

119TH CONGRESS  
2D SESSION

# S. 1473

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## AN ACT

To amend the Export Control Reform Act of 2018 to establish a whistleblower incentive program and provide protections to whistleblowers.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Stealing our  
3 Chips Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Violations of the export control laws of the  
7 United States, especially the diversion of leading-  
8 edge artificial intelligence chips into countries that  
9 are adversaries of the United States, threaten the  
10 national security of the United States.

11 (2) Individuals who accurately report violations  
12 of United States export control laws play a signifi-  
13 cant role in helping authorities identify and mitigate  
14 such threats.

15 (3) An incentive program that rewards whistle-  
16 blowers can significantly enhance enforcement ef-  
17 forts by encouraging individuals to provide high-  
18 value information on potential violations.

19 **SEC. 3. ESTABLISHMENT OF WHISTLEBLOWER INCENTIVE**  
20 **PROGRAM AND WHISTLEBLOWER PROTEC-**  
21 **TIONS.**

22 (a) ESTABLISHMENT OF WHISTLEBLOWER INCEN-  
23 TIVE PROGRAM AND WHISTLEBLOWER PROTECTIONS.—  
24 The Export Control Reform Act of 2018 (50 U.S.C. 4801  
25 et seq.) is amended by inserting after section 1761 the  
26 following:

1 **“SEC. 1761A. WHISTLEBLOWER INCENTIVES AND PROTEC-**  
 2 **TIONS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ORIGINAL INFORMATION.—The term  
 5 ‘original information’ means information that is—

6 “(A) derived from the independent knowl-  
 7 edge or analysis of a whistleblower;

8 “(B) not known to the Secretary from any  
 9 other source;

10 “(C) not exclusively derived from an alle-  
 11 gation made in a judicial or administrative  
 12 hearing, a governmental report, hearing, audit,  
 13 or investigation, or from news media, unless the  
 14 whistleblower is the source of such allegation;  
 15 and

16 “(D) provided to the Secretary voluntarily,  
 17 without any request from the Secretary or any  
 18 other government official.

19 “(2) WHISTLEBLOWER.—

20 “(A) IN GENERAL.—The term ‘whistle-  
 21 blower’ means, except as provided by subpara-  
 22 graph (B), any individual (including an indi-  
 23 vidual who is not a United States citizen) who  
 24 provides, or 2 or more such individuals acting  
 25 jointly who provide, to the Secretary informa-  
 26 tion relating to a possible violation of this part

or of any regulation, order, license, or other authorization issued under this part.

“(B) EXCLUSIONS.—The term ‘whistle-blower’ does not include—

“(i) a Federal employee acting within the scope of the duties of the employee; or

“(ii) an individual on any of the following lists:

“(I) The list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

“(II) The Denied Persons List maintained pursuant to section 764.3(a)(2) of the Export Administration Regulations.

“(III) The Entity List set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

“(b) WHISTLEBLOWER INCENTIVE PROGRAM.—

“(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this section, the Secretary shall establish a whistleblower incen-

1        tive program to reward individuals who provide  
 2        original information that leads to—

3                “(A) the imposition of fines under this  
 4                part on persons that violate, attempt to violate,  
 5                conspire to violate, or cause a violation of this  
 6                part or any regulation, order, license, or other  
 7                authorization issued under this part; or

8                “(B) the forfeiture of any property under  
 9                section 1761(j).

10              “(2) WHISTLEBLOWER REPORTS.—

11              “(A) ONLINE PORTAL.—Not later than  
 12              120 days after the date of the enactment of this  
 13              section, the Secretary shall develop, implement,  
 14              and maintain a secure portal, or update and  
 15              maintain an existing secure portal, on a website  
 16              accessible to the public, for the reporting of  
 17              original information relating to—

18              “(i) persons that violate, attempt to  
 19              violate, conspire to violate, or cause a vio-  
 20              lation of this part or any regulation, order,  
 21              license, or other authorization issued under  
 22              this part; and

23              “(ii) items that have been, are being,  
 24              or are about to be exported, reexported, or  
 25              in-country transferred in violation of this

part or any regulation, order, license, or  
other authorization issued under this part.

“(B) ANONYMITY.—

“(i) IN GENERAL.—As an alternative  
to submission through the portal required  
by subparagraph (A), an individual may  
submit a report of original information  
under this subsection anonymously, includ-  
ing through an attorney.

“(ii) EXCEPTION.—The Secretary  
may require that the identity of an indi-  
vidual be disclosed for the individual to re-  
ceive an award under paragraph (3).

“(C) EXPEDITED REVIEW.—

“(i) INITIAL REVIEW.—Not later than  
60 days after the date of receipt of a re-  
port from a whistleblower, the Secretary  
shall—

“(I) determine whether the re-  
port is credible; and

“(II) if credible, initiate a formal  
investigation of the allegations con-  
tained in the report.

“(ii) INVESTIGATION.—The Secretary  
shall pursue any formal investigation initi-

ated under clause (i)(II) with urgency and  
conclude the investigation within a reason-  
able amount of time.

“(iii) NOTIFICATION.—

“(I) IN GENERAL.—Subject to  
the confidentiality requirements of  
section 1761(h), the Secretary shall  
update the whistleblower on the status  
of a report and, if applicable, the re-  
lated investigation not later than 90  
days after the date on which the whis-  
tleblower submitted the report and  
not less frequently than every 90 days  
thereafter.

“(II) SENSITIVE INFORMA-  
TION.—The Secretary may omit from  
the updates required by subclause (I)  
any information that could com-  
promise an ongoing investigation, in-  
cluding confirmation of the existence  
of any specific investigation.

“(D) AVOIDANCE OF FRIVOLOUS RE-  
PORTS.—The Secretary may prohibit an indi-  
vidual from making reports under this sub-  
section if the individual has previously sub-

mitted multiple reports under this subsection that the Secretary determined under subparagraph (C)(i) were not credible.

“(3) AWARDS.—

“(A) ELIGIBILITY.—Subject to subparagraph (B), the Secretary may pay an award or awards to any whistleblower who provided original information that led to the imposition of a fine under this part on a person or persons that violated, attempted to violate, conspired to violate, or caused a violation of this part or any regulation, order, license, or other authorization issued under this part.

“(B) DISQUALIFICATION.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary may not pay an award or awards to any whistleblower who provides original information with respect to a person or persons that violated, attempted to violate, conspired to violate, or caused a violation of this part or any regulation, order, license, or other authorization issued under this part, if such information was obtained through—



1 “(I) the role of the whistleblower  
2 as—

3 “(aa) an officer, director,  
4 trustee, or partner of an entity  
5 that handles internal processes  
6 for legal violations for the person  
7 or persons;

8 “(bb) an employee of an en-  
9 tity that conducts compliance or  
10 internal audits for the person or  
11 persons;

12 “(cc) an employee of a pub-  
13 lic accounting firm if the infor-  
14 mation was obtained while work-  
15 ing on an engagement required  
16 by Federal securities laws, other  
17 than specific audits; or

18 “(II) any means that violates  
19 Federal or State criminal law.

20 “(ii) EXCEPTIONS.—Clause (i) shall  
21 not apply if—

22 “(I) the whistleblower had a rea-  
23 sonable basis to believe that disclosing  
24 the original information to the Sec-  
25 retary was necessary to stop conduct

1 likely to cause significant financial  
2 harm;

3 “(II) the whistleblower had a rea-  
4 sonable basis to believe that the rel-  
5 evant entity was obstructing an inves-  
6 tigation into the misconduct; or

7 “(III) not less than 120 days  
8 have elapsed since the whistleblower  
9 provided the information to the audit  
10 committee, chief legal officer, chief  
11 compliance officer (or their equiva-  
12 lent) of the relevant entity or the su-  
13 pervisor of the whistleblower.

14 “(C) AMOUNT.—

15 “(i) IN GENERAL.—An award issued  
16 under subparagraph (A) shall be—

17 “(I) not less than 10 percent, in  
18 total, of the amount collected of the  
19 fine imposed under this part; and

20 “(II) not more than 30 percent,  
21 in total, of the amount collected of  
22 that fine.

23 “(ii) JOINTLY SUBMITTED REPORT.—

24 In the case of a report that was submitted  
25 jointly by 2 or more individuals, any award

1           issued under subparagraph (A) shall be  
2           split equally among the individuals.

3           “(D) DETERMINATION.—The Secretary  
4           shall determine the amount of an award made  
5           under subparagraph (A) taking into account,  
6           with respect to the information provided—

7                   “(i) accuracy;

8                   “(ii) relevance;

9                   “(iii) timeliness; and

10                  “(iv) usefulness.

11           “(E) SUBMISSION OF INFORMATION.—No  
12           award may be made under this paragraph  
13           based on information submitted to the Sec-  
14           retary unless such information is submitted  
15           under penalty of perjury.

16           “(4) PUBLICATION.—

17                   “(A) IN GENERAL.—Not later than the  
18           date on which the online portal required by  
19           paragraph (2)(A) is operational, the Secretary  
20           shall develop and implement a plan to publicize  
21           the whistleblower incentive program established  
22           by paragraph (1).

23                   “(B) FUNDING.—The Secretary shall pay  
24           any expenses incurred under subparagraph (A)

1 from amounts authorized to be appropriated to  
 2 the Bureau of Industry and Security.

3 “(c) PROTECTION OF WHISTLEBLOWERS.—

4 “(1) PROHIBITION AGAINST RETALIATION.—

5 “(A) IN GENERAL.—Except as provided in  
 6 subparagraph (B), no employer may discharge,  
 7 demote, suspend, threaten, harass, directly or  
 8 indirectly, or in any other manner discriminate  
 9 against a whistleblower in the terms and condi-  
 10 tions of employment because of a lawful act  
 11 done by the whistleblower—

12 “(i) in reporting violations to the em-  
 13 ployer or to a law enforcement agency;

14 “(ii) in providing information to the  
 15 Secretary in accordance with this section;  
 16 or

17 “(iii) in initiating, testifying in, or as-  
 18 sisting in any investigation or judicial or  
 19 administrative action based upon or related  
 20 to such information.

21 “(B) EXCEPTION.—The protection against  
 22 retaliation established by subparagraph (A)  
 23 shall not apply to any individual who reports in-  
 24 formation under this section knowing that such  
 25 information is false.

“(C) ENFORCEMENT.—

“(i) CAUSE OF ACTION.—An individual who alleges discharge or other discrimination in violation of subparagraph (A) may bring an action under this paragraph in the appropriate district court of the United States for the relief provided in subparagraph (D).

“(ii) SUBPOENAS.—A subpoena requiring the attendance of a witness at a trial or hearing conducted under this subparagraph may be served at any place in the United States.

“(iii) STATUTE OF LIMITATIONS.—

“(I) IN GENERAL.—An action under this subparagraph shall not be entertained if commenced more than—

“(aa) 6 years after the date of the violation of subparagraph (A) occurred; or

“(bb) 3 years after the date when facts material to the right of action are known or reasonably should have been known by

1 the employee alleging a violation  
2 of subparagraph (A).

3 “(II) REQUIRED ACTION WITHIN  
4 10 YEARS.—Notwithstanding sub-  
5 clause (I), an action under this sub-  
6 paragraph may not in any cir-  
7 cumstance be brought more than 10  
8 years after the date on which the vio-  
9 lation occurs.

10 “(D) RELIEF.—Relief for an individual  
11 prevailing in an action brought under subpara-  
12 graph (C) shall include—

13 “(i) reinstatement with the same se-  
14 niority status that the individual would  
15 have had, but for the discrimination;

16 “(ii) 2 times the amount of back pay  
17 otherwise owed to the individual, with in-  
18 terest; and

19 “(iii) compensation for litigation  
20 costs, expert witness fees, and reasonable  
21 attorneys’ fees.

22 “(2) CONFIDENTIALITY.—

23 “(A) IN GENERAL.—Except as provided in  
24 subparagraphs (B) and (C), the Secretary and  
25 any officer or employee of the Department of

1 Commerce shall not disclose any information,  
2 including information provided by a whistle-  
3 blower to the Secretary, that could reasonably  
4 be expected to reveal the identity of the whistle-  
5 blower, except in accordance with the provisions  
6 of section 552a of title 5, United States Code,  
7 unless and until required to be disclosed to a  
8 defendant or respondent in connection with a  
9 public proceeding instituted by the Secretary or  
10 any entity described in subparagraph (D).

11 “(B) EXEMPTED STATUTE.—For purposes  
12 of section 552 of title 5, United States Code,  
13 this paragraph shall be considered a statute de-  
14 scribed in subsection (b)(3)(B) of such section.

15 “(C) RULE OF CONSTRUCTION.—Nothing  
16 in this section is intended to limit, or shall be  
17 construed to limit, the ability of the Attorney  
18 General to present such evidence to a grand  
19 jury or to share such evidence with potential  
20 witnesses or defendants in the course of an on-  
21 going criminal investigation.

22 “(D) AVAILABILITY TO GOVERNMENT  
23 AGENCIES.—

24 “(i) IN GENERAL.—Without the loss  
25 of its status as confidential in the hands of

1 the Secretary, all information referred to  
2 in subparagraph (A) may, in the discretion  
3 of the Secretary, when determined by the  
4 Secretary to be necessary to accomplish  
5 the purposes of this part or any regulation,  
6 order, license, or other authorization issued  
7 under this part, be made available to—

8 “(I) a Federal law enforcement  
9 agency;

10 “(II) a national security agency;

11 “(III) an appropriate regulatory  
12 authority or Federal investigative  
13 agency;

14 “(IV) a self-regulatory organiza-  
15 tion; and

16 “(V) a foreign law enforcement  
17 authority.

18 “(ii) CONFIDENTIALITY.—

19 “(I) IN GENERAL.—Each of the  
20 entities described in subclauses (I)  
21 through (IV) of clause (i) shall main-  
22 tain such information as confidential  
23 in accordance with the requirements  
24 established under subparagraph (A).



1 “(II) FOREIGN AUTHORITIES.—

2 An entity described in clause (i)(V)  
3 shall maintain such information in ac-  
4 cordance with such assurances of con-  
5 fidentiality as the Secretary deter-  
6 mines appropriate.

7 “(d) EXPORT COMPLIANCE ACCOUNTABILITY  
8 FUND.—

9 “(1) ESTABLISHMENT.—Not later than 90 days  
10 after the date of the enactment of this section, there  
11 shall be established in the Treasury of the United  
12 States a fund to be known as the ‘Export Compli-  
13 ance Accountability Fund’ (in this subsection re-  
14 ferred to as the ‘Fund’).

15 “(2) AVAILABILITY.—At the end of each fiscal  
16 year, any amounts deposited into the Fund under  
17 paragraph (4) that remain in the Fund after the  
18 payment, for that fiscal year, of all expenses under  
19 paragraph (3), excluding the amount estimated for  
20 outstanding awards, shall be transferred to the gen-  
21 eral fund of the Treasury.

22 “(3) USE OF FUND.—The Fund shall be avail-  
23 able to the Secretary, without further appropriation  
24 or fiscal year limitation, for—

1           “(A) paying awards to whistleblowers as  
2 provided in subsection (b)(3);

3           “(B) funding activities that support the  
4 whistleblower incentive program and whistle-  
5 blower protections, including—

6                 “(i) reviewing and investigating whis-  
7 tleblower reports;

8                 “(ii) providing training and education  
9 on compliance with the confidentiality re-  
10 quirement under subsection (c)(2); and

11                “(iii) record keeping and maintaining  
12 the portal under subsection (b)(2)(A), as  
13 considered necessary by the Secretary; and

14           “(C) if all outstanding awards under sub-  
15 section (b)(3) have been paid, expenses related  
16 to enforcement of this part or any regulation,  
17 order, license, or other authorization issued  
18 under this part.

19           “(4) DEPOSITS AND CREDITS.—

20                “(A) IN GENERAL.—There shall be depos-  
21 ited into or credited to the Fund an amount  
22 equal to any fine collected by the Secretary on  
23 or after the date of the enactment of this sec-  
24 tion in any judicial or administrative action  
25 brought by the Secretary that depends on or

1 was initiated because of original information  
 2 submitted by a whistleblower.

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

12 “(e) INITIAL FUNDING.—The Secretary shall pay,  
 13 from amounts otherwise available to the Bureau of Indus-  
 14 try and Security, any expenses incurred under this section  
 15 before the Export Compliance Accountability Fund is es-  
 16 tablished under subsection (d) and has received deposits  
 17 under paragraph (4) of that subsection.”.

18 (b) CONFORMING AMENDMENT.—Section  
 19 1402(b)(1)(B) of the Victims of Crime Act of 1984 (34  
 20 U.S.C. 20101(b)(1)(B)) is amended—

21 (1) in clause (iii), by striking “; and” and in-  
 22 serting a semicolon;

23 (2) in clause (iv), by striking the semicolon and  
 24 inserting “; and”; and

25 (3) by adding at the end the following;

1                   “(v) the Export Compliance Account-  
2                   ability Fund pursuant to section 1761A(d)  
3                   of the Export Control Reform Act of  
4                   2018.”.

Passed the Senate May 20, 2026.

Attest:

*Secretary.*



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

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To amend the Export Control Reform Act of 2018 to establish a whistleblower incentive program and provide protections to whistleblowers.