A tip is most useful when it gives investigators specific, credible information they can check and act on. For the Financial Crimes Enforcement Network (FinCEN), that may mean evidence of a suspected breach of the Bank Secrecy Act (BSA), a clear explanation of how the conduct worked, and details that help identify people, transactions or records.

There is no simple checklist that guarantees an award. The legal test focuses on whether information is original, voluntary and leads to a successful enforcement action. Its practical value also depends on how well it helps authorities investigate and establish a case.

This distinction matters. A concern raised through an employer's internal compliance channel may help a firm investigate or meet its Suspicious Activity Report (SAR) obligations. An external submission to a regulator serves a different purpose: it gives government authorities information they can assess independently. A person may need to consider both routes, as well as the risks and timing involved.

What changed in the BSA whistleblower programme?

Congress substantially strengthened the BSA whistleblower programme through legislation enacted in 2022. The changes replaced a more limited award framework with a statutory system that provides for awards when qualifying information leads to a successful enforcement action and the required monetary-sanctions threshold is met.

In broad terms, the programme covers people who voluntarily provide original information to the Treasury Department or an appropriate law-enforcement authority about a possible BSA violation or related conduct. FinCEN administers the programme, but a tip may concern conduct investigated or pursued by another authority, including the US Department of Justice (DOJ).

The reforms made awards mandatory for eligible whistleblowers in qualifying cases, subject to the statutory requirements and the award-setting process. They also established an award range of 10 to 30 per cent of monetary sanctions collected in the covered action. That is not a promise that every tip will produce an award, or that every eligible person will receive 30 per cent.

The $1 million sanctions trigger

The award requirement applies when an enforcement action based on the information results in monetary sanctions exceeding $1 million. The threshold concerns sanctions imposed in the relevant action, not the amount of money involved in the suspected misconduct, the value of a transaction, or a whistleblower's estimate of the harm.

Investigators must first establish a case and obtain a qualifying result. Authorities must then collect monetary sanctions. A tip can be useful to an investigation without leading to an enforcement action that meets the threshold. It can also help expose serious conduct without producing funds from which an award can be calculated.

That is why a whistleblower should avoid treating a possible award as a predictable outcome. The process depends on evidence, enforcement decisions, litigation or settlement, collections, and the programme's rules. A lawyer experienced in whistleblower matters can help assess eligibility and filing strategy, but cannot guarantee that a tip will lead to a case or payment.

What does “useful” mean in practice?

The statute’s central concepts are “original information” and a successful enforcement outcome. In practice, a strong submission helps authorities understand what may have happened, why it may violate the law, and where they can find evidence. The following features often make information easier to assess.



- **Specific conduct:** Explain what happened, when it happened, where it occurred and who was involved. Identify the products, customers, accounts, counterparties or business units relevant to the concern.
- **A clear method:** Describe how the suspected conduct worked. For example, explain how transactions were structured, how customer due diligence was bypassed, or how alerts were overridden.
- **Evidence authorities can test:** Identify records, messages, systems, witnesses or transaction references that may confirm or disprove the account. A tip need not include every document, but it should help investigators locate relevant evidence.
- **First-hand detail:** Distinguish what the person directly observed from what they heard from others or inferred from records. Clear boundaries make an account more credible and help authorities plan follow-up questions.
- **Materiality:** Explain why the information matters to a possible BSA violation or related enforcement action. An isolated process error may be less informative than evidence of repeated conduct, management involvement or a deliberate control failure.
- **Useful context:** Describe how the issue was handled internally, including any investigation or remediation, where that information can lawfully be shared. Context can help authorities understand what is known, what remains unresolved and whether evidence may be at risk.

These points are practical indicators, not a scoring formula. A short, well-supported account of a specific transaction may be more useful than a long submission full of speculation. Equally, a tip that seems incomplete to its author may give investigators a valuable lead when combined with other evidence.

Originality criteria: what makes information “original”?

Originality is a legal concept, not a claim that no one else has ever suspected the conduct. The relevant question is whether the submission meets the programme’s requirements for information derived from the whistleblower’s

independent knowledge or independent analysis, rather than simply repeating information already available to authorities or the public.

Independent knowledge can include facts learned through a person's work or other direct experience. Independent analysis can involve examining information in a way that produces insight not already generally known or publicly available. The rules contain exclusions and qualifications, so a person should not assume that access to a document automatically makes its contents eligible.

For example, a report that repeats a public news story without adding new facts may have limited value as original information. By contrast, a person who explains how a particular internal control was bypassed, identifies the relevant records and points to transactions not previously known to authorities may offer a more distinct contribution.

Originality is not the same as being first in every circumstance. The programme's rules address situations where information has already been reported, disclosed or obtained by another source. They also provide procedures for making an award claim. Because timing can affect whether information qualifies and how it is treated, potential whistleblowers should get advice before assuming that an internal report, public disclosure or regulatory tip has preserved their position.

Internal compliance reporting and external submissions

Internal reporting channels—such as an ethics hotline, a compliance team or a designated reporting officer—can prompt a prompt investigation and help a firm meet its legal and regulatory responsibilities. In financial institutions, relevant findings may also inform whether the firm must file a SAR. SAR obligations belong to the institution; a whistleblower does not decide whether a SAR must be filed.

An external submission is different. It brings information directly to a government authority for assessment. Internal and external reporting are not interchangeable, and reporting internally does not necessarily mean that a regulator has received the information. Nor should a person assume that an employer's investigation will protect the person's place in an award programme or preserve the timing of an external submission.

People should consider the reporting route carefully and seek legal advice promptly where possible. whistleblower anti retaliation laws Relevant questions include whether the information is original, whether it has already been reported, what records can lawfully be shared, and whether internal reporting could alert people who may destroy evidence or retaliate.

Take care with Suspicious Activity Reports

SARs are confidential. A person should not assume that they may copy, disclose or transmit a SAR—or reveal that one exists—when making a whistleblower submission. The confidentiality rules can restrict disclosure, and mishandling a SAR may create serious legal problems.

A safer focus is usually the underlying facts: the transactions, conduct, control failures and records that caused concern. Whether a particular document may be shared is a question for a lawyer familiar with the applicable rules. Do not remove confidential or restricted material from an employer's systems without advice, and do not access records you are not authorised to access.

How FinCEN may assess the utility of information

"Utility of information" is a helpful way to think about a tip's practical contribution, but it is not a separate guaranteed award test. Authorities assess information in context: whether it is credible, whether it can be

corroborated, whether it advances an investigation, and whether it ultimately helps produce a qualifying enforcement result.

In considering an award, the programme takes account of factors such as the significance of the information, the degree of assistance provided, the law-enforcement interest in the matter and the whistleblower's participation. The amount within the 10 to 30 per cent range is therefore not determined simply by the volume of material supplied or the seriousness of the allegation.

What the tip provides Why it may help What it does not guarantee Specific transactions, dates and parties Gives investigators leads they may be able to trace and verify That the conduct is unlawful or will be pursued Records or a clear path to records Helps authorities test the account and build an evidential picture That every record is admissible or may lawfully be shared by the tipster First-hand explanation of a control failure Shows how the conduct may have occurred and who may know more That the information meets the programme's originality rules Follow-up assistance Can help investigators understand evidence and clarify details Any particular award percentage or enforcement outcome

Anti-retaliation protections and practical limits

The BSA whistleblower framework includes anti-retaliation protections and a federal cause of action for a whistleblower who experiences prohibited retaliation. Depending on the circumstances, remedies can include reinstatement, double back pay with interest, and compensation for litigation costs, expert fees and reasonable attorneys' fees.

These protections matter, but they do not remove the risk of retaliation or make the process effortless. A person may still face workplace pressure, damaged relationships or disputes over the reason for an employment decision. The law also has requirements and deadlines. A whistleblower considering a claim should promptly obtain advice from a US employment or whistleblower lawyer about the facts, available remedies and filing timing.

Keep a careful, lawful record of relevant events, including the date and content of reports and any subsequent changes in work conditions. Do not secretly record conversations or retain confidential business material without first checking whether doing so is lawful. Retaliation concerns and evidence-preservation decisions are reasons to seek advice early, not after a dispute has escalated.

Making a tip clearer and more useful

1. **Set out the core allegation first.** State the suspected conduct and why it may involve a BSA violation or related issue.
2. **Use a chronology.** Give dates or date ranges, explain how the conduct developed and identify important changes in controls or personnel.
3. **Separate fact from inference.** Label what you witnessed, what records show and what you believe may follow from those facts.
4. **Point to corroboration.** Identify records, systems and people who may confirm the account. Do not exaggerate what the evidence proves.
5. **Address prior reporting accurately.** Note relevant internal or external reports and when they were made. Get advice on how this may affect eligibility and timing.
6. **Protect yourself and others.** Avoid unauthorised access or disclosure, particularly of SARs and other restricted material, and consider retaliation risk before taking action.

The bottom line

FinCEN's assessment is not about how forcefully a person describes suspected wrongdoing. It is about whether the information meets the programme's legal requirements and can help authorities investigate and establish a case. Originality criteria, credible detail, corroboration and meaningful assistance can all matter; none guarantees an award.

The 2022 reforms created a mandatory-award framework for qualifying cases with more than $1 million in monetary sanctions, with awards generally ranging from 10 to 30 per cent of collected sanctions. They also provide anti-retaliation protections and a federal cause of action. But eligibility, timing, confidentiality and workplace risk remain fact-specific. Anyone considering a report should distinguish internal compliance channels from external submissions, protect restricted information and seek qualified legal advice before acting.

