

[DISCUSSION DRAFT]

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

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

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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 2023”.

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) by redesignating section 49 as section 50;

2 and

3 (2) by inserting after section 48 the following

4 new section:”.

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

6 “(a) ESTABLISHMENT.—There is established within  
7 the Office of the Inspector General of the Small Business  
8 Administration an Office of Whistleblower Awards.

9 “(b) ADMINISTRATION.—The Office of Whistleblower  
10 Awards shall be administered by an Assistant Adminis-  
11 trator, who shall be an employee in the competitive service.

12 “(c) DUTIES.—The Assistant Administrator shall—

13 “(1) make recommendations to the Inspector  
14 General relating to making awards to whistleblowers  
15 as described in subsection (d)(1); and

16 “(2) determining the amount of such awards as  
17 described in subsection (d)(2).

18 “(d) AWARDS TO WHISTLEBLOWERS.—

19 “(1) IN GENERAL.—The Inspector General,  
20 upon recommendation from the Assistant Adminis-  
21 trator, may pay amounts as described in paragraph  
22 (2) to a whistleblower for information relating to fi-  
23 nancial misconduct or fraudulent misrepresentation  
24 by a recipient of financial assistance from the Ad-  
25 ministrator, if—

1           “(A) the Inspector General commences an  
2 investigation, or takes administrative or judicial  
3 action relating to information; and

4           “(B) the action taken by the Inspector  
5 General results in monetary recovery.

6           “(2) AMOUNTS.—Any amount payable under  
7 this section shall be paid from the proceeds of any  
8 amounts collected by the Inspector General as a re-  
9 sult of an administrative or judicial action relating  
10 to information provided by the whistleblower as fol-  
11 lows:

12           “(A) The whistleblower shall, subject to  
13 subparagraph (B), receive not less than 15 per-  
14 cent but not more than 30 percent of the pro-  
15 ceeds (including penalties, interest, and addi-  
16 tional amounts) resulting from such action (in-  
17 cluding any related actions) or from any settle-  
18 ment in response to such action (or such related  
19 action).

20           “(B) If such information did not result in  
21 the initiation of such action, and if the Assist-  
22 ant Administrator determines such action is  
23 based principally on disclosures of specific alle-  
24 gations (other than information provided by the  
25 whistleblower) resulting from another judicial

1 or administrative hearing, from a government  
2 report, hearing, audit, or investigation, or from  
3 the news media, the Assistant Administrator  
4 may award not more than 10 percent of the  
5 proceeds (including penalties, interest, and ad-  
6 ditional amounts) resulting from the action (in-  
7 cluding any related actions) or from any settle-  
8 ment in response to such action.

9 “(e) DISCRETION.—The Assistant Administrator  
10 shall determine the percentage of proceeds a whistleblower  
11 receives as an award under subsection (d) based on—

12 “(1) the significance of the information pro-  
13 vided by the whistleblower to the action described in  
14 such subsection;

15 “(2) the extent to which the whistleblower con-  
16 tributed to the action described in such subsection;  
17 and

18 “(3) for the purposes of determining an award  
19 under subsection (d)(2)(B), the extent to which any  
20 legal representative of the whistleblower contributed  
21 to such action.

22 “(f) ADDITIONAL REQUIREMENTS.—

23 “(1) REDUCTION IN AWARD.—If the Assistant  
24 Administrator determines that the whistleblower who  
25 provided the information also planned or initiated

1 the actions that led to the to financial misconduct or  
2 fraudulent misrepresentation by a recipient of finan-  
3 cial assistance from the Administrator, the Assistant  
4 Administrator may reduce such award.

5 “(2) REPAYMENT.—As a condition of receiving  
6 an award under this section, the whistleblower shall  
7 agree to repay the full amount of the award if the  
8 whistleblower is convicted of a crime relating to the  
9 information that was the basis for receipt of such  
10 award.

11 “(3) NO CONTRACT NECESSARY.—A whistle-  
12 blower shall not be required to be a party to a con-  
13 tract with the Office of the Inspector General of the  
14 Small Business Administration to be eligible to re-  
15 ceive an award under this section.

16 “(g) APPEALS.—A determination made under this  
17 section by the Assistant Administrator, except the deter-  
18 mination of the amount of an award if the award was  
19 made in accordance with the requirements of subsection  
20 (d)(2), may be appealed by the whistleblower subject to  
21 such determination to [the appropriate court of appeals  
22 of the United States] not more than 30 days after the  
23 determination is issued by the Assistant Administrator.  
24 [The court] shall review the determination in accordance  
25 with section 706 of title 5, United States Code.

1       “(h) GUIDANCE.—Not later than four months after  
2 the date of the enactment of this section, the Adminis-  
3 trator shall issue guidance to carry out the requirements  
4 of this section.

5       “(i) REPORT.—Not later than 12 months after the  
6 date of the enactment of this section and annually there-  
7 after, the Inspector General shall submit to Congress a  
8 report on—

9           “(1) the number of times whistleblowers submit  
10 information to the Inspector General;

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       “(j) DEFINITIONS.—In this section:

17           “(1) ASSISTANT ADMINISTRATOR.—The term  
18 ‘Assistant Administrator’ means the Assistant Ad-  
19 ministrator of the Whistleblower Awards Office.

20           “(2) INSPECTOR GENERAL.—The term ‘Inspec-  
21 tor General’ means the Inspector General of the  
22 Small Business Administration.

23           “(3) PROCEEDS.—The term ‘proceeds’ means—

24                   “(A) penalties, interest, and additional  
25 amounts collected in an administrative or judi-

1           cial action (or related action) taken by the In-  
2           specter General relating to information provided  
3           by a whistleblower under this section; and

4           “(B) any amount collected by Adminis-  
5           trator or the Inspector General pursuant to the  
6           administrative, enforcement, or investigative au-  
7           thority of the Administrator and the Inspector  
8           General, respectively, including—

9                   “(i) criminal fines and civil forfeit-  
10                   ures; and

11                   “(ii) amounts collected for violations  
12                   of reporting requirements.

13           “(4) WHISTLEBLOWER.—The term ‘whistle-  
14           blower’ means an individual who is aware of a viola-  
15           tion of any law, rule, or regulation relating to finan-  
16           cial misconduct or fraudulent misrepresentation by a  
17           recipient of financial assistance from the Adminis-  
18           trator.”.