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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

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 ministrator—

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 information; 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 etary 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.