

(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.)

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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;

(iv) the Federal Reserve Act [12 U.S.C. 221 et seq.];

(v) the Bank Holding Company Act Amendments of 1970;

(vi) the Bank Holding Company Act of 1956 [12 U.S.C. 1841 et seq.];

(vii) the Home Owners’ Loan Act [12 U.S.C. 1461 et seq.]; or

(viii) section 3663 of title 18 pursuant to a conviction for an offense referred to in subparagraph (B) of this paragraph,

(B) pursuant to a conviction for an offense under section 215, 656, 657, 1005, 1006, 1007, 1014, 1341, 1343, or 1344 of title 18 affecting a depository institution insured by the Federal Deposit Insurance Corporation, or for a conspiracy to commit such an offense; or

(C) under section 1833a of this title; or

(2) a forfeiture under section 981 or 982 of title 18 that arises in connection with a depository institution insured by the Federal Deposit Insurance Corporation.

(b) Percentage limitation

An appropriate Federal banking agency may not pay a reward under subsection (a) of more than 25 percent of the amount of the fine, penalty, restitution, or forfeiture or \$100,000, whichever is less.

(c) Officials and persons ineligible

An appropriate Federal banking agency may not pay a reward under subsection (a) to—

(1) an officer or employee of the United States or of a State or local government who provides information described in subsection (a), obtained in the performance of official duties; or

(2) a person who—

(A) deliberately causes or participates in the alleged violation of law or regulation, or

(B) knowingly or recklessly provides substantially false information to such an agency or the Attorney General.

(d) Nonreviewability

Any agency decision under this section is final and not reviewable by any court.

(Sept. 21, 1950, ch. 967, §2[34], as added Pub. L. 101-73, title IX, §933(a), Aug. 9, 1989, 103 Stat. 495; amended Pub. L. 101-647, title XXV, §2586, Nov. 29, 1990, 104 Stat. 4903; Pub. L. 103-325, title VI, §602(a)(62), (63), Sept. 23, 1994, 108 Stat. 2291.)

Editorial Notes

REFERENCES IN TEXT

The Federal Credit Union Act, referred to in subsec. (a)(1)(A)(ii), is act June 26, 1934, ch. 750, 48 Stat. 1216, as amended, which is classified generally to chapter 14 (§1751 et seq.) of this title. For complete classification of this Act to the Code, see section 1751 of this title and Tables.

The Federal Reserve Act, referred to in subsec. (a)(1)(A)(iv), is act Dec. 23, 1913, ch. 6, 38 Stat. 251, as amended, which is classified principally to chapter 3 (§221 et seq.) of this title. For complete classification of this Act to the Code, see References in Text note set out under section 226 of this title and Tables.

The Bank Holding Company Act Amendments of 1970, referred to in subsec. (a)(1)(A)(v), is Pub. L. 91-607, Dec. 31, 1970, 84 Stat. 1760, as amended. For complete classification of this Act to the Code, see Short Title of 1970 Amendment note set out under section 1841 of this title and Tables.

The Bank Holding Company Act of 1956, referred to in subsec. (a)(1)(A)(vi), is act May 9, 1956, ch. 240, 70 Stat. 133, as amended, which is classified principally to chapter 17 (§1841 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1841 of this title and Tables.

The Home Owners' Loan Act, referred to in subsec. (a)(1)(A)(vii), is act June 13, 1933, ch. 64, 48 Stat. 128, as amended, which is classified generally to chapter 12 (§1461 et seq.) of this title. For complete classification of this Act to the Code, see section 1461 of this title and Tables.

AMENDMENTS

1994—Subsec. (a)(1)(A)(iii). Pub. L. 103-325, §602(a)(62), substituted “section” for “sections” and “or” for “and”.

Subsec. (a)(2). Pub. L. 103-325, §602(a)(63), inserted period at end.

1990—Subsec. (a)(1). Pub. L. 101-647, §2586(1), struck out “, in an amount that exceeds \$50,000,” after “recovery” in introductory provisions.

Subsec. (a)(2). Pub. L. 101-647, §2586(2), amended par. (2) generally. Prior to amendment, par. (2) read as fol-

lows: “a forfeiture under section 981 or 982 of title 18 that—

“(A) arises in connection with a depository institution insured by the Federal Deposit Insurance Corporation; and

“(B) exceeds \$50,000.”

§ 1831f. Coordination of risk analysis between SEC and Federal banking agencies

Any appropriate Federal banking agency shall notify the Securities and Exchange Commission of any concerns of the agency regarding significant financial or operational risks to any registered broker or dealer, or any registered municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency (as defined in section 78c of title 15), resulting from the activities of any insured depository institution, any depository institution holding company, or any affiliate of any such institution or company if such broker, dealer, municipal securities dealer, government securities broker, or government securities dealer is an affiliate of any such institution, company, or affiliate.

(Sept. 21, 1950, ch. 967, §2[35], as added Pub. L. 101-432, §7, Oct. 16, 1990, 104 Stat. 975.)

§ 1831m. Early identification of needed improvements in financial management**(a) Annual report on financial condition and management****(1) Report required**

Each insured depository institution shall submit an annual report to the Corporation, the appropriate Federal banking agency, and any appropriate State bank supervisor (including any State bank supervisor of a host State).

(2) Contents of report

Any annual report required under paragraph (1) shall contain—

(A) the information required to be provided by—

(i) the institution's management under subsection (b); and

(ii) an independent public accountant under subsections (c) and (d); and

(B) such other information as the Corporation and the appropriate Federal banking agency may determine to be necessary to assess the financial condition and management of the institution.

(3) Public availability

Any annual report required under paragraph (1) shall be available for public inspection. Notwithstanding the preceding sentence, the Corporation and the appropriate Federal banking agencies may designate certain information as privileged and confidential and not available to the public.

(b) Management responsibility for financial statements and internal controls

Each insured depository institution shall prepare—

(1) annual financial statements in accordance with generally accepted accounting prin-