thereof, respectively.

3 (2) COVERED FUNDS.—The term “covered
4 funds” means amounts made available for COVID-
5 19 relief under—

6 (A) the Coronavirus Preparedness and Re-
7 sponse Supplemental Appropriations Act, 2020
8 (Public Law 116–123; 134 Stat 146);

9 (B) the Families First Coronavirus Re-
10 sponse Act (Public Law 116–127; 134 Stat.
11 178);

12 (C) the CARES Act (Public Law 116–136;
13 134 Stat. 281);

14 (D) the Paycheck Protection Program and
15 Health Care Enhancement Act (Public Law
16 116–139; 134 Stat. 620);

17 (E) division M or N of the Consolidated
18 Appropriations Act, 2021 (Public Law 116-
19 260; 134 Stat. 1909); or

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

22 (3) COVERED LOAN.—The term “covered loan”
23 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 Strengthening Taxpayer Recoveries Act.”.

20 (b) FUNDING.—

21 (1) DEPOSIT AND USE OF AMOUNTS RECOV-
22 ERED FROM AUDITS AND INVESTIGATIONS.—

23 (A) DEPOSIT.—Notwithstanding section
24 3302 of title 31, United States Code, the Sec-
25 retary of the Treasury shall credit to the Spe-

1 cial Inspector General for Pandemic Recovery
2 as offsetting collections any amounts recovered
3 by the Federal Government that are attrib-
4 utable to an audit or investigation by the Office
5 of the Special Inspector General for Pandemic
6 Recovery.

7 (B) USE.—Amounts credited under sub-
8 paragraph (A) shall be available to the Special
9 Inspector General for Pandemic Recovery, with-
10 out further appropriation, for necessary ex-
11 penses in carrying out section 4018 of the
12 CARES Act (15 U.S.C. 9053).

13 (C) PERIOD OF AVAILABILITY.—Amounts
14 credited under subparagraph (A) shall remain
15 available until September 30, 2030.

16 (2) REPORTING.—The Special Inspector Gen-
17 eral for Pandemic Recovery shall submit to the Com-
18 mittee on Small Business and Entrepreneurship and
19 the Committee on Appropriations of the Senate and
20 the Committee on Small Business and the Com-
21 mittee on Appropriations of the House of Represent-
22 atives an annual report on the amounts recovered by
23 the Federal Government that are attributable to an
24 audit or investigation by the Office of the Special In-
25 specter General for Pandemic Recovery—

1 (A) that are relating to a covered program;

2 and

3 (B) that are relating to a program that is

4 not a covered program.

5 **SEC. 4. FRAUD ENFORCEMENT HARMONIZATION.**

6 (a) EMERGENCY RELIEF AND TAXPAYER PROTEC-
7 TIONS.—Section 4003 of the CARES Act (15 U.S.C.
8 9042) is amended by adding at the end the following:

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

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

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

1 tion shall be filed not later than 10 years after the offense
2 was committed.”.

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

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

14 **SEC. 5. PROHIBITION ON SUSPENDING COLLECTIONS ON**
15 **SBA LOANS RELATED TO COVID-19.**

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

19 (b) DEPARTMENT OF THE TREASURY DETERMINA-
20 TION.—The Department of the Treasury shall render a
21 final decision as to suspend, end, or make collection on
22 a claim referred to the Department of the Treasury by
23 the Administrator under subsection (a).

24 (c) BRIEFINGS AND TESTIMONY.—

1 (1) MONTHLY BRIEFINGS.—Not later than 30
2 days after the date of enactment of this Act, and
3 every 30 days thereafter, the Administrator shall
4 brief the Committee on Small Business and Entre-
5 preneurship of the Senate and the Committee on
6 Small Business of the House of Representatives on
7 the progress of the Administrator in pursuing the
8 collection of claims related to covered loans and
9 transferring claims to the Department of the Treas-
10 ury for collection in accordance with subchapter II
11 of chapter 37 of title 31, United States Code.

12 (2) TESTIMONY.—

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

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

20 (ii) improper payments related to cov-
21 ered programs; and

22 (iii) the compliance of the Administra-
23 tion with the reporting requirements under
24 subchapter IV of chapter 33 of title 31,
25 United States Code.

1 (B) NONDELEGATION.—The Administrator
2 may not delegate the responsibility under sub-
3 paragraph (A) to any other individual.

4 **SEC. 6. DEPARTMENT OF JUSTICE COVID-19 PROGRAM**
5 **FRAUD REPORT.**

6 (a) REQUIREMENT.—Not later than 90 days after the
7 date of enactment of this Act, and every month thereafter,
8 the Attorney General shall submit to Congress a report
9 on activities related to covered programs, which shall in-
10 clude—

11 (1) a summary of the information contained in
12 the report, specifically the total number of prosecu-
13 tions, the total dollar amount recovered by prosecu-
14 tions, the total number of referrals and source of
15 such referrals, and the total number of declined
16 cases and reasons for declining;

17 (2) with respect to each covered program—

18 (A) the number and disposition of each
19 prosecution;

20 (B) the dollar amount recovered from pros-
21 ecutions;

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

24 (D) the number of referrals—

- 1 (i) from the Department of Justice;
2 and
3 (ii) from sources other than the De-
4 partment of Justice, such as other inspec-
5 tors general; and
6 (E) the disposition of each referral de-
7 scribed in subparagraph (D), specifically wheth-
8 er the referral resulted in prosecution or dec-
9 lination; and
10 (3) any additional matters as the Attorney Gen-
11 eral determines appropriate.

12 **SEC. 7. RECOVERIES TRANSPARENCY.**

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

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