

**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:

1 **SECTION 1. WHISTLEBLOWER INCENTIVES AND PROTEC-**
2 **TIONS.**

3 (a) AWARDS FOR WHISTLEBLOWERS.—

4 (1) IN GENERAL.—Section 5323 of title 31,
5 United States Code, is amended by striking sub-
6 section (b) and inserting the following:

7 “(b) AWARDS.—

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

1 “(A) not less than 10 percent, in total, of
2 what has been collected of the monetary sanc-
3 tions imposed in the action or related actions;
4 and

5 “(B) not more than 30 percent, in total, of
6 what has been collected of the monetary sanc-
7 tions imposed in the action or related actions.

8 “(2) PAYMENT OF AWARDS.—

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

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

17 “(3) SOURCE OF AWARDS.—

18 “(A) IN GENERAL.—There shall be estab-
19 lished in the Treasury of the United States a
20 revolving fund to be known as the Financial In-
21 tegrity Fund (referred to in this subsection as
22 the ‘Fund’).

23 “(B) USE OF FUND.—The Fund shall be
24 available to the Secretary, without further ap-
25 propriation or fiscal year limitations, only for

1 the payment of awards to whistleblowers as pro-
2 vided in subsection (b).

3 “(C) RESTRICTIONS ON USE OF FUND.—
4 The Fund shall not be available to pay any per-
5 sonnel or administrative expenses.

6 “(4) DEPOSITS AND CREDITS.—

7 “(A) IN GENERAL.—There shall be depos-
8 ited into or credited to the Fund an amount
9 equal to—

10 “(i) any monetary sanction collected
11 by the Secretary or Attorney General in
12 any judicial or administrative action under
13 this title or a covered statute, unless the
14 balance of the Fund at the time the mone-
15 tary sanction is collected exceeds
16 \$300,000,000; and

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

19 “(B) ADDITIONAL AMOUNTS.—If the
20 amounts deposited into or credited to the Fund
21 under subparagraph (A) are not sufficient to
22 satisfy an award made under this subsection,
23 there shall be deposited into or credited to the
24 Fund an amount equal to the unsatisfied por-
25 tion of the award from any monetary sanction

1 collected by the Secretary of the Treasury or
2 Attorney General in the covered judicial or ad-
3 ministrative action on which the award is based.

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

13 “(5) INVESTMENTS.—

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

18 “(B) ELIGIBLE INVESTMENTS.—Invest-
19 ments shall be made by the Secretary of the
20 Treasury in obligations of the United States or
21 obligations that are guaranteed as to principal
22 and interest by the United States, with matu-
23 rities suitable to the needs of the Fund as de-
24 termined by the Secretary.

1 “(C) INTEREST AND PROCEEDS CRED-
2 ITED.—The interest on, and the proceeds from
3 the sale or redemption of, any obligations held
4 in the Fund shall be credited to, and form a
5 part of, the Fund.”.

6 (2) COVERED STATUTE DEFINED.—Section
7 5323(a) of title 31, United States Code, is amended
8 by adding at the end the following:

9 “(5) COVERED STATUTE DEFINED.—In this
10 section, the term ‘covered statute’ means—

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

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

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

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
19 Section 5323 of title 31, United States Code, is amend-
20 ed—

21 (1) in subsection (a)—

22 (A) in paragraphs (1) and (5), by striking
23 “this subchapter or subchapter III” each place
24 the term appears and inserting “this sub-
25 chapter or a covered statute, or for a conspiracy

1 to violate such subchapter or covered statute,”;

2 and

3 (B) in paragraph (4)—

4 (i) by striking “with respect to” and

5 all that follows through “subchapter III”

6 and inserting “with respect to any covered

7 judicial or administrative action”; and

8 (ii) by striking “action by the Sec-

9 retary or the Attorney General” and in-

10 sserting “covered judicial or administrative

11 action”;

12 (2) in subsection (c)(1)(B)(iii)—

13 (A) by striking “subchapter and sub-

14 chapter III” and inserting “this subchapter or

15 a covered statute, or a conspiracy or attempt to

16 violate such subchapter or covered statute,”;

17 and

18 (B) by striking “either such subchapter”

19 and inserting “the applicable subchapter or cov-

20 ered statute”; and

21 (3) in subsection (g)(4)(D)(i), by inserting “or

22 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.”.

