



The Senate
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500129
SAIPAN, MP 96950

STANDING COMMITTEE REPORT NO. 24-11
Date: May 6, 2025
RE: Senate Bill No. 24-13

Honorable Dennis James C. Mendiola
President of the Senate
Twenty-Fourth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President:

Your Committee on Judiciary, Government, and Law to which Senate Bill No. 24-13 was referred, entitled:

“To enact a whistleblower protection provision for Commonwealth government employees reporting on prohibited personnel practices; to provide whistleblower rewards for individuals who report underpayments of taxes; to clarify the mechanism for the payment of rewards for disclosures leading to the recovery of public funds; and for other purposes,”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion and deliberation, your Committee recommends the passage of the proposed legislation in the form of Senate Bill No. 24-13, Senate Draft 1.

II. ANALYSIS:

A. Purpose:

The purpose of Senate Bill No. 24-13 is to enact a whistleblower protection provision for Commonwealth government employees who report on prohibited personnel practices, provide an incentive for reporting of underpayment of taxes, and to provide a mechanism for rewards resulting in the recovery of public funds.

B. Committee Findings:

Your Committee finds that 1 CMC § 7841, enacted by Public Law 3-91, established the protection of whistleblowers for individuals who report any activity constituting fraud, waste, and abuse in the collection and expenditure of public funds to the Office of the Public Auditor. Public Law 14-60 further amended this statutory provision to provide a monetary incentive for the reporting of information that results in the recovery of public funds. However, the source of funds intended as a reward was left unclear.

Your Committee met on May 6, 2025, to review the proposed legislation. After much discussion, your Committee agreed to the following amendments: (1) to insert language for the inclusion of autonomous agencies of the Commonwealth government under the whistleblower protections, (2) to change 180 days to 60 days for new employees to be informed of their rights under the Whistleblower Protection Act, and (3) to change the \$10,000 penalty imposed on persons to businesses. Additionally, a written comment from the Office of the Attorney General that was previously submitted to the Senate JGL Committee during the Twenty-Third Northern Marianas Commonwealth Legislature recommending several amendments were considered and approved by the Committee further amending the proposed legislation to clarify definition of “relative” and clarification on existing language as it pertains to the discrimination of marital status or political affiliation. A copy of this written comment is attached to this report for reference purposes.

It is for these reasons that your Committee supports the intent of the proposed legislation, as amended, and recommends its passage in the form of Senate Bill No. 24-13, Senate Draft 1.

C. Legislative History:

Senate Bill No. 24-13 was formally introduced by Senator Corina L. Magofna on February 6, 2025, and was subsequently referred to the Senate Standing Committee on Judiciary, Government, and Law for disposition.

During the Twenty-Third Northern Marianas Commonwealth Legislature, a similar legislation, Senate Bill No. 23-46 was formally introduced by Senator Corina L. Magofna on October 16, 2023, and was subsequently referred to the Senate Standing Committee on Judiciary, Government, and Law for disposition. On January 3, 2025, the Senate convened its 8th Day, Fourth Regular Session, and a motion was made and seconded to file all remaining bills, resolutions, reports, and other assignments given to committees that require Senate action. Accordingly, Senate Bill No. 23-46 was filed, and the Senate of the Twenty-Third Northern Marianas Commonwealth Legislature adjourned *sine die*.

D. Public Hearing and Comment:

1. Public Hearing. No public hearing was scheduled for Senate Bill No. 24-13. However, a committee meeting, which is open to the public, was held on May 6, 2025. See below for further details.
2. Committee Meeting. The proposed legislation made its first appearance during the scheduled committee meeting on Tuesday, May 6, 2025. The committee meeting notices and agenda were officially posted on May 1, 2025, on various legislative forums and social media sites to invite members of the general public to provide comments as indicated under *Item No. IV. Public Comment* on the Committee Agenda. However, no oral testimony in support or opposition of Senate Bill No. 24-13 was stated before your Committee.
3. Written Comment. Your Committee sent out several requests for comments on the proposed legislation. To date, the status of comments received from the following government and private entities is as follows:
 - a. *Honorable Edward Manibusan, Attorney General, Office of the Attorney General, letter dated October 27, 2023 (previously submitted during 23rd NMCL)*
 - b. *Mayor of the Municipality of Rota, no comment received*
 - c. *Mayor of the Municipality of Tinian and Aguiguan, no comment received*
 - d. *Mayor of the Municipality of Saipan, no comment received*
 - e. *Mayor of the Northern Islands, no comment received*
 - f. *Rota Municipal Council, no comment received*
 - g. *Tinian Municipal Council, no comment received*
 - h. *Saipan and Northern Islands Municipal Council, no comment received*
 - i. *Office of the Public Defender, no comment received*

E. Estimated Fiscal Cost:

The enactment of Senate Bill No. 24-13, as amended, will incur additional expenses for the Commonwealth government related to the establishment, training, and enforcement of this Act; and for the payment of rewards resulting to the reporting of information that leads to the recovery of public funds. However, the underlying intent of preventing further fraud, waste, and abuse of public funds outweigh the cost to ensure accountability in our government.

F. Summary of Committee Amendments:

1. Title. Inserted language for the inclusion of autonomous agencies, to read:

“To enact a whistleblower protection provision for Commonwealth government and autonomous agency employees reporting on prohibited personnel practices; to provide whistleblower rewards for individuals who report underpayments of taxes; to clarify the mechanism for the payment of rewards for disclosures leading to the recovery of public funds; and for other purposes.”

2. Section 2. Findings and Purpose. Inserted language for the inclusion of autonomous agencies, beginning on page 2, lines 4-8, that read:

“Therefore, the purpose of this Act is to enact a whistleblower protection provision for Commonwealth government and autonomous agency employees who report prohibited personnel practices, to extend whistleblower rewards to individuals who report underpayment of taxes, to clarify the mechanism by which whistleblower rewards may be paid, and for other purposes.”

3. Section 3. Enactment. §102 Government Personnel Practices: Definitions (a). Inserted language for the inclusion of autonomous agencies, beginning on page 2, lines 18-19, to read:

“(a) “agency” means any entity of the Commonwealth government, including autonomous entities;”

4. Section 3. Enactment. §102 Government Personnel Practices: Definitions (f). Amended the definition for “relative” as recommended by the Office of the Attorney General, beginning on page 3, lines 20-25, to read:

“(f) “relative” means, with respect to an individual, a person who is ~~related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew (son of brother or sister), niece (daughter of brother or sister), husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister in relation within the third degree of affinity (marriage) or consanguinity (blood); and~~”

5. Section 3. Enactment. §103 Prohibited Personnel Practices. Inserted language for the inclusion of autonomous agencies and amended subsection (a)(5) as recommended by the Office of the Attorney General, beginning on page 4, lines 1-10, to read:

“§ 103. Prohibited Personnel Practices. Any government or autonomous entity employee or official who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority-

(a) discriminate for or against any employee or applicant for employment-

(1) on the basis of race, color, religion, sex, or national origin;

(2) on the basis of age;

(3) on the basis of sex, gender identity, or sexual orientation;

(4) on the basis of disability; or

(5) on the basis of marital status or political affiliation, ~~as prohibited under any law, rule, or regulation.~~”

6. Section 3. Enactment. §104 Responsibilities of Agency Heads (d). Amended timeframe for new employees to be informed of the Whistleblower Protection Act, beginning on page 4, lines 1-10, to read:

“(d) ensuring that each new employee is informed of the rights and remedies available to them under this Act not later than ~~180~~ 60 days after the date on which the new employee is appointed; and”

7. Section 3. Enactment. §104 Penalties. Provision amended to differentiate the penalties for businesses and employees of the Commonwealth government and its autonomous agencies, beginning on page 7, line 26 through page 8, line 3, to read:

“§ 105. Penalties. Any ~~person~~ business found in violation of §103 shall be liable to the Commonwealth government for a civil penalty up to \$10,000 per violation. Furthermore, if a ~~person~~ government or autonomous entity employee is found in violation of §103, such person’s employment shall be terminated immediately. The Office of Personnel Management shall promulgate regulations to establish procedures for determining violations of §103 and assessing civil penalties.”

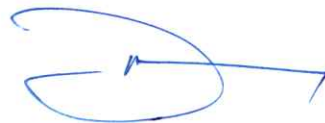
III. CONCLUSION:

Your Committee agrees with the intent and purpose of the proposed legislation, as amended, and recommends its passage in the form of Senate Bill No. 24-13, Senate Draft 1.

Respectfully submitted,



Senator Karl R. King-Nabors
Chairperson



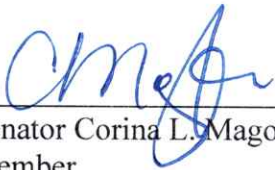
Senator Francisco Q. Cruz
Vice Chairperson



Senator Ronnie M. Calvo
Member



Senator Manny Gregory T. Castro
Member



Senator Corina L. Magofna
Member



Senator Donald M. Manglona
Member

Reviewed by:



Senate Legal Counsel

Attachments:

1. *Honorable Edward Manibusan, Attorney General, Office of the Attorney General, letter dated October 27, 2023 (previously submitted during 23rd NMCL)*



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

EDWARD MANIBUSAN
Attorney General

LILLIAN A. TENORIO
Deputy Attorney General

VIA EMAIL: staff.senbabautac@gmail.com

October 27, 2023

OAGSEN: 2023-72
LSR No. 23-500

Hon. Celina R. Babauta
Chairperson, Committee on Judiciary,
Government, and Law
The Senate
23rd Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Re: Senate Bill 23-46 (To enact a whistleblower protection provision for the Commonwealth government employees reporting on prohibited personnel practices; to provide whistleblower rewards for individuals who report underpayment of taxes; to clarify mechanisms for the payment of rewards for disclosures leading to the recovery of public funds; and for other purposes)

Dear Chairperson Babauta:

Thank you for requesting the comments of the Office of the Attorney General on Senate Bill 23-46. The bill proposes to create a whistleblower statute within the CNMI government. The bill is based on the federal whistleblower statutes. The bill is legally sufficient, and my office has two notes to consider:

- 1) Section 101(f) defines the term "relative." This was an omission in the previous bill that is now clearly defined. While it may still be best to define the term as anyone in relation within the 3rd degree of affinity (marriage) or consanguinity (blood) as listing out these specific relations may inadvertently omit someone.
- 2) Section 103(a)(5) reads that using someone's marital status or political affiliation only as it is prohibited under any law rule or regulation is illegal. If that is the point, then no change is needed. If the point is to say that an individual cannot be discriminated against on the basis of marital status of political affiliation, then the rest of the subsection ("as prohibited under any law, rule, or regulation) should be deleted.

Civil Division
Telephone: (670) 237-7500
Facsimile: (670) 664-2349

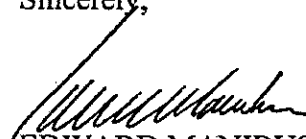
Criminal Division
Telephone: (670) 237-7600
Facsimile: (670) 234-7016

Attorney General's Investigation Division
Telephone: (670) 237-7628
Facsimile: (670) 234-7016

Victim Witness Advocacy Unit
Telephone: (670) 237-7602
Facsimile: (670) 664-2349

If you have any questions, I would be happy to discuss them with you.

Sincerely,



EDWARD MANIBUSAN
Attorney General

cc: All Members, The Senate

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2025

S.B. NO. 24-13, SD1

A BILL FOR AN ACT

To enact a whistleblower protection provision for Commonwealth government and autonomous agency employees reporting on prohibited personnel practices; to provide whistleblower rewards for individuals who report underpayments of taxes; to clarify the mechanism for the payment of rewards for disclosures leading to the recovery of public funds; and for other purposes.

**BE IT ENACTED BY THE TWENTY-FOURTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Short Title.** This Act shall be cited as the “Commonwealth-Wide
2 Whistleblower Protection Act of 2025”.

3 **Section 2. Findings and Purpose.** The Legislature finds that illegal or unethical
4 activities can and do occur within many organizations. The Legislature also finds that
5 within these organizations, courageous individuals known as “whistleblowers” provide an
6 important function in holding organizations accountable by disclosing illegal or unethical
7 activities to the appropriate authorities. Cognizant of the threats or intimidation tactics that
8 these individuals may face, the Legislature finds that this Act is necessary to establish
9 stronger whistleblower protections in the law.

10 The Legislature also finds that pursuant to 1 CMC §7841, the Public Auditor may
11 receive complaints or information concerning any activity constituting fraud, waste, or
12 abuse in the collection and expenditure of public funds. This statute was initially enacted
13 by CNMI Public Law 3-91 and amended by CNMI Public Law 14-60, which established a
14 monetary incentive for individuals who provide information leading to the recovery of
15 public funds; however, the mechanism for paying out such rewards must be clarified. The
16 Legislature also finds that whistleblowers may report other types of unethical or illegal

1 activities that warrant statutory protections, including prohibited personnel practices within
2 the government. Additionally, whistleblowers who report underpayments of taxes that lead
3 to the recovery of public funds may also merit rewards.

4 Therefore, the purpose of this Act is to enact a whistleblower protection provision
5 for Commonwealth government and autonomous agency employees who report prohibited
6 personnel practices, to extend whistleblower rewards to individuals who report
7 underpayment of taxes, to clarify the mechanism by which whistleblower rewards may be
8 paid, and for other purposes.

9 **Section 3. Enactment.** Notwithstanding any laws or regulations to the contrary,
10 the following is hereby enacted subject to codification by the Commonwealth Law
11 Revision Commission:

12 **“Chapter. XX. Whistleblower Protection Act.**

13 **§ 101. Short Title.**

14 This Act shall be cited as the “Commonwealth-Wide Whistleblower Protection Act
15 of 2025”.

16 **§ 102. Government Personnel Practices: Definitions.**

17 For the purposes of this Act:

18 (a) “agency” means any entity of the Commonwealth government, including
19 autonomous entities;

20 (b) “disability” means a physical or mental impairment that substantially limits one
21 or more major life activities of an individual or a record of such an impairment;

22 (c) “disclosure” means a formal or informal communication or transmission, of
23 information that the individual providing the disclosure reasonably believes evidences -

24 (1) any violation of any law, rule, or regulation; or

25 (2) gross mismanagement, a gross waste of funds, an abuse of authority, or
26 a substantial and specific danger to public health or safety.

27 (d) “new employee” means an individual appointed to a position as an employee
28 on or after the effective date of this Act, and who has not previously served as an employee;

- 1 (e) "personnel action" means -
- 2 (1) an appointment;
- 3 (2) a promotion;
- 4 (3) a disciplinary or corrective action;
- 5 (4) a detail, transfer, or reassignment;
- 6 (5) a reinstatement;
- 7 (6) a restoration;
- 8 (7) a reemployment;
- 9 (8) a performance evaluation;
- 10 (9) a decision concerning pay, benefits, or awards, or concerning education
- 11 or training if the education or training may reasonably be expected to lead to an
- 12 appointment, promotion, performance evaluation, or other personnel action
- 13 described in this section;
- 14 (10) a decision to order psychiatric testing or examination;
- 15 (11) the implementation or enforcement of any nondisclosure policy, form,
- 16 or agreement; or
- 17 (12) any other significant change in duties, responsibilities, or working
- 18 conditions, with respect to an employee in, or applicant for, a position in
- 19 Commonwealth agency;
- 20 (f) "relative" means, with respect to an individual, a person who is ~~related to the~~
- 21 ~~individual as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew~~
- 22 ~~(son of brother or sister), niece (daughter of brother or sister), husband, wife, father in law,~~
- 23 ~~mother in law, son in law, daughter in law, brother in law, sister in law, stepfather,~~
- 24 ~~stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister in~~
- 25 relation within the third degree of affinity (marriage) or consanguinity (blood); and
- 26 (g) "whistleblower protections" means the protections against and remedies for a
- 27 prohibited personnel practice as defined in this Act.

1 **§ 103. Prohibited Personnel Practices.** Any government or autonomous entity
2 employee or official who has authority to take, direct others to take, recommend, or
3 approve any personnel action, shall not, with respect to such authority-

4 (a) discriminate for or against any employee or applicant for employment-

5 (1) on the basis of race, color, religion, sex, or national origin;

6 (2) on the basis of age;

7 (3) on the basis of sex, gender identity, or sexual orientation;

8 (4) on the basis of disability; or

9 (5) on the basis of marital status or political affiliation, ~~as prohibited under~~
10 ~~any law, rule, or regulation.~~

11 (b) solicit or consider any recommendation or statement, oral or written, with
12 respect to any individual who requests or is under consideration for any personnel action
13 unless such recommendation or statement is based on the personal knowledge or records
14 of the person furnishing it and consists of-

15 (1) an evaluation of the work performance, ability, aptitude, or general
16 qualifications of such individual; or

17 (2) an evaluation of the character, loyalty, or suitability of such individual.

18 (c) coerce the political activity of any person (including the providing of any
19 political contribution or service), or take any action against any employee or applicant for
20 employment as a reprisal for the refusal of any person to engage in such political activity;

21 (d) deceive or willfully obstruct any person with respect to such person's right to
22 compete for employment;

23 (e) influence any person to withdraw from competition for any position for the
24 purpose of improving or injuring the prospects of any other person for employment;

25 (f) grant any preference or advantage not authorized by law, rule, or regulation to
26 any employee or applicant for employment (including defining the scope or manner of
27 competition or the requirements for any position) for the purpose of improving or injuring
28 the prospects of any particular person for employment;

1 (g) appoint, employ, promote, advance, or advocate for appointment, employment,
2 promotion, or advancement, in or to a civilian position any individual who is a relative of
3 such employee if such position is in the agency in which such employee is serving as a
4 public official or over which such employee exercises jurisdiction or control as such an
5 official;

6 (h) take or fail to take, or threaten to take or fail to take, a personnel action with
7 respect to any employee or applicant for employment because of any disclosure by the
8 employee or applicant to the Attorney General, the Public Auditor, the Department of
9 Public Safety, the Legislature, the Department of Finance, any agency component
10 responsible for internal review or investigation, or any law enforcement authority, of
11 information which the employee or applicant reasonably believes evidences -

12 (1) any violation of any law, rule, or regulation, or

13 (2) gross mismanagement, a gross waste of funds, an abuse of authority, or
14 a substantial and specific danger to public health or safety.

15 (i) take or fail to take, or threaten to take or fail to take, any personnel action against
16 any employee or applicant for employment because of-

17 (1) the exercise of any appeal, complaint, or grievance right granted by any
18 law, rule, or regulation, including testifying for otherwise lawfully assisting any
19 individual in the exercise of such right;

20 (2) the employee or applicant cooperating with or disclosing information to
21 the Public Auditor, the Attorney General, the Legislature, any agency component
22 responsible for internal investigation or review, or any other law enforcement
23 authority, in accordance with applicable provisions of law; or

24 (3) the employee or applicant refusing to obey an order that would require
25 the individual to violate a law, rule, or regulation.

26 (j) exclude or deprive any employee or applicant from protections under this Act
27 for making disclosures pursuant to subsections (h) and (i) on the basis of -

28 (1) the motive of the employee or applicant in making the disclosure;

- 1 (2) the disclosure was not made in writing;
2 (3) the disclosure was made while the employee was off duty;
3 (4) the disclosure was made before the date on which the individual was
4 appointed or applied for appointment to a position; or
5 (5) the amount of time which has passed since the occurrence of the events
6 described in the disclosure.

7 (k) discriminate for or against any employee or applicant for employment on the
8 basis of conduct which does not adversely affect the performance of the employee or
9 applicant or the performance of others; except that nothing in this paragraph shall prohibit
10 an agency from taking into account in determining suitability or fitness any conviction of
11 the employee or applicant for any crime under the laws of the Commonwealth;

12 (l) take or fail to take any other personnel action if the taking of or failure to take
13 such action violates any law, rule, or regulation implementing, or directly concerning, the
14 respective merit system principles;

15 (m) implement or enforce any nondisclosure policy, form, or agreement, if such
16 policy, form, or agreement-

17 (1) does not contain the following statement: "These provisions are
18 consistent with and do not supersede, conflict with, or otherwise alter the employee
19 obligations, rights, or liabilities created by existing statute or executive order
20 relating to: cooperating with or disclosing information to the Office of the Public
21 Auditor, the Office of the Attorney General, the Legislature, any agency component
22 responsible for internal review or investigation, or any other law enforcement
23 authority, of a violation of any law, rule, or regulation, or mismanagement, a gross
24 waste of funds, an abuse of authority, or a substantial and specific danger to public
25 health or safety; any whistleblower protection provided by statute or regulation; or
26 compliance with the public meetings and records requirements set forth in 1 CMC
27 sections 9901 et seq., the Open Government Act. The definitions, requirements,

1 obligations, rights, sanctions, and liabilities created by existing statutory provisions
2 and executive orders are incorporated into this agreement and are controlling; or

3 (2) prohibits or restricts an employee or applicant for employment from
4 disclosing to the Office of the Public Auditor, the Attorney General, the Legislature,
5 any agency component responsible for internal investigation or review, or any law
6 enforcement authority any information that relates to any violation of any law, rule,
7 or regulation, or gross mismanagement, a gross waste of funds, an abuse of
8 authority, or a substantial and specific danger to public health or safety.

9 (n) access the medical record of another employee or an applicant for employment
10 as a part of, or otherwise in furtherance of, any prohibited personnel practice.

11 **§ 104. Responsibilities of Agency Heads.** The head of each agency shall be
12 responsible for:

13 (a) preventing prohibited personnel practices;

14 (b) complying with and enforcing applicable civil service laws, rules, and
15 regulations and other aspects of personnel management;

16 (c) ensuring, in consultation with the Attorney General and the Office of the Public
17 Auditor, that employees of the agency are informed of the rights and remedies available to
18 them under Act, including the role of the Attorney General with respect to enforcing
19 whistleblower protections;

20 (d) ensuring that each new employee is informed of the rights and remedies
21 available to them under this Act not later than ~~180~~ 60 days after the date on which the new
22 employee is appointed; and

23 (e) making information regarding whistleblower protections available on the public
24 website of the agency and on any online portal that is made available only to employees of
25 the agency, if such portal exists.

26 **§ 105. Penalties.** Any ~~person~~ business found in violation of §103 shall be liable to
27 the Commonwealth government for a civil penalty up to \$10,000 per violation.
28 Furthermore, if a ~~person~~ government or autonomous entity employee is found in violation

1 of §103, such person's employment shall be terminated immediately. The Office of
2 Personnel Management shall promulgate regulations to establish procedures for
3 determining violations of §103 and assessing civil penalties.

4 **§ 106. Whistleblower Rewards to Individuals Who Report Underpayments of**
5 **Taxes Levied Under the Laws of the Commonwealth.**

6 (a) The Secretary of Finance pursuant to regulations prescribed by the Department
7 of Finance, is authorized to pay such sums as necessary for detecting underpayments of tax
8 levied under the laws enacted in the Commonwealth.

9 (b) Rewards to Whistleblowers. If the Director of the Division of Revenue and
10 Taxation proceeds with any administrative or judicial action to bring to trial and
11 punishment persons guilty of violating the tax laws enacted in the Commonwealth, based
12 on information brought to the Division's attention by an individual, who is not an employee
13 of the Division, such individual shall receive a reward resulting from the action (including
14 any related actions) or from any settlement in response to such action.

15 (c) Reduction in or Denial of Reward. If the Division of Revenue and Taxation
16 determines that the claim for a reward is brought by an individual who planned and initiated
17 the actions that led to the underpayment of tax or to any administrative or judicial action
18 to bring to trial and punishment persons guilty of violating the tax laws of the
19 Commonwealth, then the Division may appropriately reduce such award.

20 (d) Appeal of Reward Determination. Any determination regarding a reward may,
21 within thirty (30) days of such determination, be appealed through the process established
22 by the Administrative Procedure Act (codified as 1 CMC §9101 et seq.).

23 (e) Additional rules. No contract with the Division of Revenue and Taxation is
24 necessary for any individual to receive a reward under this section. Any individual seeking
25 a reward under this section may be represented by counsel. No reward may be made under
26 this section based on information submitted to the Division unless such information is
27 submitted under penalty of perjury.”

