

119TH CONGRESS
1ST SESSION

S. 121

To extend the statute of limitations for violations relating to pandemic-era programs to be 10 years.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2025

Mr. LANKFORD (for himself, Ms. ERNST, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To extend the statute of limitations for violations relating to pandemic-era programs to be 10 years.

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 “Recover Fraudulent
5 COVID Funds Act”.

6 **SEC. 2. STATUTE OF LIMITATIONS FOR VIOLATIONS RELAT-**
7 **ING TO PANDEMIC-ERA PROGRAMS.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “pandemic-era law” means—

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

4 (B) the Families First Coronavirus Re-
 5 sponse Act (Public Law 116–127; 134 Stat.
 6 177);

7 (C) the CARES Act (Public Law 116–136;
 8 134 Stat. 281);

9 (D) the Paycheck Protection Program and
 10 Health Care Enhancement Act (Public Law
 11 116–139; 134 Stat. 620);

12 (E) divisions M and N of the Consolidated
 13 Appropriations Act, 2021 (Public Law 116–
 14 260; 134 Stat. 1182);

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

17 (G) an amendment made by a law de-
 18 scribed in subparagraphs (A) through (F); and

19 (2) the term “pandemic-era program violation”
 20 means an offense or other violation of law involving
 21 conduct that relates to or involves—

22 (A) a program, project, or activity that
 23 was authorized or established by, or was carried
 24 out under, a pandemic-era law; or

1 (B) funding provided under a pandemic-
 2 era law.

3 (b) EXTENSION OF STATUTE OF LIMITATIONS.—

4 (1) CRIMES.—No person shall be prosecuted,
 5 tried, or punished for any pandemic-era program
 6 violation that is a criminal offense unless the indict-
 7 ment is found or the information is instituted—

8 (A) notwithstanding section 3282(a) of
 9 title 18, United States Code, within 10 years
 10 after such offense shall have been committed; or

11 (B) within such longer period of years
 12 after such offense shall have been committed as
 13 is otherwise provided by law.

14 (2) TARIFF ACT OF 1930.—Notwithstanding sec-
 15 tion 621 of the Tariff Act of 1930 (19 U.S.C.
 16 1621), no civil action, suit, or proceeding for the for-
 17 feiture of property accruing under the customs laws
 18 of the United States related to a pandemic-era pro-
 19 gram violation shall be instituted unless such civil
 20 action, suit, or proceeding is commenced within 10
 21 years after the time when the alleged pandemic-era
 22 program violation was discovered, or within 3 years
 23 after the time when the involvement of the property
 24 in the alleged pandemic-era program violation was
 25 discovered, whichever was later, except that the time

1 of the absence from the United States of the person
2 whose property is subject to forfeiture, or of any
3 concealment or absence of the property, shall not be
4 reckoned within the 10-year period of limitation.

5 (3) FALSE CLAIMS.—

6 (A) IN GENERAL.—Notwithstanding sec-
7 tion 3731(b)(1) of title 31, United States Code,
8 a civil action under section 3730 of such title
9 alleging a violation of section 3729 of such title
10 that is a pandemic-era program violation may
11 not be brought more than 10 years after the
12 date on which the violation was committed.

13 (B) NOTICE.—Notwithstanding section
14 3808 of title 31, United States Code, a notice
15 to the person alleged to be liable with respect
16 to a claim or statement that involves a pan-
17 demic-era violation shall be mailed or delivered
18 in accordance with section 3803(d)(1) of such
19 title not later than 10 years after the date on
20 which the violation of section 3802 of such title
21 is committed.

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