

119TH CONGRESS  
1ST SESSION

# H. R. 6322

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 28, 2025

Mr. KEAN (for himself and Ms. JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Stop Stealing our  
5       Chips Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Violations of the export control laws of the  
9       United States, especially the diversion of leading-  
10      edge artificial intelligence chips into countries that

1 are adversaries of the United States, threaten the  
2 national security of the United States.

3 (2) Individuals who accurately report violations  
4 of United States export control laws play a signifi-  
5 cant role in helping authorities identify and mitigate  
6 such threats.

7 (3) An incentive program that rewards whistle-  
8 blowers can significantly enhance enforcement ef-  
9 forts by encouraging individuals to provide high-  
10 value information on potential violations across all  
11 sectors.

12 (4) Such a program may also encourage strong-  
13 er self-policing and internal compliance by firms,  
14 preventing violations before they occur.

15 **SEC. 3. ESTABLISHMENT OF WHISTLEBLOWER INCENTIVE**  
16 **PROGRAM AND WHISTLEBLOWER PROTEC-**  
17 **TIONS.**

18 (a) IN GENERAL.—The Export Control Reform Act  
19 of 2018 (50 U.S.C. 4801 et seq.) is amended by inserting  
20 after section 1761 the following:

21 **“SEC. 1761A. WHISTLEBLOWER INCENTIVES AND PROTEC-**  
22 **TIONS.**

23 “(a) DEFINITIONS.—In this section:

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

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

3 “(B) not known to the Secretary from any  
4 other source unless the whistleblower is the  
5 original source of the information;

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

12 “(D) provided to the Secretary voluntarily,  
13 without any request from the Secretary or any  
14 other government official.

15 “(2) WHISTLEBLOWER.—

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

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

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

5                   “(ii) an individual on any of the fol-  
6                   lowing lists:

7                   “(I) The list of specially des-  
8                   ignated nationals and blocked persons  
9                   maintained by the Office of Foreign  
10                  Assets Control of the Department of  
11                  the Treasury;

12                  “(II) The Denied Persons List  
13                  maintained pursuant to section  
14                  764.3(a)(2) of the Export Administra-  
15                  tion Regulations; or

16                  “(III) The Entity List under  
17                  Supplement No. 4 to part 744 of the  
18                  Export Administration Regulations.

19                  “(3) RELATED ACTION.—The term ‘related ac-  
20                  tion’, when used with respect to any judicial or ad-  
21                  ministrative action brought by the Department  
22                  under the Export Administration Regulations,  
23                  means any judicial or administrative action brought  
24                  by a United States government entity that is based  
25                  upon the original information provided by a whistle-

1 blower pursuant to this section that led to a success-  
2 ful export control enforcement action.

3 “(b) WHISTLEBLOWER INCENTIVE PROGRAM.—

4 “(1) ESTABLISHMENT.—Not later than 120  
5 days after the date of the enactment of this section,  
6 the Secretary shall establish a whistleblower incen-  
7 tive program to reward individuals who provide  
8 original information that leads to—

9 “(A) the imposition of fines under this  
10 part on persons that violate, attempt to violate,  
11 conspire to violate, or cause a violation of this  
12 part or any regulation, order, license, or other  
13 authorization issued under this part; or

14 “(B) the forfeiture of any property under  
15 section 1761(j) if such forfeiture results in net  
16 proceeds to the Export Compliance Account-  
17 ability Fund.

18 “(2) WHISTLEBLOWER REPORTS.—

19 “(A) ONLINE PORTAL.—Not later than  
20 120 days after the date of the enactment of this  
21 section, the Secretary shall establish and main-  
22 tain a secure portal, or update and maintain an  
23 existing secure portal, on a website accessible to  
24 the public, for the reporting of original informa-  
25 tion relating to—

1 “(i) persons that violate, attempt to  
2 violate, conspire to violate, or cause a vio-  
3 lation of this part or any regulation, order,  
4 license, or other authorization issued under  
5 this part; and

6 “(ii) items that have been, are being,  
7 or are about to be exported, reexported, or  
8 in-country transferred in violation of this  
9 part or any regulation, order, license, or  
10 other authorization issued under this part.

11 “(B) ANONYMITY.—

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

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

22 “(C) EXPEDITED REVIEW.—

23 “(i) INITIAL REVIEW.—Not later than  
24 60 days after the date of receipt of a re-

port from a whistleblower, the Secretary shall—

“(I) determine whether the report is credible; and

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

“(ii) INVESTIGATION.—The Secretary shall pursue any formal investigation under clause (i)(II) with urgency and conclude the investigation within a reasonable 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 related investigation not later than 60 days after the date on which the whistleblower submitted the report and not less frequently than every 180 days thereafter.

“(II) SENSITIVE INFORMATION.—The Secretary may omit from

1 the updates required by subclause (I)  
2 any information that could com-  
3 promise an ongoing investigation.

4 “(D) AVOIDANCE OF FRIVOLOUS RE-  
5 PORTS.—The Secretary may prohibit an indi-  
6 vidual from making reports under this sub-  
7 section if the individual has previously sub-  
8 mitted multiple reports under this subsection  
9 that the Secretary determined under subpara-  
10 graph (C)(i) were not credible.

11 “(3) AWARDS.—

12 “(A) ELIGIBILITY.—Subject to subpara-  
13 graph (B), the Secretary shall pay an award or  
14 awards to any whistleblower who provided origi-  
15 nal information that led to the imposition of a  
16 fine greater than \$1,000,000 under this part on  
17 a person or persons that violated, attempted to  
18 violate, conspired to violate, or caused a viola-  
19 tion of this part or any regulation, order, li-  
20 cense, or other authorization issued under this  
21 part or a related action, including when the un-  
22 derlying violation occurred before the date of  
23 the enactment of this section, so long as the  
24 whistleblower’s report is submitted after such  
25 date of enactment.



“(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—

“(I) the role of the whistleblower as—

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

“(bb) an employee of an entity that conducts compliance or internal audits for the person or persons; or

“(cc) an employee of a public accounting firm if the information was obtained while work-

1 ing on an engagement required  
2 by Federal law; or

3 “(II) any means that violates  
4 Federal or State criminal law.

5 “(ii) EXCEPTIONS.—Clause (i) shall  
6 not apply if—

7 “(I) the whistleblower had a rea-  
8 sonable basis to believe that disclosing  
9 the original information to the Sec-  
10 retary was necessary to stop conduct  
11 likely to cause significant financial  
12 harm;

13 “(II) the whistleblower had a rea-  
14 sonable basis to believe that the rel-  
15 evant entity was obstructing an inves-  
16 tigation into the misconduct; or

17 “(III) not less than 120 days  
18 have elapsed since the whistleblower  
19 provided the information to the audit  
20 committee, chief legal officer, chief  
21 compliance officer (or their equiva-  
22 lent) of the relevant entity or the su-  
23 pervisor of the whistleblower.

24 “(C) AMOUNT.—

1 “(i) IN GENERAL.—The sum total of  
2 the awards issued for a particular action  
3 under subparagraph (A) shall be—

4 “(I) not less than 10 percent, in  
5 total, of the amount collected of the  
6 fine imposed under this part; and

7 “(II) not more than 30 percent,  
8 in total, of the amount collected of  
9 that fine.

10 “(ii) JOINTLY SUBMITTED REPORT.—  
11 In the case of a report that was submitted  
12 jointly by 2 or more individuals, or sepa-  
13 rate reports related to the same action,  
14 any award issued under subparagraph (A)  
15 shall be split among the individuals at the  
16 Secretary’s discretion.

17 “(D) DETERMINATION.—The Secretary  
18 shall determine the amount of an award made  
19 under subparagraph (A) taking into account,  
20 with respect to the information provided—

21 “(i) accuracy;

22 “(ii) relevance;

23 “(iii) timeliness; and

24 “(iv) usefulness.

1           “(E) Awards for related actions shall be  
2           paid at the discretion of the Secretary.

3           “(4) PUBLICATION.—

4           “(A) IN GENERAL.—Not later than the  
5           date on which the online portal required by  
6           paragraph (2)(A) is complete, the Secretary  
7           shall develop and implement a plan to publicize  
8           the whistleblower incentive program established  
9           by paragraph (1).

10           “(B) FUNDING.—The Secretary shall pay  
11           any expenses incurred under subparagraph (A)  
12           from amounts authorized to be appropriated to  
13           the Bureau of Industry and Security.

14           “(c) PROTECTION OF WHISTLEBLOWERS.—

15           “(1) PROHIBITION AGAINST IMPENDING COM-  
16           MUNICATION AND RETALIATION.—

17           “(A) IN GENERAL.—Except as provided in  
18           subparagraph (B), no employer may—

19                   “(i) impede or attempt to impede an  
20                   individual from communicating directly  
21                   with the Department of Commerce regard-  
22                   ing a possible violation of export control or  
23                   related laws; or

24                   “(ii) discharge, demote, suspend,  
25                   threaten, harass, directly or indirectly, or

1 in any other manner discriminate against a  
2 whistleblower in the terms and conditions  
3 of employment because of a lawful act  
4 done by the whistleblower—

5 “(I) in reporting violations to the  
6 employer or to a law enforcement  
7 agency;

8 “(II) in providing information to  
9 the Secretary in accordance with this  
10 section; or

11 “(III) in initiating, testifying in,  
12 or assisting in any investigation or ju-  
13 dicial or administrative action based  
14 upon or related to such information.

15 “(B) EXCEPTION.—The protection against  
16 retaliation established by subparagraph (A)  
17 shall not apply to any individual who reports in-  
18 formation under this section knowing that such  
19 information is false.

20 “(C) ENFORCEMENT.—

21 “(i) CAUSE OF ACTION.—An indi-  
22 vidual who alleges discharge or other dis-  
23 crimination in violation of subparagraph  
24 (A) may bring an action under this para-  
25 graph in the appropriate district court of

1 the United States for the relief provided in  
2 subparagraph (D).

3 “(ii) SUBPOENAS.—A subpoena re-  
4 quiring the attendance of a witness at a  
5 trial or hearing conducted under this sub-  
6 paragraph may be served at any place in  
7 the United States.

8 “(iii) STATUTE OF LIMITATIONS.—

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

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

16 “(bb) 3 years after the date  
17 when facts material to the right  
18 of action are known or reason-  
19 ably should have been known by  
20 the employee alleging a violation  
21 of subparagraph (A).

22 “(II) REQUIRED ACTION WITHIN  
23 10 YEARS.—Notwithstanding sub-  
24 clause (I), an action under this sub-  
25 paragraph may not in any cir-

1                   cumstance be brought more than 10  
2                   years after the date on which the vio-  
3                   lation occurs.

4                   “(D) RELIEF.—Relief for an individual  
5                   prevailing in an action brought under subpara-  
6                   graph (C) shall include—

7                   “(i) reinstatement with the same se-  
8                   niority status that the individual would  
9                   have had, but for the discrimination;

10                  “(ii) 2 times the amount of back pay  
11                  otherwise owed to the individual, with in-  
12                  terest; and

13                  “(iii) compensation for litigation  
14                  costs, expert witness fees, and reasonable  
15                  attorneys’ fees.

16                  “(E) SCOPE OF PROTECTION.—The protec-  
17                  tions under this subsection shall apply to any  
18                  individual who engages in an act described in  
19                  subparagraph (A), including reporting a poten-  
20                  tial violation internally to an employer or to a  
21                  law enforcement agency, regardless of whether  
22                  the individual has, at the time of the alleged re-  
23                  taliation, provided information to the Secretary  
24                  under this section. Such protections shall also  
25                  apply if the retaliation occurs before, or in the

1 absence of, a formal report to the Department  
2 of Commerce.

3 “(2) CONFIDENTIALITY.—

4 “(A) IN GENERAL.—Except as provided in  
5 subparagraphs (B) and (C), the Secretary and  
6 any officer or employee of the Department of  
7 Commerce shall not disclose any information,  
8 including information provided by a whistle-  
9 blower to the Secretary, that could reasonably  
10 be expected to reveal the identity of the whistle-  
11 blower, except in accordance with the provisions  
12 of section 552a of title 5, United States Code,  
13 unless and until required to be disclosed to a  
14 defendant or respondent in connection with a  
15 public proceeding instituted by the Secretary or  
16 any entity described in subparagraph (D).

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

21 “(C) RULE OF CONSTRUCTION.—Nothing  
22 in this section is intended to limit, or shall be  
23 construed to limit, the ability of the Attorney  
24 General to present such evidence to a grand  
25 jury or to share such evidence with potential



witnesses or defendants in the course of an ongoing criminal investigation.

“(D) AVAILABILITY TO GOVERNMENT AGENCIES.—

“(i) IN GENERAL.—Without the loss of its status as confidential in the hands of the Secretary, all information referred to in subparagraph (A) may, in the discretion of the Secretary, when determined by the Secretary to be necessary to accomplish the purposes of this part or any regulation, order, license, or other authorization issued under this part, be made available to—

“(I) a Federal law enforcement agency;

“(II) a national security agency;

“(III) an appropriate Federal or State regulatory authority or Federal investigative agency; and

“(IV) a foreign law enforcement authority.

“(ii) CONFIDENTIALITY.—

“(I) IN GENERAL.—Each of the entities described in subclauses (I) through (III) of clause (i) shall main-

1                   tain such information as confidential  
2                   in accordance with the requirements  
3                   established under subparagraph (A).

4                   “(II) FOREIGN AUTHORITIES.—  
5                   Each of the entities described in  
6                   clause (i)(IV) shall maintain such in-  
7                   formation in accordance with such as-  
8                   surances of confidentiality as the Sec-  
9                   retary determines appropriate.

10           “(d) EXPORT COMPLIANCE ACCOUNTABILITY  
11 FUND.—

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

18                   “(2) AVAILABILITY.—At the end of each fiscal  
19                   year, any amounts deposited into the Fund under  
20                   paragraph (3) that remain in the Fund after the  
21                   payment, for that fiscal year, of all expenses under  
22                   paragraph (3) shall be transferred to the general  
23                   fund of the Treasury. The Fund shall retain an  
24                   amount equivalent to \$100,000,000 (adjusted for in-  
25                   flation) or the total amount necessary to satisfy any

1 pending whistleblower award determinations, which-  
2 ever is greater.

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

6 “(A) paying awards to whistleblowers as  
7 provided in subsection (b)(3);

8 “(B) funding activities that support the  
9 whistleblower incentive program and whistle-  
10 blower protections, including—

11 “(i) reviewing and investigating whis-  
12 tleblower reports;

13 “(ii) providing training and education  
14 on compliance with the confidentiality re-  
15 quirement under subsection (c)(2); and

16 “(iii) record keeping, IT expenses, and  
17 other expenses to maintain or update the  
18 portal as considered necessary by the Sec-  
19 retary; and

20 “(C) if all outstanding awards under sub-  
21 section (b)(3) have been paid, expenses related  
22 to enforcement of this part or any regulation,  
23 order, license, or other authorization issued  
24 under this part.

1           “(4) DEPOSITS AND CREDITS.—There shall be  
2       deposited into or credited to the Fund an amount  
3       equal to any fine collected by the Secretary on or  
4       after the date of the enactment of this section in any  
5       judicial or administrative action brought by the Sec-  
6       retary that depends on or was initiated because of  
7       original information submitted by a whistleblower.”.

8   **SEC. 4. RULE OF CONSTRUCTION.**

9       Nothing in this Act, or any amendment made by this  
10   Act, may be construed to affect, reduce, or divert any  
11   amounts required by law to be deposited into the Crime  
12   Victims Fund (34 U.S.C. 20101) or the U.S. Victims of  
13   State Sponsored Terrorism Fund (34 U.S.C. 20144).

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