

# DOJ Pilot Programs for Individual Whistleblowers and Cooperators

Comparison Chart (as of June 10, 2024)

	Whistleblower Program	Criminal Division Pilot Program	SDNY Pilot Program	NDCA Pilot Program
<b>Eligible Individuals</b>	Individuals who voluntarily provide original, non-public information to the Department that is not already known to the government and who are not involved in the criminal activity.	Individuals who voluntarily self-disclose original information (non-public information not previously known to the Criminal Division or to any component of DOJ) about qualifying criminal misconduct, including all information known to the individual related to any misconduct in which the individual has participated and/or of which the individual is aware (including the complete extent of their own role in the misconduct), and who agree to fully cooperate with and are willing and able to provide substantial assistance to the Criminal Division in its investigation of related conduct and prosecution of equally or more culpable individuals or entities.	Individuals who voluntarily self-disclose information about qualifying criminal misconduct that has not previously been made public and is not already known to SDNY or any component of DOJ, including all criminal conduct in which the individual participated and of which the individual is aware. Individuals must be able to provide substantial assistance in the investigation and prosecution of one or more equally or more culpable persons and be prepared to cooperate fully with SDNY in its investigation and prosecution of the disclosed conduct.	Individuals who voluntarily self-disclose information about qualifying criminal misconduct that has not previously been made public and is not already known to NDCA or any component of DOJ, including all criminal conduct in which the individual participated and of which the individual is aware. Individuals must provide substantial assistance in the investigation and prosecution of one or more equally or more culpable persons and be prepared to cooperate fully with NDCA in its investigation and prosecution of the disclosed conduct.
<b>Ineligible Individuals</b>	Individuals involved in the criminal activity.	Individuals who: (1) have engaged in criminal conduct involving violence, use of force, threats, substantial patient harm, any sex offense involving fraud, force, or coercion, or relating to a minor, or any offense involving terrorism; (2) hold the position of CEO or CFO (or their equivalent) in a public or private company; (3) are the organizer/leader of the scheme; (4) are elected or appointed foreign government officials; (5) are domestic government officials at any level, including employees of law enforcement agencies; or (6) have a previous felony conviction or a conviction of any kind for conduct involving fraud or dishonesty.	Individuals who: (1) have engaged in any criminal conduct involving use of force or violence, any sex offense involving fraud, force, or coercion, or a minor, or any offense involving terrorism or implicating national security or foreign affairs; (2) hold the position of CEO or CFO (or their equivalent) in a public or private company; (3) are federal, state, or local elected or appointed and confirmed officials; or (4) have a previous felony conviction of any kind for conduct involving fraud or dishonesty; (5) have a previous felony conviction or a conviction of any kind for conduct involving fraud or dishonesty; or (6) are an official or agent of a federal investigative or federal law enforcement agency.	Individuals who: (1) have engaged in any criminal conduct involving use of force or violence, any sex offense involving fraud, force, or coercion, or a minor, or any offense involving terrorism or implicating national security or foreign affairs; (2) hold the position of CEO or CFO (or their equivalent) in a public or private company; (3) are federal, state, or local elected officials, or are heads of a public agency or entity; (4) have a previous felony conviction or a conviction of any kind for conduct involving fraud or dishonesty; or (5) are an official or agent of a federal investigative or federal law enforcement agency.

	Whistleblower Program	Criminal Division Pilot Program	SDNY Pilot Program	NDCA Pilot Program
<b>Qualifying Misconduct</b>	Conduct not eligible for existing whistleblower programs, such as domestic corruption, foreign corruption outside the jurisdiction of the SEC, and criminal abuses of the U.S. financial system, including, potentially, criminal conduct with a U.S. nexus committed by foreign companies, such as in the areas of export controls, sanctions, or fraud.	Violations: (1) by financial institutions, their insiders, or agents, including schemes involving money laundering, anti-money laundering, registration of money transmitting businesses, and fraud statutes, and fraud against or compliance with financial institution regulators; (2) related to integrity of financial markets undertaken: (a) by financial institutions, investment advisors, or investment funds, (b) by or through public companies or private companies with 50 or more employees, or (c) by any insiders or agents of such entities; (3) related to foreign corruption and bribery by, through, or related to public or private companies, including violations of the FCPA, violations of the Foreign Extortion Prevention Act, or violations of the money laundering statutes; (4) related to health care fraud or illegal health care kickbacks committed by or through public companies or private companies with 50 or more employees; (5) by or through public or private companies with 50 or more employees related to fraud against, or the deception of, the United States in connection with federally funded contracting, where such fraud does not involve health care or illegal health care kickbacks; or (6) committed by or through public or private companies related to the payment of bribes or kickbacks to domestic public officials.	Includes: (1) criminal conduct undertaken by or through public or private companies, exchanges, financial institutions, investment advisers, or investment funds and involving fraud or corporate control failures or affecting market integrity; or (2) criminal conduct involving state or local bribery or fraud relating to federal, state, or local funds.	Includes: (1) criminal conduct undertaken by or through public or private entities or organizations, including corporations, partnerships, non-profit organizations, exchanges, financial institutions, investment advisers, or investment funds and involving fraud or corporate control failures, intellectual property theft and related violations, or affecting market integrity; or (2) criminal conduct involving state or local bribery or fraud relating to federal, state, or local funds.
<b>Incentives/ Sanctions</b>	A portion of the government's recovery, after victims are compensated, yet to be clarified.	Individuals who: (1) have engaged in criminal conduct involving violence, use of force, threats, substantial patient harm, any sex offense involving fraud, force, or coercion, or relating to a minor, or any offense involving terrorism; (2) hold the position of CEO or CFO (or their equivalent) in a public or private company; (3) are the organizer/leader of the scheme; (4) are elected or appointed foreign government officials; (5) are domestic government officials at any level, including employees of law enforcement agencies; or (6) have a previous felony conviction or a conviction of any kind for conduct involving fraud or dishonesty.	Individuals who: (1) have engaged in any criminal conduct involving use of force or violence, any sex offense involving fraud, force, or coercion, or a minor, or any offense involving terrorism or implicating national security or foreign affairs; (2) hold the position of CEO or CFO (or their equivalent) in a public or private company; (3) are federal, state, or local elected or appointed and confirmed officials; or (4) have a previous felony conviction of any kind for conduct involving fraud or dishonesty; (5) have a previous felony conviction or a conviction of any kind for conduct involving fraud or dishonesty; or (6) are an official or agent of a federal investigative or federal law enforcement agency.	Individuals who: (1) have engaged in any criminal conduct involving use of force or violence, any sex offense involving fraud, force, or coercion, or a minor, or any offense involving terrorism or implicating national security or foreign affairs; (2) hold the position of CEO or CFO (or their equivalent) in a public or private company; (3) are federal, state, or local elected officials, or are heads of a public agency or entity; (4) have a previous felony conviction or a conviction of any kind for conduct involving fraud or dishonesty; or (5) are an official or agent of a federal investigative or federal law enforcement agency.