

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3316

To provide for certain whistleblower incentives and
protections.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. GRASSLEY

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Anti-Money Laun-
5 dering Whistleblower Improvement Act”.

6 **SEC. 2. WHISTLEBLOWER INCENTIVES AND PROTECTIONS.**

7 (a) IN GENERAL.—Section 5323 of title 31, United
8 States Code, as amended by section 6314 of the Anti-
9 Money Laundering Act of 2020 (division F of Public Law
10 116–283) is amended by striking subsection (b) and in-
11 serting the following:

12 “(b) AWARDS.—

1 “(1) IN GENERAL.—In any covered judicial or
2 administrative action, or related action, the Sec-
3 retary, under regulations prescribed by the Sec-
4 retary, in consultation with the Attorney General
5 and subject to subsection (c), shall pay an award or
6 awards to 1 or more whistleblowers who voluntarily
7 provided original information to the employer of the
8 individual, the Secretary, or the Attorney General,
9 as applicable, that led to the successful enforcement
10 of the covered judicial or administrative action, or
11 related action, in an aggregate amount equal to—

12 “(A) not less than 10 percent, in total, of
13 what has been collected of the monetary sanc-
14 tions imposed in the action or related actions;
15 and

16 “(B) not more than 30 percent, in total, of
17 what has been collected of the monetary sanc-
18 tions imposed in the action or related actions.

19 “(2) PAYMENT OF AWARDS.—

20 “(A) IN GENERAL.—Any amount paid
21 under paragraph (1) shall be paid from the
22 Fund established under paragraph (3).

23 “(B) RELATED ACTIONS.—The Secretary
24 may pay awards less than the amount described
25 in paragraph (1)(A) for related actions in which

1 a whistleblower may be paid by another whistle-
2 blower award program.

3 “(3) SOURCE OF AWARDS.—

4 “(A) IN GENERAL.—There shall be estab-
5 lished in the Treasury of the United States a
6 revolving fund to be known as the Financial In-
7 tegrity Fund (referred to in this subsection as
8 the ‘Fund’).

9 “(B) USE OF FUND.—The Fund shall be
10 available to the Secretary, without further ap-
11 propriation or fiscal year limitations, only for
12 the payment of awards to whistleblowers as pro-
13 vided in subsection (b).

14 “(C) RESTRICTIONS ON USE OF FUND.—
15 The Fund shall not be available to pay any per-
16 sonnel or administrative expenses.

17 “(4) DEPOSITS AND CREDITS.—

18 “(A) IN GENERAL.—There shall be depos-
19 ited into or credited to the Fund an amount
20 equal to—

21 “(i) any monetary sanction collected
22 by the Secretary or Attorney General in
23 any judicial or administrative action under
24 this title, chapter 35 or section 4305 or
25 4312 of title 50, or the Foreign Narcotics

1 Kingpin Designation Act (21 U.S.C. 1901
2 et seq.), unless the balance of the Fund at
3 the time the monetary sanction is collected
4 exceeds \$300,000,000; and

5 “(ii) all income from investments
6 made under paragraph (5).

7 “(B) ADDITIONAL AMOUNTS.—If the
8 amounts deposited into or credited to the Fund
9 under subparagraph (A) are not sufficient to
10 satisfy an award made under this subsection,
11 there shall be deposited into or credited to the
12 Fund an amount equal to the unsatisfied por-
13 tion of the award from any monetary sanction
14 collected by the Secretary of the Treasury or
15 Attorney General in the covered judicial or ad-
16 ministrative action on which the award is based.

17 “(C) EXCEPTION.—No amounts to be de-
18 posited or transferred into the United States
19 Victims of State Sponsored Terrorism Fund
20 pursuant to the Justice for United States Vic-
21 tims of State Sponsored Terrorism Act (34
22 U.S.C. 20144) or the Crime Victims Fund pur-
23 suant section 1402 of the Victims of Crime Act
24 of 1984 (34 U.S.C. 20101) shall be deposited
25 into or credited to the Fund.

1 “(5) INVESTMENTS.—

2 “(A) AMOUNTS IN FUND MAY BE IN-
3 VESTED.—The Secretary of the Treasury may
4 invest the portion of the Fund that is not re-
5 quired to meet the current needs of the Fund.

6 “(B) ELIGIBLE INVESTMENTS.—Invest-
7 ments shall be made by the Secretary of the
8 Treasury in obligations of the United States or
9 obligations that are guaranteed as to principal
10 and interest by the United States, with matu-
11 rities suitable to the needs of the Fund as de-
12 termined by the Secretary.

13 “(C) INTEREST AND PROCEEDS CRED-
14 ITED.—The interest on, and the proceeds from
15 the sale or redemption of, any obligations held
16 in the Fund shall be credited to, and form a
17 part of, the Fund.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
19 Section 5323 of title 31, United States Code, is amend-
20 ed—

21 (1) in subsection (a)—

22 (A) in paragraphs (1) and (5), by striking
23 “this subchapter or subchapter III” each place
24 the term appears and inserting “this sub-
25 chapter, chapter 35 or section 4305 or 4312 of

1 title 50, the Foreign Narcotics Kingpin Des-
2 ignation Act (21 U.S.C. 1901 et seq.), or .),
3 and for conspiracies to violate the aforemen-
4 tioned provisions”; and

5 (B) in paragraph (4)—

6 (i) by inserting “covered” after “re-
7 spect to any”;

8 (ii) by striking “under this subchapter
9 or subchapter III”; and

10 (iii) by striking “action by the Sec-
11 retary or the Attorney General” and in-
12 serting “covered action”;

13 (2) in subsection (c)(1)(B)(iii)—

14 (A) by striking “subchapter and sub-
15 chapter III” and inserting “this subchapter,
16 chapter 35 or section 4305 or 4312 of title 50,
17 and the Foreign Narcotics Kingpin Designation
18 Act (21 U.S.C. 1901 et seq.)”; and

19 (B) by striking “either such subchapter”
20 and inserting “the covered judicial or adminis-
21 trative action”; and

22 (3) in subsection (g)(4)(D)(i), by inserting
23 “chapter 35 or section 4305 or 4312 of title 50, or
24 the Foreign Narcotics Kingpin Designation Act (21
25 U.S.C. 1901 et seq.),” after “subchapter,”.