

AMENDMENT TO H.R. 2988
OFFERED BY MR. GARAMENDI OF CALIFORNIA

Add at the end the following:

1 **TITLE II—WILDLIFE TRAF-**
2 **FICKING WHISTLEBLOWERS**

3 **SEC. 201. DEFINITION OF SECRETARY CONCERNED.**

4 In this title, the term “Secretary concerned” means,
5 as applicable—

- 6 (1) the Attorney General;
- 7 (2) the Secretary of the Interior;
- 8 (3) the Secretary of Commerce;
- 9 (4) the Secretary of State; and
- 10 (5) the Secretary of the Treasury.

11 **SEC. 202. PLAN OF ACTION.**

12 (a) **IN GENERAL.**—In coordination with other Fed-
13 eral agencies as appropriate, not later than 1 year after
14 the date of enactment of this Act, the Secretaries con-
15 cerned shall develop a plan of action to fully carry out
16 existing authorities for awards to whistleblowers of viola-
17 tions of laws applicable to wildlife trafficking.

18 (b) **REQUIREMENTS.**—The plan of action under sub-
19 section (a) shall—

1 (1) include a strategy to raise public awareness
2 in the United States and abroad for reward opportu-
3 nities for whistleblowers provided under—

4 (A) section 3 of the Fish and Wildlife Im-
5 provement Act of 1978 (16 U.S.C. 742l);

6 (B) section 106(c) of the Marine Mammal
7 Protection Act of 1972 (16 U.S.C. 1376(c));

8 (C) section 11(d) of the Endangered Spe-
9 cies Act of 1973 (16 U.S.C. 1540(d));

10 (D) section 6(d) of the Lacey Act Amend-
11 ments of 1981 (16 U.S.C. 3375(d));

12 (E) section 2205 of the African Elephant
13 Conservation Act (16 U.S.C. 4225);

14 (F) section 7(f) of the Rhinoceros and
15 Tiger Conservation Act of 1994 (16 U.S.C.
16 5305a(f)); and

17 (G) other laws applicable to wildlife traf-
18 ficking;

19 (2) delineate short-term and long-term goals for
20 increasing enforcement against wildlife trafficking,
21 including recruitment of whistleblowers, as appro-
22 priate;

23 (3) describe specific actions to be taken to
24 achieve the goals under paragraph (2) and the
25 means necessary to do so, including—

1 (A) formal partnerships with nongovern-
2 mental organizations; and

3 (B) the establishment of Whistleblower Of-
4 fices—

5 (i) to coordinate the receipt of whistle-
6 blower disclosures;

7 (ii) to ensure referrals to the appro-
8 priate law enforcement offices; and

9 (iii) to communicate with whistle-
10 blowers regarding the status of the respec-
11 tive cases referred by the whistleblowers
12 and potential awards;

13 (4) be published in the Federal Register for
14 public comment for a period of not less than 60
15 days; and

16 (5) not later than 90 days after the end of the
17 period described in paragraph (4), be finalized and
18 made readily available on a public Federal Govern-
19 ment internet website.

20 (c) UPDATES TO PLAN OF ACTION.—In coordination
21 with other Federal agencies as appropriate, not less fre-
22 quently than once every 5 years, the Secretaries concerned
23 shall review the plan of action under this section and, as
24 necessary, revise the plan of action following public notice
25 and comment.

1 **SEC. 203. AWARDS TO WHISTLEBLOWERS.**

2 (a) AWARD.—

3 (1) IN GENERAL.—Subject to paragraphs (2)
4 and (3), if a Secretary concerned proceeds with any
5 judicial or administrative action under any of the
6 laws described in section 202(b)(1) based on infor-
7 mation brought to the attention of the Secretary
8 concerned by a person qualified to receive an award
9 under this section, the Secretary concerned shall pay
10 that person an award.

11 (2) AWARD AMOUNT.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), in determining the amount of an
14 award made under this subsection, the Sec-
15 retary concerned shall take into consideration—

16 (i) the significance of the information
17 provided by the whistleblower to the suc-
18 cess of covered judicial or administrative
19 action;

20 (ii) the degree of assistance provided
21 by the whistleblower and any legal rep-
22 resentative of the whistleblower in a cov-
23 ered judicial or administrative action; and

24 (iii) the programmatic interest of the
25 Secretary in deterring violations of laws
26 applicable to wildlife trafficking by making

1 awards to whistleblowers who provide in-
2 formation that lead to the successful en-
3 forcement of such laws.

4 (B) REQUIREMENT.—The award under
5 paragraph (1) shall be not less than 10 percent,
6 and not more than 30 percent, of the amounts
7 received by the United States as penalties, in-
8 terest, fines, forfeitures, community service pay-
9 ments, restitution payments, and additional
10 amounts in the action (including any related
11 civil or criminal actions) or under any settle-
12 ment or plea agreement in response to that ac-
13 tion.

14 (C) TIMELINE.—The amount of the award
15 under paragraph (1) shall be—

16 (i) determined not later than 90 days
17 after the date of the applicable plea agree-
18 ment, judgment, or settlement in that ac-
19 tion; and

20 (ii) paid from the amounts so received
21 by the United States.

22 (3) APPLICATION.—A Secretary concerned may
23 make an award under this subsection only in a case
24 in which the total sanction from all penalties, fines,
25 community service payments, restitution, interest,

1 forfeitures, or civil or criminal recoveries (including
2 in related actions) exceeds \$100,000.

3 (b) REDUCTION IN OR DENIAL OF AWARD.—

4 (1) REDUCTION OF AWARD.—If the applicable
5 Secretary concerned determines that the claim for
6 an award under subsection (a) is brought by a per-
7 son who planned and initiated the actions that led
8 to the violation, the Secretary concerned may appro-
9 priately reduce the amount of the award.

10 (2) DENIAL OF AWARD.—If the person de-
11 scribed in paragraph (1) is convicted of criminal
12 conduct arising from the role described in that para-
13 graph, the applicable Secretary concerned shall deny
14 any award under this subsection.

15 (c) APPEAL OF AWARD DETERMINATION.—Any de-
16 termination with respect to an award under subsection (a)
17 may be appealed to the appropriate court of appeals of
18 the United States pursuant to section 706 of title 5,
19 United States Code, not later than 30 days after the date
20 of the determination.

21 (d) SUBMISSION OF INFORMATION.—The Secretaries
22 concerned shall permit the submission of confidential and
23 anonymous reports under this subsection consistent with
24 the procedures set forth in subsections (d)(2) and (h) of

1 section 21F of the Securities Exchange Act of 1934 (15
2 U.S.C. 78u-6).

3 (e) LIMITATION ON APPLICATION.—This section
4 shall apply only with respect to amounts received by the
5 United States described in subsection (a) on or after the
6 date of enactment of this Act.

7 (f) ANNUAL REPORT.—

8 (1) IN GENERAL.—The Secretaries concerned
9 shall submit to Congress a report describing their
10 use of whistleblower authorities in law enforcement,
11 including claims filed, awards paid, the provision or
12 provisions of law violated from which whistleblower
13 payments were derived, and outreach conducted
14 under this section.

15 (2) INCORPORATION ALLOWED.—The require-
16 ment under paragraph (1) may be satisfied by incor-
17 porating the report into the plan of action required
18 under section 202 or a revision under section 202(c).

19 (g) RETALIATION.—

20 (1) PROHIBITION ON RETALIATION.—No em-
21 ployer shall retaliate against any employee, former
22 employee, or applicant for employment because the
23 employee, former employee, or applicant for employ-
24 ment filed a claim under this provision, raised con-
25 cerns to other federal, state or local regulatory or

1 law enforcement authorities concerning a potential
2 violation of any wildlife trafficking law covered
3 under this provision, or reported such violation to
4 his or her supervisor or another person working on
5 behalf of the employer who has the authority to in-
6 vestigate or correct any such potential violation.

7 (2) COMPLAINTS.—An employee alleging dis-
8 charge or discrimination in violation of subsection
9 (g) of this section, or another person at the employ-
10 ee's request, may file a complaint with respect to
11 such allegation in the same manner as a complaint
12 may be filed under subsections (c) and (d) of section
13 5567 of title 12, United States Code. Such com-
14 plaint shall be subject to the procedures, require-
15 ments and rights described in those sections.

