Possibly. Being involved in an anti-money-laundering violation does not automatically disqualify you from an award under the Bank Secrecy Act whistleblower program. But your role may affect whether you qualify, how much you receive, or whether a statutory exclusion applies. The most important distinction is between having some culpability and being convicted of a criminal violation related to the matter for which you seek an award.

The outcome depends on the facts and the program's requirements. This article explains the main rules and practical considerations; it is general information, not legal advice about a particular case.

What Is the AML/BSA Whistleblower Program?

The Bank Secrecy Act (BSA) is a federal law that requires financial institutions and certain other businesses to maintain records and report specified activity that could indicate money laundering or other financial crime. Anti-money-laundering (AML) programs help institutions meet those obligations. The Financial Crimes Enforcement Network (FinCEN), a bureau of the U.S. Department of the Treasury, administers key BSA reporting and enforcement functions.

The BSA whistleblower program can provide a monetary award to eligible people who voluntarily give the government original information that contributes to successful enforcement actions. An award generally falls between 10% and 30% of monetary sanctions collected in a qualifying action or related actions, subject to the law and the program's rules. An award is not guaranteed merely because someone submits information or an agency investigates it.

Suspicious Activity Reports (SARs) are reports that certain financial institutions must file with FinCEN when transactions meet applicable reporting standards. SARs are an important part of the BSA system, but a whistleblower report and a SAR are not the same thing. A person may report suspected misconduct through an appropriate whistleblower channel; the institution's SAR filing duties remain separate.

Legal Origin and Timeline

Congress created a BSA whistleblower framework through the Anti-Money Laundering Act of 2020. The program was substantially strengthened by the National Defense Authorization Act for Fiscal Year 2023, signed on **December 23, 2022**. Among other changes, that law expanded the potential award framework and strengthened protections and procedures for whistleblowers.

FinCEN is the key government resource for program information, forms, and updates. Before acting, check FinCEN.gov for current instructions. Procedures and interpretations may change, and the details of how information is submitted can matter.



Does Culpability Automatically Bar an Award?

No—not by itself. The statute does not treat every person who had some connection to a violation as automatically ineligible. For example, an employee may have processed transactions, prepared records, or worked in a department where failures occurred without having knowingly designed or concealed the misconduct. The facts about the person's conduct, knowledge, and role matter.

There is, however, an important statutory exclusion: a person convicted of a criminal violation related to the action for which an award is sought may not receive an award. A criminal conviction is different from being investigated, accused, or described as "culpable" in an internal review. Still, a lack of conviction does not guarantee eligibility or a particular award amount.

Even when no categorical exclusion applies, culpability may affect an award assessment. The program considers matters such as the significance of the information, the assistance provided, and the law-enforcement interest in making an award. A whistleblower's own conduct may be relevant when the government evaluates the submission and the appropriate award. The practical effect depends on the evidence and applicable rules—not simply on whether the person held a particular job title.

Situation Possible effect Why it matters You performed routine work but did not knowingly participate in wrongdoing Not automatically disqualifying Your actual knowledge and conduct are more important than your position alone. You knowingly assisted or concealed violations, but have not been convicted Could raise eligibility and award concerns Your role may be considered; lack of a conviction is not a promise of an award. You were convicted of a criminal violation related to the action Statutory award bar may apply The law bars an award to a whistleblower convicted of a related criminal violation. You learned information through unlawful access or disclosure May create separate legal and eligibility risks Reporting suspected misconduct does not authorize taking records or violating confidentiality rules.

Eligibility Limits and "Original Information"

To be considered for an award, a person generally must provide information voluntarily and meet the program's requirements for original information. In broad terms, original information is based on the person's independent knowledge or independent analysis, is not already known to the government, and is not derived solely from public

sources. The information must also contribute to a successful enforcement action that meets the program's requirements.

"Voluntarily" is a meaningful limit. Information given only after a government request, examination, or other applicable obligation may not meet the voluntary-submission requirement. Timing matters, so someone who is considering reporting should not assume that waiting until an investigation becomes public will preserve eligibility.

Common eligibility limits to consider

- **Related criminal conviction:** A conviction for a criminal violation related to the enforcement action can bar an award.
- **Information already known:** A report that merely repeats facts already known to the government may not qualify as original information.
- **Publicly available material:** Information derived solely from public sources may not satisfy the standard.
- **Failure to contribute:** A submission does not qualify just because it is accurate; it must contribute to a successful qualifying action.
- **Confidentiality and access restrictions:** SAR information and other protected records have restrictions. Do not assume you can copy or disclose them because you have a whistleblower concern.

Eligibility limits can be technical and fact-specific. If you participated in the conduct, have been contacted by investigators, or possess SAR-related information, consider speaking with an attorney experienced in whistleblower matters before submitting documents or discussing details.

What Types of Violations May Qualify?

The program concerns violations of the BSA and related requirements, subject to the law's scope and qualifying enforcement action. A report may be relevant when it identifies conduct such as:

- **SAR failures:** A financial institution allegedly failed to identify, investigate, or file required Suspicious Activity Reports, or submitted reports that were materially deficient.
- **Structuring:** Transactions were allegedly divided or arranged to evade reporting or recordkeeping requirements. For example, a business might repeatedly break up cash deposits to avoid a required report.
- **Customer due diligence (CDD):** A firm allegedly failed to identify or verify customers or beneficial owners, understand a customer relationship, or monitor activity as required.
- **Recordkeeping violations:** Required transaction records were allegedly missing, inaccurate, improperly maintained, or withheld.
- **Sanctions-related conduct:** Information may concern transactions involving prohibited parties or other sanctions evasion, where the conduct falls within the relevant enforcement authority and program requirements.

These examples are not a checklist that guarantees an award. A genuine compliance failure may not result in a qualifying monetary action, and a report must still satisfy the program's information, submission, and contribution requirements.

SAR Confidentiality: A Crucial Caution

SARs are confidential. Federal law restricts financial institutions and their employees from disclosing the existence of a SAR or information that would reveal one was filed, subject to limited exceptions. A whistleblower should not

forward a SAR, tell a customer that one exists, or place protected material in an ordinary email or public submission without understanding the rules.

You can describe suspected conduct without assuming that you should disclose the SAR itself. For example, you might explain that certain transactions were repeatedly escalated internally but not addressed, or identify the dates, accounts, personnel, and decision process you personally know about. Get legal advice about how to provide supporting information lawfully and through an appropriate channel.

How Culpability Could Affect the Award Amount

There is no simple formula that subtracts a fixed percentage for every instance of involvement. The award range is not a schedule assigning a set reduction to a particular job duty. Instead, the government evaluates the relevant circumstances under the program's rules and award criteria.



Consider two employees at a bank with repeated structuring activity. One employee handled routine transactions, noticed a pattern, raised it to a aml compliance failures supervisor, and later provides detailed information about how alerts were suppressed. Another employee helped create the transaction process to avoid reporting and deleted records. Their roles are materially different. The first person's ordinary involvement would not automatically establish culpability; the second person's conduct could raise serious questions about eligibility and the amount of any possible award. If the second person were convicted of a related criminal violation, the statutory bar would be a separate and decisive concern.

It is also important not to minimize your role or make a submission that leaves out damaging facts. Inaccurate or misleading statements can undermine credibility and may create additional legal exposure. A clear account of what you did, what you knew at the time, and what you later learned is generally more useful than a broad conclusion such as "I was not responsible."

What to Do Next: A Practical Checklist

1. **Write a factual timeline.** Note dates, transactions, meetings, escalation steps, and who had decision-making authority. Separate what you personally observed from what others told you.

2. **Preserve information lawfully.** Do not access accounts or files you are not authorized to access, alter records, or remove confidential materials. Follow applicable retention and legal-hold obligations.
3. **Protect your privacy.** Do not use a work laptop, work phone, work email, or employer network for sensitive personal communications with an attorney or a whistleblower representative.
4. **Review FinCEN's current instructions.** Visit FinCEN.gov for the latest BSA whistleblower information and submission requirements.
5. **Get independent legal advice.** If you may have participated in the conduct, consult an attorney before submitting sensitive documents or making statements to your employer, regulators, or law enforcement.
6. **Do not promise yourself an award.** A submission may lead to no action, no qualifying monetary sanctions, or no award. Keep decisions about safety, employment, and legal exposure separate from assumptions about payment.

The Bottom Line

Your culpability can matter, but it does not automatically reduce—or eliminate—an AML whistleblower award in every case. The clearest statutory bar is a conviction for a criminal violation related to the action. Other forms of involvement can still affect eligibility or the award assessment, depending on what you did, what you knew, the information you provide, and whether it contributes to a qualifying enforcement action.

If your information involves SARs, structuring, CDD, records, or sanctions, treat confidentiality and lawful access as central issues. Check FinCEN's current guidance, document your knowledge carefully, and get independent legal advice before taking sensitive material or making a report.