

UNITED STATES OF AMERICA

before the

SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 100818 / August 26, 2024

WHISTLEBLOWER AWARD PROCEEDING

File No. 2024-38

In the Matter of the Claims for Award

in connection with

Redacted

Redacted

Notice of Covered Action Redacted

ORDER DETERMINING WHISTLEBLOWER AWARD CLAIMS

The Claims Review Staff (“CRS”) issued Preliminary Determinations recommending that Redacted (“Claimant 1”) receive a whistleblower award of over \$4 million, equal to Redacted percent (^{***} %), and that Redacted (“Claimant 2”) receive a whistleblower award of over \$20 million, equal to Redacted percent (^{***} %), of the monetary sanctions collected in the above-referenced Covered Action (“Covered Action”) and in connection with a Redacted between Redacted (“the Company”) and the Redacted (“Other Agency”), Redacted (“Related Action”).² Claimants 1 and 2 provided written notices of their decisions not to contest the Preliminary Determinations.

The recommendations of the CRS are adopted. The record demonstrates that Claimant 1 and Claimant 2 voluntarily provided original information to the Commission that led to the

¹ While Claimant 2 falls within the officer exclusion under Rule 21F-4(b)(4)(iii)(A), Claimant 2 satisfies the 120-day exception under Rule 21F-4(b)(4)(v) because he/she reported the conduct internally to the Redacted, among others, and then waited more than 120 days to report to the Commission.

² The Commission may pay an award based on amounts collected in related actions that are based on the same original information that the whistleblower voluntarily provided to the Commission and that led the Commission to obtain monetary sanctions totaling more than \$1 million. Exchange Act Rule 21F-3(b), 17 C.F.R. § 240.21F-3(b). The Commission finds that Redacted between the Company and Other Agency constitutes a “related action” within the meaning of Exchange Act Rules 21F-3(b) and 21F-4(d)(3)(i).

successful enforcement of the Covered Action. Further, the record shows that Claimants 1 and 2 provided the same original information that led to the success of the Related Action.

In determining the amount of award to recommend for Claimants 1 and 2, the Commission considered the following factors set forth in Rule 21F-6 of the Exchange Act as they apply to the facts and circumstances of the Claimants' applications: (1) the significance of information provided to the Commission; (2) the assistance provided in the Covered Action; (3) the law enforcement interest in deterring violations by granting awards; (4) participation in internal compliance systems; (5) culpability; (6) unreasonable reporting delay; and (7) interference with internal compliance and reporting systems.³

In allocating a *** percent (**%) award to Claimant 1 and a Redacted percent (**%) award to Claimant 2, the Commission considered, among other things, that: (i) Claimant 1's information alerted Commission staff to potential Redacted in the Company's Redacted Redacted prompting the opening of the investigation; (ii) while Claimant 1's information prompted the opening of the investigation, he/she had limited knowledge of the schemes and his/her information was general and/or incorrect in several respects; (iii) while Claimant 1 and his/her attorney met with Division of Enforcement staff responsible for the Covered Action ("Enforcement staff"), he/she was not able to provide additional helpful information beyond what was provided in his/her initial tip; (iv) Claimant 1 unreasonably delayed reporting the Redacted conduct to the Commission, because after raising concerns to his/her supervisor, he/she did not report the conduct to the Commission for another two years; (v) while Claimant 2 reported to the Commission after Claimant 1, Claimant 2's information played a more significant role in the investigation, as Claimant 2's information expanded the investigation to include Redacted, provided important information about key witnesses and their roles in the schemes, and allowed the staff to save time and resources; (vi) Claimant 2 met with Enforcement staff on numerous occasions and staff relied heavily on Claimant 2's information and assistance during the course of the investigation; (vii) Claimant 2 internally reported the conduct prompting an internal investigation by the Company; and (viii) there are high law enforcement interests here as the information would have been difficult to obtain as it related to conduct occurring abroad. The Commission finds that a *** percent (**%) award to Claimant 1 and a Redacted percent (**%) award to Claimant 2 appropriately recognizes the contributions each claimant made to the Covered Action and Related Action.⁴

³ Rule 21F-6; 17 C.F.R. § 240.21F-6.

⁴ Among other relief, the Commission ordered the Company to pay disgorgement and prejudgment interest, certain of which was offset by disgorgement amounts paid to Redacted for the same underlying conduct. The Redacted collected the amounts, and as such, for purposes of making the whistleblower award in the Covered Action, we are basing it on the entire amount ordered by the Commission. Pursuant to Redacted the Company agreed to pay a Redacted, which was partially offset by fines the Company paid to

Accordingly, it is hereby ORDERED that Claimant 1 shall receive an award of ^{***} percent (^{***} %) and Claimant 2 shall receive an award of ^{Redacted} percent (^{***} %) of the monetary sanctions collected in the Covered Action and in the Related Action.

By the Commission.

Vanessa A. Countryman
Secretary

^{Redacted} in related proceedings. Based on amounts collected by the Other Agency, as well as ^{Redacted}
^{Redacted} is the amount upon which Claimants' awards in the Related Action are based.