

NWC NATIONAL
WHISTLEBLOWER
CENTER



National Whistleblower Center

Annual
Report
2021





Executive Statement

Dear NWC Supporter,

In 2021, National Whistleblower Center (NWC) was able to achieve real gains for whistleblowers despite adversity and major shifts within the organization and around the world. Our relentless campaigns to raise awareness about the whistleblower contributions to climate protection efforts, safeguarding wildlife, and ensuring that public spending is protected from abuse —is only made possible by our supporters and passionate team. This year we acquired a new Executive Director, celebrated the largest National Whistleblower Day ever, activated our supporters to bring attention to whistleblower protections, and broke ground for whistleblowers in Europe.

Generous donations were instrumental in advancing our programs and enabled NWC to collaborate with global partners to bring the value of whistleblower protections to the forefront worldwide. This collaboration is crucial in the European Union, where the deadline for mandatory adoption of whistleblower protections looms. Our work with partners such as Whistleblowing International, The Utility Reform Network, and the International Fund for Animal Welfare, has enabled us to elaborate on the value of climate, wildlife, and utilities whistleblower protections in various forums.

Subscribers who respond to our action alerts and social media followers who share our content help to amplify our work in meaningful ways, boosting NWC’s influence in an unparalleled manner. This support has made NWC known as a leader for engaging with the public via contemporary communications methods. It’s also why elected officials regularly give credence to NWC’s advice, knowing that we represent a group of active and invested whistleblowers and whistleblower advocates.

The power NWC gains from our supporters allows us to forge inroads for courageous whistleblowers who report climate crimes, money laundering, financial frauds, and corruption worldwide. It also drives momentum for the introduction and passage of critical laws like the CFTC Fund Management Act, the False Claims Reform Act, and Anti-Money Laundering Whistleblower amendments, among others. With your support, NWC can normalize whistleblowing, build better whistleblower incentives, and ensure that whistleblower rights are as supported by our elected officials as they are by the public.

NWC will wrap up the year by taking the lead on including whistleblower protections in President Biden’s Anti-Corruption efforts and will continue to comment on the value of whistleblowers in every sector. You can expect another fantastic National Whistleblower Day celebration in 2022 and we invite you to join our mailing list for updates and action alerts.

There is so much more to be done, and I am grateful we are in it together.

Best,
Siri Nelson
Executive Director
National Whistleblower Center



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Section B

Executive Summary



Dynamic New Leadership

Siri Nelson's appointment as Executive Director of NWC was announced on June 1, 2021. Siri is a whistleblower attorney, policy expert, and Adjunct Professor of Law at Northeastern University School of Law. On accepting the role, Nelson said: "This is a phenomenal opportunity to lead NWC's critical mission of supporting whistleblowers. I'm honored to accept this incredible role and hope to promote lasting changes for whistleblowers who bravely risk it all to safeguard our environment, economy, and democracy."



National Whistleblower Day

NWC's 2021 National Whistleblower Day was the largest yet, featuring more than 60 speakers and attended by nearly 10,000 people worldwide. The event featured whistleblowers, experts, attorneys, agency officials, and elected officials focusing on whistleblower issues ranging from Tax Whistleblowing to Life After Whistleblowing over three days.



Climate and Wildlife Whistleblower Advocacy and Education

NWC continued its support of whistleblowers who disclose oil and gas industry corruption, electric utilities fraud, illegal deforestation, and climate corruption through banking and securities laws. Submitting comments to the SEC, USAID, and presenting to NASUCA, to highlight the value of whistleblowing in these sectors.



EU Whistleblower Directive and International Initiatives

NWC is the leading non-profit advocating for an effective implementation of the European Union (EU) Whistleblower Directive, an opportunity to advance whistleblower rights in all 27 EU nations. NWC's advice has been considered and included in deliberations by several countries.



NWC Welcomes Biden's Anti-Corruption Agenda

NWC continued its support of whistleblowers who disclose oil and gas industry corruption, electric utilities fraud, illegal deforestation, and climate corruption through banking and securities laws. Submitting comments to the SEC, USAID, and presenting to NASUCA, to highlight the value of whistleblowing in these sectors.



Section C

Project Updates



National Whistleblower Day




The success of 2021's National Whistleblower Day reflects a strong public interest in whistleblower protections. NWC was the first organization to call for national and international celebrations marking America's first whistleblower law and will continue to celebrate National Whistleblower Day annually.

Presenters at our 2021 event included the Secretary of Labor, the Chairman of the U.S. Securities and Exchange Commission (SEC), the Inspector Generals from the Department of Justice and National Security Agency, whistleblowers Kimberly Young McLearn, Thomas Le Bonniec, and Allison Gill, and elected officials such as Senators Charles

Grassley, Ron Wyden, Tammy Duckworth, and Representative Jackie Speier. Also in attendance were experts such as NWC's Stephen Kohn (whose research uncovered the history now celebrated on this day), Taxpayers Against Fraud's Jeb White, Project On Government Oversight's Melissa Wasser, and Whistleblower Summit and Film Festival organizer Marcel Reid. NWC was able to capture and produce more than 40 video clips from these presentations for public educational purposes.

Content from our 2021 National Whistleblower Day program is available at for your viewing at <https://whistleblowersblog.org/nwd/>



NWC Received Letters of Commitment from HHS and EPA

In May 2021, the U.S. Department of Health and Human Services (HHS) Office of Inspector General (OIG) confirmed its commitment to educate agency employees and personnel about their whistleblower rights. This commitment came in response to NWC letters sent to federal agencies, urging them to implement educational programming around National Whistleblower Day, celebrated yearly on July 30th. The letters also called for the recognition of National Whistleblower Day across the federal government in perpetuity as a way to educate employees, contractors, personnel, and the public about the legal right to “blow the whistle” as well as to acknowledge whistleblower contributions.

The U.S. Environmental Protection Agency (EPA) also responded to NWC’s outreach regarding educational programming on whistleblower rights and National Whistleblower Day. In a letter received by National Whistleblower Center in June 2021, the EPA confirmed its commitment to educate agency employees and personnel about their whistleblower rights and protections. The EPA affirmed in its letter to NWC that the agency is “committed to educating employees about the rights and protections granted to whistleblowers.” This response is particularly significant given NWC’s commitment to both federal and environmental whistleblowers.

Climate Whistleblowers



NWC Centers Climate Whistleblowers for Major Wins

In 2021 National Whistleblower Center continued its extensive programming to incorporate whistleblower protections in efforts to combat climate corruption. NWC made significant investments in developing data-driven strategies for educating potential whistleblowers and understanding workers' experiences in the gas, oil, fossil fuels, and utilities industries. NWC has worked with the National Whistleblower Legal Defense and Education Fund (NWLDEF) to build a dedicated climate intake form. We also produced materials to create awareness about this free resource for

whistleblowers who know about illegal timber sales, emissions misrepresentations, and other climate-related frauds.

These efforts resulted in nearly 50 potential whistleblowers coming forward—that we know of—who otherwise might've remained silent about their climate-related concerns. Our partnership with NWLDEF provides this unique opportunity to connect whistleblowers with legal counsel and we celebrate these potential whistleblowers for reaching out for legal representation.

Continuing Communication with SEC through ESG Disclosure Letters

NWC joined the Duke University Climate Risk Disclosure Lab and a coalition led by Americans for Financial Reform Education Fund and Public Citizen in submitting commentary to the U.S. Securities and Exchange Commission (SEC) in response to the agency's call for public comment. The letter posted to the SEC website supports mandatory environmental and climate, social, and governance (ESG) disclosures. Further, in a letter co-authored by Whistleblowing International's Wendy Addison, NWC highlighted the importance of SEC leadership in supporting whistleblowers who raise concerns about climate misrepresentations worldwide.

Championing Whistleblowers at IUCN

NWC's highly successful engagement in the International Union for Conservation of Nature's (IUCN) World Conservation Congress in September resulted in the successful passage of commitments to fostering climate whistleblower protections and several formal resolutions supporting whistleblower protections and rewards for whistleblowers who report environmental crimes and wildlife trafficking. This also included having whistleblower protections incorporated into the IUCN's 4-year work plan.

Victory in the Utilities Industry

In September 2021, The Utility Reform Network (TURN) won a \$51.6 million settlement with San Diego Gas and Electric (SDG&E) for fraud in a lightbulb program about which employees raised concerns. With NWC's support, TURN won the inclusion of mandatory annual whistleblower education at SDG&E as part of this hugely impactful settlement. Our Ethics Agenda emphasizes the importance of protections for grid whistleblowers. Supporters can act by sending their elected officials a note about

electric grid whistleblowers and how critical they are to preventing wildfires.

In November, TURN and NWC presented to members of the National Association of State Utility Consumer Advocates. We outlined the implications of the SDG&E settlement and the nuances of receiving whistleblower disclosures.

In connection with the presentation, NWC composed an FAQ webpage available at www.whistleblowers.org/faq/utilities

Comments to US AID Highlight Value of Climate Whistleblowers and Support Global Anti-Corruption Efforts

In November, NWC submitted a comment to the United States Agency for International Development (USAID), regarding their 2022-2030 Climate Strategy. In the comment, NWC stressed the importance of including climate whistleblower protection and education in their final climate plan and provided specific recommendations as part of our campaign to ensure that whistleblowers are included in President Biden's

anti-corruption initiative. Stating that "Whistleblowers are the key to effective climate protection strategies and the enforcement mechanisms that enable these strategies to succeed." NWC also advocated for an international educational effort to increase transitional whistleblower protections and to educate international whistleblowers on how to use the Foreign Corrupt Practices Act.

Comments to United Nations Special Rapporteur on the situation of human rights defenders Champion Climate Whistleblowers as Human Rights Defenders

In October 2021, NWC submitted comments to the United Nations Special Rapporteur on the situation of human rights defenders championing the status of whistleblowers as human rights defenders. The comment responded to the Special Rapporteur's call for inputs for a report on human rights defenders' anti-corruption work. In the comment NWC identifies whistleblower protection as a key form of support the United States provides for human rights defenders and makes several recommendations regarding strengthening whistleblower protection laws. In the comment, NWC advocates for "Independent and auton-

omous government-run whistleblower programs – Government agencies that are dedicated to investigating and supporting whistleblower disclosures" worldwide, and highlights that "[t]he inconsistent treatment of whistleblowers in the federal government undermines their role in exposing corruption and other forms of wrongdoing. If whistleblowers are uncertain as to whether they will be protected, they are less likely to come forward. The government must therefore take measures to ensure that whistleblowing is not only encouraged but also given robust legal protection."

Wildlife Whistleblowers



NWC continues to work closely with non-governmental organizations (NGOs) who are dedicated to fighting wildlife trafficking and deforestation. Our efforts, and the efforts of NWC supporters, have gained significant traction on Capitol Hill and we're optimistic that members of Congress will be introducing a comprehensive wildlife trafficking whistleblower law that will play a

critical role in stopping the extinction crisis. This builds on NWC's national leadership on these issues, which included being named a Grand Prize Winner in USAID's Wildlife Crime Tech Challenge where NWC was awarded for our program, which educates and incentivizes whistleblowers to report trafficking crimes.

NWC Launched the Wildlife Pledge

This fall, NWC launched a Wildlife Pledge to support wildlife whistleblowers. The pledge invites the public to sign on and show their support for wildlife whistleblower protections and receive information about the value of wildlife whistleblowers and how to protect them. The pledge encourages people to sign up and "be a part of an international community of whistleblower advocates and wildlife defenders." Signing the pledge allows NWC to spread the

word directly to a network of people who care about the wildlife and the role whistleblowers can play in protecting vulnerable species. The pledge summarizes how whistleblowers are the "best first line of defense" for world governments to detect and catch wildlife crimes difficult to detect otherwise. Subscribers regularly receive informational notes about wildlife whistleblower protections.

Supporting the Wildlife Conservation and Anti-Trafficking Act

NWC was proud to support the Wildlife Conservation and Anti-Trafficking Act in 2018. Congressmen John Garamendi (D-CA) and Don Young (R-AK) introduced the bill in the U.S. House of Representatives in 2019 as H.R. 864. If passed, this law would empower whistleblowers to report information about wildlife crimes and bolster the enforcement capacity of U.S. agents. It would also create a powerful tool against wildlife trafficking, il-

legal timber trade, and illegal, unreported, and unregulated (IUU) fishing. The bill, as introduced in 2019, calls for the enhancement of enforcement mechanisms by expanding transnational law enforcement to stop wildlife trafficking at its source, requiring international cooperation. This call to establish transnational cooperation is consistent with NWC's advocacy for comprehensive global whistleblower protections.

Collaboration with the International Fund for Animal Welfare Report

In August 2021, the International Fund for Animal Welfare (IFAW) published a report documenting wildlife trafficking online, which included possible actions that governments could take to intervene in these activities, one of which was implementing whistleblower protections. IFAW addressed the scope of the illicit trade, the species most targeted by traffickers online, and the

proliferation of these trafficked items found in their survey of the digital U.S. market. IFAW thanked NWC for contributions and expertise regarding whistleblower policy in the report, and later IFAW and NWC conducted a well-attended twitter Q & A about wildlife protections and wildlife whistleblowers.

European Union and Global Whistleblower Advocacy



In 2019, the EU passed the Whistleblower Protection Directive to establish greater protections for whistleblowers by shielding them from retaliation and creating “safe channels” for reporting violations of law. The EU Whistleblower Directive was signed into law by all 27 EU member countries, who are required to transpose it into their national law by December 2021. In response to this huge development for European Whistleblowers, NWC has collaborated extensively with Whistleblowing International and European Center for Whistleblower Rights to raise awareness and collaborate with European legislators to adopt effective whistleblower protections.

Strides in our European Union partnerships exemplify the need for international cooperation for guaranteeing compliance and accountability across sectors worldwide. In May 2021, NWC participated in a major conference on whistleblower protections widely attended by Romanian legislators. As a sponsoring organization, NWC helped to develop the conference program, connect organizers with potential speakers, and facilitate an informative panel on whistleblower protections worldwide and the best practices Romania might adopt to protect whistleblowers. In addition, members of the German Parliament and Latvian Parliament have introduced NWC supported language in their draft whistleblower bills.



Legislation and Policy



Ethics Agenda

Our Ethics Agenda advocates for nine needed protections for whistleblowers who call out climate corruption, foreign bribery, wildlife trafficking, government fraud, illegal offshore banking, and money laundering. Among them we have seen the following progress:



1

Commodity Futures Trading Commission Fund Management Act Signed by President Biden

NWC celebrated the swift passage of the Commodity Futures Trading Commission (CFTC) Fund Management Act, which the President signed into law in June 2021, a critical legislative initiative NWC started working on in 2020. The bill was essential for ensuring that the CFTC Whistleblower Office would not be shut down due to lack of funding. The CFTC whistleblower program plays a critical role in fighting international corruption, and corruption in the international commodities markets, which have a major impact on climate change.

NWC Executive Director Siri Nelson said prior to the bill's signing, "If signed into law, the CFTC Fund Management Act will radically improve confidence among CFTC whistleblowers and continue the success of the ever-improving CFTC Whistleblower Program. NWC applauds Congress for quickly passing this bipartisan bill." NWC continues to be invested in the effective management of the CFTC program, and supports a reauthorization of the agency which includes an increased fund and continued dedicated funding for the program's administration.



Nominations Made to Merit Systems Protection Board

In October, President Biden’s Merit Systems Protection Board (MSPB) nominees—Cathy A. Harris, Raymond Limon, and Tristan Leavitt—were advanced by the Senate Homeland Security Committee. The nominees now await confirmation by the entire Senate. During the Senate Committee hearing, the nominees unanimously affirmed their support for the MSPB’s mission. Quorum at the MSPB is critical to protections for federal whistleblowers, and NWC created an Action Alert as part of our Ethics Agenda, asking supporters to urge the Senate to approve these nominees and restore the MSPB to its former status.

3

The Fight to Amend the False Claims Act Continues...

NWC sent a letter to the Senate Judiciary Committee ahead of the Committee's scheduled October 21st hearing regarding Senator Chuck Grassley's Manager's Amendment for the False Claims Act Amendments of 2021 (S.2428). The letter offered strong support for this amendment and urged the Committee's approval. NWC advocates that Senator Grassley's Manager's Amendment was critically needed due to harmful interpretations by lower courts of the U.S. Supreme Court's decision in *United Health Services, Inc. v. United States ex rel. Escobar*. Some courts interpret this case to mean that if the government continues its payment on a contract, the government waives its right to allege fraud.

This interpretation was a clear rebuke of the intent of the False Claims Act and opened the door for collusion and fraud in procurement and contracting. The letter provided an example of the harm this interpretation could cause, such as when Aaron Westrick blew the whistle on defective bulletproof vests, which the government continued paying for during the investigation into the allegation. Under this interpretation, the U.S. government would never have recovered the damages from the defective vests.

Support for President Biden's Global Anti-Corruption Efforts



Incorporating Whistleblower Protections in President Biden's Anti-Corruption Memorandum

The Biden administration's "Memorandum on Establishing the Fight Against Corruption as a Core United States National Security Interest," also known as the "Anti-Corruption Memorandum", was introduced in June 2021 and includes provisions that open the door for the federal government to benefit from its highly successful whistleblower programs. Many of these programs address the fight against international corruption. Cabinet members will be submitting recommendations on how to "support and strengthen" non-governmental "accountability actors" and how to "investigate and uncover corruption", among other concerns.

Whistleblowers have proven to be highly instrumental "accountability actors" when

protected and incentivized by legal protections as agents of exposing corruption and fraud, though they do not receive adequate protections outside the United States, if any legal support at all. While key U.S. laws have yielded successes, gaps in coverage exist and protection programs often lack resources. As a result, we have not yet witnessed the full potential that whistleblowers can contribute to the fight against corruption. This vacuum presents an opportunity for NWC to catalyze its efforts in addressing this danger in collaboration with our international network. When resourced and bolstered by public and private support, NWC can push the needle in the direction of justice and progress.



Section D

Next Steps



Advancing Anti-Corruption Efforts to Protect Climate, the Economy, and our National Security

NWC is the leading organization in whistleblower advocacy worldwide. We're committed to continuing this work as part of an international network of mission-aligned organizations—in complementary focus areas—which include CMIND, the European Center for Whistleblower Rights, Whistleblowing International, The Utility Reform Network, and the International Fund for Animal Welfare.

NWC's focus for 2022 will build on the successes of 2021's spotlight on climate crime whistleblowers while supporting the key role that whistleblowers play in cross-industry, cross-sector collaboration and enforcement. An example: Tech industry whistleblowers blow the whistle on illegal wildlife activities on social media, which assists law enforcement in identifying wrongdoers and structural issues in the fight against extinction.

This ambitious work will require the coordination of time, talent, and resources for the championing of whistleblowers as human

rights protectors globally. The future will present us with myriad challenges to our economy, species, forests, water supplies, and democracy. An international effort will be required to slow and reverse the harms poised to worsen if we do not ensure that compliance and accountability course correct corruption wherever it emerges worldwide.

Encouraged by President Biden's Anti-Corruption Memorandum, NWC will continue this critical work as we join forces with partners and supporters to irradicate obstacles for whistleblowers in the U.S., EU, and beyond. We believe that celebrating whistleblowers as human rights defenders will garner the traction necessary for actualizing these goals through public and private support. We also believe that developing democracies are ripe for setting the example for whistleblower protections worldwide. This mission's work hinges on partnerships with organizations and individuals willing to contribute to the sustained momentum and funding required to confront corruption.

Your support Matters.
Make a contribution today.