

Overview of Whistleblower Programs

Compiled by The Anti-Fraud Coalition

Federal False Claims Act

Overview

The federal False Claims Act (“FCA”), which rewards whistleblowers for helping the government recover stolen or improperly withheld public funds, is the most powerful law to fight fraud against the government. The FCA covers a wide range of government programs, including fraud on: Medicare, Medicaid, and other government health plans; housing and mortgage programs; educational programs and institutions; construction, road, and railway projects; military and defense spending; and government grants and contracts. TAF has compiled a detailed list of fraud schemes that have been prosecuted under the FCA [here](#). Damages under the FCA are severe: defendants may have to pay up to three times the actual damages plus penalties ranging from [\\$14,308 to \\$28,619](#) per violation (the penalty amount is [adjusted annually for inflation](#)).

Whistleblowers (also called relators) are crucial to the FCA’s success because defendants often go to great lengths to conceal fraud against the government. Under the FCA’s *qui tam* provisions, whistleblowers who know about FCA violations can file a case on the government’s behalf, thereby bringing the scheme to light. Whistleblowers who bring successful cases are entitled to receive a reward of [15% to 30%](#) of the government’s recovery depending on the assistance they provide to the government and whether the government intervenes in the case. As discussed further below, FCA complaints are filed in court in camera and under seal, meaning that they are kept confidential until a court orders them to be unsealed. In addition to the complaint, a “disclosure statement” is provided directly to the government (it is not filed with the court). The disclosure statement includes all of the material evidence and information the whistleblower has regarding the FCA violation.

Given the harsh punishment FCA defendants face, there are a number of requirements to bringing a successful FCA claim. In addition, to be eligible for an award, a whistleblower must be the [“first to file”](#) a FCA case regarding the fraudulent scheme and cannot file a case that is only (or mostly) based on public information unless the whistleblower is the original source of that information. Whistleblowers who [“planned and initiated”](#) the fraud can have their award reduced, and individuals criminally convicted for their role in the fraud cannot receive an award. Experienced FCA counsel can assist whistleblowers in navigating these issues, along with other complexities that can arise during an FCA case.

Whistleblower Protections

Retaliation

The FCA protects whistleblowers who lawfully try to stop FCA violations from [retaliation](#) by their employers. Discharge, demotion, suspension, threats, harassment, or other types of employment-related discrimination are all forms of retaliation [under the law](#). Whistleblowers who do face retaliation can file suit against their employers in federal court and are entitled to “all relief necessary” to make them whole. [Such relief includes](#) reinstatement to their job at the appropriate seniority level, two times back pay, and additional special damages such as litigation costs and attorneys’ fees.

Confidentiality

FCA complaints are filed in court in camera and ***under seal***, meaning that at the start of the case the case is confidential: only the court, government, whistleblowers, and their attorneys know the case exists. Although the FCA statute states that the complaint stays under seal for “[at least 60 days](#),” the case typically remains under seal for much longer while the government investigates the whistleblower’s claims and determines whether it will “intervene” in (or join) the case. In the normal course, once the government finishes its investigation, the complaint will come out from under seal, and the public will know about the case and the whistleblower’s identity. In certain circumstances, such as when the whistleblower’s safety could be threatened by revealing their identity, the court may allow the case to remain under seal for a longer period of time or for a whistleblower to remain anonymous. However, as with any whistleblower filing, anonymity is not a guarantee.

Facts and Figures

- Total amount recovered from qui tam suits: [55.2 billion](#)
- Total amount awarded to whistleblowers: [over 9.5 billion](#)
- Number of qui tam lawsuits filed (FY 2024): [979](#)
- Average Time to Receive Award after filing suit: the consensus among FCA practitioners is that FCA cases, on average, take multiple years to resolve. However, the amount of time can vary widely between cases. Factors that can affect a case’s length include, among others: the case’s complexity, the government’s awareness of the scheme, and whether the defendants have criminal liability.

Expected Government Communications

Like the average length of FCA cases, communications from the government during its investigation can vary widely from case to case. In many cases, the government will ask to speak with a whistleblower and their counsel in what is called a “relator interview.” This interview gives the government the opportunity to learn more about the whistleblower’s background and ask any questions they have regarding the case or information contained in the disclosure statement. Moreover, if the government wants to extend the seal beyond the initial 60 days, it will ask whether the whistleblower consents to the extension. Typically, the government requests extensions in six-month increments, though it is not required to do so.

Beyond these more routine communications, the government may share certain information regarding its investigation with whistleblowers’ attorneys and may call upon whistleblowers and their counsel to assist with certain aspects of the investigation. Examples include formulating document requests for the defendant, determining which individuals associated with the defendant are most important to interview, analyzing the defendant’s documents, and analyzing damages. In other instances, the government shares very little information regarding its investigation with whistleblowers’ attorneys.

Many factors can play a role in how much information the government chooses to share regarding its investigation, and the government’s decision to share little does not mean it is uninterested in the case.

Additional Resources

- [TAF Fact Sheet: The False Claims Act](#)

IRS

Program Overview

The Internal Revenue Service (“IRS”) Whistleblower Program was established by Congress in 2006 under the Tax Relief and Health Care Act to incentivize individuals to report information about tax fraud to the IRS. Under the program, which is administered by the [IRS Whistleblower Office](#), eligible individuals are entitled to receive an award from 15% to 30% of the monies collected that are attributable to the whistleblower’s information.

To be eligible for an award, whistleblowers must provide the IRS with [“specific and credible information regarding tax underpayments or violations of internal revenue laws . . . that lead to proceeds collected.”](#) In addition, the whistleblower’s information must be related to a tax fraud that exceeds \$2 million. [If the matter relates to an individual taxpayer](#), the individual’s gross income must exceed \$200,000 for at least one relevant tax year.

Whistleblowers must use the IRS Form 211, Application for Award for Original Information when making a submission to the IRS. Unlike other whistleblower programs, whistleblowers cannot

make an IRS submission anonymously. Attorneys can assist whistleblowers with their filing to ensure the applicable rules are satisfied.

In FY 2023, the [most common](#) allegations reported to the IRS were:

- Unreported/ Under Reported Income
- Overstated or False Deductions
- Failure to File Tax or Information Return
- General Allegations of Fraud, Tax Fraud, Wire Fraud, Insurance Fraud, etc.
- Employee vs. Subcontractor
- Rental Income
- Under Reported Wages/Cash Under the Table
- Capital Gains Tax
- Money Laundering
- International/Offshore Issues

Whistleblower Protections

Retaliation

Under the Taxpayer First Act, employees who report tax fraud to the IRS or their supervisors are protected against retaliation. Retaliation [includes](#) discharge, demotion, suspension, threats, harassment, or any other manner of discrimination against an employee in the terms and conditions of employment. Employees who have a retaliation claim under the Taxpayer First Act may file a complaint with the Secretary of Labor or, if the Secretary has not issued a final decision within 180 days of the complaint filing, bring a lawsuit in federal court. Notably, arbitration agreements covering a retaliation claim under the Act are unenforceable.

Confidentiality

The IRS Whistleblower Office works to maintain the confidentiality of whistleblowers. The Director of the IRS Whistleblower Office [has stated that](#) “[t]he IRS takes the protection of whistleblower identity very seriously. We protect against the disclosure of a whistleblower’s identity, and even the fact that they have provided information, to the maximum extent that the law allows.” However, as with other whistleblower programs, there are certain instances in which the IRS may have to disclose a whistleblower’s identity to outside persons and entities. Attorneys can guide potential whistleblowers through the potential risks and rewards of submitting a Form 211 to the IRS, including the circumstances under which a whistleblower’s identity may be revealed.

Facts and Figures

- Total amount recovered: [over \\$7 billion](#)
- Total amount awarded to whistleblowers: [over \\$1.2 billion](#)
- Number of award orders (FY 2023): [121](#)
- Form 211s received (FY 2023): [6,455](#)
- Average Time to Receive Award after Form 211 Filing (FY 2023): [between 10.37 and 11.29](#) years depending on the type of claim.

Expected Government Communications

Federal tax law [requires the IRS](#) to keep taxpayer return and return information confidential, which limits the information that the IRS will share with whistleblowers. However, the [Taxpayer First Act](#) requires the IRS notify tax whistleblowers of key developments in their case.

The IRS must now inform whistleblowers within 60 days if:

- The IRS has referred a case for audit or examination about which the whistleblower provided information.
- A taxpayer the whistleblower identified has made a tax payment related to the whistleblower's information.

The IRS generally will not disclose whether the IRS has undertaken an audit, collection proceeding or criminal investigation.

In addition, the IRS is now authorized to give written responses to requests for information from whistleblowers or their attorneys on the status of their whistleblower claim. Such requests must be in writing and [meet certain other criteria](#). The IRS will only respond to one written request for information per year. If a request for information is made by phone, the IRS will only say whether a whistleblower's claim is open or closed.

The IRS will also inform whistleblowers if it determines that they are entitled to an award (and the amount) or that their claim was rejected or denied. Whistleblowers cannot appeal an IRS' claim *rejection*, but they can appeal an award denial or amount in tax court.

Additional Resources

- [The IRS Whistleblower Claims Process](#)

SEC

Program Overview

The Securities and Exchange Commission (“SEC”) Whistleblower Program was established by Congress to incentivize individuals to report information about federal securities laws violations. Under the program, which is administered by the [SEC’s Office of the Whistleblower](#), eligible individuals are entitled to receive an award from 10% to 30% of the monies collected that are attributable to the whistleblower’s information.

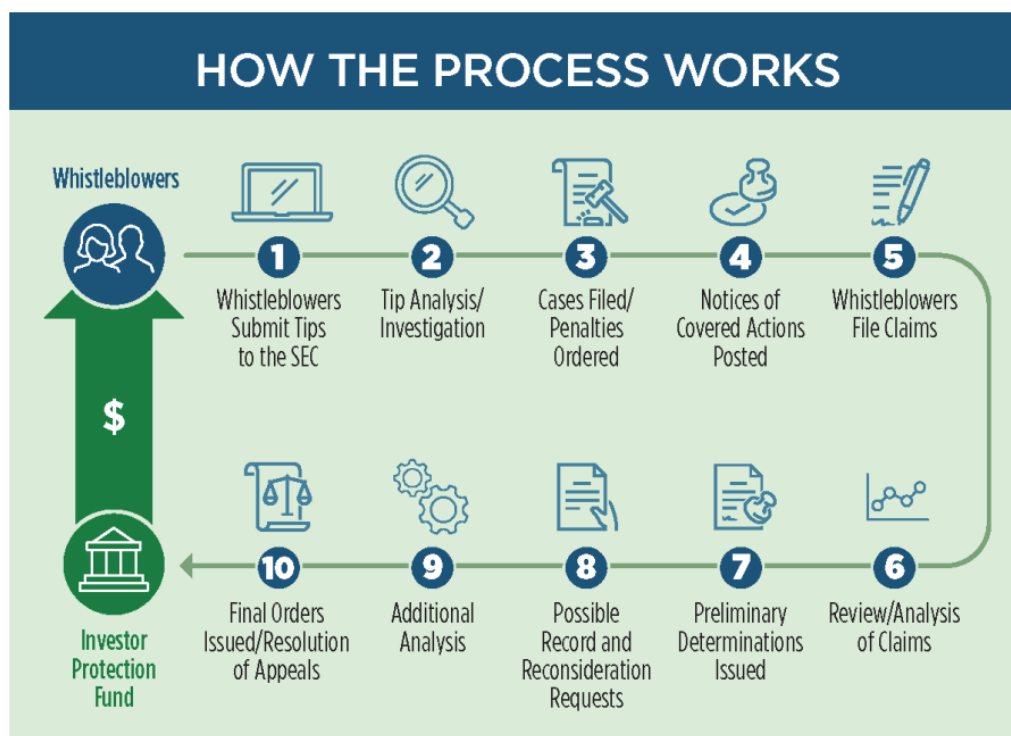
To be eligible for an award, whistleblowers must voluntarily provide the SEC with original information in writing about a federal securities law violation, which leads to an SEC enforcement action resulting in monetary sanction for over \$1 million. One or more individuals can act as a whistleblower, but companies or organizations cannot.

The SEC has stated that examples of misconduct it is interested in [include](#):

- Ponzi scheme, Pyramid scheme, or a High-Yield Investment Program
- Theft or misappropriation of funds or securities
- Manipulation of a security’s price or volume
- Insider trading
- Fraudulent or unregistered securities offering
- False or misleading statements about a company (including false or misleading SEC reports or financial statements)
- Abusive naked short selling
- Bribery of, or improper payments to, foreign officials
- Fraudulent conduct associated with municipal securities transactions or public pension plans
- Other fraudulent conduct involving securities

Whistleblowers must provide their information to the SEC in the format set forth in the SEC’s rules, i.e., a [Tips, Complaints & Referrals \(TCR\) Form](#). The SEC publishes its recoveries exceeding \$1 million on its website’s [Notices of Covered Action \(“NoCA”\)](#) page. Whistleblowers who believe their information led to the Covered Action must file an award application [within 90 days](#) of the Notice to the Office of the Whistleblower. Attorneys can assist whistleblowers in preparing their filings award applications to ensure that the SEC’s rules are satisfied.

Whistleblower Submission and Award Process



Source:

<https://www.sec.gov/enforcement-litigation/whistleblower-program>

Whistleblower Protections

Retaliation

Under federal laws and SEC rules, employers cannot retaliate against whistleblowers who report potential securities law violations to the SEC. As [explained by the SEC](#), "[t]his generally means that employers may not discharge, demote, suspend, harass, or in any way discriminate against an employee in the terms or conditions of employment who has reported conduct to the Commission that the employee reasonably believed violated the federal securities laws." Whistleblowers who experience retaliation have two avenues of relief: first, the SEC can take legal action against employers for retaliation; second, whistleblowers can sue their employers in federal court. Notably, to qualify for these protections, whistleblowers must report their information to the SEC in writing.

An SEC rule also prohibits individuals from taking any action to impede an individual from reporting securities violations to the SEC. However, only the SEC can enforce this rule.

Confidentiality

Whistleblowers can submit TCRs anonymously and still qualify for an award if they are represented by counsel. Moreover, the SEC works to protect whistleblowers' identities ["to the](#)

[fullest extent possible.](#)” However, potential whistleblowers should keep in mind that “in certain circumstances” the SEC “must disclose” a whistleblower’s identity to “outside persons or entities.” Attorneys can guide potential whistleblowers through the potential risks and rewards of submitting a TCR to the SEC, including the circumstances under which a whistleblower’s identity may be revealed.

Facts and Figures

- Total TCRs received (FY 2024): [24,980 \(though over 14,000 were attributable to two individuals\)](#)
- Total amount awarded to whistleblowers: over [\\$2.2 billion](#)
- Total number of individual whistleblowers receiving awards: [444](#)
- Average Time to Receive Award: the SEC does not publish information on the average time it takes between submitting a TCR and receiving a whistleblower award, and the amount of time can vary widely between cases. However, practitioners have observed that even receiving an award after a successful action can take over a year.

Expected Government Communications

The SEC [states](#) that it “conducts its investigations on a confidential basis as a matter of policy. . . . The SEC generally does not comment on whether it has opened an investigation in a particular matter or the status of its investigations. While this can be frustrating, it is necessary to protect the integrity of the investigative process.”

The SEC may contact whistleblowers or their attorneys if it needs additional information to evaluate a whistleblower’s TCR or assist in its investigation. However, whistleblowers should not expect to receive updates from the SEC during its investigation.

The SEC posts Notices of Covered Action exceeding \$1 million in sanctions on its website so whistleblowers who believe their information was used in the Covered Action can apply for a whistleblower award. If the SEC has been working with a whistleblower or their attorney, they may contact the whistleblower or attorney as a courtesy regarding the NoCA posting. However, this notification is not an award determination.

The SEC does not provide status updates on pending award applications, but it does notify whistleblowers when it has made a preliminary determination regarding an award claim. Whistleblowers may appeal the preliminary determination if they are not satisfied with the result. The SEC provides information on its appeals process [here](#).

Additional Resources

- [SEC Whistleblower Frequently Asked Questions](#)

CFTC

Program Overview

The Commodity Futures Trading Commission's ("CFTC") Whistleblower Program was created by the Dodd-Frank Act to incentivize whistleblowers to report violations of the Commodity Exchange Act ("CEA"). Under the program, which is administered by the [CFTC's Whistleblower Office](#), eligible individuals are entitled to receive an award from [10% to 30% of the monies collected](#) that are attributable to the whistleblower's information.

To be eligible for a [CFTC Program award](#), whistleblowers must provide the CFTC with original information in writing about a CEA violation, which leads to a CFTC enforcement action resulting in a monetary sanction for over \$1 million. One or more individuals can act as a whistleblower, but companies or organizations cannot.

The CFTC has stated that examples of misconduct it is interested in [include](#):

- Fraud (for example, fraudulent solicitation, misappropriation of customer funds, issuing false customer account statements, mishandling customer funds, Ponzi schemes, affinity schemes)
- Market manipulation, including attempted market manipulation and disruptive trading practices (for example, fictitious and non-competitive transactions, illicit trading strategies designed to manipulate or attempt to manipulate prices, and spoofing, which is defined as entering an order with the intent to cancel it before it is consummated in a complete transaction)
- Trade practice violations (wash sales, fictitious sales, noncompetitive transactions, violation of position limits, noncompetitive exchange of futures for physical transactions opposite each other, unauthorized swap transactions, inadequate oversight of traders, undercapitalization, improper controls and supervision, improper handling and/or segregation of customer funds, failing to comply with applicable record-keeping and audit trail rules, and creating after the fact trading records containing fictitious information that were submitted for clearing)

Whistleblowers must provide their information to the CFTC in the format set forth in the CFTC rules, i.e., a Form Tip, Complaint, or Referral ("TCR"), and the Whistleblower Office [strongly](#)

[encourages](#) whistleblowers to submit forms through its online portal. The CFTC publishes its recoveries exceeding \$1 million on its website's [Notices of Covered Action \("NoCA"\)](#) page. Whistleblowers who believe their information led to the Covered Action [must file an award application within 90 days](#) of the Notice to the Whistleblower Office. Attorneys can assist whistleblowers in preparing submissions and award applications.

Whistleblower Protections

Retaliation

Employers are prohibited from retaliating against whistleblowers for communicating with the CFTC regarding possible CEA violations. Specifically, [employers cannot](#) "discharge, demote, suspend, threaten, harass, directly or indirectly, or in any other manner discriminate against a whistleblower in the terms and conditions of employment for coming forward with information about possible violations of the CEA." Both the CFTC and whistleblowers may bring retaliation actions against an employer.

Confidentiality

The CFTC [states](#) that it is "committed to protecting whistleblowers' identities" and "treats information learned during the course of an investigation, including the identity of sources, as non-public and confidential." However, potential whistleblowers should keep in mind that there are "[limits](#) on the Commission's ability to shield [a whistleblower's] identity." [Examples include](#) when the CFTC is required to make a disclosure to a defendant or respondent in a public proceeding that it, or another government or regulatory entity, files. Attorneys can guide potential whistleblowers through the potential risks and rewards of submitting a TCR to the CFTC, including the circumstances under which a whistleblower's identity may be revealed.

Facts and Figures

- Total amount recovered: [over \\$3.2 billion](#)
- Total amount awarded to whistleblowers: [nearly \\$390 million](#)
- Total number of award orders: [53](#)
- TCRs received (FY 2020 – FY 2024): [6,771](#)
- Award Applications (FY 2020 – FY 2024): [1,050](#)

- Average Time to Receive Award: the CFTC does not publish information on the average time it takes between submitting a TCR and receiving a whistleblower award. The amount of time can also vary widely between cases.

Expected Government Communications

The CFTC [states](#) that “the Whistleblower Office will not affirmatively provide updates on the status on your complaint.”

The CFTC may contact whistleblowers or their attorneys if it needs additional information to evaluate a whistleblower’s TCR or assist in its investigation. However, whistleblowers should not expect to receive updates from the CFTC during its investigation. Indeed, the CFTC [makes clear](#) that while “staff from the Whistleblower Office will answer any procedural questions you have regarding the Whistleblower Program . . . because all CFTC investigations are confidential and nonpublic, the staff is prohibited from revealing any information about CFTC investigations, including confirming or denying the existence of an investigation.” However, CFTC [does provide](#) that “if the CFTC Division of Enforcement opened an investigation based on your tip, you will very likely hear from investigative staff.”

The CFTC posts Notices of Covered Action exceeding \$1 million in sanctions on its website so whistleblowers who believe their information was used in the Covered Action can apply for a whistleblower award. The CFTC [states that](#) whistleblowers should not expect to receive status updates regarding their award claims, but that the Whistleblower Office will contact them if they need additional information related to the award claim. The CFTC will contact whistleblowers when it has made a preliminary determination regarding an award claim. Whistleblowers may request that the CFTC reconsider its [preliminary determination](#) if they are not satisfied with the result. Whistleblowers can likewise appeal the CFTC’s [final order](#).

Notably, the CFTC [cannot communicate directly](#) with whistleblowers who are represented by counsel. Therefore, CFTC whistleblowers with questions regarding their TCR or award application should speak with their attorneys, who can contact the CFTC Whistleblower Office as appropriate.

Additional Resources

- [CFTC Whistleblower Program Frequently Asked Questions](#)

Financial Crimes Enforcement Network (“FinCEN”) Anti-Money Laundering and Sanctions Program

Program Overview

The U.S. Treasury Department's Financial Crimes Enforcement Network ("FinCEN") administers an Anti-Money Laundering and Sanctions Whistleblower Program ("FinCEN Program") that incentivizes whistleblowers to report money-laundering violations and sanctions evasion. The program was created as part of the fiscal 2021 National Defense Authorization Act and strengthened under the [Anti-Money Laundering Whistleblower Improvement Act of 2022](#). Under the [FinCEN Program](#), eligible individuals are entitled to receive an award from 10% to 30% of the monies collected that are attributable to the whistleblower's information. Although the program is run under FinCEN, the Office of Foreign Assets Control ("OFAC") reviews and investigates whistleblower tips regarding sanctions violations.

To be [eligible for a FinCEN Program award](#), whistleblowers must voluntarily provide the U.S. Treasury Department with original information about money-laundering schemes or sanctions violations (more specifically, [violations of the Bank Secrecy Act, International Emergency Economic Powers Act, Foreign Narcotics Kingpin Designation Act, or certain provisions of the Trading with the Enemy Act](#)), which leads to a U.S. Treasury enforcement action resulting in monetary sanction for over \$1 million.

Examples of misconduct covered under the FinCEN Program include:

- Money laundering
- Terrorist financing
- Failure to report suspicious transactions
- Know Your Customer (KYC) failures
- Doing business with sanctioned persons or persons from a sanctioned country
- Companies allowing sanctioned persons to use the company's systems or tools
- Companies failing to create and maintain effective compliance programs
- Repeat noncompliance with rules and requirements

There are [no regulations](#) governing the FinCEN Program at present, so FinCEN has not set forth specific requirements for filing whistleblower tips or receiving an award in the event of a recovery. Tips are currently submitted to FinCEN's Whistleblower Office by email, and the Office then sends the tip to the relevant enforcement agency.

Whistleblower Protections

Retaliation

Employers are prohibited from retaliating against whistleblowers for communicating with FinCEN regarding possible money-laundering and sanctions violations. Specifically, employers cannot discharge, demote, suspend, threaten, blacklist, harass, or discriminate against whistleblowers for providing information about conduct they reasonably believe violates any law, rule, or regulation that the U.S. Treasury Department oversees. Whistleblowers with retaliation claims can file a complaint with the Secretary of Labor and, in some circumstances, federal court. Whistleblowers who face retaliation may be entitled to reinstatement, double back pay, compensatory damages, and other appropriate relief.

Confidentiality

Whistleblowers may submit a tip to FinCEN [anonymously](#). Moreover, as with other government agencies, FinCEN must protect whistleblowers' identities and treats information learned during an investigation, including the identity of sources, as non-public and confidential. However, as with other whistleblower programs, potential whistleblowers should keep in mind that there are limits on FinCEN's ability to shield a whistleblower's identity. For example, FinCEN may be required to make a disclosure to a defendant or respondent in a public proceeding that it, or another government or regulatory entity, files. Attorneys can guide potential whistleblowers through the potential risks and rewards of submitting a whistleblower tip to FinCEN, including the circumstances under which a whistleblower's identity may be revealed.

Facts and Figures

- Total amount recovered: To date, FinCEN has not announced any recoveries under its whistleblower program.
- Whistleblower Tips received: [270 as of May 2024](#).

Expected Government Communications

Although FinCEN does not have any formal statements regarding its policy on communicating with whistleblowers and their counsel, whistleblowers should expect limited communication from FinCEN or OFAC during an investigation. In particular, though FinCEN or OFAC may contact whistleblowers or their attorneys if the agency needs additional information to evaluate a whistleblower's tip or assist in its investigation, whistleblowers should not expect to receive updates from the agency during an investigation.

Corporate Whistleblower Awards Pilot Program

Program Overview

The [Corporate Whistleblower Awards Pilot Program](#) (“Pilot Program”) provides incentives for whistleblowers to report corporate crime that does not qualify for an award under another whistleblower program or the federal False Claims Act. The Pilot Program is a three-year initiative, effective since August 1, 2024, which is managed by the U.S. Department of Justice Criminal Division’s Money Laundering and Asset Recovery Section. Eligible individuals who voluntarily provide the Criminal Division with original information in writing about corporate misconduct that results in forfeiture [may receive an award](#) of up to 30% of the first \$100 million in net proceeds forfeited and up to 5% of the next \$100 to \$500 million in net proceeds forfeited.

To be [eligible for a Pilot Program award](#), whistleblowers must voluntarily provide DOJ’s Criminal Division with original information about specific categories of corporate misconduct, which leads to a forfeiture of over \$1 million. To be eligible for an award, the whistleblower’s information must relate to one of [four general](#) subject areas:

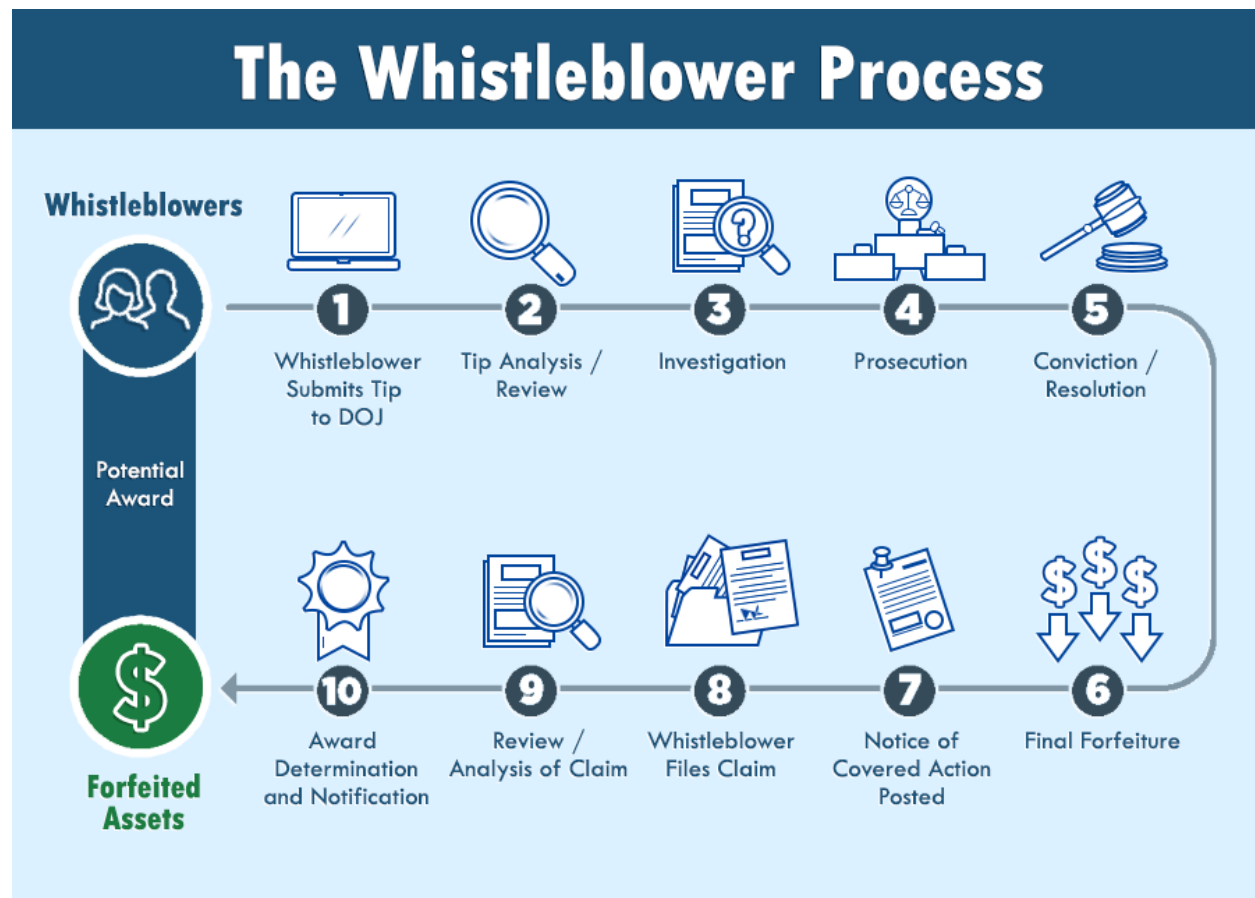
1. Certain crimes involving financial institutions and their employees
2. Foreign corruption involving misconduct by privately held companies and others that are not issuers of U.S. securities
3. Domestic corruption involving companies
4. Health care fraud schemes involving private insurers not subject to recovery under the False Claims Act

DOJ has also issued a [Pilot Program Guidance](#), which details circumstances under which a whistleblower will not be eligible for an award under the Pilot Program. For example, whistleblowers who “meaningfully participated in the criminal activity they reported” are not eligible for an award. However, those who played a “minimal role” in the misconduct, such that they could be described as “plainly among the least culpable of those involved in the criminal conduct” may still be eligible for an award.

Whistleblowers can submit Pilot Program tips to DOJ by sending an [intake form](#), with any supporting materials, to the Pilot Program on its website or by email. Only individuals—not entities—can submit a tip. Whistleblowers who report corporate wrongdoing to their company must submit their Pilot Program tip within 120 days of reporting internally. DOJ’s Criminal Division will review submissions and consult with the FBI on whether to open an investigation. Like certain other programs, DOJ will publish information about successful forfeitures in corporate resolutions falling under the Pilot Program on its website. Whistleblowers who believe their submission led to the forfeiture must file an award Claim Form within 90 days from

the forfeiture publication date. DOJ's award determination is entirely discretionary and cannot be appealed.

Whistleblower Submission and Award Process



Source: <https://www.justice.gov/criminal/criminal-division-corporate-whistleblower-awards-pilot-program>

Whistleblower Protections

Retaliation

DOJ advises whistleblowers who experience retaliation for reporting a violation to provide that information in a submission or follow up submission. DOJ will "consider any retaliation in assessing whether a company or individual cooperated with or obstructed the Department's investigation and may, in its sole discretion, decline to award the company any cooperation credit in connection with any corporation resolution and/or institute appropriate enforcement

action in response to any retaliation.” Likewise, if an entity or individual impedes a whistleblower from communicating with DOJ about a violation under the Pilot Program, DOJ, where appropriate, [may open a criminal investigation](#) into obstruction of justice.

Confidentiality

Whistleblowers represented by an attorney may submit a tip to the Pilot Program anonymously. Moreover, DOJ has emphasized that it [“is committed to protecting the confidentiality of those who submit information through the pilot program.”](#) However, as with other whistleblower programs, potential whistleblowers should keep in mind that there are limits on DOJ’s ability to shield a whistleblower’s identity. For example, DOJ may be required to make a disclosure to a defendant or respondent in a public proceeding that it, or another government or regulatory entity, files. Attorneys can guide potential whistleblowers through the potential risks and rewards of submitting a whistleblower tip to the Pilot Program, including the circumstances under which a whistleblower’s identity may be revealed.

Facts and Figures

- Total amount recovered: To date, DOJ has not announced any recoveries under the Pilot Program.
- Whistleblower Tips received: DOJ has not reported on the number of whistleblower tips received under the Pilot Program.

Expected Government Communications

Although DOJ does not have any formal statements regarding its policy on communicating with whistleblowers and their counsel, whistleblowers should expect limited communication from the government during an investigation. In particular, though DOJ may contact whistleblowers or their attorneys if it needs additional information to evaluate a whistleblower’s tip or assist in its investigation, whistleblowers should not expect to receive updates from DOJ during an investigation.

Additional Information

- [Corporate Whistleblower Awards Pilot Program Fact Sheet](#)
- [Corporate Whistleblower Awards Pilot Program Guidance](#)
- [Corporate Whistleblower Awards Pilot Program Frequently Asked Questions](#)

This summary of whistleblower programs was compiled by [Courtney Finerty-Stelzner](#), Partner at [Getnick Law](#) and a member of TAF Coalition's Whistleblower Advisory Committee.