

SBA FRAUD ENFORCEMENT EXTENSION ACT

AUGUST 15, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WILLIAMS of Texas, from the Committee on Small Business, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 4495]

The Committee on Small Business, to whom was referred the bill (H.R. 4495) to extend the statute of limitations for fraud under certain pandemic programs, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
I. Purpose and Bill Summary	2
II. Need for Legislation	2
III. Hearings	2
IV. Committee Consideration	2
V. Committee Votes	3
VI. Section-by-Section of H.R. 4495	5
VII. Congressional Budget Office Cost Estimate	5
VIII. New Budget Authority, Entitlement Authority, and Tax Expenditures	5
IX. Oversight Findings & Recommendations	5
X. Performance Goals and Objectives	5
XI. Statement of Duplication of Federal Programs	5
XII. Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits	6
XIII. Federal Mandates Statement	6
XIV. Federal Advisory Committee Statement	6
XV. Applicability to Legislative Branch	6
XVI. Statement of Constitutional Authority	6
XVII. Changes in Existing Law Made by the Bill, as Reported	6
XVIII. Minority Views	23

I. PURPOSE AND BILL SUMMARY

On July 17, 2025, Rep. Downing, along with Rep. Conaway, introduced H.R. 4495, the *SBA Fraud Enforcement Extension Act*. H.R. 4495 increases the statute of limitations for fraud related to the SBA’s Shuttered Venue Operators Grant (SVOG) and Restaurant Revitalization Fund (RRF) programs.

II. NEED FOR LEGISLATION

H.R. 4495 is necessary to crack down on fraud and abuses within the SBA’s SVOG and RRF programs. In the 117th Congress, the statute of limitations was extended for two other SBA pandemic era relief programs, the Paycheck Protection Program (PPP) and COVID–19 Economic Injury Disaster Loan (EIDL) program. However, SVOG and RRF were not extended. This bill extends the statute of limitations for SVOG and RRF programs from 5 to 10 years to ensure those who defrauded the government are held accountable.¹

SVOG provided over \$16 billion in grants to shuttered venues such as live performance venues, museums, and motion picture theaters.² Eligible applicants could qualify for grants equal to 45 percent of their gross earned revenue, up to a single grant award of \$10 million.³ The program stopped accepting applications on August 20, 2021.⁴

RRF provided \$28.6 billion in funding to restaurants and other similar businesses that experienced revenue loss as a result of the pandemic.⁵ Eligible applicants could receive funds for revenue loss up to \$10 million per business.⁶ Recipients were not required to repay their funds so long as it was used for eligible purposes by March 11, 2023.⁷

III. HEARINGS

On February 5, 2025, the Committee on Small Business held a hearing examining matters related to H.R. 4495 entitled “Hope on the Horizon: Prioritizing Small Business Growth in the 119th Congress.”

IV. COMMITTEE CONSIDERATION

The Committee on Small Business met in open session, with a quorum being present, on July 22, 2025, and ordered H.R. 4495 to be reported favorably to the House of Representatives by a roll call vote of 23 ayes and 0 nos. During the markup no amendments were offered on this bill.

¹U.S. SMALL BUS. ADMIN., OFFICE OF INSPECTOR GEN., REP. 23–09, COVID–19 PANDEMIC EIDL AND PPP LOAN FRAUD LANDSCAPE, 8 (2023).

²*U.S. Small Bus. Admin. Shuttered Venue Operators Grant*, <https://www.sba.gov/funding-programs/loans/covid-19-relief-options/shuttered-venue-operators-grant> (last visited Jul. 18, 2025).

³*Id.*

⁴*Id.*

⁵*U.S. Small Bus. Admin. Restaurant Revitalization Fund*, <https://www.sba.gov/funding-programs/loans/covid-19-relief-options/restaurant-revitalization-fund> (last visited Jul. 18, 2025).

⁶*Id.*

⁷*Id.*

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto. The Committee voted to favorably report H.R. 4495 to the House of Representatives at 11:06 AM.

Present	Representatives	Aye	Nay
	Mr. Stauber (MN-08)	X	
	Mr. Meuser (PA-09)	X	
	Ms. Van Duyne (TX-24)		
	Mr. Ellzey (TX-06)	X	
	Mr. Alford (MO-04)	X	
	Mr. LaLota (NY-01)	X	
	Mr. Finstad (MN-01)	X	
	Mr. Wied (WI-08)	X	
	Mr. Bresnahan (PA-08)	X	
	Mr. Jack (GA-03)	X	
	Mr. Downing (MT-02)	X	
	Ms. King-Hinds (Del.-CNMI)	X	
	Mr. Schmidt (KS-02)	X	
	Mr. Patronis (FL-01)	X	
	Ranking Member Velazquez (NY-07)		
	Mr. McGarvey (KY-03)	X	
	Ms. Scholten (MI-03)	X	
	Ms. McIver (NJ-10)	X	
	Mr. Cisneros (CA-31)	X	
	Ms. Morrison (MN-03)		
	Mr. Latimer (NY-16)	X	
	Mr. Tran (CA-45)	X	
	Ms. Simon (CA-12)	X	
	Mr. Olszewski (MD-02)	X	
	Mr. Conaway (NJ-03)	X	
	Ms. Goodlander (NH-02)	X	
	Chairman Williams (TX-25)		
0	TOTALS	23	0

COMMITTEE ON SMALL BUSINESS119th Congress (*First Session*)

Date: 07/22/2025 _____

Time: 11:06 AM ET _____

Measure: H.R. 4495 – SBA Fraud Enforcement Extension Act

Offered By: _____

Amendment #: _____

Result?	<u>Agreed To:</u> [X]		
	<u>Not Agreed To:</u> []		
	<u>Withdrawn:</u> []		
<i>Voice Vote</i>	<i>Ayes</i>	<i>Nays</i>	<i>Present</i>
	23	0	0

FC Vote #	6
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VI. SECTION-BY-SECTION OF H.R. 4495

Section 1—Short title

This bill may be cited as the “SBA Fraud Enforcement Extension Act.”

Section 2—Statute of limitations for certain programs

This section extends the statute of limitations from five to ten years for fraud within SBA’s Shuttered Venue Operators Grant (SVOG) and Restaurant Revitalization Fund (RRF) programs.

This section also specifies statutes for criminal prosecution or civil enforcement of fraudulent individuals who received funds through the SVOG and RRF programs.

VII. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the Committee has requested but not received a cost estimate from the Director of the Congressional Budget Office.

VIII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY,
AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(I) of the Congressional Budget Act of 1974, the Committee provides the following opinion and estimate with respect to new budget authority, entitlement authority, and tax expenditures. While the Committee has not received an estimate of new budget authority contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974, the Committee does not believe that there will be any new or increased costs attributable to this legislation.

IX. OVERSIGHT FINDINGS & RECOMMENDATIONS

In accordance with clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee on Small Business with respect to the subject matter contained in H.R. 4495 are incorporated into the descriptive portions of this report.

X. PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirements of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goal of H.R. 4495 is to extend the statute of limitations from five to ten years for fraud with respect to the SBA’s SVOG and RRF programs.

XI. STATEMENT OF DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, no provision of H.R. 4495 is known to be duplicative of another Federal program, including any program that was

included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XII. CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee finds that the bill does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the Rules of the House of Representatives.

XIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

XV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XVI. STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to clause 7 of rule XII of the Rules of the House, the Committee finds that the authority for this legislation in Art. I, § 8, cl.1 of the Constitution of the United States.

XVII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

SECTION 324 OF TITLE III OF DIVISION N OF THE CONSOLIDATED APPROPRIATIONS ACT, 2021

SEC. 324. GRANTS FOR SHUTTERED VENUE OPERATORS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PERSON OR ENTITY.—

(A) IN GENERAL.—The term “eligible person or entity” means a live venue operator or promoter, theatrical producer, or live performing arts organization operator, a relevant museum operator, a motion picture theatre operator, or a talent representative that meets the following requirements:

(i) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative—

(I) was fully operational as a live venue operator or promoter, theatrical producer, or live performing arts organization operator, a relevant museum operator, a motion picture theatre operator, or a talent representative on February 29, 2020; and

(II) has gross earned revenue during the first, second, third, or, only with respect to an application submitted on or after January 1, 2021, fourth quarter in 2020 that demonstrates not less than a 25 percent reduction from the gross earned revenue of the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative during the same quarter in 2019.

(ii) As of the date of the grant under this section—

(I) the live venue operator or promoter, theatrical producer, or live performing arts organization operator is or intends to resume organizing, promoting, producing, managing, or hosting future live events described in paragraph (3)(A)(i);

(II) the motion picture theatre operator is open or intends to reopen for the primary purpose of public exhibition of motion pictures;

(III) the relevant museum operator is open or intends to reopen; or

(IV) the talent representative is representing or managing artists and entertainers.

(iii) The venues at which the live venue operator or promoter, theatrical producer, or live performing arts organization operator promotes, produces, manages, or hosts events described in paragraph (3)(A)(i) or the artists and entertainers represented or managed by the talent representative perform have the following characteristics:

(I) A defined performance and audience space.

(II) Mixing equipment, a public address system, and a lighting rig.

(III) Engages 1 or more individuals to carry out not less than 2 of the following roles:

(aa) A sound engineer.

(bb) A booker.

(cc) A promoter.

- (dd) A stage manager.
- (ee) Security personnel.
- (ff) A box office manager.

(IV) There is a paid ticket or cover charge to attend most performances and artists are paid fairly and do not play for free or solely for tips, except for fundraisers or similar charitable events.

(V) For a venue owned or operated by a non-profit entity that produces free events, the events are produced and managed primarily by paid employees, not by volunteers.

(VI) Performances are marketed through listings in printed or electronic publications, on websites, by mass email, or on social media.

(iv) A motion picture theatre or motion picture theatres operated by the motion picture theatre operator have the following characteristics:

(I) At least 1 auditorium that includes a motion picture screen and fixed audience seating.

(II) A projection booth or space containing not less than 1 motion picture projector.

(III) A paid ticket charge to attend exhibition of motion pictures.

(IV) Motion picture exhibitions are marketed through showtime listings in printed or electronic publications, on websites, by mass mail, or on social media.

(v) The relevant museum or relevant museums for which the relevant museum operator is seeking a grant under this section have the following characteristics:

(I) Serving as a relevant museum as its principal business activity.

(II) Indoor exhibition spaces that are a component of the principal business activity and which have been subjected to pandemic-related occupancy restrictions.

(III) At least 1 auditorium, theater, or performance or lecture hall with fixed audience seating and regular programming.

(vi)(I) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative does not have, or is not majority owned or controlled by an entity with, any of the following characteristics:

(aa) Being an issuer, the securities of which are listed on a national securities exchange.

(bb) Receiving more than 10 percent of gross revenue from Federal funding during 2019, excluding amounts received by the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent

representative under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(II) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative does not have, or is not majority owned or controlled by an entity with, more than 2 of the following characteristics:

(aa) Owning or operating venues, relevant museums, motion picture theatres, or talent agencies or talent management companies in more than 1 country.

(bb) Owning or operating venues, relevant museums, motion picture theatres, or talent agencies or talent management companies in more than 10 States.

(cc) Employing more than 500 employees as of February 29, 2020, determined on a full-time equivalent basis in accordance with subparagraph (C).

(III) For purposes of applying the characteristics described in subclauses (I) and (II) to an entity owned by a State or a political subdivision of a State, the relevant entity—

(aa) shall be the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative; and

(bb) shall not include entities of the State or political subdivision other than the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative.

(B) EXCLUSION.—The term “eligible person or entity” shall not include a live venue operator or promoter, theatrical producer, or live performing arts organization operator, a relevant museum operator, a motion picture theatre operator, or a talent representative that—

(i) presents live performances of a prurient sexual nature; or

(ii) derives, directly or indirectly, more than de minimis gross revenue through the sale of products or services, or the presentation of any depictions or displays, of a prurient sexual nature.

(C) CALCULATION OF FULL-TIME EMPLOYEES.—For purposes of determining the number of full-time equivalent employees under subparagraph (A)(vi)(II)(cc) of this paragraph and under paragraph (2)(E)—

(i) any employee working not fewer than 30 hours per week shall be considered a full-time employee; and

(ii) any employee working not fewer than 10 hours and fewer than 30 hours per week shall be counted as one-half of a full-time employee.

(D) MULTIPLE BUSINESS ENTITIES.—Each business entity of an eligible person or entity that also meets the requirements under subparagraph (A) and that is not described in subparagraph (B) shall be treated by the Administrator as an independent, non-affiliated entity for the purposes of this section.

(2) EXCHANGE; ISSUER; SECURITY.—The terms “exchange”, “issuer”, and “security” have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(3) LIVE VENUE OPERATOR OR PROMOTER, THEATRICAL PRODUCER, OR LIVE PERFORMING ARTS ORGANIZATION OPERATOR.—The term “live venue operator or promoter, theatrical producer, or live performing arts organization operator”—

(A) means—

(i) an individual or entity—

(I) that, as a principal business activity, organizes, promotes, produces, manages, or hosts live concerts, comedy shows, theatrical productions, or other events by performing artists for which—

(aa) a cover charge through ticketing or front door entrance fee is applied; and

(bb) performers are paid in an amount that is based on a percentage of sales, a guarantee (in writing or standard contract), or another mutually beneficial formal agreement; and

(II) for which not less than 70 percent of the earned revenue of the individual or entity is generated through, to the extent related to a live event described in subclause (I), cover charges or ticket sales, production fees or production reimbursements, nonprofit educational initiatives, or the sale of event beverages, food, or merchandise; or

(ii) an individual or entity that, as a principal business activity, makes available for purchase by the public an average of not less than 60 days before the date of the event tickets to events—

(I) described in clause (i)(I); and

(II) for which performers are paid in an amount that is based on a percentage of sales, a guarantee (in writing or standard contract), or another mutually beneficial formal agreement; and

(B) includes an individual or entity described in subparagraph (A) that—

(i) operates for profit;

(ii) is a nonprofit organization;

(iii) is government-owned; or

(iv) is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

(4) MOTION PICTURE THEATRE OPERATOR.—The term “motion picture theatre operator” means an individual or entity that—

(A) as the principal business activity of the individual or entity, owns or operates at least 1 place of public accommodation for the purpose of motion picture exhibition for a fee; and

(B) includes an individual or entity described in subparagraph (A) that—

- (i) operates for profit;
- (ii) is a nonprofit organization;
- (iii) is government-owned; or
- (iv) is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

(5) NATIONAL SECURITIES EXCHANGE.—The term “national securities exchange” means an exchange registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(6) NONPROFIT.—The term “nonprofit”, with respect to an organization, means that the organization is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(7) RELEVANT MUSEUM.—The term “relevant museum”—

(A) has the meaning given the term “museum” in section 273 of the Museum and Library Services Act (20 U.S.C. 9172); and

(B) shall not include any entity that is organized as a for-profit entity.

(8) SEASONAL EMPLOYER.—The term “seasonal employer” has the meaning given that term in subparagraph (A) of section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act.

(9) STATE.—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

(10) TALENT REPRESENTATIVE.—The term “talent representative”—

(A) means an agent or manager that—

- (i) as not less than 70 percent of the operations of the agent or manager, is engaged in representing or managing artists and entertainers;
- (ii) books or represents musicians, comedians, actors, or similar performing artists primarily at live events in venues or at festivals; and
- (iii) represents performers described in clause (ii) that are paid in an amount that is based on the number of tickets sold, or a similar basis; and

(B) includes an agent or manager described in subparagraph (A) that—

- (i) operates for profit;
- (ii) is a nonprofit organization;
- (iii) is government-owned; or
- (iv) is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

(b) AUTHORITY.—

(1) IN GENERAL.—

(A) ADMINISTRATION.—The Associate Administrator for the Office of Disaster Assistance of the Administration shall coordinate and formulate policies relating to the administration of grants made under this section.

(B) CERTIFICATION OF NEED.—An eligible person or entity applying for a grant under this section shall submit a good faith certification that the uncertainty of current economic conditions makes necessary the grant to support the ongoing operations of the eligible person or entity.

(2) INITIAL GRANTS.—

(A) IN GENERAL.—The Administrator may make initial grants to eligible persons or entities in accordance with this section.

(B) INITIAL PRIORITIES FOR AWARDING GRANTS.—

(i) FIRST PRIORITY IN AWARDING GRANTS.—During the initial 14-day period during which the Administrator awards grants under this paragraph, the Administrator shall only award grants to an eligible person or entity with revenue, during the period beginning on April 1, 2020 and ending on December 31, 2020, that is not more than 10 percent of the revenue of the eligible person or entity during the period beginning on April 1, 2019 and ending on December 31, 2019, due to the COVID-19 pandemic.

(ii) SECOND PRIORITY IN AWARDING GRANTS.—During the 14-day period immediately following the 14-day period described in clause (i), the Administrator shall only award grants to an eligible person or entity with revenue, during the period beginning on April 1, 2020 and ending on December 31, 2020, that is not more than 30 percent of the revenue of the eligible person or entity during the period beginning on April 1, 2019 and ending on December 31, 2019, due to the COVID-19 pandemic.

(iii) DETERMINATION OF REVENUE.—For purposes of clauses (i) and (ii)—

(I) any amounts received by an eligible person or entity under the CARES Act (Public Law 116-136; 134 Stat. 281) or an amendment made by the CARES Act shall not be counted as revenue of an eligible person or entity;

(II) the Administrator shall use an accrual method of accounting for determining revenue; and

(III) the Administrator may use alternative methods to establish revenue losses for an eligible person or entity that is a seasonal employer and that would be adversely impacted if January, February, and March are excluded from the calculation of year-over-year revenues.

(iv) LIMIT ON USE OF AMOUNTS FOR PRIORITY APPLICANTS.—The Administrator may use not more than 80 percent of the amounts appropriated under section 323(d)(1)(H) of this Act to carry out this section to

make initial grants under this paragraph to eligible persons or entities described in clause (i) or (ii) of this subparagraph that apply for a grant under this paragraph during the initial 28-day period during which the Administrator awards grants under this paragraph.

(C) GRANTS AFTER PRIORITY PERIODS.—After the end of the initial 28-day period during which the Administrator awards grants under this paragraph, the Administrator may award an initial grant to any eligible person or entity.

(D) LIMITS ON NUMBER OF INITIAL GRANTS TO AFFILIATES.—Not more than 5 business entities of an eligible person or entity that would be considered affiliates under the affiliation rules of the Administration may receive a grant under this paragraph.

(E) SET-ASIDE FOR SMALL EMPLOYERS.—

(i) IN GENERAL.—Subject to clause (ii), not less than \$2,000,000,000 of the total amount of grants made available under this paragraph shall be awarded to eligible persons or entities which employ not more than 50 full-time employees, determined in accordance with subsection (a)(1)(C).

(ii) TIME LIMIT.—Clause (i) shall not apply on and after the date that is 60 days after the Administrator begins awarding grants under this section and, on and after such date, amounts available for grants under this section may be used for grants under this section to any eligible person or entity.

(3) SUPPLEMENTAL GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may make a supplemental grant in accordance with this section to an eligible person or entity that receives a grant under paragraph (2) if, as of April 1, 2021, the revenues of the eligible person or entity for the most recent calendar quarter are not more than 30 percent of the revenues of the eligible person or entity for the corresponding calendar quarter during 2019 due to the COVID-19 pandemic.

(B) PROCESSING TIMELY INITIAL GRANT APPLICATIONS FIRST.—The Administrator may not award a supplemental grant under subparagraph (A) until the Administrator has completed processing (including determining whether to award a grant) each application for an initial grant under paragraph (2) that is submitted by an eligible person or entity on or before the date that is 60 days after the date on which the Administrator begins accepting such applications.

(4) CERTIFICATION.—An eligible person or entity applying for a grant under this section that is an eligible business described in the matter preceding subclause (I) of section 4003(c)(3)(D)(i) of the CARES Act (15 U.S.C. 9042(c)(3)(D)(i)), shall make a good-faith certification described in subclauses (IX) and (X) of such section.

(c) AMOUNT.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a grant under subsection (b)(2) shall be in the amount equal to the lesser of—

(i)(I) for an eligible person or entity that was in operation on January 1, 2019, the amount equal to 45 percent of the gross earned revenue of the eligible person or entity during 2019; or

(II) for an eligible person or entity that began operations after January 1, 2019, the amount equal to the product obtained by multiplying—

(aa) the average monthly gross earned revenue for each full month during which the eligible person or entity was in operation during 2019; by

(bb) 6; or

(ii) \$10,000,000.

(B) APPLICATION TO RELEVANT MUSEUM OPERATORS.—A relevant museum operator may not receive grants under subsection (b)(2) in a total amount that is more than \$10,000,000 with respect to all relevant museums operated by the relevant museum operator.

(C) REDUCTION FOR RECIPIENTS OF NEW PPP LOANS.—

(i) IN GENERAL.—The otherwise applicable amount of a grant under subsection (b)(2) to an eligible person or entity shall be reduced by the total amount of loans guaranteed under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) that are received on or after December 27, 2020 by the eligible person or entity.

(ii) APPLICATION TO GOVERNMENTAL ENTITIES.—For purposes of applying clause (i) to an eligible person or entity owned by a State or a political subdivision of a State, the relevant entity—

(I) shall be the eligible person or entity; and

(II) shall not include entities of the State or political subdivision other than the eligible person or entity.

(2) SUPPLEMENTAL GRANTS.—A grant under subsection (b)(3) shall be in the amount equal to 50 percent of the grant received by the eligible person or entity under subsection (b)(2).

(3) OVERALL MAXIMUMS.—The total amount of grants received under paragraphs (2) and (3) of subsection (b) by an eligible person or entity shall be not more than \$10,000,000.

(d) USE OF FUNDS.—

(1) TIMING.—

(A) EXPENSES INCURRED.—

(i) IN GENERAL.—Except as provided in clause (ii), amounts received under a grant under this section may be used for costs incurred during the period beginning on March 1, 2020, and ending on December 31, 2021.

(ii) EXTENSION FOR SUPPLEMENTAL GRANTS.—If an eligible person or entity receives a grant under subsection (b)(3), amounts received under either grant under this section may be used for costs incurred dur-

ing the period beginning on March 1, 2020, and ending on June 30, 2022.

(B) EXPENDITURE.—

(i) IN GENERAL.—Except as provided in clause (ii), an eligible person or entity shall return to the Administrator any amounts received under a grant under this section that are not expended on or before the date that is 1 year after the date of disbursement of the grant.

(ii) EXTENSION FOR SUPPLEMENTAL GRANTS.—If an eligible person or entity receives a grant under subsection (b)(3), the eligible person or entity shall return to the Administrator any amounts received under either grant under this section that are not expended on or before the date that is 18 months after the date of disbursement to the eligible person or entity of the grant under subsection (b)(2).

(2) ALLOWABLE EXPENSES.—

(A) DEFINITIONS.—In this paragraph—

(i) the terms “covered mortgage obligation”, “covered rent obligation”, “covered utility payment”, and “covered worker protection expenditure” have the meanings given those terms in section 7A(a) of the Small Business Act, as redesignated, transferred, and amended by this Act; and

(ii) the term “payroll costs” has the meaning given that term in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)).

(B) EXPENSES.—An eligible person or entity may use amounts received under a grant under this section for—

- (i) payroll costs;
- (ii) payments on any covered rent obligation;
- (iii) any covered utility payment;
- (iv) scheduled payments of interest or principal on any covered mortgage obligation (which shall not include any prepayment of principal on a covered mortgage obligation);
- (v) scheduled payments of interest or principal on any indebtedness or debt instrument (which shall not include any prepayment of principal) incurred in the ordinary course of business that is a liability of the eligible person or entity and was incurred prior to February 15, 2020;
- (vi) covered worker protection expenditures;
- (vii) payments made to independent contractors, as reported on Form-1099 MISC, not to exceed a total of \$100,000 in annual compensation for any individual employee of an independent contractor; and
- (viii) other ordinary and necessary business expenses, including—
 - (I) maintenance expenses;
 - (II) administrative costs, including fees and licensing costs;
 - (III) State and local taxes and fees;

(IV) operating leases in effect as of February 15, 2020;

(V) payments required for insurance on any insurance policy; and

(VI) advertising, production transportation, and capital expenditures related to producing a theatrical or live performing arts production, concert, exhibition, or comedy show, except that a grant under this section may not be used primarily for such expenditures.

(3) PROHIBITED EXPENSES.—An eligible person or entity may not use amounts received under a grant under this section—

(A) to purchase real estate;

(B) for payments of interest or principal on loans originated after February 15, 2020;

(C) to invest or re-lend funds;

(D) for contributions or expenditures to, or on behalf of, any political party, party committee, or candidate for elective office; or

(E) for any other use as may be prohibited by the Administrator.

(e) INCREASED OVERSIGHT OF SHUTTERED VENUE OPERATOR GRANTS.—The Administrator shall increase oversight of eligible persons and entities receiving grants under this section, which may include the following:

(1) DOCUMENTATION.—Additional documentation requirements that are consistent with the eligibility and other requirements under this section, including requiring an eligible person or entity that receives a grant under this section to retain records that document compliance with the requirements for grants under this section—

(A) with respect to employment records, for the 4-year period following receipt of the grant; and

(B) with respect to other records, for the 3-year period following receipt of the grant.

(2) REVIEWS OF USE.—Reviews of the use of the grant proceeds by an eligible person or entity to ensure compliance with requirements established under this section and by the Administrator, including that the Administrator may—

(A) review and audit grants under this section; and

(B) in the case of fraud or other material noncompliance with respect to a grant under this section—

(i) require repayment of misspent funds; or

(ii) pursue legal action to collect funds.

(f) SHUTTERED VENUE OVERSIGHT AND AUDIT PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details—

(A) the policies and procedures of the Administrator for conducting oversight and audits of grants under this section; and

(B) the metrics that the Administrator shall use to determine which grants under this section will be audited pursuant to subsection (e).

(2) **REPORTS.**—Not later than 60 days after the date of enactment of this Act, and each month thereafter until the date that is 1 year after the date on which all amounts made available under section 323(d)(1)(H) of this Act have been expended, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the oversight and audit activities of the Administrator under this subsection, which shall include—

(A) the total number of initial grants approved and disbursed;

(B) the total amount of grants received by each eligible person or entity, including any supplemental grants;

(C) the number of active investigations and audits of grants under this section;

(D) the number of completed reviews and audits of grants under this section, including a description of any findings of fraud or other material noncompliance.

(E) any substantial changes made to the oversight and audit plan submitted under paragraph (1).

(g) **STATUTE OF LIMITATIONS.**—*Notwithstanding any other provision of law, any criminal prosecution or civil enforcement action for a violation of, or conspiracy to violate, section 371, 641, 1001, 1028A, 1029, 1341, 1343, 1349, 1956, or 1957 of title 18, United States Code, or section 3729 or 3802 of title 31, United States Code, with respect to any grant for shuttered venue operators under this section shall be filed not later than 10 years after the date of the violation or conspiracy.*

AMERICAN RESCUE PLAN ACT OF 2021

* * * * *

TITLE V—COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

* * * * *

SEC. 5003. SUPPORT FOR RESTAURANTS.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Small Business Administration.

(2) **AFFILIATED BUSINESS.**—The term “affiliated business” means a business in which an eligible entity has an equity or right to profit distributions of not less than 50 percent, or in which an eligible entity has the contractual authority to control the direction of the business, provided that such affiliation shall be determined as of any arrangements or agreements in existence as of March 13, 2020.

(3) **COVERED PERIOD.**—The term “covered period” means the period—

(A) beginning on February 15, 2020; and

(B) ending on December 31, 2021, or a date to be determined by the Administrator that is not later than 2 years after the date of enactment of this section.

(4) ELIGIBLE ENTITY.—The term “eligible entity”—

(A) means a restaurant, food stand, food truck, food cart, caterer, saloon, inn, tavern, bar, lounge, brewpub, tasting room, taproom, licensed facility or premise of a beverage alcohol producer where the public may taste, sample, or purchase products, or other similar place of business in which the public or patrons assemble for the primary purpose of being served food or drink;

(B) includes an entity described in subparagraph (A) that is located in an airport terminal or that is a Tribally-owned concern; and

(C) does not include—

(i) an entity described in subparagraph (A) that—

(I) is a State or local government-operated business;

(II) as of March 13, 2020, owns or operates (together with any affiliated business) more than 20 locations, regardless of whether those locations do business under the same or multiple names; or

(III) has a pending application for or has received a grant under section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260); or

(ii) a publicly-traded company.

(5) EXCHANGE; ISSUER; SECURITY.—The terms “exchange”, “issuer”, and “security” have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(6) FUND.—The term “Fund” means the Restaurant Revitalization Fund established under subsection (b).

(7) PANDEMIC-RELATED REVENUE LOSS.—The term “pandemic-related revenue loss” means, with respect to an eligible entity—

(A) except as provided in subparagraphs (B), (C), and (D), the gross receipts, as established using such verification documentation as the Administrator may require, of the eligible entity during 2020 subtracted from the gross receipts of the eligible entity in 2019, if such sum is greater than zero;

(B) if the eligible entity was not in operation for the entirety of 2019—

(i) the difference between—

(I) the product obtained by multiplying the average monthly gross receipts of the eligible entity in 2019 by 12; and

(II) the product obtained by multiplying the average monthly gross receipts of the eligible entity in 2020 by 12; or

(ii) an amount based on a formula determined by the Administrator;

(C) if the eligible entity opened during the period beginning on January 1, 2020, and ending on the day before the date of enactment of this section—

(i) the expenses described in subsection (c)(5)(A) that were incurred by the eligible entity minus any gross receipts received; or

(ii) an amount based on a formula determined by the Administrator; or

(D) if the eligible entity has not yet opened as of the date of application for a grant under subsection (c), but has incurred expenses described in subsection (c)(5)(A) as of the date of enactment of this section—

(i) the amount of those expenses; or

(ii) an amount based on a formula determined by the Administrator. For purposes of this paragraph, the pandemic-related revenue losses for an eligible entity shall be reduced by any amounts received from a covered loan made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) in 2020 or 2021.

(8) PAYROLL COSTS.—The term “payroll costs” has the meaning given the term in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)), except that such term shall not include—

(A) qualified wages (as defined in subsection (c)(3) of section 2301 of the CARES Act) taken into account in determining the credit allowed under such section 2301; or

(B) premiums taken into account in determining the credit allowed under section 6432 of the Internal Revenue Code of 1986.

(9) PUBLICLY-TRADED COMPANY.—The term “publicly-traded company” means an entity that is majority owned or controlled by an entity that is an issuer, the securities of which are listed on a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(10) TRIBALLY-OWNED CONCERN.—The term “Tribally-owned concern” has the meaning given the term in section 124.3 of title 13, Code of Federal Regulations, or any successor regulation.

(b) RESTAURANT REVITALIZATION FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Restaurant Revitalization Fund.

(2) APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Restaurant Revitalization Fund for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$28,600,000,000, to remain available until expended.

(B) DISTRIBUTION.—

(i) IN GENERAL.—Of the amounts made available under subparagraph (A)—

(I) \$5,000,000,000 shall be available to eligible entities with gross receipts during 2019 of not more than \$500,000; and

(II) \$23,600,000,000 shall be available to the Administrator to award grants under subsection (c) in an equitable manner to eligible entities of different sizes based on annual gross receipts.

(ii) ADJUSTMENTS.—The Administrator may make adjustments as necessary to the distribution of funds under clause (i)(II) based on demand and the relative local costs in the markets in which eligible entities operate.

(C) GRANTS AFTER INITIAL PERIOD.—Notwithstanding subparagraph (B), on and after the date that is 60 days after the date of enactment of this section, or another period of time determined by the Administrator, the Administrator may make grants using amounts appropriated under subparagraph (A) to any eligible entity regardless of the annual gross receipts of the eligible entity.

(3) USE OF FUNDS.—The Administrator shall use amounts in the Fund to make grants described in subsection (c).

(c) RESTAURANT REVITALIZATION GRANTS.—

(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (3), the Administrator shall award grants to eligible entities in the order in which applications are received by the Administrator.

(2) APPLICATION.—

(A) CERTIFICATION.—An eligible entity applying for a grant under this subsection shall make a good faith certification that—

(i) the uncertainty of current economic conditions makes necessary the grant request to support the ongoing operations of the eligible entity; and

(ii) the eligible entity has not applied for or received a grant under section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260).

(B) BUSINESS IDENTIFIERS.—In accepting applications for grants under this subsection, the Administrator shall prioritize the ability of each applicant to use their existing business identifiers over requiring other forms of registration or identification that may not be common to their industry and imposing additional burdens on applicants.

(3) PRIORITY IN AWARDING GRANTS.—

(A) IN GENERAL.—During the initial 21-day period in which the Administrator awards grants under this subsection, the Administrator shall prioritize awarding grants to eligible entities that are small business concerns owned and controlled by women (as defined in section 3(n) of the Small Business Act (15 U.S.C. 632(n))), small business concerns owned and controlled by veterans (as defined in section 3(q) of such Act (15 U.S.C. 632(q))), or socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A))). The Administrator may take such steps as necessary to ensure that eligible entities described in this subparagraph have access to grant funding under this section after the end of such 21-day period.

- (B) CERTIFICATION.—For purposes of establishing priority under subparagraph (A), an applicant shall submit a self-certification of eligibility for priority with the grant application.
- (4) GRANT AMOUNT.—
- (A) AGGREGATE MAXIMUM AMOUNT.—The aggregate amount of grants made to an eligible entity and any affiliated businesses of the eligible entity under this subsection—
- (i) shall not exceed \$10,000,000; and
 - (ii) shall be limited to \$5,000,000 per physical location of the eligible entity.
- (B) DETERMINATION OF GRANT AMOUNT.—
- (i) IN GENERAL.—Except as provided in this paragraph, the amount of a grant made to an eligible entity under this subsection shall be equal to the pandemic-related revenue loss of the eligible entity.
 - (ii) RETURN TO TREASURY.—Any amount of a grant made under this subsection to an eligible entity based on estimated receipts that is greater than the actual gross receipts of the eligible entity in 2020 shall be returned to the Treasury.
- (5) USE OF FUNDS.—During the covered period, an eligible entity that receives a grant under this subsection may use the grant funds for the following expenses incurred as a direct result of, or during, the COVID-19 pandemic:
- (A) Payroll costs.
 - (B) Payments of principal or interest on any mortgage obligation (which shall not include any prepayment of principal on a mortgage obligation).
 - (C) Rent payments, including rent under a lease agreement (which shall not include any prepayment of rent).
 - (D) Utilities.
 - (E) Maintenance expenses, including—
 - (i) construction to accommodate outdoor seating; and
 - (ii) walls, floors, deck surfaces, furniture, fixtures, and equipment.
 - (F) Supplies, including protective equipment and cleaning materials.
 - (G) Food and beverage expenses that are within the scope of the normal business practice of the eligible entity before the covered period.
 - (H) Covered supplier costs, as defined in section 7A(a) of the Small Business Act (as redesignated, transferred, and amended by section 304(b) of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Public Law 116-260)).
 - (I) Operational expenses.
 - (J) Paid sick leave.
 - (K) Any other expenses that the Administrator determines to be essential to maintaining the eligible entity.
- (6) RETURNING FUNDS.—If an eligible entity that receives a grant under this subsection fails to use all grant funds or permanently ceases operations on or before the last day of the covered period, the eligible entity shall return to the Treasury any

funds that the eligible entity did not use for the allowable expenses under paragraph (5).

(d) *STATUTE OF LIMITATIONS.*—*Notwithstanding any other provision of law, any criminal prosecution or civil enforcement action for a violation of, or conspiracy to violate, section 371, 641, 1001, 1028A, 1029, 1341, 1343, 1349, 1956, or 1957 of title 18, United States Code, or section 3729 or 3802 of title 31, United States Code, with respect to any restaurant revitalization grant under this section shall be filed not later than 10 years after the date of the violation or conspiracy.*

* * * * *

XVIII. MINORITY VIEWS

More than 30 million small businesses were adversely impacted by the COVID–19 pandemic, and an unprecedented amount of money flowed to small businesses in the form of grants and loans to help them stay afloat. Over the course of 18 months, the Small Business Administration (SBA) administered four major programs and delivered 22.1 million loans and grants totaling \$1.2 trillion.¹ The four main programs and their disbursements are: Paycheck Protection Program, (PPP) (\$792 billion), Economic Injury Disaster Loan (EIDL) Program (\$405.2 billion), the Restaurant Revitalization Fund (RRF) (\$28.6 billion), and the Shuttered Venue Operators Grant (SVOG) (\$14.6 million).² In an effort to deliver aid to small businesses quickly, the Trump Administration reduced or eliminated many existing internal controls.³

The Office of the Inspector General (OIG) issued a number of reports early on, warning of the importance of strong internal controls to mitigate risk, and a total of 22 reports to identify weaknesses in SBA’s control environment throughout the pandemic.⁴ Beginning in early 2021, long-standing anti-fraud controls were re-instituted, and new safeguards were put into place by the previous administration to reduce the potential for fraud.⁵ On June 27, 2023, the OIG issued a white paper to provide a comprehensive review reporting that SBA disbursed more than \$200 billion in *potentially* fraudulent COVID–19 EIDLs, EIDL Targeted Advances, Supplemental Targeted Advances, and PPP loans.⁶ Of this amount, OIG estimates SBA disbursed \$136 billion in potentially fraudulent COVID–19 EIDLs and \$64 billion in potentially fraudulent PPP funds.⁷

SBA also issued a report, entitled “Protecting the Integrity of the Pandemic Relief Programs,” which estimates that \$36 billion of the \$1.2 trillion in pandemic relief emergency funds were obtained fraudulently.⁸ Moreover, the SBA, under the previous administration, asserted that 86 percent of the *likely* fraud originated in the first nine months of the pandemic,⁹ under the first Trump Administration. Under the leadership of then Committee Chairwoman Velázquez, Congress passed two bills to extend the statute of limi-

¹ OFF. OF INSPECTOR GEN., U.S. SMALL BUS. ADMIN., TOP PERFORMANCE AND MANAGEMENT CHALLENGES FACING THE SMALL BUSINESS ADMINISTRATION IN FISCAL YEAR 2025, (Oct. 15, 2024).

² *Id.*

³ *Id.*

⁴ OFF. OF INSPECTOR GEN., U.S. SMALL BUS. ADMIN., COVID–19 PANDEMIC EIDL AND PPP LOAN FRAUD LANDSCAPE (Jun. 27, 2023).

⁵ U.S. SMALL BUS. ADMIN., PROTECTING THE INTEGRITY OF THE PANDEMIC RELIEF EMERGENCY PROGRAMS: SBA’S ACTIONS TO PREVENT, DETECT, AND ADDRESS FRAUD (Jun. 27, 2023).

⁶ OFF. OF INSPECTOR GEN., U.S. SMALL BUS. ADMIN., COVID–19 PANDEMIC EIDL AND PPP LOAN FRAUD LANDSCAPE (Jun. 27, 2023).

⁷ *Supra* note 5.

⁸ *Id.*

⁹ *Id.*

tations for fraud in the PPP¹⁰ and EIDL¹¹ programs from 5 to 10 years. Democrats on the Committee have supported full funding for the OIG to ensure the Office has the resources it needs to fully investigate the pandemic fraud.

The legislation under consideration today would extend the statute of limitations on the RRF and SVOG programs. The American Rescue Plan established the RRF to provide grants up to \$10 million per business and no more than \$5 million per physical location to help restaurants and other eligible businesses keep their doors open during the pandemic.¹² The Economic Aid Act created the SVOG to provide grants to eligible performing arts businesses during the pandemic. As of June 2025, the OIG has 31 open investigations related to potential fraud in these programs, with 25 open RRF cases and 6 open SVOG cases. To date, the OIG’s efforts have resulted in charges against 25 individuals (21 RRF, 4 SVOG), 14 criminal convictions, and more than \$61 million in recoveries. The OIG has received more than 1,000 complaints related to these programs. According to the OIG, while the number of investigations appears modest, each case is complex, involving layered transactions, false documentation, and financial concealment, and may involve multiple grants. Therefore, the impact per case would remain high.¹³

It is important to note, that SBA requires proper funding and staffing. Recent investigative news reports found that some of the spending by celebrities who received SVOGs could be questionable.¹⁴ As of December 19, 2024, there were 1,892 active SVOG awards, totaling approximately \$3.2 billion.¹⁵ SBA had 109 employees reviewing these awards, however, the number was expected to drop to 28 employees after January 31 due to lack of funding.¹⁶

The Independent Auditor’s report made recommendations, however, without sufficient funds specifically dedicated to the oversight of the SVOG grants, as well as other pandemic programs, SBA may not be able to fully recover monies related to ineligible expenses.

On March 21, 2025, SBA Administrator Kelly Loeffler announced an agency wide reorganization, which among other things, includes a 43 percent workforce reduction to “reverse the broad and costly expansion of the SBA under the Biden administration.”¹⁷ Signifi-

¹⁰ PPP and Bank Fraud Enforcement Harmonization Act of 2022, Pub. L. No. 117–166, 136 Stat. 1365 (2022) (codified at 15 U.S.C. § 636(a) (2022)).

¹¹ COVID–19 EIDL Fraud Statute of Limitations Act of 2022, Pub. L. No. 117–165, 136 Stat. 1363 (2022) (codified at 15 U.S.C. §§ 636(b), 9009 (2022)).

¹² *Restaurant Revitalization Fund*, U.S. SMALL BUS. ADMIN. (Oct. 3, 2024), <https://www.sba.gov/funding-programs/loans/covid-19-relief-options/restaurant-revitalization-fund#program-details> (last visited Jul. 15, 2025).

¹³ Email from the OFF. OF INSPECTOR GEN., U.S. SMALL BUS. ADMIN. TO THE H. COMM. ON SMALL BUS. DEMOCRATS (Jul. 14, 2025) (on file with the H. COMM. ON SMALL BUS.).

¹⁴ Jack Newsham & Katherine Long, *How rich musicians billed American taxpayers for luxury hotels, shopping sprees, and million-dollar bonuses*, BUS. INSIDER (Dec. 18, 2024), <https://www.businessinsider.com/lil-wayne-chris-brown-covid-relief-funds-svog-grant-2024-12>.

¹⁵ Email from the OFF. OF INSPECTOR GEN., U.S. SMALL BUS. ADMIN. TO THE H. COMM. ON SMALL BUS. DEMOCRATS (Dec. 19, 2024) (on file with the H. COMM. ON SMALL BUS.).

¹⁶ Briefing with U.S. SMALL BUS. ADMIN. (Washington, DC).

¹⁷ Press Release, U.S. SMALL BUS. ADMIN., Small Business Administration Announces Agency-Wide Reorganization (Mar. 21, 2025), <https://www.sba.gov/article/2025/03/21/small-business-administration-announces-agency-wide-reorganization>.

cant reduction in staff will impede SBA's ability to recover improper and fraudulent payments.

NYDIA M. VELÁZQUEZ,
Ranking Member.

