

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To extend the statute of limitations for fraud by individuals under the  
COVID–19 unemployment programs.

---

IN THE SENATE OF THE UNITED STATES

---

Mr. MARSHALL (for himself, Mrs. BLACKBURN, Mr. BRAUN, Ms. ERNST, Mr.  
CRAMER, and Mr. SCOTT of Florida) introduced the following bill; which  
was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To extend the statute of limitations for fraud by individuals  
under the COVID–19 unemployment programs.

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 “Pandemic Unemploy-  
5 ment Fraud Recoupment Act”.

1 **SEC. 2. EXTENSION OF THE STATUTE OF LIMITATIONS FOR**  
2 **FRAUD BY INDIVIDUALS UNDER THE COVID-**  
3 **19 UNEMPLOYMENT PROGRAMS.**

4 (a) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Sec-  
5 tion 2102 of the CARES Act (15 U.S.C. 9021) is amend-  
6 ed—

7 (1) in subsection (d), by striking paragraph (4);

8 (2) by redesignating subsection (h) as sub-  
9 section (i); and

10 (3) by inserting after subsection (g) the fol-  
11 lowing new subsection:

12 “(h) FRAUD AND OVERPAYMENTS.—

13 “(1) IN GENERAL.—If an individual knowingly  
14 has made, or caused to be made by another, a false  
15 statement or representation of a material fact, or  
16 knowingly has failed, or caused another to fail, to  
17 disclose a material fact, and as a result of such false  
18 statement or representation or of such nondisclosure  
19 such individual has received an amount of pandemic  
20 unemployment assistance under this section to which  
21 such individual was not entitled, such individual  
22 shall be ineligible for further pandemic unemploy-  
23 ment assistance under this section in accordance  
24 with the provisions of the applicable State unemploy-  
25 ment compensation law relating to fraud in connec-  
26 tion with a claim for unemployment compensation.

1           “(2) REPAYMENT.—In the case of individuals  
2           who have received amounts of pandemic unemploy-  
3           ment assistance under this section to which they  
4           were not entitled, the State shall require such indi-  
5           viduals to repay the amounts of such pandemic un-  
6           employment assistance to the State agency, except  
7           that the State agency may waive such repayment if  
8           it determines that—

9                   “(A) the payment of such pandemic unem-  
10                  ployment assistance was without fault on the  
11                  part of any such individual; and

12                   “(B) such repayment would be contrary to  
13                  equity and good conscience.

14           “(3) RECOVERY BY STATE AGENCY.—

15                   “(A) IN GENERAL.—The State agency  
16                  shall recover the amount to be repaid, or any  
17                  part thereof, by deductions from any unemploy-  
18                  ment compensation payable to such individual  
19                  under any State or Federal unemployment com-  
20                  pensation law administered by the State agency  
21                  or under any other State or Federal law admin-  
22                  istered by the State agency which provides for  
23                  the payment of any assistance or allowance with  
24                  respect to any week of unemployment, during  
25                  the 10-year period after the date such individ-

1           uals received the payment of the pandemic un-  
2           employment assistance to which they were not  
3           entitled, in accordance with the same proce-  
4           dures as apply to the recovery of overpayments  
5           of regular unemployment benefits paid by the  
6           State.

7           “(B) OPPORTUNITY FOR HEARING.—No  
8           repayment shall be required, and no deduction  
9           shall be made, until a determination has been  
10          made, notice thereof and an opportunity for a  
11          fair hearing has been given to the individual,  
12          and the determination has become final.

13          “(4) REVIEW.—Any determination by a State  
14          agency under this section shall be subject to review  
15          in the same manner and to the same extent as deter-  
16          minations under the State unemployment compensa-  
17          tion law, and only in that manner and to that ex-  
18          tent.

19          “(5) STATUTE OF LIMITATIONS.—Notwith-  
20          standing any other provision of law, any criminal  
21          charge or civil enforcement action alleging that an  
22          individual engaged in fraud with respect to the pay-  
23          ment of any unemployment compensation claim  
24          funded in whole or in part by pandemic unemploy-  
25          ment assistance under this section shall be filed not

1 later than 10 years after the date on which the con-  
2 duct that constitutes the fraud was committed.”.

3 (b) FEDERAL PANDEMIC UNEMPLOYMENT COM-  
4 PENSATION AND MIXED EARNER UNEMPLOYMENT COM-  
5 PENSATION.—Section 2104(f) of the CARES Act (15  
6 U.S.C. 9023(f)) is amended—

7 (1) in paragraph (3)(A), by striking “3-year”  
8 and inserting “10-year”; and

9 (2) by adding at the end the following new  
10 paragraph:

11 “(5) STATUTE OF LIMITATIONS.—Notwith-  
12 standing any other provision of law, any criminal  
13 charge or civil enforcement action alleging that an  
14 individual engaged in fraud with respect to the pay-  
15 ment of any unemployment compensation claim  
16 funded in whole or in part by Federal Pandemic Un-  
17 employment Compensation or Mixed Earner Unem-  
18 ployment Compensation under this section shall be  
19 filed not later than 10 years after the date on which  
20 the conduct that constitutes the fraud was com-  
21 mitted.”.

22 (c) PANDEMIC EMERGENCY UNEMPLOYMENT COM-  
23 PENSATION.—Section 2107(e) of the CARES Act (15  
24 U.S.C. 9025(e)) is amended—

1           (1) in paragraph (3)(A), by striking “3-year”  
2           and inserting “10-year”; and

3           (2) by adding at the end the following new  
4           paragraph:

5           “(5) STATUTE OF LIMITATIONS.—Notwith-  
6           standing any other provision of law, any criminal  
7           charge or civil enforcement action alleging that an  
8           individual engaged in fraud with respect to the pay-  
9           ment of any unemployment compensation claim  
10          funded in whole or in part by pandemic emergency  
11          unemployment compensation under this section shall  
12          be filed not later than 10 years after the date on  
13          which the conduct that constitutes the fraud was  
14          committed.”.

15          (d) LOST WAGES ASSISTANCE.—

16           (1) FRAUD AND OVERPAYMENTS.—If an indi-  
17          vidual knowingly has made, or caused to be made by  
18          another, a false statement or representation of a ma-  
19          terial fact, or knowingly has failed, or caused an-  
20          other to fail, to disclose a material fact, and as a re-  
21          sult of such false statement or representation or of  
22          such nondisclosure such individual has received an  
23          amount of lost wages assistance to which such indi-  
24          vidual was not entitled, such individual shall be ineli-  
25          gible for further lost wages assistance in accordance

1 with the provisions of the applicable State unemploy-  
2 ment compensation law relating to fraud in connec-  
3 tion with a claim for unemployment compensation.

4 (2) REPAYMENT.—In the case of individuals  
5 who have received amounts of lost wages assistance  
6 to which they were not entitled, the State shall re-  
7 quire such individuals to repay the amounts of such  
8 lost wages assistance to the State agency, except  
9 that the State agency may waive such repayment if  
10 it determines that—

11 (A) the payment of such lost wages assist-  
12 ance was without fault on the part of any such  
13 individual; and

14 (B) such repayment would be contrary to  
15 equity and good conscience.

16 (3) RECOVERY BY STATE AGENCY.—

17 (A) IN GENERAL.—The State agency shall  
18 recover the amount to be repaid, or any part  
19 thereof, by deductions from any unemployment  
20 compensation payable to such individual under  
21 any State or Federal unemployment compensa-  
22 tion law administered by the State agency or  
23 under any other State or Federal law adminis-  
24 tered by the State agency which provides for  
25 the payment of any assistance or allowance with

1           respect to any week of unemployment, during  
2           the 10-year period after the date such individ-  
3           uals received the payment of the lost wages as-  
4           sistance to which they were not entitled, in ac-  
5           cordance with the same procedures as apply to  
6           the recovery of overpayments of regular unem-  
7           ployment benefits paid by the State.

8                   (B) OPPORTUNITY FOR HEARING.—No re-  
9           payment shall be required, and no deduction  
10          shall be made, until a determination has been  
11          made, notice thereof and an opportunity for a  
12          fair hearing has been given to the individual,  
13          and the determination has become final.

14                  (4) REVIEW.—Any determination by a State  
15          agency with respect to payments of lost wages as-  
16          sistance shall be subject to review in the same man-  
17          ner and to the same extent as determinations under  
18          the State unemployment compensation law, and only  
19          in that manner and to that extent.

20                  (5) STATUTE OF LIMITATIONS.—Notwith-  
21          standing any other provision of law, any criminal  
22          charge or civil enforcement action alleging that an  
23          individual engaged in fraud with respect to the pay-  
24          ment of any unemployment compensation claim  
25          funded in whole or in part by lost wages assistance



1 shall be filed not later than 10 years after the date  
2 on which the conduct that constitutes the fraud was  
3 committed.

4 (6) DEFINITIONS.—In this subsection:

5 (A) LOST WAGES ASSISTANCE.—In this  
6 subsection, the term “lost wages assistance”  
7 means financial assistance provided by the Fed-  
8 eral Emergency Management Agency pursuant  
9 to the memorandum of the President entitled  
10 “Memorandum on Authorizing the Other Needs  
11 Assistance Program for Major Disaster Dec-  
12 larations Related to Coronavirus Disease 2019”  
13 and dated August 8, 2020.

14 (B) STATE AGENCY, STATE LAW, AND  
15 WEEK.—The terms “State agency”, “State  
16 law”, and “week” have the meaning given such  
17 terms in section 205 of the Federal-State Ex-  
18 tended Unemployment Compensation Act of  
19 1970 (26 U.S.C. 3304 note).