

114TH CONGRESS
2D SESSION

H. R. 4619

To strengthen incentives and protections for whistleblowers in the financial industry and related regulatory agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2016

Mr. CUMMINGS introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Agriculture and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen incentives and protections for whistleblowers in the financial industry and related regulatory agencies, 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 “Whistleblower Aug-
5 mented Reward and Nonretaliation Act of 2016” or the
6 “WARN Act of 2016”.

1 **SEC. 2. AMENDMENTS TO THE FINANCIAL INSTITUTIONS**
2 **ANTI-FRAUD ENFORCEMENT ACT OF 1990.**

3 (a) RIGHTS OF DECLARANTS.—Section 2565(d) of
4 the Financial Institutions Anti-Fraud Enforcement Act of
5 1990 (12 U.S.C. 4205(d)(1)(A)) is amended—

6 (1) in paragraph (1)(A)—

7 (A) by redesignating clause (ii) as clause
8 (iii); and

9 (B) by striking clause (i) and inserting the
10 following:

11 “(i) Not less than 10 percent, in total,
12 of what has been collected in any recovery
13 imposed in the action or related actions.

14 “(ii) Not more than 30 percent, in
15 total, of what has been collected in any re-
16 covery imposed in the action or related ac-
17 tions.”; and

18 (2) by adding at the end the following new
19 paragraph:

20 “(3) APPEALS.—Any determination regarding
21 an award under this section may, within 30 days of
22 such determination, be appealed to the appropriate
23 court of appeals of the United States.”.

24 (b) PROTECTION FOR DECLARANTS.—The Financial
25 Institutions Anti-Fraud Enforcement Act of 1990 (12

1 U.S.C. 4212) is amended by striking section 2572 and in-
2 serting the following:

3 **“SEC. 2572. PROTECTION FOR DECLARANTS.**

4 “(a) REMEDY.—In a civil action, a person may obtain
5 all relief necessary to make such person whole if such per-
6 son—

7 “(1) was discharged, demoted, suspended,
8 threatened, harassed, or in any other manner dis-
9 criminated against in the terms and conditions of
10 employment by an employer because of lawful acts
11 done by the person on behalf of the person or others
12 in furtherance of a prosecution under section 215,
13 225, 287, 656, 657, 1001, 1005, 1006, 1007, 1014,
14 1032, 1341, 1343, 1344, or 1517 of title 18 (includ-
15 ing provision of information relating to, investigation
16 for, initiation of, testimony for, or assistance in such
17 a prosecution); and

18 “(2) did not act without direction from his or
19 her employer to deliberately cause the violation dis-
20 closed.

21 “(b) RELIEF.—Relief under subsection (a) shall in-
22 clude—

23 “(1) reinstatement with the same seniority sta-
24 tus;

1 “(2) twice the amount of back pay and interest
2 that the plaintiff would have had but for the dis-
3 crimination; and

4 “(3) compensation for any special damages sus-
5 tained as a result of the discrimination, including
6 litigation costs, expert witness fees, and reasonable
7 attorneys fees.

8 “(c) BURDENS OF PROOF.—Complaints for relief
9 shall be governed by the procedures, evidentiary stand-
10 ards, and burdens of proof in section 1057 of the Dodd-
11 Frank Wall Street Reform and Consumer Protection Act
12 (12 U.S.C. 5567).”.

13 (c) EDUCATION.—Section 2573 of the Financial In-
14 stitutions Anti-Fraud Enforcement Act of 1990 (12
15 U.S.C. 4213) is amended—

16 (1) by striking “The Attorney General” and in-
17 serting the following:

18 “(a) IN GENERAL.—The Attorney General”; and

19 (2) by adding at the end the following:

20 “(b) EDUCATION.—The Attorney General shall issue
21 regulations requiring every employer covered by this Act
22 to provide education and training to its employees on the
23 rights and remedies provided under this section, including
24 through individual notice to its employees, posting infor-

1 mation on its website homepage, and providing mandatory
2 training for its employees.”.

3 (d) SHARE OF ASSETS.—Section 2580 of the Finan-
4 cial Institutions Anti-Fraud Enforcement Act of 1990 (12
5 U.S.C. 4225) is amended by striking subsection (c) and
6 inserting the following:

7 “(c) SHARE OF ASSETS.—When the United States
8 recovers any asset or assets specifically identified in a
9 valid declaration filed under section 4221 of this title and
10 the Attorney General determines that the asset or assets
11 would not have been recovered if the declaration had not
12 been filed, the declarant shall have the right to share in
13 the recovery in the amount of—

14 “(1) not less than 10 percent, in total, of what
15 has been collected in any recovery imposed in the ac-
16 tion or related actions; and

17 “(2) not more than 30 percent, in total, of what
18 has been collected in any recovery imposed in the ac-
19 tion or related actions.”.

20 (e) REVIEW OF ACTION BY ATTORNEY GENERAL.—
21 The Financial Institutions Anti-Fraud Enforcement Act
22 of 1990 (12 U.S.C. 4228) is amended by striking section
23 2583 and inserting the following:

1 **“SEC. 2583. REVIEW OF ACTION BY THE ATTORNEY GEN-**
 2 **ERAL.**

3 “Any determination regarding an award under this
 4 chapter may, within 30 days of such determination, be ap-
 5 pealed to the appropriate court of appeals of the United
 6 States.”.

7 **SEC. 3. AMENDMENTS TO THE FEDERAL DEPOSIT INSUR-**
 8 **ANCE ACT.**

9 (a) EMPLOYEES OF DEPOSITORY INSTITUTIONS AND
 10 BANKING AGENCIES.—Section 33(a) of the Federal De-
 11 posit Insurance Act (12 U.S.C. 1831j(a)) is amended—

12 (1) in paragraph (1)—

13 (A) in the matter preceding subparagraph
 14 (A), by striking “provided information” and in-
 15 serting “provided information, or refused to
 16 alter information previously provided,”; and

17 (B) in subparagraph (A), by striking “a
 18 possible violation of any law or regulation” and
 19 inserting “a possible violation of any law, regu-
 20 lation, or agency statement of policy”; and

21 (2) in paragraph (2)—

22 (A) by striking “the Corporation” and in-
 23 serting “any such agency or bank”;

24 (B) by striking “provided information”
 25 and inserting “provided information, or refused
 26 to alter information previously provided,”; and

1 (C) by striking “any possible violation of
2 any law or regulation” and inserting “any pos-
3 sible violation of any law, regulation, or agency
4 statement of policy”.

5 (b) REWARD FOR INFORMATION LEADING TO RECOV-
6 ERIES OR CIVIL PENALTIES.—Section 34 of such Act (12
7 U.S.C. 1831k) is amended—

8 (1) by striking subsection (b) and inserting the
9 following:

10 “(b) PERCENTAGE LIMITATION.—An appropriate
11 Federal banking agency shall pay a reward—

12 “(1) not less than 10 percent, in total, of what
13 has been collected as any fine, penalty, restitution,
14 or forfeiture imposed in the action or related ac-
15 tions; and

16 “(2) not more than 30 percent, in total, of what
17 has been collected as any fine, penalty, restitution,
18 or forfeiture imposed in the action or related ac-
19 tions.”; and

20 (2) by striking subsection (d) and inserting the
21 following:

22 “(d) REVIEW.—Any determination regarding an
23 award under this section may, within 30 days of such de-
24 termination, be appealed to the appropriate court of ap-
25 peals of the United States.”.

1 **SEC. 4. AMENDMENTS TO THE SECURITIES EXCHANGE ACT**
2 **OF 1934.**

3 (a) **NARROW DEFINITION OF WHISTLEBLOWER RE-**
4 **MOVED.**—Section 21F(a) of the Securities Exchange Act
5 of 1934 (15 U.S.C. 78u–6(a)) is amended by striking
6 paragraph (6).

7 (b) **DELAY.**—Section 21F(c)(1)(B) of the Securities
8 Exchange Act of 1934 (15 U.S.C. 78u–6(c)(1)(B)) is
9 amended—

10 (1) in clause (i)(IV), by striking “and” at the
11 end; and

12 (2) by adding at the end the following new
13 clauses:

14 “(iii) shall not deny eligibility for an
15 award that otherwise meets the require-
16 ments of this section if the information
17 that forms the basis for the award is sub-
18 mitted within 90 days after knowledge of
19 disclosed misconduct; and

20 “(iv) shall presume that reports are
21 timely and not reduce the award due to
22 delay, absent a finding of that disclosure
23 was deliberately postponed ether because of
24 culpability, interference with internal inves-
25 tigative processes, or attempts at self-en-
26 richment.”.

1 (c) PROHIBITION AGAINST RETALIATION.—Section
2 21F(h)(1)(A) of the Securities Exchange Act of 1934 (15
3 U.S.C. 78u–6(h)(1)(A)) is amended—

4 (1) in the matter preceding clause (i), by strik-
5 ing “in the terms and conditions of employment be-
6 cause of any lawful act done by the whistleblower”
7 and inserting “with respect to compensation, terms,
8 conditions, or privileges of employment because of
9 any lawful act done by the applicant, employee, or
10 former employee or perceived to have been done by
11 the applicant, employee, or former employee (or any
12 person acting pursuant to the request of the appli-
13 cant, employee, or former employee), whether at the
14 initiative of the applicant, employee, or former em-
15 ployee or in the ordinary course of the duties of the
16 applicant, employee, or former employee”;

17 (2) in clause (ii) by striking “; or” and insert-
18 ing a semicolon;

19 (3) in clause (iii) by striking the period at the
20 end and inserting a semicolon; and

21 (4) by adding at the end the following new
22 clauses:

23 “(iv) in objecting to, or refusing to
24 participate in, any activity, policy, practice,
25 or assigned task the applicant, employee,

1 or former employee (or other such person)
2 reasonably believed to be in violation of
3 any law, rule, order, standard, or prohibi-
4 tion subject to the jurisdiction of, or en-
5 forceable by, the Commission; or

6 “(v) in providing, preparing to pro-
7 vide, or assisting in the provision of infor-
8 mation to the employer or a person with
9 supervisory authority over the employee (or
10 other such person working for the em-
11 ployer who has the authority to investigate,
12 discover, or terminate misconduct) relating
13 to any violation of, or any act or omission
14 that the applicant, employee, or former
15 employee believes to be a violation of, any
16 provision of this title or any other provi-
17 sion of law that is subject to the jurisdic-
18 tion of the Commission, or any rule, order,
19 standard, or prohibition prescribed by the
20 Commission.”.

21 (d) ENFORCEMENT.—Section 21F(h)(1)(B) of the
22 Securities Exchange Act of 1934 (15 U.S.C. 78u–
23 6(h)(1)(B)) is amended by adding at the end the following
24 new clause:

1 “(iv) BURDENS OF PROOF.—Except
2 as otherwise provided in this section, com-
3 plaints for relief shall be governed by the
4 procedures, evidentiary standards, and
5 burdens of proof in section 1057 of the
6 Dodd-Frank Wall Street Reform and Con-
7 sumer Protection Act (12 U.S.C. 5567).”.

8 (e) RELIEF.—Section 21F(h)(1)(C) of the Securities
9 Exchange Act of 1934 (15 U.S.C. 78u–6(h)(1)(C)) is
10 amended—

11 (1) in clause (ii) by striking “and”;

12 (2) in clause (iii) by striking the period at the
13 end and inserting a semicolon; and

14 (3) by adding at the end the following new
15 clauses:

16 “(iv) compensatory damages; and

17 “(v) punitive damages in an amount
18 not to exceed \$250,000.”.

19 (f) CONFIDENTIALITY.—Section 21F(h)(2) of the Se-
20 curities Exchange Act of 1934 (15 U.S.C. 78u–6(h)(2))
21 is amended by striking subparagraph (A) and inserting
22 the following:

23 “(A) IN GENERAL.—Except as provided in
24 subparagraphs (B), (C), and (D) of this sub-
25 section, the Commission and any officer or em-

1 ployee of the Commission may not disclose any
2 identifying information about a whistleblower
3 who has provided information to the Commis-
4 sion—

5 “(i) unless the Commission has ob-
6 tained the written consent of the whistle-
7 blower;

8 “(ii) except in accordance with the
9 provisions of section 552a of title 5,
10 United States Code; or

11 “(iii) unless required to be disclosed
12 to a defendant or respondent in connection
13 with a public proceeding instituted by the
14 Commission.”.

15 (g) ADDITIONAL PROTECTIONS FOR WHISTLE-
16 BLOWERS.—Section 21F of the Securities Exchange Act
17 of 1934 (15 U.S.C. 78u–6) is amended by adding at the
18 end the following new subsections:

19 “(k) NON-WAIVERABILITY OF RIGHTS AND REM-
20 EDIES.—An employer may not take any action to impede
21 an individual who is about to or has assisted or engaged
22 in activity protected by this section, including—

23 “(1) issuing, proposing, initiating, enforcing, or
24 threatening to enforce, a confidentiality agreement
25 (other than agreements dealing with information

1 covered by sections 240.21F-4(b)(4)(i) and
2 240.21F-4(b)(4)(ii) of title 17, Code of Federal
3 Regulations, as in effect on the date of the enact-
4 ment of this Act) with respect to such communica-
5 tions;

6 “(2) initiating, enforcing, or threatening to en-
7 force, any agreement, policy, form, or condition of
8 employment, including by any predispute arbitration
9 agreement, that waives the rights and remedies pro-
10 vided for in this section;

11 “(3) requiring an individual to waive, release,
12 or assign any monetary award such individual may
13 receive from the Commission, or conditioning an in-
14 dividual’s right to receive any contractual or employ-
15 ment-related benefit on such a waiver, release, or as-
16 signment;

17 “(4) requiring an individual to disclose to any
18 private party whether such individual has, or in the
19 future intends to, communicate with the Commission
20 staff about a possible commodities law violation;

21 “(5) conditioning an individual’s right to receive
22 any contractual or employment-related benefit on a
23 representation that such individual has not commu-
24 nicated with, or provided documents or other infor-
25 mation, to the Commission staff;

1 “(6) seeking civil or criminal liability for ac-
2 quiring and communicating information to the Com-
3 mission or other activity protected by this section;

4 “(7) seeking professional discipline through loss
5 of license, certification, or other disciplinary activi-
6 ties for engaging in activity protected by this Act;

7 “(8) seeking professional discipline of attorneys
8 for representation of activities protected by this Act,
9 or other action that obstructs the whistleblower’s
10 right to counsel; or

11 “(9) engaging in any other discrimination that
12 would chill the exercise of activity protected by this
13 section.

14 “(1) INTERNAL COMPLIANCE PROGRAMS.—The Com-
15 mission shall issue regulations requiring each employer—

16 “(1) to have a procedure in place for an em-
17 ployee or former employee to report directly to the
18 chief executive officer, a representative appointed by
19 and reporting directly to the chief executive officer
20 who is specifically designated to receive such a re-
21 port, or through a hotline consistent with profes-
22 sional best practices to the audit committee of the
23 board of directors, if such employee or former em-
24 ployee believes that violations of this section have oc-

1 curred or are occurring at the place of employment
 2 or place of former employment; and

3 “(2) to not discriminate against an employee or
 4 former employee for such reports.

5 “(m) EXTRATERRITORIALITY.—The protections pro-
 6 vided by this section shall also apply to foreign nationals
 7 living outside the United States.”.

8 **SEC. 5. AMENDMENTS TO THE COMMODITY EXCHANGE**
 9 **ACT.**

10 (a) NARROW DEFINITION OF WHISTLEBLOWER RE-
 11 MOVED.—Section 23(a) of the Commodity Exchange Act
 12 (7 U.S.C. 26(a)) is amended by striking paragraph (7).

13 (b) DELAY.—Section 23(c)(1)(B) of the Commodity
 14 Exchange Act (7 U.S.C. 26(c)(1)(B)) is amended—

15 (1) in clause (i)(IV), by striking “and” at the
 16 end; and

17 (2) by adding at the end the following new
 18 clauses:

19 “(iii) shall not deny eligibility for an
 20 award that otherwise meets the require-
 21 ments of this section if the information
 22 that forms the basis for the award is sub-
 23 mitted within 90 days after knowledge of
 24 disclosed misconduct; and

1 “(iv) shall presume that reports are
2 timely and not reduce the award due to
3 delay, absent a finding of that disclosure
4 was deliberately postponed ether because of
5 culpability, interference with internal inves-
6 tigative processes, or attempts at self-en-
7 richment.”.

8 (c) PROHIBITION AGAINST RETALIATION.—Section
9 23(h)(1)(A) of the Commodity Exchange Act (7 U.S.C.
10 26(h)(1)(A)) is amended—

11 (1) by striking “in the terms and conditions of
12 employment because of any lawful act done by the
13 whistleblower” and inserting “with respect to com-
14 pensation, terms, conditions, or privileges of employ-
15 ment because of any lawful act done by the appli-
16 cant, employee, or former employee or perceived to
17 have been done by the applicant, employee, or
18 former employee (or any person acting pursuant to
19 the request of the applicant, employee, or former
20 employee), whether at the initiative of the applicant,
21 employee, or former employee or in the ordinary
22 course of the duties of the applicant, employee, or
23 former employee”;

24 (2) in clause (i), by striking “; or” and insert-
25 ing a semicolon;

1 (3) in clause (ii), by striking the period at the
2 end and inserting a semicolon; and

3 (4) by inserting the following new clauses:

4 “(iii) in objecting to, or refusing to
5 participate in, any activity, policy, practice,
6 or assigned task the applicant, employee,
7 or former employee (or other such person)
8 reasonably believed to be in violation of
9 any law, rule, order, standard, or prohibi-
10 tion subject to the jurisdiction of, or en-
11 forceable by, the Commission; or

12 “(iv) in providing, preparing to pro-
13 vide, or assisting in the provision of infor-
14 mation to the employer or a person with
15 supervisory authority over the employee (or
16 such other person working for the em-
17 ployer who has the authority to investigate,
18 discover, or terminate misconduct) relating
19 to any violation of, or any act or omission
20 that the whistleblower believes to be a vio-
21 lation of, any provision of this title or any
22 other provision of law that is subject to the
23 jurisdiction of the Commission, or any
24 rule, order, standard, or prohibition pre-
25 scribed by the Commission.”.

1 (d) ENFORCEMENT.—Section 23(h)(1)(B) of the
 2 Commodity Exchange Act (7 U.S.C. 26(h)(1)(B)) is
 3 amended by adding at the end the following new clause:

4 “(iv) BURDENS OF PROOF.—Except
 5 as otherwise provided in this section, com-
 6 plaints for relief shall be governed by the
 7 procedures, evidentiary standards, and
 8 burdens of proof in section 1057 of the
 9 Dodd-Frank Wall Street Reform and Con-
 10 sumer Protection Act (12 U.S.C. 5567).”.

11 (e) RELIEF.—Section 23(h)(1)(C) of the Commodity
 12 Exchange Act (7 U.S.C. 26(h)(1)(C)) is amended—

13 (1) in clause (ii) by striking “and”;

14 (2) in clause (iii) by striking the period at the
 15 end and inserting a semicolon; and

16 (3) by adding at the end the following new
 17 clauses:

18 “(iv) compensatory damages; and

19 “(v) punitive damages in an amount
 20 not to exceed \$250,000.”.

21 (f) CONFIDENTIALITY.—Section 23(h)(2) of the
 22 Commodity Exchange Act (7 U.S.C. 26(h)(2)) is amend-
 23 ed—

24 (1) by striking subparagraph (A) and inserting
 25 the following:

1 “(A) IN GENERAL.—Except as provided in
2 subparagraphs (B), (C), and (D) of this sub-
3 section, the Commission and any officer or em-
4 ployee of the Commission may not disclose any
5 identifying information about a whistleblower
6 who has provided information to the Commis-
7 sion—

8 “(i) unless the Commission has ob-
9 tained the written consent of the whistle-
10 blower;

11 “(ii) except in accordance with the
12 provisions of section 552a of title 5,
13 United States Code; or

14 “(iii) unless required to be disclosed
15 to a defendant or respondent in connection
16 with a public proceeding instituted by the
17 Commission”; and

18 (2) by adding at the end the following new sub-
19 paragraph:

20 “(D) EXEMPTED STATUTE.—For purposes
21 of section 552 of title 5, United States Code,
22 this paragraph shall be considered a statute de-
23 scribed in subsection (b)(3)(B) of such section
24 552.”.

1 (g) ADDITIONAL PROTECTIONS FOR WHISTLE-
2 BLOWERS.—Section 23 of the Commodity Exchange Act
3 (7 U.S.C. 26) is amended by adding at the end the fol-
4 lowing new subsections:

5 “(o) NON-WAIVERABILITY OF RIGHTS AND REM-
6 EDIES.—An employer may not take any action to impede
7 an individual who is about to or has assisted or engaged
8 in activity protected by this section, including—

9 “(1) issuing, proposing, initiating, enforcing, or
10 threatening to enforce, a confidentiality agreement
11 (other than agreements dealing with information
12 covered by section 165.2(k) of title 17, Code of Fed-
13 eral Regulations, as in effect on the date of the en-
14 actment of this Act) with respect to such commu-
15 nications;

16 “(2) initiating, enforcing, or threatening to en-
17 force, any agreement, policy, form, or condition of
18 employment, including by any predispute arbitration
19 agreement, that waives the rights and remedies pro-
20 vided for in this section;

21 “(3) requiring an individual to waive, release,
22 or assign any monetary award such individual may
23 receive from the Commission, or conditioning an in-
24 dividual’s right to receive any contractual or employ-

1 ment-related benefit on such a waiver, release, or as-
2 signment;

3 “(4) requiring an individual to disclose to any
4 private party whether such individual has, or in the
5 future intends to, communicate with the Commission
6 staff about a possible violation of this Act;

7 “(5) conditioning an individual’s right to receive
8 any contractual or employment-related benefit on a
9 representation that such individual has not commu-
10 nicated with, or provided documents or other infor-
11 mation, to the Commission staff;

12 “(6) seeking civil or criminal liability for ac-
13 quiring and communicating information to the Com-
14 mission or other activity protected by this section;

15 “(7) seeking professional discipline through loss
16 of license, certification or other disciplinary activities
17 for engaging in activity protected by this Act;

18 “(8) seeking professional discipline of attorneys
19 for representation of activities protected by this Act,
20 or other action that obstructs the whistleblower’s
21 right to counsel; or

22 “(9) engaging in any other discrimination that
23 would chill the exercise of activity protected by this
24 section.

1 “(p) INTERNAL COMPLIANCE PROGRAMS.—The
2 Commission shall issue regulations requiring each em-
3 ployer—

4 “(1) to have a procedure in place for an em-
5 ployee or former employee to report directly to the
6 chief executive officer, a representative appointed by
7 and reporting directly to the chief executive officer
8 who is specifically designated to receive such a re-
9 port, or through a hotline consistent with profes-
10 sional best practices to the audit committee of the
11 board of directors, if such employee or former em-
12 ployee believes that a violation of this section has oc-
13 curred or is occurring at the place of employment or
14 place of former employment; and

15 “(2) to not discriminate against an employee or
16 former employee for such reports.

17 “(q) EXTRATERRITORIALITY.—The protections pro-
18 vided by this section shall also apply to foreign nationals
19 living outside the United States.”.

20 **SEC. 6. AMENDMENTS TO THE WHISTLEBLOWER PROTEC-**
21 **TIONS UNDER THE SARBANES-OXLEY ACT.**

22 Section 1514A of title 18, United States Code, is
23 amended—

24 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “in the terms and conditions of em-
3 ployment because of any lawful act done by the
4 employee” and inserting “with respect to com-
5 pensation, terms, conditions, or privileges of
6 employment because of any lawful act done by
7 the applicant, employee, or former employee or
8 perceived to have been done by the applicant,
9 employee, or former employee (or any person
10 acting pursuant to the request of the applicant,
11 employee, or former employee), whether at the
12 initiative of the applicant, employee, or former
13 employee or in the ordinary course of the duties
14 of the applicant, employee, or former em-
15 ployee”;

16 (B) in paragraph (1)(C), by striking “; or”
17 and inserting a semicolon;

18 (C) in paragraph (2), by striking the pe-
19 riod at the end and inserting a semicolon; and

20 (D) by adding at the end the following:

21 “(3) in objecting to, or refusing to participate
22 in, any activity, policy, practice, or assigned task the
23 applicant, employee, or former employee (or other
24 such person) reasonably believed to be in violation of
25 any law, rule, order, standard, or prohibition subject

1 to the jurisdiction of, or enforceable by, the Securi-
2 ties and Exchange Commission; or

3 “(4) in providing, preparing to provide, or as-
4 sisting in the provision of information to the em-
5 ployer or a person with supervisory authority over
6 the applicant, employee, or former employee (or such
7 other person working for the employer who has the
8 authority to investigate, discover, or terminate mis-
9 conduct) relating to any violation of, or any act or
10 omission that the whistleblower believes to be a vio-
11 lation of, any provision of this title or any other pro-
12 vision of law that is subject to the jurisdiction of the
13 Securities and Exchange Commission, or any rule,
14 order, standard, or prohibition prescribed by the
15 Commission.”;

16 (2) in subsection (c)(2)(B), by inserting “dou-
17 ble” before “back pay”;

18 (3) in subsection (c), by adding at the end the
19 following:

20 “(3) PUNITIVE DAMAGES.—Relief for any ac-
21 tion under paragraph (1) may include punitive dam-
22 ages in an amount not to exceed \$250,000.”; and

23 (4) by adding at the end the following:

24 “(e) CONFIDENTIALITY.—Neither the Securities and
25 Exchange Commission, the Secretary of Labor, nor any

1 officer or employee of the Commission or the Secretary
2 may disclose any identifying information about an em-
3 ployee of a company described in subsection (a) who has
4 provided information to the Commission or the Sec-
5 retary—

6 “(1) unless the Commission or the Secretary
7 has obtained the written consent of the whistle-
8 blower;

9 “(2) except in accordance with the provisions of
10 section 552a of title 5, United States Code; or

11 “(3) unless required to be disclosed to a defend-
12 ant or respondent in connection with a public pro-
13 ceeding instituted by the Commission or the Sec-
14 retary.”.

○