

119TH CONGRESS
2^D SESSION

S. 1473

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

1 or of any regulation, order, license, or other au-
2 thorization issued under this part.

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

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

7 “(ii) an individual on any of the fol-
8 lowing lists:

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

14 “(II) The Denied Persons List
15 maintained pursuant to section
16 764.3(a)(2) of the Export Administra-
17 tion Regulations.

18 “(III) The Entity List set forth
19 in Supplement No. 4 to part 744 of
20 the Export Administration Regula-
21 tions.

22 “(b) WHISTLEBLOWER INCENTIVE PROGRAM.—

23 “(1) ESTABLISHMENT.—Not later than 120
24 days after the date of the enactment of this section,
25 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

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

3 “(B) ANONYMITY.—

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

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

14 “(C) EXPEDITED REVIEW.—

15 “(i) INITIAL REVIEW.—Not later than
16 60 days after the date of receipt of a re-
17 port from a whistleblower, the Secretary
18 shall—

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

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

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

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

4 “(iii) NOTIFICATION.—

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

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

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

1 mitted multiple reports under this subsection
2 that the Secretary determined under subpara-
3 graph (C)(i) were not credible.

4 “(3) AWARDS.—

5 “(A) ELIGIBILITY.—Subject to subpara-
6 graph (B), the Secretary may pay an award or
7 awards to any whistleblower who provided origi-
8 nal information that led to the imposition of a
9 fine under this part on a person or persons that
10 violated, attempted to violate, conspired to vio-
11 late, or caused a violation of this part or any
12 regulation, order, license, or other authorization
13 issued under this part.

14 “(B) DISQUALIFICATION.—

15 “(i) IN GENERAL.—Subject to clause
16 (ii), the Secretary may not pay an award
17 or awards to any whistleblower who pro-
18 vides original information with respect to a
19 person or persons that violated, attempted
20 to violate, conspired to violate, or caused a
21 violation of this part or any regulation,
22 order, license, or other authorization issued
23 under this part, if such information was
24 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.

1 “(C) ENFORCEMENT.—

2 “(i) CAUSE OF ACTION.—An indi-
3 vidual who alleges discharge or other dis-
4 crimination in violation of subparagraph
5 (A) may bring an action under this para-
6 graph in the appropriate district court of
7 the United States for the relief provided in
8 subparagraph (D).

9 “(ii) SUBPOENAS.—A subpoena re-
10 quiring the attendance of a witness at a
11 trial or hearing conducted under this sub-
12 paragraph may be served at any place in
13 the United States.

14 “(iii) STATUTE OF LIMITATIONS.—

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

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

22 “(bb) 3 years after the date
23 when facts material to the right
24 of action are known or reason-
25 ably 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.

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