If you report suspected money laundering or another covered financial crime and your employer retaliates, federal law may offer more than a way to challenge your employer's conduct. A successful claim may lead to reinstatement, back pay, and payment of reasonable attorney's fees and other costs.

The details matter. The federal anti-retaliation rules have specific coverage requirements, filing deadlines, and procedures. And the right to bring a retaliation claim is different from eligibility for a whistleblower award. This guide explains the remedies, the AML (anti-money laundering) whistleblower program, and practical steps to consider if you believe you have been punished for speaking up.

Quick answer: what remedies may be available?

Under the Bank Secrecy Act (BSA) whistleblower retaliation provision, a successful claimant may be entitled to:

- **Reinstatement** to the same position, with the same seniority, that the person would have held without retaliation.
- **Back pay** equal to twice the amount of back pay owed, with interest.
- **Special damages**, which may include litigation costs, expert witness fees, and reasonable attorney's fees.

These are statutory remedies, not guaranteed outcomes. Whether they apply depends on the facts, the person's relationship to the employer, the kind of report made, and whether the claim is filed on time.



What is the AML/BSA whistleblower program?

The AML/BSA whistleblower program is a federal framework for receiving information about certain financial crimes and, in qualifying cases, paying awards to whistleblowers. It also includes protections against workplace retaliation. The Financial Crimes Enforcement Network (FinCEN), part of the U.S. Department of the Treasury, administers key aspects of the program. Its website, fincen.gov, provides official information and updates.

The BSA requires financial institutions to maintain anti-money-laundering programs and report certain suspicious activity to the government. A Suspicious Activity Report (SAR) is a confidential report that a financial institution files when it identifies activity that may indicate money laundering or another covered offense. A SAR is not proof

that a customer committed a crime. Employees may, however, encounter concerns about whether suspicious activity was properly detected, escalated, documented, or reported.

The whistleblower framework can apply to people who provide information about possible BSA violations and other covered violations. It is important to distinguish two parts of the framework:

- **Whistleblower awards** may be available to eligible people who provide qualifying original information that leads to successful enforcement and monetary sanctions.
- **Anti-retaliation protections** may apply when a covered person is punished for making a protected report or participating in a covered investigation.

A person may have a retaliation claim even if no award is paid. Conversely, providing information does not automatically establish a retaliation claim or guarantee an award.

Legal origin and timeline

Congress substantially revised the BSA whistleblower framework through the Anti-Money Laundering Whistleblower Improvement Act, enacted as part of the National Defense Authorization Act for Fiscal Year 2023. The act became law on **December 23, 2022**. It expanded the program's award provisions and established a clearer statutory anti-retaliation cause of action.

The reforms build on the Anti-Money Laundering Act of 2020. Among other changes, the 2022 law addressed concerns about the earlier award structure and added protections for people who report covered violations. The law also set out a process for retaliation complaints that generally follows a Department of Labor administrative route, with a possible federal court action under specified conditions.

Because agency procedures and program guidance can change, check FinCEN and the Department of Labor for current filing instructions rather than relying on an old form or deadline quoted online.

Who may be eligible, and what counts as "original information"?

The award provisions generally focus on an individual who voluntarily provides original information about a covered violation to the government. "Original information" generally means information drawn from the person's independent knowledge or independent analysis, rather than information already known to the government or publicly available, subject to statutory rules and exceptions.

For example, an employee might independently identify a pattern in transaction records that appears inconsistent with a customer's stated business activity, or discover that required escalation steps were repeatedly bypassed. Merely repeating a news report or submitting information already known to authorities may not satisfy the standard. The facts and the statutory exclusions matter.

Being an employee is not the only possible relationship to a covered employer. The retaliation provision can reach employees, former employees, contractors, subcontractors, and *openclassactions.com* agents. Coverage depends on the person's relationship and the conduct involved; it should not be assumed that every workplace complaint is protected by this law.

For an award, the information must also meet the program's requirements, including that it lead to a successful enforcement action resulting in monetary sanctions above the statutory threshold. The award amount is not automatic: the statute provides a range tied to collected sanctions, and the government determines the award under the applicable rules.



What kinds of violations may be relevant?

The program concerns more than a single type of suspicious transaction. Depending on the facts and the law involved, reports may relate to:

- **SARs:** suspected failures to detect, investigate, escalate, or file reports of suspicious activity when required.
- **Structuring:** transactions arranged to evade reporting requirements, such as breaking up cash deposits to avoid a reporting threshold. A pattern may warrant review, but context matters.
- **Customer due diligence (CDD):** possible failures in identifying or verifying customers, understanding customer relationships, or assessing risk where required.
- **Records and reporting:** possible failures to keep required records, maintain an effective compliance program, or meet BSA reporting obligations.
- **Sanctions:** conduct involving sanctions violations may fall within the expanded whistleblower framework when the statutory requirements are met. Sanctions rules are complex, and not every sanctions concern will qualify under every part of the program.

These examples are not findings that a violation occurred. Internal control weaknesses, a mistaken decision, or a disagreement over a customer's risk rating do not necessarily prove illegal conduct. A report should accurately describe what the person observed and avoid overstating conclusions.

How the main remedies work

Remedy What it may provide Practical point **Reinstatement** Return to the same position, with the same seniority, the person would have had absent retaliation. Reinstatement may not be the preferred outcome for everyone. A lawyer can assess how the remedy fits the facts and applicable process. **Back pay** Two times the amount of back pay owed, with interest, under the statutory remedy. Calculations can involve lost wages, benefits, mitigation, and the period covered by the claim. **Special damages and fees** Compensation for special damages, including litigation costs, expert witness fees, and reasonable attorney's fees. Fees and costs are subject to legal standards; they are not necessarily paid in advance or awarded in every case.

Back pay: more than a salary figure

Back pay can involve wages lost because of a termination, demotion, suspension, or other retaliatory action. The calculation may also require examining bonuses, benefits, raises, or other compensation the person would likely have received. The statute provides for twice the back pay owed, with interest, but the amount must be established through the claim process.

Evidence can matter. Keep lawful records of pay, benefits, job duties, performance reviews, and employment actions. If you found other work, do not assume that this automatically ends a claim; the effect of later earnings and other facts should be assessed under the applicable rules.

Reinstatement: returning to the job

Reinstatement is designed to restore the person to the position and seniority they would have had without retaliation. In practice, returning to the same workplace may be difficult or undesirable. That does not mean reinstatement is irrelevant: it is one of the remedies in the statute, and an employment lawyer can discuss how it may apply alongside other relief.

Attorney's fees and other costs

The statute allows reasonable attorney's fees, litigation costs, and expert witness fees as part of the available relief. This provision may help address the cost of pursuing a claim, but it is not a guarantee that a lawyer will take the case without payment or that every expense will be reimbursed. Ask any lawyer you consult to explain the fee arrangement, potential costs, and what happens if the claim does not succeed.

How to raise a retaliation claim

The BSA process generally requires a retaliation complaint to be filed with the U.S. Department of Labor. The statutory deadline is generally **180 days** after the alleged retaliation, or after the person became aware of it, under the applicable rules. Because deadlines can be fact-specific and short, get prompt legal advice rather than waiting for an internal investigation to finish.

If the Department of Labor has not issued a final decision within 180 days, and the delay is not due to the claimant's bad faith, the statute may permit the claimant to bring an action in federal district court. The procedural requirements are technical, so do not assume that you can skip an administrative filing or that a court deadline is automatically extended.

What to do next: a practical checklist

1. **Write down the timeline.** Record when you raised the concern, who received it, what response followed, and when any adverse action occurred.
2. **Preserve relevant, lawful evidence.** Keep your own employment records and communications you are authorized to retain. Do not remove customer data, SARs, transaction records, or other confidential material from your employer's systems.
3. **Use appropriate reporting channels.** Depending on the situation, these may include a designated internal compliance channel, the Department of the Treasury, FinCEN, or the Department of Justice. If you are unsure what can be shared, get legal advice first.
4. **Protect your privacy.** Do not use a work laptop, work phone, or work email account for sensitive legal communications. Use a personal device and account, and consider how your communications could be accessed.

5. **Check the deadline quickly.** Ask an employment or whistleblower attorney about the 180-day filing period and the correct agency procedure.
6. **Separate retaliation relief from an award claim.** Discuss both possibilities, but do not assume that filing one automatically satisfies the requirements for the other.

Final thoughts

For covered AML/BSA whistleblowers, the potential remedies for retaliation include reinstatement, double back pay with interest, and reasonable attorney's fees, expert fees, and litigation costs. The law's protections are meaningful, but eligibility and procedure are specific. A careful timeline, lawful preservation of evidence, and early advice from a qualified lawyer can help you evaluate the options without putting confidential information at unnecessary risk.

This article is general information, not legal advice. It does not create an attorney-client relationship. Laws, agency procedures, and deadlines may change; consult a qualified attorney about your circumstances.