

The Commodity Futures Trading Commission (CFTC) is the federal government agency that regulates U.S. derivatives markets, including futures, options, and swaps trading markets. As part of that responsibility, the CFTC has instituted a Whistleblower Program.

The CFTC's Whistleblower Program provides monetary incentives to individuals who report possible violations of the Commodity Exchange Act that lead to a successful enforcement action, as well as privacy, confidentiality, and anti-retaliation protections for whistleblowers.



FILE A FORM TCR (Tip, Complaint, Referral)

- To be eligible for an award, you must complete and submit a Form TCR electronically, by mail, or by facsimile.
- To submit a Form TCR electronically, or to learn more about the Whistleblower Program visit www.Whistleblower.gov



Commodity Futures Trading Commission
Whistleblower Office
1155 21st Street, NW
Washington, DC 20581

Fax: 202-418-5975
866-873-5675 (Whistleblower Hotline)

www.whistleblower.gov



WHISTLEBLOWER PROGRAM



OVERVIEW OF THE CFTC WHISTLEBLOWER PROGRAM

The program pays monetary awards to persons who voluntarily provide the CFTC with original information on a Form TCR (Tip, Complaint, Referral) about violations of the Commodity Exchange Act (CEA), if that information leads to a successful CFTC enforcement action resulting in more than \$1 million in monetary sanctions.

The CFTC can also pay awards based on monetary sanctions collected by other authorities in actions that are related to CFTC enforcement actions, and are based on information provided by a CFTC whistleblower.

For whistleblowers who meet all eligibility criteria, the CFTC will pay between 10 and 30 percent of the monetary sanctions collected in the CFTC action and any related actions, with limited exceptions.

For more information go to www.whistleblower.gov and click on:

- FAQs
- Things To Know
- Statutes and Rules

FILING A FORM TCR AND BECOMING ELIGIBLE FOR AN AWARD

To be eligible for a whistleblower award, a person or group of persons must submit to the CFTC a Form TCR that contains information about a potential violation of the CEA.

Individuals can choose to submit a Form TCR anonymously so long as they provide some means of contact such as a phone number or an email address.

The whistleblower must provide "original information" not already known to the CFTC – derived from the whistleblower's independent knowledge or independent analysis.

The whistleblower must voluntarily provide information to the CFTC. This means that the information must be submitted before the CFTC or certain other authorities send the whistleblower, the whistleblower's lawyer, or the whistleblower's employer a request for the information.



WWW.WHISTLEBLOWER.GOV

HOW THE CFTC KEEPS INFORMATION CONFIDENTIAL

As a general rule, the CFTC treats information learned during the course of an investigation – including the identity of the CFTC's sources – as non-public and confidential.

There are limits on the CFTC's ability to shield the whistleblower's identity. The CFTC will not disclose information that could reasonably identify a whistleblower without the consent of the whistleblower, except in the following circumstances:

- In an administrative or court proceeding, the CFTC may be required to produce documents or other information that would reveal the whistleblower's identity.
- As part of the CFTC's ongoing investigatory responsibilities, the CFTC may use information that the whistleblower provided during the course of the investigation. In appropriate circumstances, the CFTC may also provide information, subject to confidentiality requirements, to other governmental or regulatory entities.

FACTORS THE CFTC CONSIDERS IN DETERMINING THE AWARD AMOUNT

The significance of the information to the success of a CFTC action or related action.

The degree of assistance the whistleblower provided to Commission staff.

The CFTC's interest in deterring violations of commodities laws by making awards to whistleblowers who provide information that leads to the successful enforcement of those laws.

Whether, and the extent to which, the whistleblower participated in the company's internal compliance systems.

Whether the whistleblower was involved in, or culpable for, the conduct he/she reported.

Whether the whistleblower interfered with his/her company's internal compliance and reporting systems.

PROTECTIONS FOR EMPLOYEES

The Dodd-Frank Act prohibits any action taken to impede an individual from communicating directly with the CFTC's staff about a possible violation of the CEA, as well as any retaliation by employers against whistleblowers.

The Commission has the authority to bring an action against an employer who retaliates against a whistleblower.

Employees who are retaliated against have a private right of action and may bring an action in the appropriate district court of the United States.

