

Overview of the Put America on Commission Act of 2024 (H.R. 7129)

March 1, 2024

To address the COVID-19 pandemic's impacts on small businesses, Congress authorized new financial relief programs in 2020 and 2021 that the Small Business Administration (SBA) operated. These programs made or guaranteed loans and grants directly to small businesses. SBA's pandemic relief programs included:

- the [Paycheck Protection Program \(PPP\)](#), which offered forgivable loans up to \$10 million for small businesses and nonprofits to continue paying their employees;
- [COVID Economic Injury Disaster Loans \(EIDLs\)](#), which offered an expanded version of one of SBA's existing disaster loan programs;
- [Emergency EIDL Advances](#), which offered COVID EIDL applicants \$1,000 per employee, up to \$10,000, for use while SBA processed EIDL applications (which did not require repayment); and
- [Targeted EIDL Advances and Supplemental Targeted EIDL Advances](#), which offered \$10,000 and \$5,000 payments, respectively, to COVID EIDL applicants in low-income areas (which also did not require repayment).

Congress appropriated [hundreds of billions of dollars](#) in FY2020 and FY2021 for SBA to implement these programs. SBA approved over [\\$799.8 billion](#) worth of PPP loans and [\\$378.4 billion](#) in COVID EIDLs. Since then, many observers have raised concerns about [fraud](#) in the programs.

On January 31, 2024, the House Committee on Small Business ordered the Put America on Commission Act of 2024 (H.R. 7129) to be reported by a 24-0 vote. Among other things, the bill would:

- establish an Office of Whistleblower Awards (OWA) within SBA;
- set up a payment system for whistleblowers whose information leads to a conviction, plea agreement, or settlement regarding a case of financial misconduct or fraud stemming from SBA's COVID-19 pandemic relief programs; and
- create a fund to pay for the awards and OWA's operating expenses.

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Fraud Concerns

A [June 2023 report](#) from SBA’s Office of Inspector General (OIG) found that SBA disbursed over \$200 billion in potentially fraudulent COVID EIDLs, Targeted and Supplemental Targeted EIDL Advances, and PPP loans—about 17% of funds distributed. A [separate report from SBA](#) estimated that the agency issued \$36 billion of pandemic relief loans and grants based on fraudulent applications.

Congress has acted to address misconduct in SBA’s pandemic relief programs. For example, the 117th Congress passed the COVID-19 EIDL Fraud Statute of Limitations Act (P.L. 117-165) and the PPP and Bank Fraud Enforcement Harmonization Act of 2022 (P.L. 117-166), which, respectively, extended the statutes of limitations for prosecuting COVID EIDL and PPP fraud to 10 years. Some Members [remain concerned](#) as to whether these interventions suffice to address program fraud.

Proposed New SBA Provisions

H.R. 7129 would amend the Small Business Act (P.L. 85-536, as amended) to establish an Office of Whistleblower Awards (OWA) within SBA’s Office of Performance, Planning, and the Chief Financial Officer. OWA would have the authority to pay whistleblowers who provide “original information” leading to a conviction, plea agreement, or settlement in a case involving financial misconduct or fraud for either PPP, COVID EIDL, Emergency EIDL Advances, or Targeted EIDL Advances. H.R. 7129 defines “original information” as information that is:

- derived from independent knowledge or analysis of the whistleblower;
- not known to SBA and/or SBA OIG from anywhere other than the whistleblower;
- not exclusively derived from information in a judicial or administrative action; government report, hearing, audit, or investigation; or media reports; and
- provided to SBA OIG after the enactment of H.R. 7129 or through a source other than SBA OIG’s existing fraud hotline.

Whistleblower Award Fund

The bill would create a Whistleblower Award Fund (WAF) at the Department of the Treasury for OWA payments to whistleblowers and operating expenses. If, based on a whistleblower’s original information, an individual or entity is convicted (or enters into a plea agreement or settlement) in a case of financial misconduct related to PPP, COVID EIDL, Emergency EIDL Advances, or Targeted EIDL Advances, all money collected from the case is deposited into the fund.

H.R. 7129 would also establish that any person convicted or entering a plea agreement or settlement for financial misconduct under the bill’s provisions is subject to a civil monetary penalty, equal to 30% of the aggregate principal of the financial assistance. If OWA owes award money to an individual subject to a civil monetary penalty, the amount of that penalty would be deducted from the award amount and deposited in the WAF.

Award Amounts

Under H.R. 7129, whistleblowers would receive 10% of the amount deposited in the WAF if the person they reported on is (a) convicted or enters a plea agreement or settlement, and (b) is a U.S. national or an entity located in the United States. Whistleblowers would receive 15% of the amount deposited in the WAF if the person they reported on is (a) convicted or enters a plea agreement or settlement, and (b) is a foreign national or entity located outside the United States.

If there are multiple whistleblowers, only the whistleblower who made the “most substantial contribution,” as determined by OWA, may receive an award. In determining the most substantial contribution, OWA would consider the significance of the original information, any role the whistleblower had in contributing to the financial misconduct, and other criteria deemed appropriate.

Other Provisions

Whistleblowers would be ineligible for OWA awards if convicted of planning or initiating actions leading to the financial misconduct being reported. OWA may withdraw an award under these provisions if it determines that the whistleblower planned or initiated actions leading to the financial misconduct they have reported. H.R. 7129 would require the SBA Administrator annually to submit a report to Congress detailing the number of times whistleblowers submitted original information to OWA about financial misconduct regarding SBA’s pandemic relief programs and the value of awards disbursed. H.R. 7129’s authorities would terminate when either the final legal action for financial misconduct related to SBA’s pandemic relief programs is no longer appealable or the legal action completes its appeals process.

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