

118TH CONGRESS  
2D SESSION

# H. R. 7129

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 DUYNÉ, 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

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## 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—

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

4           (2) by redesignating section 49 as section 50;  
5 and

6           (3) by inserting after section 48 the following  
7 new section:

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

9           “(a) ESTABLISHMENT.—There is established within  
10 the Office of Performance, Planning, and the Chief Finan-  
11 cial Officer of the Administration an Office of Whistle-  
12 blower Awards.

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

16           “(c) AWARDS TO WHISTLEBLOWERS.—

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

20           “(A) with respect to information submitted  
21 to head of the Office of Whistleblower Awards  
22 by whistleblowers relating to financial mis-  
23 conduct or fraudulent misrepresentation by a  
24 recipient of financial assistance from the Ad-  
25 ministrato—

1           “(i) determine, in coordination with  
2           the Inspector General, whether such infor-  
3           mation is original information; and

4           “(ii) for all such information that is  
5           original information—

6                   “(I) collect and transmit to the  
7                   Inspector General such original infor-  
8                   mation; and

9                   “(II) track the use of such origi-  
10                  nal information in obtaining final con-  
11                  victions and settlement and plea  
12                  agreements; and

13           “(B) pay an award in an amount as de-  
14           scribed in paragraph (2) to a whistleblower for  
15           information described in subparagraph (A) that  
16           is original information submitted to head of the  
17           Office of Whistleblower Awards by such whistle-  
18           blower if a person is finally convicted pursuant  
19           to, or enters into a settlement or plea agree-  
20           ment with respect to, a COVID loan action that  
21           is based, in whole or in part, on such original  
22           information, as determined by the Inspector  
23           General.

24           “(2) AMOUNTS.—Any amount payable under  
25           this section shall be paid from the amounts depos-

1       ited in the Whistleblower Award Fund established  
2       under subsection (f) based on a person finally con-  
3       victed pursuant to, or a settlement or plea agree-  
4       ment with respect to, a COVID loan action that is  
5       based, in whole or in part, on original information  
6       provided to the head of the Office of Whistleblower  
7       Awards by the whistleblower as follows:

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

13              “(B) 15 percent of the amounts so depos-  
14              ited if the person so convicted or who entered  
15              into such settlement or plea agreement, as ap-  
16              plicable, is a foreign national or an entity lo-  
17              cated in a country other than the United  
18              States.

19              “(3) MULTIPLE WHISTLEBLOWERS.—

20              “(A) IN GENERAL.—If a person is finally  
21              convicted pursuant to, or enters into a settle-  
22              ment or plea agreement with respect to, a  
23              COVID loan action that is based, in whole or  
24              in part, on information described in paragraph  
25              (1)(A) that is original information from mul-

1           tiple whistleblowers, only the whistleblower who  
2           made the most substantial contribution with re-  
3           spect to such COVID loan action (including  
4           such conviction, settlement agreement, or plea  
5           agreement), as determined by the head of the  
6           Office of Whistleblower Awards, may receive an  
7           award under this section with respect to a con-  
8           viction pursuant to, or a settlement or plea  
9           agreement with respect to, such COVID loan  
10          action.

11                 “(B) SUBSTANTIALITY DETERMINATION.—  
12           For the purposes of determining which whistle-  
13           blower made the most substantial contribution  
14           with respect to a COVID loan action under sub-  
15           paragraph (A), the head of the Office of Whis-  
16           tleblower Awards shall consider—

17                         “(i) the significance of the original in-  
18                         formation of the whistleblower with respect  
19                         to such COVID loan action;

20                         “(ii) the role of the whistleblower and  
21                         any legal representative of the whistle-  
22                         blower in contributing to such COVID loan  
23                         action; and

1                   “(iii) such other criteria as the head  
2                   of the Office of Whistleblower Awards de-  
3                   termines appropriate.

4                   “(d) ADDITIONAL REQUIREMENTS.—

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

16                  “(2) CRIMINAL CONVICTION.—

17                  “(A) DENIAL.—A whistleblower who is fi-  
18                  nally convicted of an offense arising out of  
19                  planning or initiating the actions that led to the  
20                  to financial misconduct or fraudulent misrepre-  
21                  sentation by a recipient of financial assistance  
22                  from the Administrator is ineligible for any  
23                  award under this section with respect any con-  
24                  viction, settlement agreement, or plea agree-

1           ment related to such financial misconduct or  
2           fraudulent misrepresentation.

3           “(B) REPAYMENT.—As a condition of re-  
4           ceiving an award under this section, the whistle-  
5           blower shall agree to repay the full amount of  
6           the award if the whistleblower is finally con-  
7           victed of an offense relating to the original in-  
8           formation that was the basis for receipt of such  
9           award.

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

14          “(4) TIMING.—The head of the Office of Whis-  
15         tleblower Awards shall disburse payments to a whis-  
16         tleblower under this section not later than one year  
17         after the date on which amounts have been deposited  
18         into the Whistleblower Award Fund based on a con-  
19         viction pursuant to, or a settlement or plea  
20         agreement entered into with respect to, a COVID  
21         loan action based, in whole or in part, on informa-  
22         tion described in subsection (c)(1)(A) that is original  
23         information provided by such whistleblower.

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

1           “(A) provide confirmation of the receipt of  
2 information described in subsection (e)(1)(A) to  
3 the whistleblower that submitted such informa-  
4 tion;

5           “(B) provide to such whistleblower—

6           “(i) a notice of the determination  
7 whether such information is original infor-  
8 mation; and

9           “(ii) for such information that is  
10 original information, a notice of each de-  
11 termination by the Inspector General pur-  
12 suant to a final conviction or settlement or  
13 plea agreement with respect to a COVID  
14 loan action whether such information was  
15 the basis, in whole or in part, of such  
16 COVID loan action; and

17           “(C) ensure that procedures consistent  
18 with section 1213 of title 5, United States  
19 Code, for findings on the disclosure and for the  
20 whistleblower to comment on any preliminary  
21 determinations.

22           “(6) ANTI-RETALIATION.—

23           “(A) IN GENERAL.—No person may be dis-  
24 criminated against and no other prejudicial ac-  
25 tion may be taken against a person because



1           such person has made, is perceived as about to  
2           make, or assisted or associated with a person  
3           who made or is about to make a disclosure  
4           under this section.

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

12          “(e) APPEALS.—A determination made under this  
13          section by the head of the Office of Whistleblower Awards,  
14          except the determination of the amount of an award if  
15          the award was made in accordance with the requirements  
16          of subsection (c)(2), may be appealed by the whistleblower  
17          subject to such determination to the appropriate court of  
18          appeals of the United States not more than 30 days after  
19          the determination is issued by the head of the Office of  
20          Whistleblower Awards. The court shall review the deter-  
21          mination in accordance with section 706 of title 5, United  
22          States Code.

23          “(f) WHISTLEBLOWER AWARD FUND.—

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

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

8                   “(A) payment of awards made under this  
9 section; and

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

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

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

1           “(B) under or pursuant to such settlement  
2           or plea agreement.

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

9           “(g) CIVIL MONETARY PENALTY.—

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

21           “(2) COLLECTION.—

22           “(A) IN GENERAL.—Civil money penalties  
23           and assessments imposed under this subsection  
24           may be compromised by the Administrator and  
25           may be recovered in a civil action in the name

1 of the United States brought in United States  
2 district court for the district where the conduct  
3 serving as the basis for the relevant COVID  
4 loan action occurred or in United States district  
5 court for the district in which the person  
6 against whom the penalty or assessment has  
7 been assessed resides, as determined by the Ad-  
8 ministrator.

9 “(B) WITHHOLDINGS.—

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

18 “(ii) TREATMENT.—For the purposes  
19 of awards under this section, amounts de-  
20 ducted under clause (i) shall be deposited  
21 into the Whistleblower Award Fund.

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

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

7           “(2) the amount of awards disbursed under this  
8           section; and

9           “(3) any legislative or administrative rec-  
10          ommendations regarding the duties of the Office of  
11          Whistleblower Awards.

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

16          “(j) SUNSET.—

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

21                         “(A) has not been appealed and is no  
22                         longer appealable because the time for taking  
23                         an appeal has expired; or

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

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

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

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

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

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

15                   “(C) section 7(b)(17);

16                   “(D) section 1110(e)(9) of the CARES Act  
17 (15 U.S.C. 9009(e)(9)); or

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

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

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

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

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

13           “(B) is not known to the Administrator or  
14 Inspector General from any source other than  
15 the whistleblower, unless the whistleblower is  
16 the original source of the information;

17           “(C) is not exclusively derived from an al-  
18 legation made in a judicial or administrative ac-  
19 tion, in a governmental report, hearing, audit,  
20 or investigation, or from the news media, unless  
21 the whistleblower is a source of the information;  
22 and

23           “(D) was provided to the Inspector Gen-  
24 eral—

1 “(i) after the date of the enactment of  
2 this Act; or

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

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

13 **SEC. 3. RULEMAKING.**

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

19 (b) CONTRIBUTION DETERMINATION.—

20 (1) IN GENERAL.—Not later than three months  
21 after the date of the enactment of this Act, the Ad-  
22 ministrator of the Small Business Administration  
23 shall issue rules providing that—

24 (A) after the head of the Office of Whistle-  
25 blower Awards transmits original information to



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

11 (i) such original information was the  
12 basis, in whole or in part, of such COVID  
13 loan action;

14 (ii) such original information was not  
15 the basis, in whole or in part, of such  
16 COVID loan action; or

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

20 (B) if the Inspector General indicates that  
21 whether a piece of original information was the  
22 basis, in whole or in part, of a COVID loan ac-  
23 tion may not be disclosed, such original infor-  
24 mation shall be deemed to have not been the

1           basis, in whole or in part, of such COVID loan  
2           action.

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

○