

other period, as determined by the appropriate Federal banking agency before such addition or employment becomes effective, if—

(1) the insured depository institution or depository institution holding company is not in compliance with the minimum capital requirement applicable to such institution or is otherwise in a troubled condition, as determined by such agency on the basis of such institution's or holding company's most recent report of condition or report of examination or inspection; or

(2) the agency determines, in connection with the review by the agency of the plan required under section 1831o of this title or otherwise, that such prior notice is appropriate.

(b) Disapproval by agency

An insured depository institution or depository institution holding company may not add any individual to the board of directors or employ any individual as a senior executive officer if the appropriate Federal banking agency issues a notice of disapproval of such addition or employment before the end of the notice period, not to exceed 90 days, beginning on the date the agency receives notice of the proposed action pursuant to subsection (a).

(c) Exception in extraordinary circumstances

(1) In general

Each appropriate Federal banking agency may prescribe by regulation conditions under which the prior notice requirement of subsection (a) may be waived in the event of extraordinary circumstances.

(2) No effect on disapproval authority of agency

Such waivers shall not affect the authority of each agency to issue notices of disapproval of such additions or employment of such individuals within 30 days after each such waiver.

(d) Additional information

Any notice submitted to an appropriate Federal banking agency with respect to an individual by any insured depository institution or depository institution holding company pursuant to subsection (a) shall include—

(1) the information described in section 1817(j)(6)(A) of this title about the individual; and

(2) such other information as the agency may prescribe by regulation.

(e) Standard for disapproval

The appropriate Federal banking agency shall issue a notice of disapproval with respect to a notice submitted pursuant to subsection (a) if the competence, experience, character, or integrity of the individual with respect to whom such notice is submitted indicates that it would not be in the best interests of the depositors of the depository institution or in the best interests of the public to permit the individual to be employed by, or associated with, the depository institution or depository institution holding company.

(f) Definition regulations

Each appropriate Federal banking agency shall prescribe by regulation a definition for the

terms “troubled condition” and “senior executive officer” for purposes of subsection (a).

(Sept. 21, 1950, ch. 967, §2[32], as added Pub. L. 101-73, title IX, §914(a), Aug. 9, 1989, 103 Stat. 484; amended Pub. L. 104-208, div. A, title II, §2209, Sept. 30, 1996, 110 Stat. 3009-409.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208, §2209(1)(A), (B), in introductory provisions, inserted “(or such other period, as determined by the appropriate Federal banking agency)” after “30 days” and substituted “if” for “if the insured depository institution or depository institution holding company”.

Subsec. (a)(1). Pub. L. 104-208, §2209(1)(E), inserted “the insured depository institution or depository institution holding company” before “is not in compliance” and substituted “; or” for period at end.

Pub. L. 104-208, §2209(1)(C), (D), redesignated par. (3) as (1) and struck out former par. (1) which read as follows: “has been chartered less than 2 years in the case of an insured depository institution;”.

Subsec. (a)(2). Pub. L. 104-208, §2209(1)(C), (F), added par. (2) and struck out former par. (2) which read as follows: “has undergone a change in control within the preceding 2 years; or”.

Subsec. (a)(3). Pub. L. 104-208, §2209(1)(D), redesignated par. (3) as (1).

Subsec. (b). Pub. L. 104-208, §2209(2), substituted “notice period, not to exceed 90 days,” for “30-day period”.

§ 1831j. Depository institution employee protection remedy

(a) In general

(1) Employees of depository institutions

No insured depository institution may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any Federal banking agency or to the Attorney General regarding—

(A) a possible violation of any law or regulation; or

(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the depository institution or any director, officer, or employee of the institution.

(2) Employees of banking agencies

No Federal banking agency, Federal home loan bank, Federal reserve bank, or any person who is performing, directly or indirectly, any function or service on behalf of the Corporation may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any such agency or bank or to the Attorney General regarding any possible violation of any law or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety by—

(A) any depository institution or any such bank or agency;

(B) any director, officer, or employee of any depository institution or any such bank;

(C) any officer or employee of the agency which employs such employee; or

(D) the person, or any officer or employee of the person, who employs such employee.

(b) Enforcement

Any employee or former employee who believes he has been discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the close of the 2-year period beginning on the date of such discharge or discrimination. The complainant shall also file a copy of the complaint initiating such action with the appropriate Federal banking agency.

(c) Remedies

If the district court determines that a violation of subsection (a) has occurred, it may order the depository institution, Federal home loan bank, Federal Reserve bank, or Federal banking agency which committed the violation—

- (1) to reinstate the employee to his former position;
- (2) to pay compensatory damages; or
- (3) take other appropriate actions to remedy any past discrimination.

(d) Limitation

The protections of this section shall not apply to any employee who—

- (1) deliberately causes or participates in the alleged violation of law or regulation; or
- (2) knowingly or recklessly provides substantially false information to such an agency or the Attorney General.

(e) “Federal banking agency” defined

For purposes of subsections (a) and (c), the term “Federal banking agency” means the Corporation, the Board of Governors of the Federal Reserve System, the Federal Housing Finance Agency and the Comptroller of the Currency.

(f) Burdens of proof

The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5 shall govern adjudication of protected activities under this section.

(Sept. 21, 1950, ch. 967, § 2[33], as added Pub. L. 101-73, title IX, § 932(a), Aug. 9, 1989, 103 Stat. 494; amended Pub. L. 102-242, title II, § 251(a)(1)-(3), Dec. 19, 1991, 105 Stat. 2331, 2332; Pub. L. 103-204, § 21(a), Dec. 17, 1993, 107 Stat. 2406; Pub. L. 103-325, title VI, § 602(a)(61), (c), Sept. 23, 1994, 108 Stat. 2291; Pub. L. 111-203, title III, § 363(10), July 21, 2010, 124 Stat. 1555.)

AMENDMENTS

2010—Subsec. (e), Pub. L. 111-203 substituted “Federal Housing Finance Agency and the Comptroller of the Currency” for “Federal Housing Finance Board, the Comptroller of the Currency, and the Director of the Office of Thrift Supervision”.

1994—Subsec. (a), Pub. L. 103-325, § 602(c), amended directory language of Pub. L. 103-204, § 21(a). See 1993 Amendment note below.

Subsec. (c)(1), Pub. L. 103-325, § 602(a)(61), substituted semicolon for comma at end.

Subsec. (f), Pub. L. 103-325, § 602(c)(1)-(3), amended directory language of Pub. L. 103-204, § 21(a)(1)(B). See 1993 Amendment note below.

1993—Subsec. (a)(1), Pub. L. 103-204, § 21(a)(1)(A), as amended by Pub. L. 103-325, § 602(c)(1)-(3), substituted “regarding—

“(A) a possible violation of any law or regulation; or

“(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the depository institution or any director, officer, or employee of the institution.” for “regarding any possible violation of any law or regulation by the depository institution or any director, officer, or employee of the institution.”

Subsec. (a)(2), Pub. L. 103-204, § 21(a)(2)(A), (B), as amended by Pub. L. 103-325, § 602(c)(1), (2), (4), in introductory provisions, substituted “Federal reserve bank, or any person who is performing, directly or indirectly, any function or service on behalf of the Corporation” for “or Federal Reserve bank” and “any possible violation of any law or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety by” for “any possible violation of any law or regulation by”.

Subsec. (a)(2)(D), Pub. L. 103-204, § 21(a)(2)(C)-(E), as amended by Pub. L. 103-325, § 602(c)(1), (2), (4), added subpar. (D).

Subsec. (f), Pub. L. 103-204, § 21(a)(1)(B), as amended by Pub. L. 103-325, § 602(c)(1)-(3), added subsec. (f).

1991—Subsec. (a), Pub. L. 102-242, § 251(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “No federally insured depository institution may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any Federal banking agency or to the Attorney General regarding a possible violation of any law or regulation by the depository institution or any of its officers, directors, or employees.”

Subsec. (c), Pub. L. 102-242, § 251(a)(2), inserted “, Federal home loan bank, Federal Reserve bank, or Federal banking agency”.

Subsec. (e), Pub. L. 102-242, § 251(a)(3), added subsec. (e).

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the transfer date, see section 351 of Pub. L. 111-203, set out as a note under section 906 of Title 2, The Congress.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-242, title II, § 251(a)(4), Dec. 19, 1991, 105 Stat. 2332, provided that: “Paragraph (2) of section 33(a) of the Federal Deposit Insurance Act [12 U.S.C. 1831j(a)(2)] (as added under the amendment made by paragraph (1)) shall be treated as having taken effect on January 1, 1987, and for purposes of any cause of action arising under such paragraph (as so effective) before the date of the enactment of this Act [Dec. 19, 1991], the 2-year period referred to in section 33(b) of such Act shall be deemed to begin on such date of enactment.”

§ 1831k. Reward for information leading to recoveries or civil penalties

(a) In general

An appropriate Federal banking agency, with the concurrence of the Attorney General, may pay a reward to a person who provides original information which leads to—

- (1) recovery of a criminal fine, restitution, or civil penalty—

(A) under—

- (i) this chapter;
- (ii) the Federal Credit Union Act [12 U.S.C. 1751 et seq.];
- (iii) section 93(b), 164, or 481 to 485 of this title;