

# Union Calendar No. 328

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7129

[Report No. 118-399]

To amend the Small Business Act to establish the Office of Whistleblower Awards, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2024

Mr. WILLIAMS of Texas (for himself, Mr. MFUME, Mr. LUETKEMEYER, Mr. STAUBER, Mr. MEUSER, Ms. VAN DUYNE, Ms. SALAZAR, Mr. MANN, Mr. ELLZEY, Mr. ALFORD, Mr. CRANE, Mr. BEAN of Florida, Mr. HUNT, Mr. LALOTA, Mr. MOLINARO, and Ms. MALOY) introduced the following bill; which was referred to the Committee on Small Business

FEBRUARY 23, 2024

Additional sponsor: Mr. ROUZER

FEBRUARY 23, 2024

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **A BILL**

To amend the Small Business Act to establish the Office of Whistleblower Awards, and for other purposes.

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. SHORT TITLE.**

4       This Act may be cited as the “Put America on Com-  
5 mission Act of 2024”.

6 **SEC. 2. ESTABLISHMENT OF THE OFFICE OF WHISTLE-**  
7 **BLOWER AWARDS.**

8       The Small Business Act (15 U.S.C. 631 et seq.) is  
9 amended—

10           (1) in section 7(b), by redesignating the second  
11 paragraph (16) (relating to statute of limitations) as  
12 paragraph (17);

13           (2) by redesignating section 49 as section 50;  
14 and

15           (3) by inserting after section 48 the following  
16 new section:

17 **“SEC. 49. OFFICE OF WHISTLEBLOWER AWARDS.**

18       “(a) ESTABLISHMENT.—There is established within  
19 the Office of Performance, Planning, and the Chief Finan-  
20 cial Officer of the Administration an Office of Whistle-  
21 blower Awards.

22       “(b) ADMINISTRATION.—The Office of Whistleblower  
23 Awards shall be administered by an employee in the com-  
24 petitive service.

25       “(c) AWARDS TO WHISTLEBLOWERS.—

1           “(1) IN GENERAL.—Except as otherwise pro-  
2           vided in this section, the head of the Office of Whis-  
3           tleblower Awards shall—

4                   “(A) with respect to information submitted  
5                   to head of the Office of Whistleblower Awards  
6                   by whistleblowers relating to financial mis-  
7                   conduct or fraudulent misrepresentation by a  
8                   recipient of financial assistance from the Ad-  
9                   ministrators—

10                           “(i) determine, in coordination with  
11                           the Inspector General, whether such infor-  
12                           mation is original information; and

13                           “(ii) for all such information that is  
14                           original information—

15                                   “(I) collect and transmit to the  
16                                   Inspector General such original infor-  
17                                   mation; and

18                                   “(II) track the use of such origi-  
19                                   nal information in obtaining final con-  
20                                   victions and settlement and plea  
21                                   agreements; and

22                   “(B) pay an award in an amount as de-  
23                   scribed in paragraph (2) to a whistleblower for  
24                   information described in subparagraph (A) that  
25                   is original information submitted to head of the

1 Office of Whistleblower Awards by such whistle-  
2 blower if a person is finally convicted pursuant  
3 to, or enters into a settlement or plea agree-  
4 ment with respect to, a COVID loan action that  
5 is based, in whole or in part, on such original  
6 information, as determined by the Inspector  
7 General.

8 “(2) AMOUNTS.—Any amount payable under  
9 this section shall be paid from the amounts depos-  
10 ited in the Whistleblower Award Fund established  
11 under subsection (f) based on a person finally con-  
12 victed pursuant to, or a settlement or plea agree-  
13 ment with respect to, a COVID loan action that is  
14 based, in whole or in part, on original information  
15 provided to the head of the Office of Whistleblower  
16 Awards by the whistleblower as follows:

17 “(A) 10 percent of the amounts so depos-  
18 ited if the person so convicted or who entered  
19 into such settlement or plea agreement, as ap-  
20 plicable, is a national of the United States or  
21 an entity located in the United States.

22 “(B) 15 percent of the amounts so depos-  
23 ited if the person so convicted or who entered  
24 into such settlement or plea agreement, as ap-  
25 plicable, is a foreign national or an entity lo-

1 cated in a country other than the United  
2 States.

3 “(3) MULTIPLE WHISTLEBLOWERS.—

4 “(A) IN GENERAL.—If a person is finally  
5 convicted pursuant to, or enters into a settle-  
6 ment or plea agreement with respect to, a  
7 COVID loan action that is based, in whole or  
8 in part, on information described in paragraph  
9 (1)(A) that is original information from mul-  
10 tiple whistleblowers, only the whistleblower who  
11 made the most substantial contribution with re-  
12 spect to such COVID loan action (including  
13 such conviction, settlement agreement, or plea  
14 agreement), as determined by the head of the  
15 Office of Whistleblower Awards, may receive an  
16 award under this section with respect to a con-  
17 viction pursuant to, or a settlement or plea  
18 agreement with respect to, such COVID loan  
19 action.

20 “(B) SUBSTANTIALITY DETERMINATION.—

21 For the purposes of determining which whistle-  
22 blower made the most substantial contribution  
23 with respect to a COVID loan action under sub-  
24 paragraph (A), the head of the Office of Whis-  
25 tleblower Awards shall consider—

1           “(i) the significance of the original in-  
2           formation of the whistleblower with respect  
3           to such COVID loan action;

4           “(ii) the role of the whistleblower and  
5           any legal representative of the whistle-  
6           blower in contributing to such COVID loan  
7           action; and

8           “(iii) such other criteria as the head  
9           of the Office of Whistleblower Awards de-  
10          termines appropriate.

11         “(d) ADDITIONAL REQUIREMENTS.—

12           “(1) REDUCTION IN AWARD.—The head of the  
13          Office of Whistleblower Awards may reduce to an  
14          amount greater than or equal to zero an award to  
15          a whistleblower under this section for original infor-  
16          mation relating to financial misconduct or fraudu-  
17          lent misrepresentation by a recipient of financial as-  
18          sistance from the Administrator if the head of the  
19          Office of Whistleblower Awards determines that such  
20          whistleblower planned or initiated the actions that  
21          led to such to financial misconduct or fraudulent  
22          misrepresentation.

23           “(2) CRIMINAL CONVICTION.—

24           “(A) DENIAL.—A whistleblower who is fi-  
25          nally convicted of an offense arising out of

1 planning or initiating the actions that led to the  
2 to financial misconduct or fraudulent misrepre-  
3 sentation by a recipient of financial assistance  
4 from the Administrator is ineligible for any  
5 award under this section with respect any con-  
6 viction, settlement agreement, or plea agree-  
7 ment related to such financial misconduct or  
8 fraudulent misrepresentation.

9 “(B) REPAYMENT.—As a condition of re-  
10 ceiving an award under this section, the whistle-  
11 blower shall agree to repay the full amount of  
12 the award if the whistleblower is finally con-  
13 victed of an offense relating to the original in-  
14 formation that was the basis for receipt of such  
15 award.

16 “(3) NO CONTRACT NECESSARY.—A whistle-  
17 blower shall not be required to be a party to a con-  
18 tract with the Administrator to be eligible to receive  
19 an award under this section.

20 “(4) TIMING.—The head of the Office of Whis-  
21 tleblower Awards shall disburse payments to a whis-  
22 tleblower under this section not later than one year  
23 after the date on which amounts have been deposited  
24 into the Whistleblower Award Fund based on a con-  
25 viction pursuant to, or a settlement or plea



1 agreement entered into with respect to, a COVID  
2 loan action based, in whole or in part, on informa-  
3 tion described in subsection (c)(1)(A) that is original  
4 information provided by such whistleblower.

5 “(5) STATUS UPDATES.—The head of the Of-  
6 fice of Whistleblower Awards shall—

7 “(A) provide confirmation of the receipt of  
8 information described in subsection (c)(1)(A) to  
9 the whistleblower that submitted such informa-  
10 tion;

11 “(B) provide to such whistleblower—

12 “(i) a notice of the determination  
13 whether such information is original infor-  
14 mation; and

15 “(ii) for such information that is  
16 original information, a notice of each de-  
17 termination by the Inspector General pur-  
18 suant to a final conviction or settlement or  
19 plea agreement with respect to a COVID  
20 loan action whether such information was  
21 the basis, in whole or in part, of such  
22 COVID loan action; and

23 “(C) ensure that procedures consistent  
24 with section 1213 of title 5, United States  
25 Code, for findings on the disclosure and for the

1 whistleblower to comment on any preliminary  
2 determinations.

3 “(6) ANTI-RETALIATION.—

4 “(A) IN GENERAL.—No person may be dis-  
5 criminated against and no other prejudicial ac-  
6 tion may be taken against a person because  
7 such person has made, is perceived as about to  
8 make, or assisted or associated with a person  
9 who made or is about to make a disclosure  
10 under this section.

11 “(B) RELIEF.—Any person who alleges to  
12 discrimination or other prejudicial action in vio-  
13 lation of subparagraph (A) may seek relief for  
14 a violation of such subparagraph pursuant to  
15 the rights, procedures, burdens of proof and  
16 remedies in paragraphs (2) through (5) of sec-  
17 tion 5323(g) of title 31, United States Code.

18 “(e) APPEALS.—A determination made under this  
19 section by the head of the Office of Whistleblower Awards,  
20 except the determination of the amount of an award if  
21 the award was made in accordance with the requirements  
22 of subsection (c)(2), may be appealed by the whistleblower  
23 subject to such determination to the appropriate court of  
24 appeals of the United States not more than 30 days after  
25 the determination is issued by the head of the Office of

1 Whistleblower Awards. The court shall review the deter-  
2 mination in accordance with section 706 of title 5, United  
3 States Code.

4 “(f) WHISTLEBLOWER AWARD FUND.—

5 “(1) ESTABLISHMENT.—There is established in  
6 the Department of the Treasury a revolving fund to  
7 be known as the ‘Whistleblower Award Fund’.

8 “(2) USE OF FUND.—Amounts in the Whistle-  
9 blower Award Fund shall be available to head of the  
10 Office of Whistleblower Awards, without further ap-  
11 propriation or fiscal year limitation, for—

12 “(A) payment of awards made under this  
13 section; and

14 “(B) the necessary expenses for the oper-  
15 ation of the Office of Whistleblower Awards.

16 “(3) DEPOSITS.—Notwithstanding any other  
17 provision of law, if a person is finally convicted pur-  
18 suant to, or enters into a settlement or plea agree-  
19 ment with respect to, a COVID loan action based,  
20 in whole or in part, on original information de-  
21 scribed in subsection (c)(1) that is provided to the  
22 head of the Office of Whistleblower Awards by a  
23 whistleblower, there shall be deposited into the  
24 Whistleblower Award Fund all amounts collected  
25 from such person by the Federal Government, in-

1 including amounts collected as a result of a civil mone-  
2 tary penalty under subsection (g)—

3 “(A) for or pursuant to such conviction; or

4 “(B) under or pursuant to such settlement  
5 or plea agreement.

6 “(4) REMAINING AMOUNTS.—The Adminis-  
7 trator shall deposit into the general fund of the  
8 Treasury any amounts in the Whistleblower Award  
9 Fund not used to pay whistleblowers under sub-  
10 section (c) or the necessary expenses for the oper-  
11 ation of the Office of Whistleblower Awards.

12 “(g) CIVIL MONETARY PENALTY.—

13 “(1) IN GENERAL.—Any person who is finally  
14 convicted pursuant to a COVID loan action or who  
15 enters into a settlement or plea agreement with re-  
16 spect to a COVID loan action shall, in addition to  
17 any other penalties that may be prescribed by law,  
18 be subject to a civil monetary penalty, assessed by  
19 the Administrator, in an amount equal to 30 percent  
20 of the aggregate of the principal amounts of the  
21 loans with respect to which such person was so fi-  
22 nally convicted or entered into such a settlement or  
23 plea agreement.

24 “(2) COLLECTION.—

1           “(A) IN GENERAL.—Civil money penalties  
2           and assessments imposed under this subsection  
3           may be compromised by the Administrator and  
4           may be recovered in a civil action in the name  
5           of the United States brought in United States  
6           district court for the district where the conduct  
7           serving as the basis for the relevant COVID  
8           loan action occurred or in United States district  
9           court for the district in which the person  
10          against whom the penalty or assessment has  
11          been assessed resides, as determined by the Ad-  
12          ministrator.

13           “(B) WITHHOLDINGS.—

14           “(i) IN GENERAL.—The amount of a  
15           civil money penalty and assessment im-  
16           posed under this subsection, when finally  
17           determined, or the amount agreed upon in  
18           compromise, may be deducted from any  
19           sum then or later owing by the United  
20           States to the person against whom the  
21           penalty or assessment has been assessed.

22           “(ii) TREATMENT.—For the purposes  
23           of awards under this section, amounts de-  
24           ducted under clause (i) shall be deposited  
25           into the Whistleblower Award Fund.

1       “(h) REPORT.—Not later than 12 months after the  
2 date of the enactment of this section, and annually there-  
3 after, the Administrator shall submit to Congress a report  
4 on—

5               “(1) the number of times whistleblowers sub-  
6 mitted to the head of the Office of Whistleblower  
7 Awards original information relating to financial  
8 misconduct or fraudulent misrepresentation by a re-  
9 cipient of financial assistance from the Adminis-  
10 trator;

11              “(2) the amount of awards disbursed under this  
12 section; and

13              “(3) any legislative or administrative rec-  
14 ommendations regarding the duties of the Office of  
15 Whistleblower Awards.

16       “(i) RULE OF CONSTRUCTION.—Nothing in this sec-  
17 tion shall be construed to modify or interfere with any in-  
18 vestigations carried out by the Inspector General or an-  
19 other Federal agency.

20       “(j) SUNSET.—

21              “(1) IN GENERAL.—Except as provided by  
22 paragraph (2), the authority under this section shall  
23 terminate on the date that the last COVID loan ac-  
24 tion that was timely filed and either—

1           “(A) has not been appealed and is no  
2 longer appealable because the time for taking  
3 an appeal has expired; or

4           “(B) has been appealed and the appeals  
5 process for such conviction is completed.

6           “(2) APPEALS.—Notwithstanding paragraph  
7 (1), the authority under this section shall continue  
8 with respect to a claim for an award under this sec-  
9 tion for which a determination is being appealed or  
10 is appealable under subsection (e) as of the date de-  
11 scribed in such paragraph until a determination for  
12 such award is no longer being appealed or appeal-  
13 able under subsection (e).

14           “(k) DEFINITIONS.—In this section:

15           “(1) COVID LOAN ACTION.—The term ‘COVID  
16 loan action’ means a criminal charge or civil enforce-  
17 ment action described in—

18           “(A) section 7(a)(36)(W);

19           “(B) section 7(a)(37)(P);

20           “(C) section 7(b)(17);

21           “(D) section 1110(e)(9) of the CARES Act  
22 (15 U.S.C. 9009(e)(9)); or

23           “(E) section 331(i) of the Economic Aid to  
24 Hard-Hit Small Businesses, Nonprofits, and  
25 Venues Act (15 U.S.C. 9009b(i)).

1           “(2) FINAL CONVICTION; FINALLY CON-  
2           VICTED.—The terms ‘final conviction’ and ‘finally  
3           convicted’ mean, with respect to a person, that such  
4           person has been convicted of an offense and such  
5           conviction—

6                   “(A) has not been appealed and is no  
7                   longer appealable because the time for taking  
8                   an appeal has expired; or

9                   “(B) has been appealed and the appeals  
10                  process for such conviction is completed.

11           “(3) INSPECTOR GENERAL.—The term ‘Inspec-  
12           tor General’ means the Inspector General of the Ad-  
13           ministration.

14           “(4) ORIGINAL INFORMATION.—The term  
15           ‘original information’ means information that—

16                   “(A) is derived from the independent  
17                   knowledge or analysis of a whistleblower;

18                   “(B) is not known to the Administrator or  
19                   Inspector General from any source other than  
20                   the whistleblower, unless the whistleblower is  
21                   the original source of the information;

22                   “(C) is not exclusively derived from an al-  
23                   legation made in a judicial or administrative ac-  
24                   tion, in a governmental report, hearing, audit,  
25                   or investigation, or from the news media, unless



1 the whistleblower is a source of the information;  
2 and

3 “(D) was provided to the Inspector Gen-  
4 eral—

5 “(i) after the date of the enactment of  
6 this Act; or

7 “(ii) by a means other than a hotline  
8 for reporting fraud, waste, and abuse that  
9 is maintained by the Inspector General.

10 “(5) WHISTLEBLOWER.—The term ‘whistle-  
11 blower’ means an individual who submits informa-  
12 tion to the Office of Whistleblower Awards that such  
13 individual reasonably believes relates to financial  
14 misconduct or fraudulent misrepresentation by a re-  
15 cipient of financial assistance from the Adminis-  
16 trator.”.

17 **SEC. 3. RULEMAKING.**

18 (a) IN GENERAL.—Not later than six months after  
19 the date of the enactment of this Act, the Administrator  
20 of the Small Business Administration shall issue rules nec-  
21 essary to carry out the requirements of section 49 of the  
22 Small Business Act, as added by this Act.

23 (b) CONTRIBUTION DETERMINATION.—

24 (1) IN GENERAL.—Not later than three months  
25 after the date of the enactment of this Act, the Ad-

1        administrator of the Small Business Administration  
2        shall issue rules providing that—

3                (A) after the head of the Office of Whistle-  
4        blower Awards transmits original information to  
5        the Inspector General of the Small Business  
6        Administration under subsection (c)(1)(A)(ii)(I)  
7        of section 49 of the Small Business Act, as  
8        added by section 2, and tracks such information  
9        through a final conviction or settlement or plea  
10       agreement with respect to a COVID loan ac-  
11       tion, the head of the Office of Whistleblower  
12       Awards shall request that the Inspector General  
13       indicate, for each piece of such original infor-  
14       mation, that—

15                (i) such original information was the  
16        basis, in whole or in part, of such COVID  
17        loan action;

18                (ii) such original information was not  
19        the basis, in whole or in part, of such  
20        COVID loan action; or

21                (iii) whether such original information  
22        was the basis, in whole or in part, of such  
23        COVID loan action may not be disclosed;

24                (B) if the Inspector General indicates that  
25        whether a piece of original information was the

1 basis, in whole or in part, of a COVID loan ac-  
2 tion may not be disclosed, such original infor-  
3 mation shall be deemed to have not been the  
4 basis, in whole or in part, of such COVID loan  
5 action.

6 (2) COVID LOAN ACTION; FINAL CONVICTION;  
7 ORIGINAL INFORMATION DEFINED.—In this sub-  
8 section, the terms “COVID loan action”, “final con-  
9 viction”, and “original information” have the mean-  
10 ings given such terms in subsection (k) of section 49  
11 of the Small Business Act, as added by section 2.

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