

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1156
OFFERED BY MR. SMITH OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Pandemic Unemploy-
3 ment Fraud Enforcement Act”.

**4 SEC. 2. EXTENSION OF THE STATUTE OF LIMITATIONS FOR
5 FRAUD BY INDIVIDUALS UNDER CERTAIN UN-
6 EMPLOYMENT PROGRAMS.**

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

10 (1) by redesignating subsection (h) as sub-
11 section (i); and

12 (2) by inserting after subsection (g) the fol-
13 lowing new subsection:

14 “(h) STATUTE OF LIMITATIONS.—

15 “(1) IN GENERAL.—Notwithstanding any other
16 provision of law and subject to paragraph (2), any
17 criminal prosecution or civil enforcement action for
18 a violation of, or conspiracy to violate, section 371,

1 641, 1028A, 1029, 1341, 1343, 1344, 1349, 1956,
2 or 1957 of title 18, United States Code, or section
3 3729 or 3801 of title 31, United States Code, with
4 respect to any unemployment compensation claim
5 funded in whole or in part by pandemic unemploy-
6 ment assistance under this section shall be brought
7 not later than 10 years after the date of the viola-
8 tion or conspiracy.

9 “(2) EXCEPTION.—Paragraph (1) shall not
10 apply with respect to a criminal prosecution or civil
11 enforcement action if the statute of limitations appli-
12 cable to such criminal prosecution or civil enforce-
13 ment action expired prior to the date of enactment
14 of the Pandemic Unemployment Fraud Enforcement
15 Act.”.

16 (b) FEDERAL PANDEMIC UNEMPLOYMENT COM-
17 PENSATION AND MIXED EARNER UNEMPLOYMENT COM-
18 PENSATION.—Section 2104(f) of the CARES Act (15
19 U.S.C. 9023(f)) is amended by adding at the end the fol-
20 lowing new paragraph:

21 “(5) STATUTE OF LIMITATIONS.—

22 “(A) IN GENERAL.—Notwithstanding any
23 other provision of law and subject to subpara-
24 graph (B), any criminal prosecution or civil en-
25 forcement action for a violation of, or con-

1 spiracy to violate, section 371, 641, 1028A,
2 1029, 1341, 1343, 1344, 1349, 1956, or 1957
3 of title 18, United States Code, or section 3729
4 or 3801 of title 31, United States Code, with
5 respect to any unemployment compensation
6 claim funded in whole or in part by Federal
7 Pandemic Unemployment Compensation or
8 Mixed Earner Unemployment Compensation
9 under this section shall be brought not later
10 than 10 years after the date of the violation or
11 conspiracy.

12 “(B) EXCEPTION.—Subparagraph (A)
13 shall not apply with respect to a criminal pros-
14 ecution or civil enforcement action if the statute
15 of limitations applicable to such criminal pros-
16 ecution or civil enforcement action expired prior
17 to the date of enactment of the Pandemic Un-
18 employment Fraud Enforcement Act.”.

19 (c) PANDEMIC EMERGENCY UNEMPLOYMENT COM-
20 PENSATION.—Section 2107(e) of the CARES Act (15
21 U.S.C. 9025(e)) is amended by adding at the end the fol-
22 lowing new paragraph:

23 “(5) STATUTE OF LIMITATIONS.—

24 “(A) IN GENERAL.—Notwithstanding any
25 other provision of law and subject to subpara-

1 graph (B), any criminal prosecution or civil en-
2 forcement action for a violation of, or con-
3 spiracy to violate, section 371, 641, 1028A,
4 1029, 1341, 1343, 1344, 1349, 1956, or 1957
5 of title 18, United States Code, or section 3729
6 or 3801 of title 31, United States Code, with
7 respect to any unemployment compensation
8 claim funded in whole or in part by Pandemic
9 Emergency Unemployment Compensation under
10 this section shall be brought not later than 10
11 years after the date of the violation or con-
12 spiracy.

13 “(B) EXCEPTION.—Subparagraph (A)
14 shall not apply with respect to a criminal pros-
15 ecution or civil enforcement action if the statute
16 of limitations applicable to such criminal pros-
17 ecution or civil enforcement action expired prior
18 to the date of enactment of the Pandemic Un-
19 employment Fraud Enforcement Act.”.

20 **SEC. 3. BUDGET OFFSET.**

21 Out of the unobligated balances of amounts made
22 available by section 2118(a) of title II of division A of
23 Public Law 116-136, as added by section 9032 of Public
24 Law 117-2, \$5,000,000 are hereby rescinded.

1 **SEC. 4. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on the date of enactment of this Act.

