The National Defense Authorization Act (NDAA) is best known as an annual defense bill. But one major anti-money-laundering (AML) whistleblower law was attached to an NDAA: the Anti-Money Laundering Act of 2020, enacted as part of the NDAA for Fiscal Year 2021. That law created a whistleblower award and protection framework for people who provide information about certain violations of the Bank Secrecy Act (BSA).

A later law, enacted in December 2022, strengthened that framework. It is often described as the AML Whistleblower Improvement Act. So when people ask about the "NDAA whistleblower provisions," they may be referring to the 2020 law's creation of the program, the December 2022 law's improvements, or both. The distinction matters: an NDAA connection does not mean every workplace AML concern automatically qualifies for a reward or legal protection.

This guide explains the laws in plain English, the BSA duties they relate to, what may count as a reportable violation, and some practical steps to consider before reporting. It is general information, not legal advice about a specific case.

How the NDAA and the December 2022 Law Fit Together

The Anti-Money Laundering Act of 2020 was enacted within the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. Among other changes, it amended the BSA to establish a whistleblower program administered by the U.S. Department of the Treasury, with the Financial Crimes Enforcement Network (FinCEN) playing a central role.

The program was intended to encourage people with meaningful, original information to report certain BSA violations and related misconduct. The December 2022 law strengthened the whistleblower provisions, including the award framework and anti-retaliation protections. The two laws are connected, but they are not the same law. When researching a claim, check which version of the statute applies and whether later regulations or agency guidance affect the issue.

Law or framework General connection to AML whistleblowing Anti-Money Laundering Act of 2020, enacted as part of the FY2021 NDAA Created the BSA whistleblower award and protection framework. December 2022 AML whistleblower legislation Strengthened parts of the program, including award and retaliation provisions. FinCEN's whistleblower process Provides an agency route for submitting information about potential covered violations.

Which BSA Duties Could Be Involved?

The BSA requires certain financial institutions and other covered businesses to maintain controls designed to detect and report specified financial activity. A whistleblower concern may involve a failure to meet a legal duty—not simply a policy disagreement or a process that could be improved.

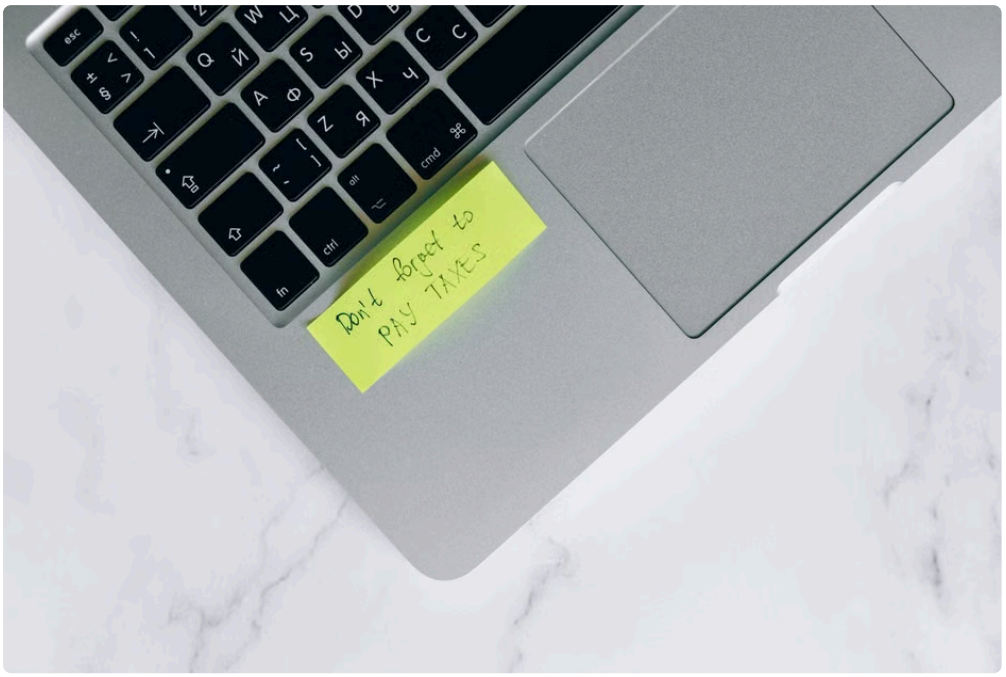
- **Suspicious Activity Reports (SARs):** Covered institutions generally must file a SAR when applicable legal standards are met. A concern might involve knowingly ignoring suspicious activity, improperly discouraging reports, or repeatedly failing to escalate transactions that should be reviewed. Not every unusual transaction requires a SAR; the facts and legal thresholds matter.
- **Currency Transaction Reports (CTRs):** Covered institutions generally must report certain cash transactions exceeding the statutory threshold, subject to applicable rules and exceptions. A possible

violation could involve systematically failing to file required reports or helping customers evade reporting.

- **Customer Due Diligence (CDD):** Covered institutions have obligations to identify and verify customers and, in relevant circumstances, understand beneficial ownership and the purpose and nature of customer relationships. The details depend on the institution, customer, and applicable rules.
- **AML program effectiveness:** The BSA requires covered entities to maintain an AML program with required elements, such as internal controls, independent testing, a designated compliance officer, and training. A weak program is not automatically proof of a legal violation. The concern becomes more significant when evidence suggests required controls are absent, knowingly ineffective, or disregarded in a way that violates the law.

What May Qualify as a Reportable BSA/AML Violation?

The whistleblower provisions are not a general complaint channel for every workplace problem involving compliance. The information must relate to a violation covered by the BSA whistleblower law or another provision within its scope. Examples may include evidence of a financial institution's failure to meet reporting or program duties, or conduct designed to evade those duties.



Whether a particular situation qualifies depends on the facts, the applicable legal requirement, and the person's role in the events. A missed filing, for example, may result from an isolated mistake, a reasonable interpretation of a rule, or a deliberate pattern of noncompliance. Those circumstances are not interchangeable. Avoid labeling conduct "fraud" unless the facts support that term and the relevant legal elements are considered.

Useful questions to discuss with counsel include:

- What specific BSA or related legal duty may have been violated?
- Who was responsible for carrying out that duty?
- What did the institution know, and when did it know it?
- Was the issue isolated, or does the available evidence show a repeated practice?
- Were concerns raised internally, and how did the organization respond?

- Is there reliable documentation or other evidence supporting the account?

Original Information and Basic Eligibility

In general, the program is aimed at people who voluntarily provide original information that leads to a successful enforcement action involving covered monetary sanctions above the statutory threshold. The BSA framework provides for awards within a statutory range—generally 10% to 30% of qualifying collected monetary sanctions—subject to the law's requirements and the government's award determination. An award is not guaranteed, and it is not calculated simply as a percentage of a company's total penalty or the amount someone believes is at stake.

"Original information" generally means information based on the person's independent knowledge or analysis that is not already known to the government from another source, subject to statutory rules and exceptions. Information that is merely public, copied from another person, or already known to authorities may not qualify in the same way. The rules also contain eligibility limits and exclusions; for example, a person's own role in misconduct or access to information through certain job functions may affect eligibility.

These are broad descriptions, not a complete eligibility test. The precise result can turn on how and when information was obtained, whether it was submitted voluntarily, the person's participation in the conduct, and whether the information contributed to an enforcement action. A whistleblower attorney can assess these issues before a submission is made.

Anti-Retaliation Protections

The NDAA-related whistleblower framework and the December 2022 law include anti-retaliation protections for qualifying disclosures. The protections are intended to address adverse actions—such as firing, demotion, suspension, threats, or other discrimination—because a person provided information through a protected channel or otherwise engaged in protected activity.

Protection is not a promise that an employer will never take action against a reporter, nor does it make aml whistleblower every workplace dispute a whistleblower retaliation case. The connection between the disclosure and the employer's action, the type of disclosure, and statutory requirements can all matter. If you believe retaliation is occurring, keep a careful record of dates, statements, job changes, and the people involved, and seek legal advice promptly. Deadlines and available remedies can depend on the circumstances.

Internal Reporting and the FinCEN Submission Process

Many organizations have **internal compliance channels**, such as a manager, compliance hotline, ethics office, or designated BSA officer. Using an internal channel may help the institution identify and address a problem. But internal reporting and reporting to the government are different steps. Do not assume that an internal report automatically satisfies the requirements for a whistleblower award, or that you must report internally first to qualify. Ask an attorney how the applicable rules treat your situation.

The **FinCEN whistleblower submission form** is an agency process referenced for providing information to FinCEN. Before submitting, consider whether the information is within the program's scope, how to describe the facts accurately, and how to protect confidential or privileged material. Do not take documents you are not authorized to access, alter records, or send confidential work materials to a personal email account. A lawyer can help identify lawful ways to preserve and present evidence.

Submitting a tip also does not guarantee that FinCEN or another agency will contact you, open an investigation, or act on a particular schedule. Agencies assess information alongside other priorities and evidence. Avoid relying on promises about how quickly a matter will move.

Practical Steps Before You Report

1. **Write down a timeline the same day something happens.** Record dates, people present, what was said or done, and how you learned the information. Separate what you personally observed from what someone else told you.
2. **Identify the possible legal duty.** Note whether the concern relates to SARs, CTRs, CDD, AML program controls, or another BSA requirement. Avoid broad conclusions where the evidence supports a narrower description.
3. **Preserve information lawfully.** Keep materials you are authorized to retain, and do not alter, remove, or improperly disclose company records. Ask counsel before copying or sharing sensitive documents.
4. **Consider your reporting options.** Internal compliance channels and a government submission are separate options. A lawyer can help you evaluate sequence, confidentiality, and eligibility.
5. **Keep a retaliation record.** If your work situation changes after raising a concern, document the timing and details. Save personal employment records you are entitled to keep, without taking restricted business documents.

Working With a Whistleblower Attorney and Contingency Fees

An attorney experienced in whistleblower matters can help assess whether the information may fit the BSA program, explain the submission process, and discuss risks related to confidentiality, employment, and eligibility. Counsel may also help organize a clear factual account and distinguish direct knowledge from inference. Choosing a lawyer does not guarantee an award or an investigation.

Some whistleblower attorneys work on a contingency-fee basis, meaning the fee is generally tied to a recovery rather than billed as an hourly fee. The agreement should explain the percentage or other fee structure, which expenses may be charged, and what happens if there is no recovery. Ask questions before signing, and confirm that the lawyer’s experience matches the program and issues involved.

USAttorneys.com may be one place to look for attorney information or legal resources, but a directory or website listing is not a government endorsement. Verify a lawyer’s licensing, relevant experience, and fee terms independently.

The Bottom Line

The NDAA whistleblower provisions matter because the 2021 NDAA carried the law that created a BSA whistleblower framework, while the December 2022 law strengthened important parts of it. The program may offer awards and anti-retaliation protections to eligible people who provide original information about covered violations, but eligibility is fact-specific and outcomes are not guaranteed.



If you are considering a report, focus on specific evidence and the legal duty that may be involved. Write down a timeline promptly, protect information lawfully, and consider speaking with a qualified whistleblower attorney before submitting information through FinCEN or another channel.