

Union Calendar No. 329

117TH CONGRESS
2^D SESSION

H. R. 7195

[Report No. 117–423]

To provide for certain whistleblower incentives and protections.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2022

Ms. ADAMS (for herself and Mr. GONZALEZ of Ohio) introduced the following bill; which was referred to the Committee on Financial Services

JULY 20, 2022

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 24, 2022]

A BILL

To provide for certain whistleblower incentives and
protections.

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. WHISTLEBLOWER INCENTIVES AND PROTEC-**
 4 **TIONS.**

5 *(a) AWARDS FOR WHISTLEBLOWERS.—*

6 *(1) IN GENERAL.—Section 5323 of title 31,*
 7 *United States Code, is amended by striking subsection*
 8 *(b) and inserting the following:*

9 *“(b) AWARDS.—*

10 *“(1) IN GENERAL.—In any covered judicial or*
 11 *administrative action, or related action, the Sec-*
 12 *retary, under regulations prescribed by the Secretary,*
 13 *in consultation with the Attorney General and subject*
 14 *to subsection (c), shall pay an award or awards to 1*
 15 *or more whistleblowers who voluntarily provided*
 16 *original information to the employer of the indi-*
 17 *vidual, the Secretary, or the Attorney General, as ap-*
 18 *plicable, that led to the successful enforcement of the*
 19 *covered judicial or administrative action, or related*
 20 *action, in an aggregate amount equal to—*

21 *“(A) not less than 10 percent, in total, of*
 22 *what has been collected of the monetary sanctions*
 23 *imposed in the action or related actions; and*

1 “(B) *not more than 30 percent, in total, of*
2 *what has been collected of the monetary sanctions*
3 *imposed in the action or related actions.*

4 “(2) *PAYMENT OF AWARDS.—*

5 “(A) *IN GENERAL.—Any amount paid*
6 *under paragraph (1) shall be paid from the*
7 *Fund established under paragraph (3).*

8 “(B) *RELATED ACTIONS.—The Secretary*
9 *may pay awards less than the amount described*
10 *in paragraph (1)(A) for related actions in which*
11 *a whistleblower may be paid by another whistle-*
12 *blower award program.*

13 “(3) *SOURCE OF AWARDS.—*

14 “(A) *IN GENERAL.—There shall be estab-*
15 *lished in the Treasury of the United States a re-*
16 *volving fund to be known as the Financial Integ-*
17 *riety Fund (referred to in this subsection as the*
18 *‘Fund’).*

19 “(B) *USE OF FUND.—The Fund shall be*
20 *available to the Secretary, without further ap-*
21 *propriation or fiscal year limitations, only for*
22 *the payment of awards to whistleblowers as pro-*
23 *vided in subsection (b).*

1 “(C) *RESTRICTIONS ON USE OF FUND.*—*The*
2 *Fund shall not be available to pay any personnel*
3 *or administrative expenses.*

4 “(4) *DEPOSITS AND CREDITS.*—

5 “(A) *IN GENERAL.*—*There shall be deposited*
6 *into or credited to the Fund an amount equal*
7 *to—*

8 “(i) *any monetary sanction collected*
9 *by the Secretary or Attorney General in*
10 *any judicial or administrative action under*
11 *this title or a covered statute, unless the bal-*
12 *ance of the Fund at the time the monetary*
13 *sanction is collected exceeds \$300,000,000;*
14 *and*

15 “(ii) *all income from investments made*
16 *under paragraph (5).*

17 “(B) *ADDITIONAL AMOUNTS.*—*If the*
18 *amounts deposited into or credited to the Fund*
19 *under subparagraph (A) are not sufficient to sat-*
20 *isfy an award made under this subsection, there*
21 *shall be deposited into or credited to the Fund an*
22 *amount equal to the unsatisfied portion of the*
23 *award from any monetary sanction collected by*
24 *the Secretary of the Treasury or Attorney Gen-*

1 *eral in the covered judicial or administrative ac-*
2 *tion on which the award is based.*

3 “(C) *EXCEPTION.*—No amounts to be depos-
4 *ited or transferred into the United States Vic-*
5 *tims of State Sponsored Terrorism Fund estab-*
6 *lished under to the Justice for United States Vic-*
7 *tims of State Sponsored Terrorism Act (34*
8 *U.S.C. 20144) or the Crime Victims Fund estab-*
9 *lished under section 1402 of the Victims of Crime*
10 *Act of 1984 (34 U.S.C. 20101) shall be deposited*
11 *into or credited to the Fund.*

12 “(5) *INVESTMENTS.*—

13 “(A) *AMOUNTS IN FUND MAY BE IN-*
14 *VESTED.*—The Secretary of the Treasury may
15 *invest the portion of the Fund that is not re-*
16 *quired to meet the current needs of the Fund.*

17 “(B) *ELIGIBLE INVESTMENTS.*—Investments
18 *shall be made by the Secretary of the Treasury*
19 *in obligations of the United States or obligations*
20 *that are guaranteed as to principal and interest*
21 *by the United States, with maturities suitable to*
22 *the needs of the Fund as determined by the Sec-*
23 *retary.*

24 “(C) *INTEREST AND PROCEEDS CRED-*
25 *ITED.*—The interest on, and the proceeds from

1 *the sale or redemption of, any obligations held in*
 2 *the Fund shall be credited to, and form a part*
 3 *of, the Fund.”.*

4 (2) *COVERED STATUTE DEFINED.*—Section
 5 5323(a) of title 31, United States Code, is amended
 6 by adding at the end the following:

7 “(6) *COVERED STATUTE DEFINED.*—In this sec-
 8 tion, the term ‘covered statute’ means—

9 “(A) *the International Emergency Eco-*
 10 *nomic Powers Act (50 U.S.C. 1701 et seq.);*

11 “(B) *sections 5 and 12 of the Trading With*
 12 *the Enemy Act (50 U.S.C. 4305; 4312); and*

13 “(C) *the Foreign Narcotics Kingpin Des-*
 14 *ignation Act (21 U.S.C. 1901 et seq.).”.*

15 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 16 Section 5323 of title 31, United States Code, is amended—
 17 (1) in subsection (a)—

18 (A) in paragraphs (1) and (5), by striking
 19 “*this subchapter or subchapter III*” each place
 20 the term appears and inserting “*this subchapter*
 21 *or a covered statute, or for a conspiracy to vio-*
 22 *late such subchapter or covered statute,*”; and

23 (B) in paragraph (4)—

24 (i) by striking “*with respect to*” and
 25 all that follows through “*subchapter III*”

1 *and inserting “with respect to any covered*
 2 *judicial or administrative action”;* and

3 (ii) *by striking “action by the Sec-*
 4 *retary or the Attorney General” and insert-*
 5 *ing “covered judicial or administrative ac-*
 6 *tion”;*

7 (2) *in subsection (c)(1)(B)(iii)—*

8 (A) *by striking “subchapter and subchapter*
 9 *III” and inserting “this subchapter or a covered*
 10 *statute, or a conspiracy or attempt to violate*
 11 *such subchapter or covered statute,”; and*

12 (B) *by striking “either such subchapter”*
 13 *and inserting “the applicable subchapter or cov-*
 14 *ered statute”;* and

15 (3) *in subsection (g)(4)(D)(i), by inserting “or a*
 16 *covered statute” after “subchapter,”.*

Amend the title so as to read: “A bill to amend title 31, United States Code, to provide for certain whistleblower incentives and protections.”.

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