GOVERNMENT ACCOUNTABILITY PROJECT

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Docket Number FINCEN-2026-0067 and RIN 1506-AB57
https://www.federalregister.gov/documents/2026/04/01/2026-06271/whistleblower-incentives-and-protections

To: Andrea Gacki, Director
Financial Crimes Enforcement Network
U.S. Department of the Treasury
P.O. Box 39
Vienna, VA 22183
Submitted via Federal eRulemaking Portal

Re: AML Laws Whistleblower Program Rulemaking

Dear Dir. Gacki,

Thank you for the opportunity to submit comments pursuant to the Notice of Proposed Rulemaking on the Anti-Money Laundering Act of 2020 passed by Congress in January 2021 as part of the FY2021 NDAA, as well as the AML Whistleblower Protection Improvement Act passed by Congress in December 2022. *See 91 Federal Register 16328 (April 1, 2026).*

Government Accountability Project is a non-profit, non-partisan advocacy organization located in Washington, D.C. Founded in 1977, Government Accountability Project is the nation's leading whistleblower protection organization, with the mission of protecting the public interest by promoting government and corporate accountability. Over the past five decades, Government Accountability Project has represented over 8,000 whistleblowers, and Government Accountability Project's detailed recommendations are based on decades of hands-on experience representing and protecting thousands of whistleblowers.

Particularly relevant to these comments are two areas of work. First, Government Accountability Project conducts legislative advocacy to promote better protections for whistleblowers in and interacting with the federal government. Additionally, the international whistleblower rights champions the creation, implementation, and monitoring of rights and best practices to support whistleblowers around the world since the 1990s. For decades, Government Accountability Project has and continues to provide expert assessments on countries' whistleblower laws, conduct trainings including to judges, prosecutors, law enforcement, and government agencies around the world, investigate international organizations, publishes reports, and drafts proposed whistleblower legislation.

This submission is joined by Transparency International U.S., part of the largest global coalition dedicated to fighting corruption. With over 110 national chapters worldwide, Transparency International partners with businesses, governments, and citizens to promote transparency and to develop and implement effective measures to tackle and deter corruption.

The recommendations herein are based on decades of working closely and in concert with the whistleblower advocacy community, which informs these recommendations. We hope that these recommendations will be seriously considered and included in the final regulations.

Sincerely,
Maya Efrati
Director of Legislation and Congressional Affairs
Government Accountability Project

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I. Confidentiality

Confidentiality is a necessary and crucial component of a successful whistleblower program. It is concerning to see two key provisions of the drafts of the regulations as proposed to be missing. To comply with the law, the final regulations must include:

A. As to the confidentiality of whistleblowers' disclosure to be shared outside of the agency to which the disclosure is submitted (*See* 31 U.S.C. §5323(g)(4)): Information provided by whistleblowers that is shared with other federal and/or state agencies must adhere to the level of confidentiality required under federal law. The Administrative Procedure Act (APA) does not provide agencies any flexibility to alter or amend this requirement as it has been passed by Congress. A formalized process on such internal tip sharing should adopt existing language of similar regulations with regards to confidentiality, such as the IRS', which has a proven track record.

B. As to the confidentiality of information contained whistleblowers' disclosures with regards to foreign law enforcement authorities (*See* 31 U.S.C. §5323 (g)(4)(D)(ii)(II)): When and how to share information on whistleblowers or information that could identify the whistleblower should be structured with formal criteria. This is of particular importance for authoritarian countries or countries that have a history of retaliation and/or physical harm, by both government arms and by the private sector when rule of law is lacking. (Reports can provide clear guidance on this, e.g. the EU Directive 2019/1937, AKA the EU Whistleblower Directive, has been analyzed for that here: https://whistleblower.org/wp-content/uploads/2026/04/Raising-the-Floor-EU-Report.pdf.) The final regulations should require or at least default to a structure where any sharing of information abroad requires asking for guarantees of protection for the whistleblower.

II. Channels to reveal and share information

The current draft regulations miss two critical avenues in how whistleblowers step forward, and implementing final regulations without including these would leave whistleblowers out of the loop of the program and therefore leave the program less successful for the federal government in its anti-money laundering enforcement efforts than it could be.

A. The final regulations should acknowledge the press (and non-profit organizations with a press arm) as an important avenue for whistleblower reporting. This reflects how whistleblowers have actually come forward to reveal information in several important money laundering scandals, including those where the U.S. federal government has clawed back significant financial restitution (for both the Treasury and the victims in some cases as well). This additionally serves as a benefit to the public interest, incentivizing whistleblowers to reveal information that has crucial public implications.

B. The final regulations should include reports to supervisors (also called "internal disclosures") as a formal whistleblower disclosure covered by the regulations here. Acknowledging these protected internal disclosures will bring a significant number of whistleblowers into the reach of these regulations, allowing enforcement agencies to utilize their information and take action. Congress' intent and language on the anti-money laundering legislation shows this to be needed, because those who blow the whistle with internal disclosures also receive awards. In the same way, internal disclosures should be considered whistleblowers with all the attendant protections written in the law. *See* 31 U.S.C. §5323(b)(1).

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III. Provisions related to international whistleblowers

Three key provisions that address international whistleblowers must be added to the final rules in order for this whistleblower program to reflect the best practices honed by enforcement agencies and whistleblower offices within agencies over the decades:

A. The final regulations should include clear and delineated instructions to educate international whistleblowers on how to submit information. This should specifically include working with international partners, given the longstanding recognition by agency whistleblower programs that such channels of collaboration help both international whistleblowers as well as enforcement agencies complete their mandate under the law.

B. The final regulations should include safety procedures and processes for international whistleblowers. International whistleblowers come forward without the established rule of law and safety mechanisms that U.S. whistleblowers benefit from, yet the information that the enforcement agencies gain from international whistleblowers is no less valuable. Risk to their physical safety is a common concern for many whistleblowers from certain regions. We acknowledge that reasonable limitations are relevant given that U.S. law enforcement and anti-retaliation protections cannot apply directly to those individuals outside of U.S. borders. However, for the agencies to successfully convince whistleblowers to reveal their information, safety processes and procedures are of paramount importance, and many measures are possible given the broad reach of U.S. influence.

C. The final regulations should waive internal reporting requirements for international whistleblowers in recognition of the lack of anti-retaliation protections. Current draft language that incentivizes international reporting puts those international whistleblowers who lack anti-retaliation protections at risk, as international reporting channels have often been seen as a mechanism for bad actors to gain additional information on the whistleblower, and engage in both cover-up and retaliation. Where anti-retaliation protections are not as strong as in the U.S., international whistleblowers should be exempt of that part of the process.

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