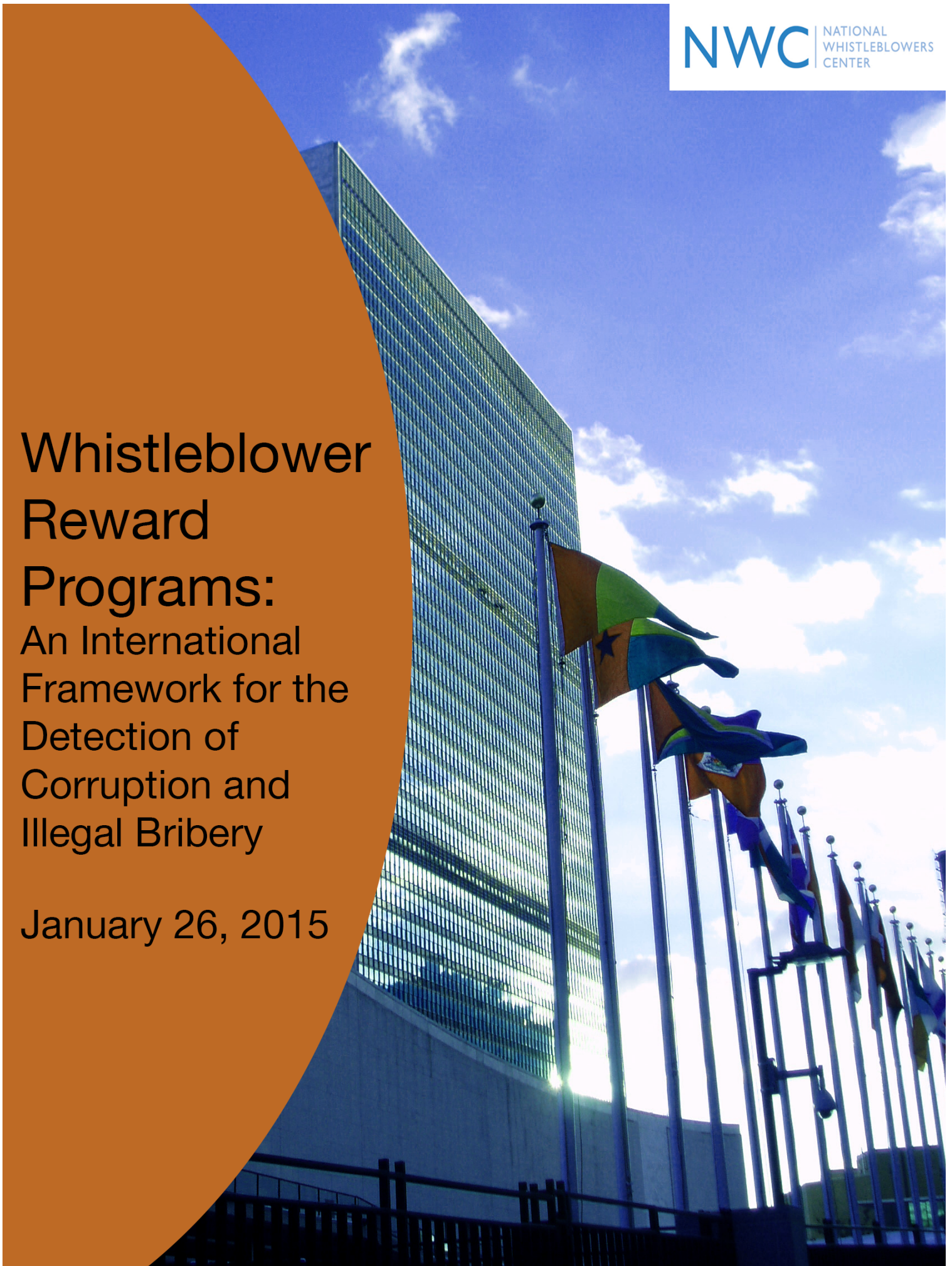


Whistleblower Reward Programs: An International Framework for the Detection of Corruption and Illegal Bribery

January 26, 2015



Authored by Stephen M. Kohn, Partner at Kohn, Kohn & Colapinto LLP, with the assistance of Michael D. Kohn, David K. Colapinto and Mary Jane Wilmoth. The report was produced *pro bono* on behalf of the National Whistleblower Center and the National Whistleblower Legal Defense and Education Fund.

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For additional information please email: international@whistleblowers.org

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Introduction

Whistleblower Reward Laws are the Key to Successfully Combating Fraud and Corruption

In a rare show of international unity, over 140 nations, (including every major nation in the world), signed the United Nations Convention Against Corruption.¹ In the introduction to the Convention the Secretary-General of the United Nations wrote:

“Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish.”

Articles 32 and 33 of the Convention promote the protection of whistleblowers.

Unquestionably, the key to a successful fraud detection program are whistleblower reward laws designed to protect and encourage “insiders” to report misconduct. The United States reward laws have been extraordinarily successful, and have worldwide reach. Since 2011, whistleblowers from over 82 countries have filed whistleblower claims and in 2014 over \$30 million U.S. dollars was paid to non-U.S. citizens under these laws. Many of these claims focus on violations of the Foreign Corrupt Practices Act.

The U.S. regulators responsible for implementing the whistleblower reward laws have strongly praised them and have explained

how they are crucial instruments in fighting fraud and corruption.

In the words of these officials:

- Whistleblower reward laws are “the government’s most potent civil weapon in addressing fraud against the taxpayers.” Statement of the Acting Assistant Attorney General, Civil Division of the Department of Justice.²
- Whistleblower reward laws “generate much needed revenue by recovering billions of dollars lost each year through fraud and abuse on behalf of Government agencies, entitlement programs, and the general fund.” Department of Justice, Civil Division Fiscal Year 2012 Budget Request.³

*“Corruption is an insidious plague”
General Secretary,
United Nations*

Introduction

Continued...

- “Most” Civil Fraud Cases that result “in recoveries were brought to the government by whistleblowers” under the rewards law. Statement of the Assistant Attorney General.⁴
- Whistleblower reward laws have made “record-setting recoveries” on behalf of the taxpayer possible. Statement of the Assistant Attorney General.⁵
- Whistleblower reward “laws provide significant deterrence to those contemplating” engaging in fraud. Department of Justice, Civil Division 2011 Performance Budget Request.⁶
- Whistleblower reward laws are “the most powerful tool the American people have to protect the government from fraud.” Statement of the Assistant Attorney General.⁷
- Whistleblower reward laws have “been a tremendous benefit not only to the government and the American public but also to companies that want to do business fairly and honestly.” Statement of the Assistant Attorney General.⁸
- Whistleblower reward laws have “provided ordinary Americans with essential tools to combat fraud, to help recover damages, and to bring accountability to those who would take advantage of the United States government – and of American taxpayers.” Statement of the Attorney General of the United States.⁹
- The “impact” of the reward laws “has been nothing short of profound.... Some of these [False Claims Act cases] may have saved lives. All of them saved money. And – taken as a whole – this remarkable track record.” Statement of the Attorney General of the United States.¹⁰

The “impact” of the reward laws “has been nothing short of profound . . . Some of these [False Claims Act cases] may have saved lives. All of them saved money.”

Attorney General of the United States.

Introduction

Continued...

- *“Whistleblowers can provide valuable leads, and often offer unique insights into taxpayer activity. Frequently the whistleblower provides specific information on issues, taxpayer positions, or actions we would likely be unable to identify.”* Memorandum of the Deputy Commissioner for Services and Enforcement of the Internal Revenue Service.¹¹
- *“[W]histleblowers have led to an **unprecedented number of investigations and greater recoveries** The whistleblowers who bring wrongdoing to the government’s attention are instrumental in preserving the integrity of government.”* Statement of the Principal Deputy Assistant Attorney General.¹²
- *“The Securities and Exchange Commission’s whistleblower program . . . has resulted in investigative staff receiving a substantial volume of **high quality information** about potential securities law violations. It has allowed our investigative staff to work more efficiently and permitted us to better utilize agency resources.”* Testimony of Securities and Exchange Commission Chairman before the House of Representatives.¹³
- Whistleblower reward laws are *“**attracting high-quality tips and cooperation we might not otherwise receive.**”* Statement of Acting Director of the Commodity Futures Trading Commission’s Enforcement Division.¹⁴

*“Whistleblowers
have led to an
unprecedented
number of
investigations and
greater recoveries”
Principal Deputy
Assistant Attorney
General of the
United States*

Fact #1

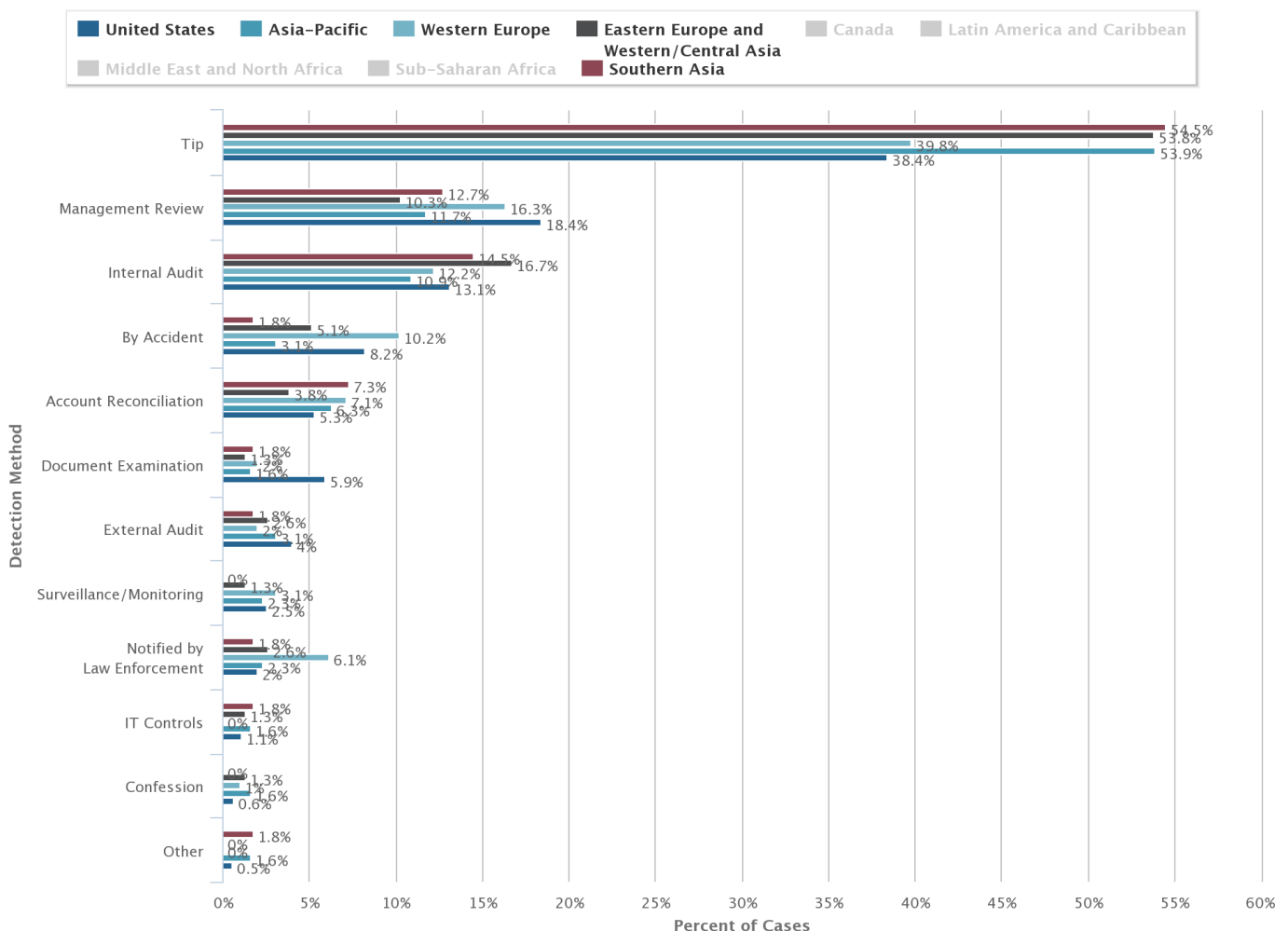
Reward Laws Are Needed

Whistleblowers are by far the most common source of information around the world.

The Association of Certified Fraud Examiners periodically surveys the means by which fraud is detected around the world. In the ACFE's most recent report, the "2014 Report to the Nations on Occupational Fraud and Abuse", the Association found that of all the different sources that contributed to the detection of fraud, individuals submitting "tips" (i.e. whistleblowers) were the most common and most effective source.

This was found to be the case in every region of the world.

Detection Method by Region



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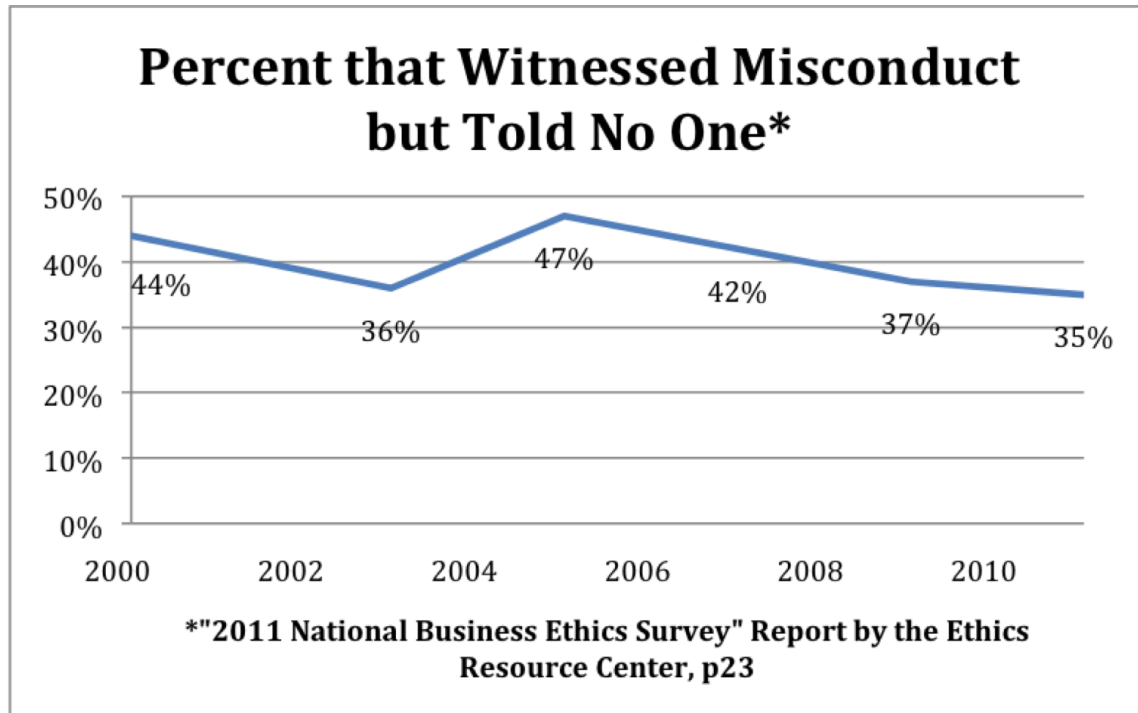
Fact #1

Continued...

Although whistleblowers are the single most common and most valuable source of information on fraud and corruption, 40% of employees who witness wrongdoing tell *no one* about what they've observed, not even their immediate supervisors, much less a responsible government agency.

This research was conducted by the Ethics Resource Center, a corporate-sponsored organization that produces annual, statistically valid surveys of employee reporting behaviors.

*The Ethics Resource Center is sponsored primarily by corporate contributors such as Lockheed Martin, Raytheon, MERCK, and Altria.

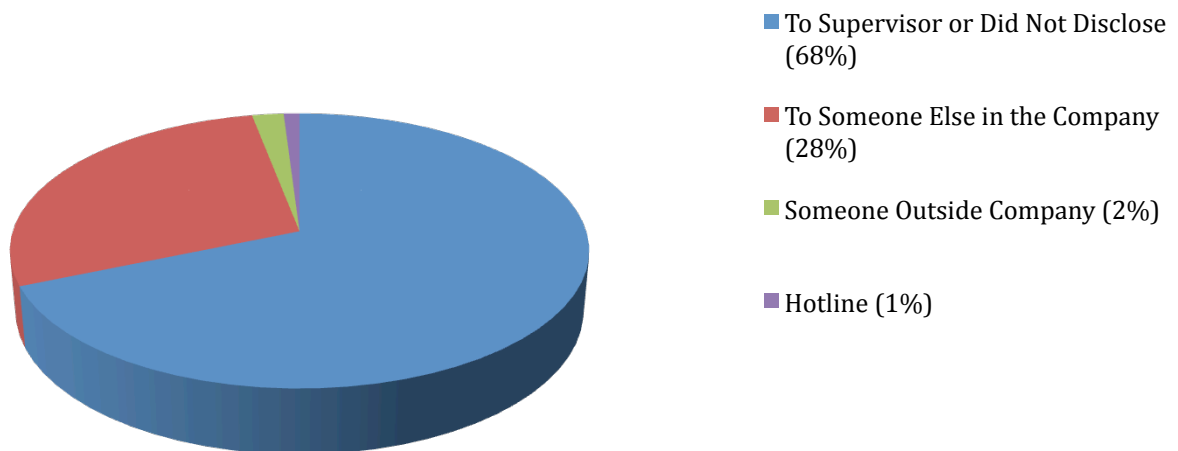


Fact #1

Continued...

According to the findings of the Ethics Resource Center, reported in “The 2009 National Business Ethics Survey,” among those employees who do choose to come forward with information about misconduct, only 4% contact anyone outside the company.

Reporting Behavior of Employees Who Observed Misconduct 2009



Fact #1

Continued...

The University of Chicago Booth School of Economics conducted the most comprehensive and objective study of whistleblower reward laws, whether or not they work, and their value to enforcement efforts. The study focused on the False Claims Act, and was designed to “identify the most effective mechanisms for detecting corporate fraud.” It was based upon an “in-depth” study of “all reported fraud cases in large U.S. companies between 1996 and 2004.”¹⁵

The Booth School’s conclusions are clear and contain unambiguous messages concerning the importance of whistleblower reward laws:

- *“A strong monetary incentive to blow the whistle does motivate people with information to come forward.”*
- *“[T]here is no evidence that having stronger monetary incentives to blow the whistle leads to more frivolous suits.”*
- *“Monetary incentives seem to work well, without the negative side effects often attributed to them.”*

The Booth School study also explained the downside of whistleblowing. They explain that without laws such as the False Claims Act, fraud will go undetected,

the few whistleblowers who do step forward will not be rewarded:

“[E]mployees clearly have the best access to information,” [but whistleblowers were] “fired, quit under duress, or had significantly altered responsibilities. In addition, many employee whistleblowers report having to move to another industry and often to another town to escape personal harassment.”

“Not only is the honest behavior not rewarded by the market, but it is penalized . . . Given these costs, however, the surprising part is not that most employees do not talk; it is that some talk at all.”

It has been well demonstrated, when applied to United States regulatory and enforcement agencies, that whistleblower reward laws increase the amount and quality of whistleblower disclosures and are crucial to the exposure and prosecution of fraud and misconduct. The Chicago Booth School study demonstrates the need for effective whistleblower incentives.

“A strong monetary incentive to blow the whistle does motivate people with information to come forward”

Fact #2

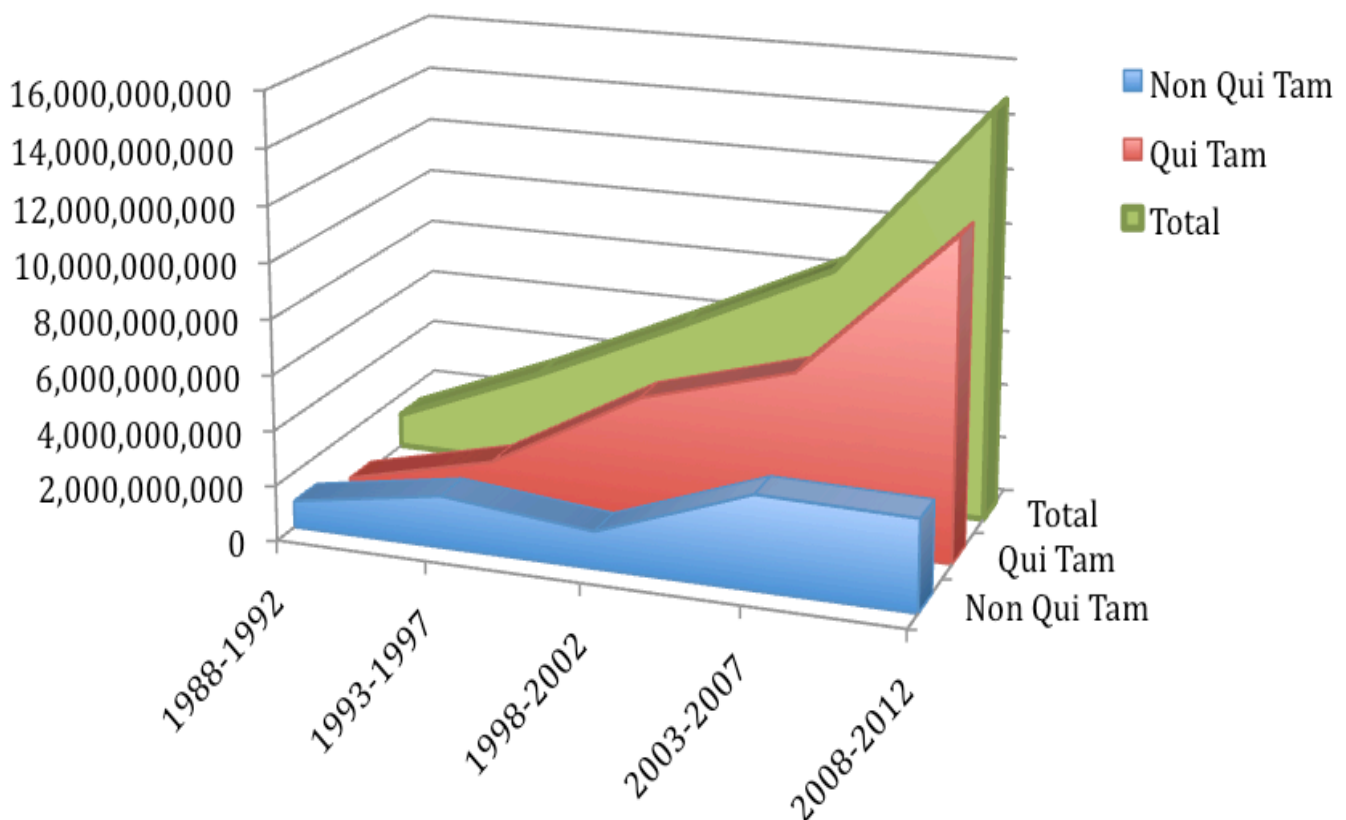
Whistleblower Reward Laws Work

As demonstrated in the graph below, the False Claims Act (America's oldest whistleblower reward law) works remarkably well. Even the staunchest opponents of the law, such as the U.S. Chamber of Commerce, are forced to concede that the awards law is the "most important tool to uncover and punish fraud against the United States."¹⁶

As represented in the graph,¹⁷ the *qui tam* recoveries (represented in orange) are those exclusively derived from whistleblower disclosures.

The recoveries obtained by the government that are not directly and explicitly tied to whistleblowers are represented in blue, (i.e. the "Non-*Qui Tam*" recoveries).

As can be seen, the amount of actual recoveries obtained on behalf of the taxpayers has grown significantly over the years as employees have become aware of the False Claims Act and utilized its *qui tam* procedures.



Fact #3

Employees Outside the USA are Already Benefiting from American Reward Laws

The failure of nations to enact whistleblower reward laws has resulted in numerous foreign nationals seeking protection under the U.S. Securities and Exchange Commission's Whistleblower Reward law. For example, from 2011 through September 2014, 1136 foreign nationals filed whistleblower disclosures with the U.S. Securities and Exchange Commission, and non-U.S. citizens have already been paid over \$30 million U.S. dollars in whistleblower rewards for reporting securities violations or foreign bribery committed internationally.¹⁸

Some officials in developed democratic countries capable of implementing reward laws have argued that such laws would not work well in the nation. However, this argument ignores the fact that in 2014 more whistleblowers came from the United Kingdom, an economically and politically advanced nation, than any other nation in the world.¹⁹ Similarly, as reflected in the chart printed at the end of this report, since 2011 numerous whistleblowers from countries such as the Australia, Canada,

France Germany, Netherlands, and Spain have all made disclosures under the U.S. reward laws.

Areas of law for which non-U.S. citizens fully qualify for rewards concern violations of the Foreign Corrupt Practices Act, international banking and tax violations, assisting U.S. citizens setting up non-disclosed bank accounts or other illegal financial structures, selling defective products to the U.S. government, and securities violations.²⁰

In its 2014 annual report, the Securities and Exchange Commission's Office of the Whistleblower specifically noted, "allowing foreign nationals to receive awards under the program best effectuates the clear Congressional purpose underlying the award program."

To date, foreign nationals from 83 separate countries have applied for rewards in the securities/foreign bribery whistleblower rewards program alone.²¹

"In issuing [a \$30 million USD] award, the Commission specifically noted that allowing foreign nationals to receive awards under the program best effectuates the clear Congressional purpose underlying the award program." Securities and Exchange Commission Report

Fact #3

Continued...

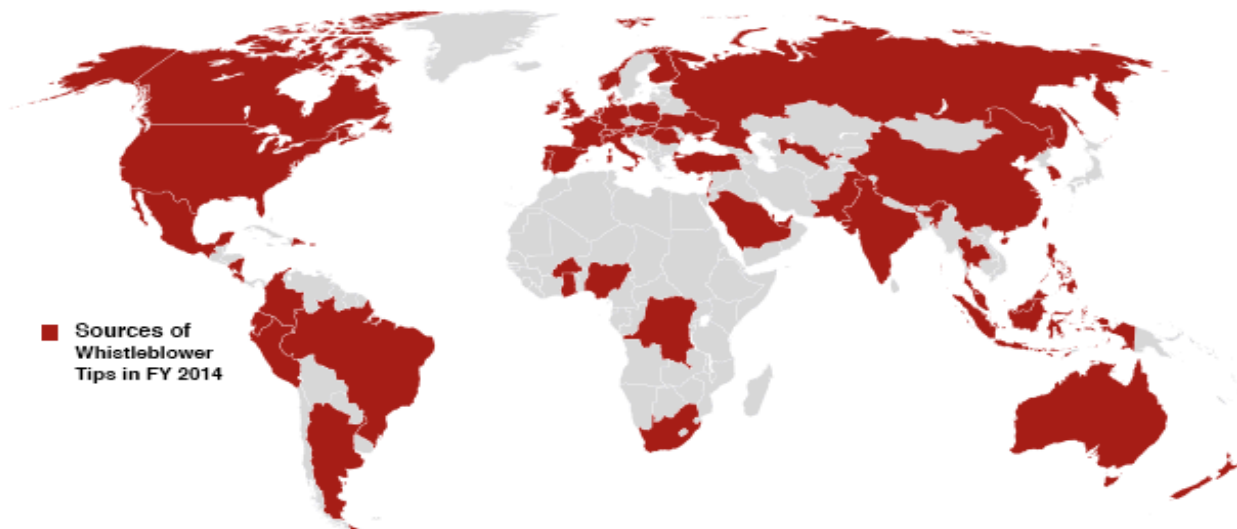
Arguments raised that these programs are somehow outside the cultural norms of other nations or that whistleblowers would not take advantage of these programs because they are not concerned about rewards are flawed and disingenuous. These arguments ignore the fact that whistleblowers are already reporting to the U.S. from numerous countries in every continent, in large and increasing numbers.

Whistleblowers need the protection and encouragement offered by the reward laws.

The U.S. Securities and Exchange Commission has described the reach and success of their international program as follows,

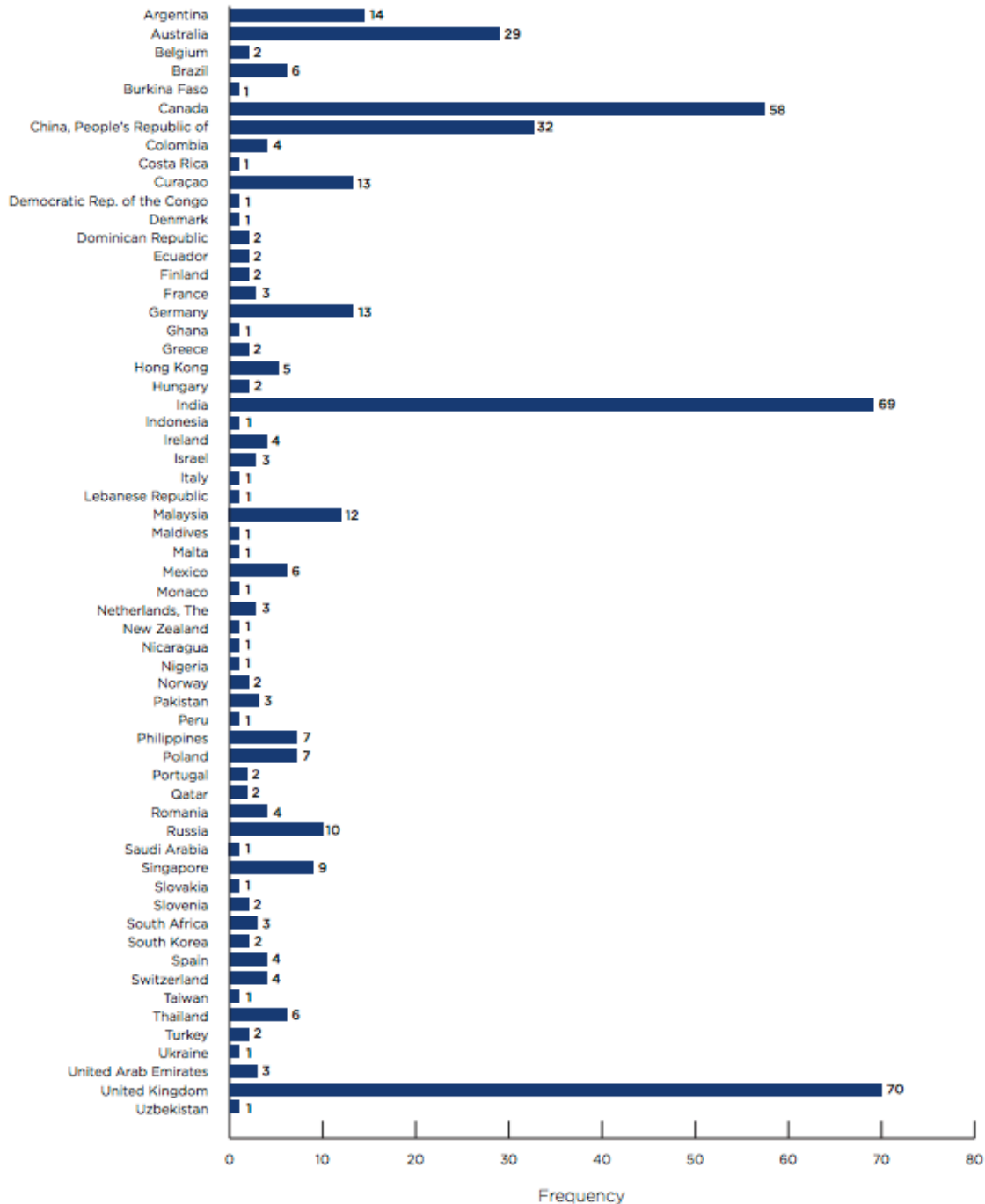
*"Since the beginning of the whistleblower program, the Commission has received whistleblower tips from individuals in 83 countries outside the United States. In Fiscal Year 2014 alone, the Commission received whistleblower submissions from individuals in 60 foreign countries."*²²

Countries where the SEC has Accepted Whistleblower Tips and Award Applications in 2014



*Map from 2014 Annual Report to Congress on the "Dodd-Frank Whistleblower Program" Report by the SEC (2014).²³

Whistleblower Tips Received By Geographic Location (International) Fiscal Year 2014



*Chart from 2014 Annual Report to Congress on the “Dodd-Frank Whistleblower Program” Report by the SEC (2014).²⁴

Fact #3

Continued...

Whistleblower Tips Received by Geographical Location (International)

Fiscal Year 2011-2014

Annual Report to Congress on the Dodd-Frank Whistleblower Program
U.S. Securities and Exchange Commission

Canada	167
United Kingdom	149
China	121
India	120
Australia	68
Russia	33
Germany	32
Ireland	31
Argentina	22
Curaçao	18
Singapore	18
South Africa	18
Israel	17
Switzerland	16
France	14
Mexico	14
Netherlands, The	14
Brazil	13
Malaysia	13
New Zealand	13
Spain	12
Hong Kong	11
Italy	11
Turkey	11
South Korea	9
Norway	8
Thailand	8
Philippines	7
Poland	7
Portugal	7
Romania	7
Sweden	7
Colombia	6
Finland	6
Ghana	6
Venezuela	6
Belgium	5
Dominican Republic	5
Japan	5
Pakistan	5
Slovakia	5
Taiwan	5

United Arab Emirates	5
Austria	4
Slovenia	4
Ukraine	4
Greece	3
Hungary	3
Vietnam	3
Costa Rica	2
Cyprus	2
Czech Republic	2
Ecuador	2
Indonesia	2
Lebanese Republic	2
Qatar	2
Belize	1
Botswana	1
Bulgaria	1
Burkina Faso	1
Cameroon	1
Cayman Islands	1
Democratic Rep. of the Congo	1
Denmark	1
Egypt	1
El Salvador	1
Kazakhstan, Republic of	1
Kenya	1
Luxembourg, Grand Duchy of	1
Maldives	1
Malta	1
Monaco	1
Montenegro	1
Nicaragua	1
Nigeria	1
Panama	1
Peru	1
Rwanda	1
Saudi Arabia	1
Serbia	1
Uruguay	1
Uzbekistan	1
Total Tips Received	1136

Fact #4

America's Oldest Whistleblower Reward Law, the False Claims Act, has had Remarkable Success in Protecting Whistleblowers and Exposing Fraud

Below is how U.S. regulators describe the oldest U.S. whistleblower reward law, the False Claims Act. The False Claims Act is designed to punish fraud in government programs and it has a thirty-year track record of success. The modern version of the law, which enhanced whistleblower financial incentives, was enacted in 1986. The testimony and statements set forth below are all from the U.S. regulators responsible for the administration of the False Claims Act:

"[I]t is abundantly clear that, twenty-five years after this statute [the whistleblower reward law] was significantly amended, it remains the government's most potent civil weapon in addressing fraud against the taxpayers." Acting Assistant Attorney General, Civil Division DOJ.²⁵

"Most of the cases resulting in recoveries were brought to the government by whistleblowers."

"Under the False Claims Act, Civil Division attorneys generate much needed revenue by recovering billions of dollars lost each year through fraud and abuse on behalf of Government agencies, entitlement programs, and the general fund." U.S. Department of Justice, Civil Division Fiscal Year 2012 Budget Request.²⁶

"[M]ost of the cases resulting in recoveries were brought to the government by whistleblowers under the False Claims Act." Assistant Attorney General, Civil Division.²⁷

"Since 1986, Branch attorneys and their colleagues in U.S. Attorneys' Offices have recovered more than \$24 billion on behalf of Government programs . . . These efforts provide significant deterrence to those contemplating defrauding these programs The majority of False Claims Act cases are filed initially by private citizens or "whistleblowers" under the qui tam provisions of the False Claims Act." United States Department of Justice, Civil Division, FY 2011 Performance Budget Congressional Submission.²⁸

Fact #4

Continued...

“[T]he Department has made significant strides in protecting taxpayer dollars – as well as the integrity of government programs that depend on those dollars . . . Our primary tool in these fraud enforcement matters is the False Claims Act . . . Although the False Claims Act dates back to the Civil War, it has been significantly strengthened in recent years to enhance its whistleblower provisions and to strengthen the government’s ability to recover taxpayer dollars. . . . [M]ost of the cases resulting in recoveries were brought to the government by whistleblowers under the False Claims Act. In 1986, Congress amended the False Claims Act to revise the statute’s qui tam (or whistleblower) provisions, which encourage whistleblowers to come forward with allegations of fraud. The changes enacted in 1986 made the record-setting recoveries of last year possible.” Statement of the Assistant Attorney General for the Civil Division.²⁹

“[The False Claims Act’s whistleblower reward] amendments have played a critical role in transforming the False Claims Act into what it is today – the most powerful tool the American people have to protect the government from fraud. Indeed, each of the past five years has seen a new record for the number of whistleblower complaints filed, and of course the commitment advocacy of relators has been central to our record-setting recoveries . . . But the value of the False Claims Act is not just in allowing the government to respond to fraud after it happens. It is also in preventing fraud from happening in the first place . . . The results have been a tremendous benefit not only to the government and the American public but also to companies that want to do business fairly and honestly, and want to know that they won’t be put at a competitive disadvantage as a result because others are not playing by the rules.” Assistant Attorney General, U.S. Department of Justice.³⁰

“[The False Claims Act’s whistleblower reward] amendments have played a critical role in transforming the False Claims Act into what it is today – the most powerful tool the American have to protect the government from fraud.” Department of Justice

Fact #4

Continued...

"[T]he False Claims Act has provided ordinary Americans with essential tools to combat fraud, to help recover damages, and to bring accountability to those who would take advantage of the United States government – and of American taxpayers. Since the day that President Reagan signed these bipartisan amendments into law in 1986, their impact has been nothing short of profound . . . Some of these [False Claims Act cases] may have saved lives. All of them saved money. And – taken as a whole – this remarkable track record represents a wide-ranging effort to eradicate the scourge of fraud from some of government's most critical programs. Attorney General of the United States.³¹

"The increased incentives for whistleblowers have led to an unprecedented number of investigations and greater recoveries . . . The whistleblowers who bring wrongdoing to the government's attention are instrumental in preserving the integrity of government programs and protecting taxpayers from the costs of fraud. We are extremely grateful for the sacrifices they make to do the right thing." Principal Deputy Assistant Attorney, DOJ.³²

"The False Claims Act is the government's primary civil remedy to redress false claims for government funds and property under government contracts, including national security and defense contracts, as well as under government programs as varied as Medicare, veterans benefits, federally insured loans and mortgages, transportation and research grants, agricultural supports, school lunches and disaster assistance. In 1986, Congress strengthened the Act by amending it to increase incentives for whistleblowers to file lawsuits on behalf of the government, which has led to more investigations and greater recoveries. Most false claims actions are filed under the Act's whistleblower, or qui tam, provisions, which allow private citizens to file lawsuits alleging false claims on behalf of the government." U.S. Department of Justice, Office of Public Affairs, "Justice Department Recovers \$3.8 Billion from False Claims Act Cases in Fiscal Year 2013," December 20, 2013.³³

***"The False Claims Act
has provided ordinary
Americans with
essential tools to
combat fraud."
Attorney General of the
United States***

Fact #5

Newly Enacted Securities, Tax and Foreign Bribery Rewards Laws are also “Tremendously Effective”

The Department of Justice is not the only agency to experience such success with whistleblower reward programs. Other agencies, including the Securities and Exchange Commission, the Internal Revenue Service, and the Commodity Futures Trading Commission have seen remarkable success with their own programs as well.

The securities-fraud whistleblower incentive law, enacted as part of the 2010 Dodd-Frank Act, is one of the laws that have produced profound results. This law has transnational application and also applies to violations of the Foreign Corrupt Practices Act. In the words of the U.S. regulators responsible for implementing this law:

“Another tool we are using with growing frequency and success is our whistleblower authority, which enables us to award those who come forward with evidence of wrongdoing.”³⁴

“[T]he [Securities and Exchange Commission]’s whistleblower program . . . has rapidly become a tremendously effective force-multiplier, generating high quality tips and, in some cases, virtual blueprints laying out an entire enterprise, directing us to the heart of an alleged fraud.”³⁵

“The Securities and Exchange Commission’s whistleblower program . . . has resulted in investigative staff receiving a substantial volume of high quality information about potential securities law violations. It has allowed our investigative staff to work more efficiently and permitted us to better utilize agency resources.”³⁶

The “new whistleblower program” “is resulting in high-quality tips from insiders at financial firms.”³⁷

“We’re seeing high-quality tips that are saving our investigators substantial time and resources.”³⁸

*“[The] whistleblower program . . . has rapidly become a tremendously effective force-multiplier, generating high quality tips”
Securities and Exchange Commission Chairman*

Fact #5

Continued...

Two other major U.S. agencies have experienced similar successes. These successes are reflected in the public comments of the Internal Revenue Service and the Commodities Futures Trading Commission.

The Deputy Commissioner for Services and Enforcement at the Internal Revenue Service, John Dalrymple wrote the following in a memorandum immediately after a formal review of the Internal Revenue Service Office of the Whistleblower,³⁹

Since the [Internal Revenue Service] Office of the Whistleblower was founded, “thousands of Whistleblowers have reported hundreds of millions of dollars in suspected tax compliance issues, resulting in a wide range of audits and investigations. Many of these audits and investigations have yielded significant results, demonstrating that whistleblower information can be an important tool in our compliance efforts.”

“Whistleblowers can provide valuable leads, and often offer unique insights into taxpayer activity. Frequently the whistleblower provides specific information on issues, taxpayer positions, or actions we would likely be unable to indentify using our compliance processes and procedures.”

“Some whistleblowers have insights and information which can help the Service understand complex issues or hidden relationships.”

Although the Office of the Whistleblower at the Commodity Futures Trading Commission is still very new, leaders in the agency have expressed considerable excitement regarding the early results of their whistleblower program.

After the Commodity Futures Trading Commission issued their first-ever whistleblower award, leaders at the Commodities Futures Trading Commission issued the following statement regarding the new program,

“The [Commodity Futures Trading Commission]’s Whistleblower Program is attracting high-quality tips and cooperation we might not otherwise receive and is already having an impact on the Commission’s enforcement mission.”⁴⁰

“I am pleased to announce this first award which illustrates that the [Commodity Futures Trading Commission]’s Whistleblower program is a valuable resource for the American public. Information received under the Whistleblower Program helps the agency better protect market participants and the public through successful enforcement actions.”⁴¹

“Our Whistleblower Program is a necessary enforcement tool for the agency, and my hope is that this award will send the strong message that the [Commodity Futures Trading Commission] will pay for information that helps us do our jobs.”⁴²

Conclusion

Whistleblower reward laws address both the short-term and long-term problems caused by the realistic fear employees experience when they consider blowing the whistle.

- Reward laws create an incentive for employees to take a risk and report fraud.
- Reward laws establish safe and protected channels for reporting.
- Reward laws place a premium on raising concerns that are valid, well documented, and provable. Unlike retaliation laws, the only way to prevail in a reward law is to be right about the wrongdoing.
- Reward laws give employees a choice: report internally or report through a government-protected channel that can offer real financial security. This creates powerful motivation for companies to compete with the government programs by creating independent and effective compliance programs.
- Reward laws provide a safe channel for employees to report their allegations to law enforcement confidentially, and, if appropriate, become a confidential informant.
- Reward laws permit employees who disclose their fraud-based allegations to the government to obtain protection from retaliation as government witnesses under the criminal obstruction of justice laws, along with traditional employment discrimination laws.
- Reward laws permit the appropriate authorities to obtain evidence of fraud, and conduct effective investigations designed to protect the public interest.

“Reward laws create an incentive for employees to take a risk and report fraud.”

The Framework for an International Whistleblower Program

1. All nations should adopt whistleblower anti-retaliation and reward laws wherever there are democratic institutions capable of administering these laws. Where such institutions do not exist, programs should be enacted to protect whistleblowers that report to international institutions or outside government agencies.
2. All whistleblower reward laws must ensure the anonymity and privacy of whistleblowers, establish minimum standards for rewards for whistleblowers to be calculated as a percentage of total recovery, and provide for due process, including the right to judicial review for claims of wrongful denial of awards
3. Whistleblower anti-retaliation laws should follow established “best practices,” such as the recommended draft principles for whistleblowing legislation developed by a wide range of Non-Governmental Organizations and published on http://www.transparency.org/files/content/activity/2009_PrinciplesForWhistleblowingLegislation_EN.pdf
4. International whistleblowers should use the U.S. reward laws whenever applicable. These laws are well-established and have been proven successful for both U.S. citizens and foreign nationals.
5. NGOs and Government Institutions dedicated to anti-corruption efforts should sponsor trainings to educate their country’s citizens on how to use U.S. whistleblower reward laws to obtain protection, financial rewards and to put a stop to local corruption and misconduct.
6. International Institutions, such as the European Union, the Council of Europe, and the U.N. should enact whistleblower reward programs to promote the prosecution of financial fraud under their jurisdiction.
7. Anti-corruption laws should be modeled on the multi-part framework established by the U.S. Foreign Corrupt Practices Act. The framework starts with strict record-keeping requirements to permit regulatory oversight, and specific prohibition targeting corrupt activities. The act also includes large civil and criminal penalties applicable to corporations and individuals, and includes whistleblower rewards to encourage detection.

Set Up a Training



Over the past ten years the National Whistleblower Center and Whistleblower Legal Defense and Education Fund have conducted educational programs in countries such as South Korea, Hungary, Israel and Serbia. Attorneys who work with the Whistleblower Center and Defense Fund have shared their expertise with international NGOs and governmental representatives, providing specific guidance based on over 25 years of experience representing whistleblowers (including non-U.S. citizens or persons reporting fraud committed by non-U.S. corporations). Overseas educational programs focus on two primary areas: (1) how international whistleblowers can utilize the existing American whistleblower reward laws; and (2) the programs and laws that are necessary to ensure that employees are encouraged to report fraud and are fully protected if they become whistleblowers.

If you are interested in arranging training please contact:
international@whistleblowers.org.

Resources

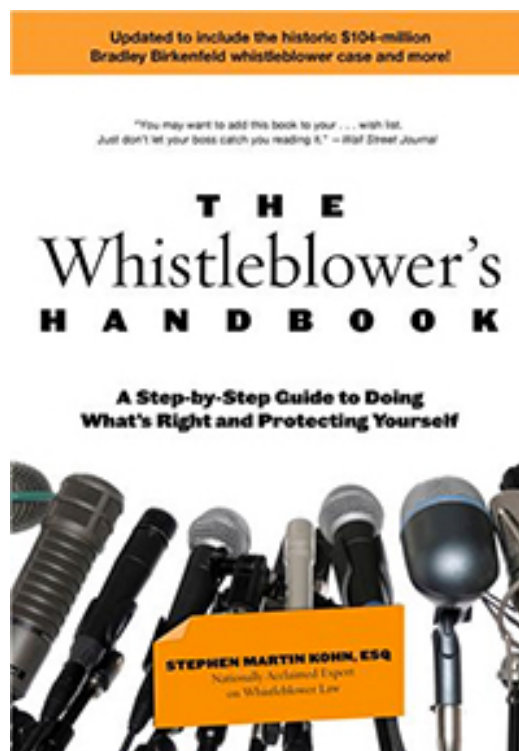
LEGAL ADVICE

The single best method for a whistleblower to determine whether he or she is protected under a U.S. reward law is to have a claim *confidentially reviewed* by an attorney with expertise in whistleblower law. To help whistleblowers obtain expert advice, the National Whistleblower Legal Defense and Education Fund offers a free *attorney referral service*. All contacts with this service are strictly confidential and covered under the attorney-client privilege to the maximum extent permitted under U.S. law. The service can be contacted at international@whistleblowers.org or by calling 202-342-1903 (USA phone number).

ONLINE INFORMATION

Link to the [Whistleblower's Protection Blog](#) to obtain up-to-date information on whistleblower laws and major

*"You may want to add
this book to your
Christmas wish list.
Just don't let your boss
catch you reading it."
Wall Street Journal*



KNOW YOUR RIGHTS

Read *The Whistleblower's Handbook: A Step-by-Step Guide to Doing What's Right and Protecting Yourself*. The *Handbook* was described by the Foreign Corrupt Practices Act Compliance and Ethics Blog as “the single best volume” on whistleblowing. The *Handbook* includes detailed information on all the U.S. reward laws, including the Foreign Corrupt Practices Act and the law that resulted in UBS whistleblower Bradley Birkenfeld obtaining a \$104 million reward. The *Handbook* can be ordered from various commercial booksellers or from the National Whistleblower Center at www.whistleblowers.org.

Endnotes

1. *United Nations Convention Against Corruption*. A list of the 140 countries that approved the convention is available online. Other international institutions, such as the Council of Europe, have also adopted requirements that member nations adopt laws to protect whistleblowers. These are also available online.
2. Acting Assistant Attorney, Civil Division Department of Justice (Statement before the American Bar Association's Ninth National Institute on the Civil False Claims Act and Qui Tam Enforcement, June 7, 2012). Department of Justice, Civil Division Fiscal Year 2012 Budget Request.
3. U.S. Department of Justice, Civil Division Fiscal Year 2012 Budget Request.
4. *Id.*
5. Statement of the Assistant Attorney General for the Civil Division, U.S. Department of Justice, before the U.S. Senate Committee on Appropriations (Feb. 15, 2011).
6. United States Department of Justice, Civil Division, FY 2011 Performance Budget Congressional Submission
7. Assistant Attorney General, U.S. Department of Justice (Remarks at American Bar Association's 10th National Institute on the Civil False Claims Act and Qui Tam Enforcement, June 5, 2014).
8. *Id.*
9. "Attorney General Eric Holder Speaks at the 25th Anniversary of the False Claims Act Amendments of 1986" (January 31, 2012).
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About the National Whistleblowers Center

The National Whistleblowers Center (NWC) is a non-partisan, non-profit and tax-exempt organization based in Washington, D.C. See our web page at: www.whistleblowers.org. Since 1988, the NWC has advocated for the protection of employees to lawfully disclose fraud and violations of law to the appropriate authorities. You may contact the NWC at international@whistleblowers.org or visit its website at www.whistleblowers.org.

The National Whistleblower Legal Defense and Education Fund is a non-profit law firm dedicated to providing assistance to whistleblowers. The Fund operates the Attorney Referral Service, and can be contacted at ars@whistleblowers.org, or visited at its web site at www.whistleblowers.org. The Fund's blog is published at www.whistleblowersblog.org

Stephen M. Kohn serves *pro bono* as the Executive Director of the National Whistleblower Center. Mr. Kohn is a partner at the Washington, D.C. law firm of Kohn, Kohn and Colapinto, LLP, and has specialized in representing whistleblowers for 30 years, including the successful representation of internationally recognized whistleblowers such as Dr. Frederic Whitehurst (whose disclosures vastly improved the integrity and quality of the FBI crime lab) and Mr. Bradley Birkenfeld (whose documentation of illegal Swiss banking practices resulted in the recovery of billions of dollars for U.S. taxpayers and the payment of a \$104 million USD whistleblower reward to Mr. Birkenfeld). In 1985, Mr. Kohn wrote the first legal treatise on whistleblower law. His seventh book on whistleblowing is *The Whistleblower's Handbook: A Step-by-Step Guide to Doing What's right and Protecting Yourself* (Lyons Press, 3rd ed. 2013). You may contact Mr. Kohn at sk@kkc.com.





P.O. Box 25074
Washington, DC 20027

www.whistleblowers.org

Press Inquires and Speaker Requests:
202-342-1903 or
international@whistleblowers.org
