

# Department of Justice Corporate Whistleblower Awards Pilot Program<sup>1</sup>

Issued: August 1, 2024

Revised: May 12, 2025

## I. Introduction

The U.S. Department of Justice (Department) is dedicated to vigorously investigating and prosecuting federal criminal offenses, including corporate crime. Along with the Department's effective False Claims Act *qui tam* program, which incentivizes whistleblowers to report fraud in government programs, the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the Financial Crimes Enforcement Network have also established successful whistleblower programs. The Department has long used information from whistleblowers eligible for awards from the Department's *qui tam* program and other agencies' whistleblower programs to successfully uncover corporate criminal schemes, advance criminal investigations, and prosecute the most culpable individuals and entities. However, other agencies' whistleblower programs do not cover the full scope of corporate crime the Department investigates and prosecutes, leaving gaps that the Department now seeks to fill.

The potential for an award may incentivize those with information about corporate criminal wrongdoing to report original information about criminal conduct that might otherwise go undetected or be difficult to prove. Providing individuals with incentives to report corporate crime may also motivate corporations to create more robust compliance programs that detect and deter criminal conduct, including by encouraging internal reporting of complaints. Strong compliance programs can prevent, identify, and remediate misconduct before it begins or expands, and enable companies to report misconduct to the Department when it occurs.

In addition, the effective use of criminal and civil asset forfeiture is an essential component of the Department's efforts to combat the most sophisticated criminal actors and organizations, including those engaged in corporate crime. Forfeiture plays a critical role in depriving criminals of the proceeds of illegal activity, deterring crime, and restoring assets to victims. Encouraging whistleblowers to come forward with tips that lead to asset forfeiture supports the Department's goal of using asset forfeiture to the fullest extent possible to investigate, identify, seize, and forfeit the assets of criminals and their organizations.

The Attorney General is authorized to pay "awards for information or assistance leading to a civil or criminal forfeiture." *See* 28 U.S.C. § 524(c). This document sets forth criteria that individuals must meet in order to qualify for payment of an award in the Department's discretion as part of the Department's Corporate Whistleblower Awards Pilot Program (Corporate Whistleblower Awards Pilot Program or Pilot Program).

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<sup>1</sup> This memorandum is for internal use only and does not create or confer any privileges, benefits, or rights, substantive or procedural, enforceable by any individual, organization, party, or witness in any administrative, civil, or criminal matter.

Whistleblowers may be eligible for an award pursuant to the Corporate Whistleblower Awards Pilot Program when they provide original, truthful information about criminal misconduct relating to one or more designated program areas that leads to forfeiture exceeding \$1,000,000 in net proceeds, as outlined below. Any award is subject to the payment considerations outlined below. Additional guidance and procedures for submitting information and making a claim for an award are also outlined here.

The Corporate Whistleblower Awards Pilot Program is a three-year initiative managed by the Criminal Division's Money Laundering and Asset Recovery Section and has been effective since August 1, 2024. Awards are issued in the Department's sole discretion. If the Department modifies any aspect of the pilot program during this three-year period, including by modifying the eligibility considerations or subject areas described below, the Department will publish those updates on its website and will evaluate whether an individual qualifies for an award and the size of the award by applying the program policies in effect on the date of submission. The Department will regularly assess the design and implementation of the Pilot Program and, at the end of this 3-year pilot period, the Department will determine whether the program will be extended in duration or modified in any respect.<sup>2</sup>

## **II. Eligibility for Submission and Definitions**

1. **Whistleblower Award Eligibility:** An individual may be eligible for a whistleblower award if, alone or jointly with other individuals, they provide the Department with original information in writing pursuant to the conditions and procedures set forth below, and that information leads to criminal or civil forfeiture exceeding \$1,000,000 in net proceeds forfeited in connection with a successful prosecution, corporate criminal resolution, or civil forfeiture action related to corporate criminal conduct in the programmatic areas outlined below (*See* II.3).

An individual is **not eligible for an award** under this program if:

- a. They are a company or another type of entity. A qualifying whistleblower must be an individual.
- b. They would be eligible for an award through another U.S. government or statutory whistleblower, *qui tam*, or similar program if they had reported the same scheme that they reported under this pilot program.<sup>3</sup>
- c. They are, or were at the time they acquired the original information provided to the Department, an official, employee, or contractor of the Department or any law enforcement organization or a spouse, parent, child, or sibling of an official,

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<sup>2</sup> If the Department declines to extend the Pilot Program, the Department will still evaluate whether an individual who submitted original information during the term of this Pilot Program qualifies for an award and the size of the award by applying the program policies in effect as of the date of that submission.

<sup>3</sup> If an individual is unsure of whether they qualify for another U.S. government program or may qualify for the Corporate Whistleblower Awards Pilot Program, they should submit information to both programs so that the Department can assess the information and determine whether the individual may qualify for the Pilot Program.

employee, or contractor of the Department or they resided in the same household as an official, employee, or contractor of the Department.

- d. They are, or were at the time they acquired the original information provided to the Department, an elected or appointed foreign government official.
- e. They meaningfully participated in the criminal activity they reported, including by directing, planning, initiating, or knowingly profiting from that criminal activity.<sup>4</sup>
- f. In their whistleblower submission, dealings with the Department, or dealings with another authority in connection with a related action, the individual knowingly and willfully made or makes any false, fictitious, or fraudulent statement or representation, withheld or withholds material or significant information, or used or uses any writing or document knowing that it contains any false, fictitious, or fraudulent statement or entry with intent to mislead or otherwise hinder the Department or another authority, or otherwise interfered or interferes with or obstructed or obstructs the Department's investigation.
- g. They acquired the original information from a person: (1) who is ineligible under paragraphs (c) through (f), unless they are providing the Department with information about possible violations involving that person; or (2) with the intent to evade any provision in this document.
- h. They provided information to the Department before the effective date of the Corporate Whistleblower Awards Pilot Program.

2. **Original Information:** An individual must provide, in writing, original information, meaning:

- a. Information that is derived from the individual's independent knowledge or independent analysis.
  - i. Independent knowledge means factual information in the individual's possession that is not derived from publicly available sources. The individual may gain independent knowledge from their experiences, communications, and observations in their business or social interactions.
  - ii. Independent analysis means the individual's own analysis, whether done alone or in combination with others. Analysis means the individual's examination and evaluation of information that may be publicly available,

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<sup>4</sup> Notwithstanding Paragraph 1(e), an individual remains eligible for an award under the Corporate Whistleblower Awards Pilot Program if the Department determines, in its discretion, that the individual's minimal role in the reported scheme was sufficiently limited that the individual could be described as "plainly among the least culpable of those involved in the conduct of a group." U.S.S.G. § 3B1.2 cmt. n.4 (defining "minimal participant"). In such situations, the individual can also seek and receive a non-prosecution agreement (NPA), through the Criminal Division Pilot Program on Voluntary Self-Disclosures for Individuals (Individual VSD Program), provided that the individual meets all other eligibility requirements under that program. If the Department determines that an individual is ineligible for the Corporate Whistleblower Awards Pilot Program on account of the individual's culpability in the reported scheme, the Department will assess whether the individual instead qualifies for an NPA through the Individual VSD Program, and so eligible individuals need not separately submit information to the Individual VSD Program.

but which reveals information that is not generally known or available to the public.

- b. Information that is non-public and previously not known to the Department. This assessment will focus on whether the information itself is original, non-public, and not previously known to the Department, regardless of whether the Department did or did not already have an investigation open related to the information provided.
- c. Information that materially adds to the information the Department already possesses. Even if the Department already has information about a matter from other sources at the time an individual makes their submission, the Department will consider the individual an original source of any information they provide that is derived from their independent knowledge or analysis and that materially adds to the information that the Department already possesses, if they meet the other criteria for original information specified herein.
- d. Original information that an individual first reported through an entity's internal whistleblower, legal, or compliance procedures for reporting allegations of possible violations of law where the entity later reported to the Department the individual's information or the results of an investigation initiated in whole or in part in response to the individual's information, provided the individual also reports their information to the Department within 120 days of reporting internally. In that situation, for purposes of evaluating the claim for an award under this Corporate Whistleblower Awards Pilot Program, the Department will deem the date the individual provided original information to the entity's internal reporting structure as the date of the individual's original disclosure to the Department.
- e. An individual's information is **not original** if:
  - i. They obtained the information through a communication that was subject to the attorney-client privilege, including any third parties' attorney-client privilege, unless disclosure of that information would otherwise be permitted by an attorney pursuant to the crime-fraud or other exceptions under the applicable state attorney conduct rules.
  - ii. They obtained the information in connection with the legal representation of a client on whose behalf they or their employer or firm are providing services, and they seek to use the information to make a whistleblower submission for their own benefit.
  - iii. The information they submitted is contained entirely in an allegation made in a judicial or administrative hearing, in a government report, hearing, audit, or investigation, or in the news media, unless they were a source of the information.
  - iv. They obtained the information because they were: (a) an officer, director, trustee, or partner of an entity and another person informed them of allegations of misconduct, or they learned the information in connection with the entity's processes for identifying, reporting, and addressing possible violations of law; (b) an employee whose principal duties involve compliance or internal audit responsibilities, or they were employed by or

otherwise associated with a firm retained to perform compliance or internal audit functions for an entity, and the information relates to or is derived from these responsibilities or functions; (c) employed by or otherwise associated with a firm retained to conduct an inquiry or investigation into possible violations of law and the information relates to or derives from that retention; or (d) an employee of, or other person associated with, a public accounting firm, if they obtained the information through the performance of an engagement required of an independent public accountant and that information related to a violation by the engagement client or the client's directors, officers, or other employees (*but see* (vii) below).

- v. They obtained the information or knew that the information was obtained by a means or in a manner that violates applicable federal or state criminal law.<sup>5</sup>
- vi. They obtained the information from a person who is subject to this section, unless the information is not excluded from that person's use pursuant to this section, or they are providing the Department with information about possible violations involving that person.
- vii. However, the exceptions in Paragraph (iv) of this section shall not apply if an individual: (a) has a reasonable basis to believe that disclosure of the information to the Department is necessary to prevent the relevant individual or entity from engaging in criminal conduct that is likely to harm national security, result in crimes of violence, result in imminent harm to patients in connection with health care, or cause imminent financial or physical harm to others; (b) has a reasonable basis to believe that the relevant individual or entity is engaging in conduct that will impede an investigation of the misconduct; or (c) is someone described in (iv)(a) or (iv)(b) and at least 120 days have elapsed since they provided the information to the relevant entity's audit committee, chief legal officer, chief compliance officer (or their equivalents), or their supervisor, or since they received the information, if they received it under circumstances indicating that the entity's audit committee, chief legal officer, chief compliance officer (or their equivalents), or their supervisor was already aware of the information.

**3. Subject Area:** An individual's information **must pertain to one of the following subject matter areas:**

- a. Violations by financial institutions, their insiders, or agents, including schemes involving money laundering, anti-money laundering compliance violations, registration of money transmitting businesses, and fraud statutes, and fraud against or non-compliance with financial institution regulators.

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<sup>5</sup> Submitting information that an individual obtained from a violation of law does not provide that individual with any protection from prosecution for unlawfully obtaining the information.

- b. Violations related to foreign corruption and bribery by, through, or related to companies, including violations of the Foreign Corrupt Practices Act, violations of the Foreign Extortion Prevention Act, and violations of the money laundering statutes.
  - c. Violations committed by or through companies related to the payment of bribes or kickbacks to domestic public officials, including but not limited to federal, state, territorial, or local elected or appointed officials and officers or employees of any government department or agency.
  - d. Violations committed by or through companies related to (a) federal health care offenses and related crimes involving health care benefit programs, and (b) fraud against patients, investors, and other non-governmental entities in the health care industry.
  - e. Violations by or through companies related to fraud against, or the deception of, the United States in connection with federally funded contracting or federal programs, where such fraud does not involve health care or illegal health care kickbacks.
  - f. Violations by or through companies related to trade, tariff, and customs fraud.
  - g. Violations by or through companies related to federal immigration law.
  - h. Violations by or through companies related to sanctions offenses, material support of terrorism, or cartels and transnational criminal organizations including money laundering, narcotics, Controlled Substances Act, and other violations.
4. **Voluntary:** An individual's submission must be voluntary.
- a. An individual's submission of information is voluntary if it occurs:
    - i. before any request, inquiry, or demand that relates to the subject matter of the submission is directed to the individual or anyone representing them (*e.g.*, their legal representative) by the Department in connection with any investigation, by federal law enforcement, or by a civil enforcement agency regarding the same misconduct;
    - ii. where the individual has no preexisting obligation pursuant to an agreement in connection with a criminal prosecution or civil enforcement action to report the information to the Department, any Department component, or any federal law enforcement or civil enforcement agency; and
    - iii. in the absence of any government investigation or threat of imminent disclosure to the government or the public.
  - b. An individual's submission is **not voluntary** if the Department directed a request, inquiry, or demand to them or their representative before their submission, even if they respond to such a request voluntarily. However, if an individual voluntarily reported original information to their employer before receiving a request, inquiry, or demand from the Department, and they reported to the Department or they

responded to the Department's request within 120 days of reporting the original information to their employer, their submission will still qualify as voluntary.

5. **Truthful and Complete:** An individual must provide truthful and complete information, meaning they must provide all information of which they have knowledge related to any misconduct, including misconduct in which they participated or of which they are aware, the complete extent of their own role, if any, in the misconduct, and all matters about which the Department may inquire.
  - a. To submit to the Pilot Program and be eligible for an award, the individual or their attorney must provide their information to the Department using the Intake Form available at [www.justice.gov/corporatewhistleblower](http://www.justice.gov/corporatewhistleblower) and declare under penalty of perjury that the information is true and correct to the best of the individual's knowledge.
  - b. Information is **not truthful and complete** if the individual is involved in the misconduct but lies about, conceals, or mischaracterizes their role in the misconduct.
6. **Cooperation:** An individual must cooperate with the Department in its investigation of related conduct and criminal or civil actions. This includes but is not limited to providing truthful and complete testimony and evidence, whether in interviews, before a grand jury, or at any trial or other court proceeding; producing documents, records, and other evidence when called upon by the Department; and, if requested, working in a proactive manner under the supervision of, and in compliance with, United States law enforcement officers and agents.
7. **Leading to Forfeiture:** The information must lead to successful forfeiture exceeding \$1,000,000 in net proceeds forfeited by the Department in connection with a prosecution, corporate criminal resolution, or civil forfeiture action related to corporate criminal conduct in the programmatic areas outlined above.
  - a. There is **successful forfeiture** where the Department obtains a final order of forfeiture, civil judgment of forfeiture, or administrative declaration of forfeiture related to assets obtained as a result of an individual's submission, and those assets are deposited in the Assets Forfeiture Fund.
  - b. In assessing whether an individual's submission of original information led to a successful civil or criminal forfeiture, the Department will consider whether:
    - i. The individual provided the Department with original information that was sufficiently specific, credible, and timely to cause the Department to open an investigation, reopen an investigation that the Department had closed, or to inquire about different conduct as part of a current investigation, and that original information led the Department to obtain a successful forfeiture.
    - ii. The individual provided the Department with original information about conduct that was already under investigation by the Department, and their submission significantly contributed to the successful forfeiture.

- iii. The individual reported original information through an entity's internal whistleblower, legal, or compliance procedures for reporting allegations of possible violations of law before or at the same time they reported them to the Department; the entity later provided their information to the Department, or provided results of an investigation initiated in whole or in part in response to information they reported to the entity; and the information the entity provided to the Department satisfies either paragraph (b)(i) or (b)(ii) of this section. An individual must also submit the same information to the Department within 120 days of providing it to the entity.
- c. As described below, any award is discretionary and will be based on the **net proceeds of the forfeiture**.
- d. If there is **no successful forfeiture**, no award will be available.

### **III. Additional Considerations for Payment of an Award**

Where the information provided leads to forfeiture exceeding \$1,000,000 in total net proceeds forfeited in a successful prosecution, corporate criminal resolution, or civil forfeiture action in one of the programmatic areas of corporate enforcement described above, the whistleblower may be eligible for an award from the case as outlined below. Awards are entirely discretionary and an award is not guaranteed; however, as noted above, the Department intends, through the exercise of its discretion, to incentivize those with information about corporate criminal wrongdoing to report original information about criminal conduct that might otherwise go undetected or be difficult to prove. When assessing whether to make a discretionary award, the Department will consider the following.

1. **Amount of Award.** The determination of whether an individual is eligible for an award and the amount of an award is in the sole discretion of the Department.
  - a. If the Department makes awards to more than one whistleblower in connection with the same matter, the Department will determine an individual percentage award for each whistleblower, but in no event will the total amount awarded to all whistleblowers in the aggregate in each case be greater than that outlined below.
  - b. If the Department finalizes a successful forfeiture, the whistleblower(s) may be eligible for an award based on the following calculation for the matter:
    - i. An award of up to 30% of the first \$100 million in net proceeds forfeited;
    - ii. An award of up to 5% of any net proceeds forfeited between \$100 million and \$500 million.
    - iii. No award on net proceeds forfeited above \$500 million.
  - c. If the Department determines in its sole discretion that an award is appropriate and none of the considerations that may decrease an award are present (*see* Section 3(b) below), there is a presumption that the Department will award a whistleblower the maximum 30% of the first \$10 million in net proceeds forfeited.

- d. Awards, if paid, will be paid from the net proceeds of the total asset(s) forfeited in each case.
2. **Payment Priority:** In making awards, the Department will draw from net proceeds of the forfeiture of total asset(s) finally forfeited and deposited in the Assets Forfeiture Fund in conjunction with each successful prosecution, corporate criminal resolution, or civil forfeiture action.
  - a. Net proceeds are defined as net forfeited funds after any mandatory, non-discretionary transfers, expenses and costs associated with forfeiture, and applicable costs associated with investigation and prosecution of seizure and forfeiture.
  - b. Owners and lienholders with a valid interest in the forfeited property that is not addressed in the forfeiture proceeding will be compensated first via remission or mitigation.
  - c. Where a federal, state, local, tribal, territorial, or foreign government agency or corporate entity is the victim of the criminal scheme with a pecuniary loss, the whistleblower will be eligible for an award before the government or entity victim is compensated post-forfeiture through remission, mitigation, or restoration. Where the Department has identified individual victims of the underlying scheme with pecuniary losses that are eligible for compensation and has also determined that the whistleblower is eligible for an award, the Department will first compensate qualifying individual victims to the fullest extent possible. A whistleblower award will not be available until qualifying individual victims are compensated fully, as allowed under the law.
  - d. Fund-to-fund transfers, international sharing, and equitable sharing shall be assessed after the payment of any whistleblower award.
  - e. In assessing whether the \$1,000,000 threshold is met, the Department will not take into account any forfeiture that the whistleblower is ordered to pay or that is ordered as a result of conduct in which the whistleblower meaningfully participated.
  - f. Individuals who would be eligible for an award through another U.S. government or statutory whistleblower, *qui tam*, or similar program had they reported the same original information to that other program will not be eligible for payment from this Corporate Whistleblower Awards Pilot Program.
3. **Criteria for Determining the Amount of Award:** In exercising its discretion to determine the appropriate award percentage, the Department may consider the following in relation to the unique facts and circumstances of each case and may increase or decrease the award percentage based on its analysis of these considerations.
  - a. **Considerations that may increase the award amount:** The Department will consider the following issues in determining the amount of the award, which are not listed in order of importance:

- i. **Significance** of the information provided by the whistleblower. The Department will assess how significant the information provided by a whistleblower was to the success of the Department's prosecution, corporate criminal resolution, and associated forfeiture action. In considering this question, the Department may take into account, among other things:
  - A. The nature of the information provided by the whistleblower and how it related to the successful criminal actions and related forfeiture or civil forfeiture action, including whether the reliability and completeness of the information provided to the Department allowed the Department to obtain evidence of criminal activity or identify assets for forfeiture; and
  - B. The degree to which the information provided by the whistleblower supported one or more successful criminal actions and related forfeiture or civil forfeiture actions by the Department.
- ii. **Assistance** provided by the whistleblower. The Department will assess the degree of assistance the whistleblower provided to the Department's investigation (including through legal counsel for the whistleblower). The Department will consider, among other things:
  - A. Whether the whistleblower provided ongoing, extensive, and timely cooperation and assistance by, for example, identifying more than one asset that may be subject to forfeiture, helping to explain complex transactions, interpreting key evidence, or identifying new and productive lines of inquiry or potential sources of evidence;
  - B. The timeliness of the whistleblower's initial report to the Department or to an internal compliance or reporting system of business organizations committing, or impacted by, the possible criminal violations, where appropriate;
  - C. The resources conserved as a result of the whistleblower's assistance;
  - D. The efforts taken by the whistleblower to remediate the harm caused by any criminal violations reported; and
  - E. Any unique hardships experienced by the whistleblower as a result of his or her reporting and assisting in the prosecution or criminal resolution or civil forfeiture.
- iii. **Participation in internal compliance systems or internal reporting as a consideration that increases awards.** The Department will assess whether the whistleblower and any legal representative of the whistleblower participated in internal compliance systems in considering whether to increase the amount of an award. In considering this question, the Department may take into account, among other things:

- A. Whether, and the extent to which, a whistleblower reported the possible criminal violations through internal whistleblower, legal or compliance procedures:
    - 1. The Department will consider the timing of the disclosure and examine whether the whistleblower's internal report to the company was made before, or at the same time as, the whistleblower's report to the Department, keeping in mind that the whistleblower must also submit the same information to the Department within 120 days of providing it to the entity.
    - 2. The Department will also consider whether the entity has adequate and available channels for internal reporting.
  - B. Whether, and the extent to which, a whistleblower assisted any internal investigation or inquiry concerning the reported criminal violations.
- b. **Considerations that may decrease the award amount:** In determining whether to decrease the amount of an award, the Department will consider the following issues, which are not listed in order of importance.
- i. **Culpability:** An individual is **not** eligible for payment if they meaningfully participated in the criminal activity, including by directing, planning, initiating, or knowingly profiting from that criminal activity. Notwithstanding this requirement, an individual remains eligible for an award if the Department determines, in its discretion, that the individual's minimal role in the reported scheme was sufficiently limited that the individual could be described as "plainly among the least culpable of those involved in the conduct of a group." U.S.S.G. § 3B1.2 cmt. n.4 (defining "minimal participant"). In such cases, the Department will consider the individual's role in the criminal violations in assessing the amount of an award for which they may be eligible.
    - A. An individual profited from the scheme if they received a financial benefit from the scheme outside of their ordinary compensation, for example by receiving a kickback or through the payment of a special bonus from their company.
    - B. If the individual's company received a benefit from the scheme and that benefit was passed on to the individual through an increase in their ordinary salary or bonus, the Department will assess whether they knowingly took steps to benefit from the wrongdoing through this indirect profit in assessing the total award.
  - ii. **Unreasonable delay:** The Department will assess whether the whistleblower unreasonably delayed in reporting the criminal violations. In

considering this question, the Department will take into account, among other things:

- A. Whether the whistleblower was aware of the relevant facts but failed to take reasonable steps to report or prevent the criminal violations from occurring or continuing;
  - B. Whether the whistleblower was aware of the relevant facts but only reported them after learning about a related inquiry, investigation, or enforcement action;
  - C. Whether and when the whistleblower reported the relevant facts internally; and
  - D. The whistleblower's reasons for delaying reporting of the criminal violations.
- iii. **Interference** with internal compliance and reporting systems. In cases where the whistleblower interacted with his or her entity's internal compliance or reporting system, the Department will assess whether the whistleblower undermined the integrity of such system. In considering this question, the Department will take into account whether there is evidence provided to the Department that the whistleblower knowingly:
- A. Interfered with an entity's established legal, compliance, or audit procedures to prevent or delay detection of the reported criminal violation;
  - B. Made any materially false, fictitious, or fraudulent statements or representations or deliberately withheld material or significant information that hindered an entity's efforts to detect, investigate, or remediate the reported criminal violations; or
  - C. Provided any writing or document knowing the writing or document contained any false, fictitious, or fraudulent statements or entries that hindered an entity's efforts to detect, investigate, or remediate the reported criminal violations.
- iv. **Management role** and oversight of offices and personnel involved in misconduct. The Department will assess whether the whistleblower held a management role over the personnel or offices involved in the misconduct, including a role as corporate executive, and the whistleblower's actions in that role. The Department may use this consideration to deny an award. In considering this question, the Department will take into account whether the whistleblower:
- A. Was a senior executive or otherwise had decision-making authority related to the misconduct;
  - B. Contributed to failures of the compliance system to detect and prevent the misconduct at issue;

- C. Created a corporate culture that deprioritized compliance programs and systems; and
- D. Received information regarding red flags identifying potential misconduct but took no steps to address the issues.

#### IV. Additional Guidance for Public Awareness

1. **Confidentiality:** The Department will not publicly disclose any information, including information you submit to the Department, that could reasonably be expected to reveal the identity of a whistleblower, except as required by law or Department policy as determined by the Department in its sole discretion, unless and until required to be disclosed to a defendant in connection with a judicial or administrative proceeding. If, in its sole discretion, the Department determines that it is necessary to accomplish a valid law enforcement purpose or to protect the public, the Department may provide your information to another federal, state, local, tribal, or international enforcement agency, provided that such agency complies with the same confidentiality commitments.
2. **Anonymous Submissions:** You may submit your information anonymously if you are represented by an attorney. If you are submitting on your own behalf, you must include information so that we can contact you and verify your identity. The Department reserves the right to require information regarding your identity at any time the Department, in its sole discretion, deems it necessary to the prosecution of a case or to meet the Department's legal obligations, policies, or procedures. Before the Department will pay any award to you, you must disclose your identity to the Department, and your identity must be verified by the Department.
3. **Representation:** You do not need to be represented by an attorney to submit information through the Corporate Whistleblower Awards Pilot Program. However, if you wish to submit information anonymously you must do so through an attorney.
4. **Retaliation:** If you experience retaliation as a result of your report, please provide that information either in your submission or in follow up submissions. The Department 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 corporate resolution and/or institute appropriate enforcement action in response to any retaliation.
5. **Communications with the Department:** If an entity or person takes any action to impede an individual from communicating directly with the Department about a possible criminal violation in the enumerated programmatic areas, including enforcing, or threatening to enforce, a confidentiality agreement (other than confidentiality agreements with the Department as discussed in this document or agreements related to the legal representation of a client) with respect to such communications, the Department may consider such action in assessing the entity's cooperation credit and compliance program and the entity's or individual's culpability, including for obstruction. Further, if you are a director, officer, member, agent, or employee of an entity that has counsel, and you have initiated

communication with the Department relating to a possible criminal violation, the Department is authorized to communicate directly with you regarding the possible criminal violation without seeking the consent of the entity's counsel.

6. **Bar for Submissions of Frivolous or Fraudulent Claims:** The Department shall have the authority to impose a permanent bar on a person who sends submissions or applications that are frivolous or fraudulent, or that would otherwise hinder the effective and efficient operation of the Corporate Whistleblower Awards Pilot Program. If the Department issues such a bar, it will not accept or act on any other submissions from the barred person. The Department may issue a permanent bar in the following circumstances: (i) if a person makes three or more submissions that the Department finds to be frivolous or fraudulent or otherwise hinders the effective and efficient operation of the Corporate Whistleblower Awards Pilot Program; or (ii) if a person knowingly and willfully makes any materially false, fictitious, or fraudulent statement or representation, or uses any writing or document knowing that it contains any materially false, fictitious, or fraudulent statement or entry with intent to mislead or otherwise hinder the Department.
7. **Congressional Notification:** If an award payment exceeds \$500,000, the Department is required to provide notice of such payment to Congress pursuant to 28 U.S.C. § 524(c)(2). Unless the Department determines in its sole discretion that such information is necessary, the Department's notification will not include information that could reasonably be expected to reveal the identity of a whistleblower.

#### V. **Procedures for Public Submission of Original Information**

1. To be eligible for an award under this Corporate Whistleblower Awards Pilot Program, you must submit your information about a possible criminal violation in one of the programmatic areas by submitting a completed and signed Intake Form and the original information in writing through the Department's website located at [www.justice.gov/corporatewhistleblower](http://www.justice.gov/corporatewhistleblower) or via email to [CorporateWhistleblower@usdoj.gov](mailto:CorporateWhistleblower@usdoj.gov).
2. To be eligible for an award, you must declare under penalty of perjury at the time you submit your information that your information is true and correct to the best of your knowledge and belief and that you understand that you may be subject to criminal prosecution if you knowingly and willfully make false, fictitious, or fraudulent statements or representations, or use any false writing or document knowing that the writing or document contains any false, fictitious, or fraudulent statement or entry.
3. If you are providing your original information to the Department anonymously, then your attorney must submit your information on your behalf pursuant to the procedures specified herein. Before your attorney's submission, you must provide your attorney with a completed Intake Form that you have signed under penalty of perjury. When your attorney makes the submission on your behalf, your attorney will be required to certify that he or she:
  - a. Has verified your identity;

- b. Has reviewed your completed and signed Intake Form for completeness and accuracy and that the information contained therein is true, correct, and complete to the best of the attorney's knowledge, information, and belief;
- c. Has obtained your non-waivable consent to provide the Department with your original completed and signed Intake Form in the event that the Department requests it due to concerns that you may have knowingly and willfully made false, fictitious, or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious, or fraudulent statement or entry; and
- d. Consents to be legally obligated to provide the signed Intake Form within seven (7) calendar days of receiving such request from the Department.

**VI. Procedures for Claimants to Apply for a Whistleblower Award**

- 1. The Department will publish information about all successful forfeitures in corporate resolutions in the designated programmatic areas at [www.justice.gov/corporatewhistleblower](http://www.justice.gov/corporatewhistleblower). A claimant must have submitted a tip to the Corporate Whistleblower Awards Pilot Program after the effective date of the pilot and will have ninety (90) days from the date of the publication to file a claim for an award based on that case, or the claim will be barred.
- 2. To file a claim for a whistleblower award, you must file a Claim Form, which will be available at [www.justice.gov/corporatewhistleblower](http://www.justice.gov/corporatewhistleblower). You must sign the form as the claimant and submit it to the Department as outlined at that website. All claim forms, including any attachments, must be received by the Department within ninety (90) calendar days of the date of the Department's publication of the successful forfeiture to be considered for an award.
- 3. Department personnel will evaluate all timely whistleblower award claims submitted on the Claim Form. In connection with this process, the Department may require that you provide additional information relating to your eligibility for an award or satisfaction of any of the conditions for an award. Following that evaluation and any other internal Department process, the Department will send you an Award Determination setting forth a determination as to whether the claim was granted or denied and, if granted, setting forth the award amount.
- 4. The Department's Award Determination is entirely discretionary, 28 U.S.C. § 524(c), and neither appealable nor subject to judicial review.