



Whistleblowers Without Borders
International Anti-Corruption Conference
Washington, D.C.
December 5, 2022, 5 PM, Empire Room

Workshop Goals:

- Gain a basic understanding of whistleblower protections;
- Learn about global whistleblower issues; and
- Compile questions for U.S. legislators.

Case Study: Mark MacGann was a high-ranking lobbyist at Uber. In 2022, MacGann released 124,000 documents to the Guardian newspaper. These documents show Uber disregarded local laws in several countries and created systems to prevent effective enforcement efforts. McGann describes himself as an employee who was completely invested in Uber's mission. After facing violence, MacGann decided to take a break. Inspired by Facebook whistleblower Frances Haugen, Mr. McGann decided to blow the whistle on Uber's misconduct.

U.S. Laws:

- **Dodd Frank Act:** Established Securities and Exchange Commission and Commodities Futures Trade Commission Whistleblower Programs. Provides Anonymity, Anti-Retaliation, and Rewards for whistleblowers who report to these programs from anywhere in the world. Covers Securities and Commodities Violations.
- **False Claims Act:** Creates penalties for fraud against the U.S. government and provides the ability to bring a lawsuit on behalf of the government and obtain a reward.
- **Foreign Corrupt Practices Act:** creates a penalty for bribery of foreign officials and other financial misconduct concerning foreign entities.
- **Internal Revenue Service Whistleblower Protections:** creates rewards for reports on underpayments of U.S. Taxes.

Global Efforts:

- There are insufficient or missing mechanisms for protecting whistleblowers in at least half of the Latin American and Caribbean countries.
- Transnational Agreements fill gaps in whistleblower protections. Agreements such as:
 - Inter-American Convention against Corruption, drafted by the Organization of American States;
 - The Convention on combating bribery of Foreign Public Officials in the International Business Transactions, by the Organization for Economic Co-operation and Development; and
 - United Nations Convention against Corruption; have been effective.

Next Steps: Contact Legislators to Encourage Transnational Cooperation to Build Better Whistleblower Protections.