AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7195
OFFERED BY MS. ADAMS OF NORTH CAROLINA

Strike all after the enacting clause and insert the following:

SECTION 1. WHISTLEBLOWER INCENTIVES AND PROTECTION.

(a) AWARDS FOR WHISTLEBLOWERS.—

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

“(b) AWARDS.—

“(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Secretary, under regulations prescribed by the Secretary, in consultation with the Attorney General and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the employer of the individual, the Secretary, or the Attorney General, as applicable, that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—
“(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

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

“(2) PAYMENT OF AWARDS.—

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

“(B) RELATED ACTIONS.—The Secretary may pay awards less than the amount described in paragraph (1)(A) for related actions in which a whistleblower may be paid by another whistleblower award program.

“(3) SOURCE OF AWARDS.—

“(A) IN GENERAL.—There shall be established in the Treasury of the United States a revolving fund to be known as the Financial Integrity Fund (referred to in this subsection as the ‘Fund’).

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

“(C) Restrictions on use of Fund.—
The Fund shall not be available to pay any per-
sonnel or administrative expenses.

“(4) Deposits and credits.—

“(A) In general.—There shall be depos-
ited into or credited to the Fund an amount
equal to—

“(i) any monetary sanction collected
by the Secretary or Attorney General in
any judicial or administrative action under
this title or a covered statute, unless the
balance of the Fund at the time the mone-
tary sanction is collected exceeds
$300,000,000; and

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

“(B) Additional amounts.—If the
amounts deposited into or credited to the Fund
under subparagraph (A) are not sufficient to
satisfy an award made under this subsection,
there shall be deposited into or credited to the
Fund an amount equal to the unsatisfied por-
tion of the award from any monetary sanction
collected by the Secretary of the Treasury or
Attorney General in the covered judicial or ad-
ministrative action on which the award is based.

“(C) EXCEPTION.—No amounts to be de-
posited or transferred into the United States
Victims of State Sponsored Terrorism Fund es-
tablished under to the Justice for United States
Victims of State Sponsored Terrorism Act (34
U.S.C. 20144) or the Crime Victims Fund es-
tablished under section 1402 of the Victims of
Crime Act of 1984 (34 U.S.C. 20101) shall be
deposited into or credited to the Fund.

“(5) INVESTMENTS.—

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

“(B) ELIGIBLE INVESTMENTS.—Invest-
ments shall be made by the Secretary of the
Treasury in obligations of the United States or
obligations that are guaranteed as to principal
and interest by the United States, with matur-
ities suitable to the needs of the Fund as de-
termined by the Secretary.
“(C) Interest and proceeds credited.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.”.

(2) Covered statute defined.—Section 5323(a) of title 31, United States Code, is amended by adding at the end the following:

“(5) Covered statute defined.—In this section, the term ‘covered statute’ means—

“(A) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

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

and

“(C) the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.).”.

(b) Technical and conforming amendments.—Section 5323 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraphs (1) and (5), by striking “this subchapter or subchapter III” each place the term appears and inserting “this subchapter or a covered statute, or for a conspiracy
to violate such subchapter or covered statute,”;

and

(B) in paragraph (4)—

(i) by striking “with respect to” and all that follows through “subchapter III” and inserting “with respect to any covered judicial or administrative action”; and

(ii) by striking “action by the Secretary or the Attorney General” and inserting “covered judicial or administrative action”;

(2) in subsection (c)(1)(B)(iii)—

(A) by striking “subchapter and sub-
chapter III” and inserting “this subchapter or a covered statute, or a conspiracy or attempt to violate such subchapter or covered statute,”;

and

(B) by striking “either such subchapter” and inserting “the applicable subchapter or covered statute”; and

(3) in subsection (g)(4)(D)(i), by inserting “or a 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.”.