

## FILE A FORM TCR

- To become a whistleblower, you must complete and submit a Form TCR either electronically, by mail or by facsimile.
- To submit a Form TCR electronically, visit [www.cftc.gov](http://www.cftc.gov), and click on the “File a Tip or Complaint” button on the right-hand side of the page. Use the first link under the description of the Whistleblower Program.
- To submit a Form TCR by mail or facsimile, print a Form TCR from the “Whistleblower Program” page on [www.cftc.gov](http://www.cftc.gov), and send it to the address or fax number below.

# WHISTLEBLOWER PROGRAM

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



### COMMODITY FUTURES TRADING COMMISSION

Whistleblower Office  
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Washington, DC 20581  
Fax: 202.418.5975

866.366.2382 (Consumer Hotline)



COMMODITY FUTURES TRADING COMMISSION

## OVERVIEW OF THE CFTC WHISTLEBLOWER PROGRAM

- The program provides monetary awards to persons who voluntarily report original information that leads the CFTC to bring an action for violations of the Commodity Exchange Act resulting in more than \$1 million in monetary sanctions.
- The CFTC can also pay whistleblower awards based on monetary sanctions collected by other authorities in actions that are related to a CFTC enforcement action, 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 either the CFTC action or a related action.
- A whistleblower must submit a Form TCR to the CFTC, containing information about a potential violation of the Commodity Exchange Act.
- The whistleblower must provide information to the CFTC before the CFTC, Congress, another regulatory or enforcement agency, or a self-regulatory organization (such as the National Futures Association) sends the whistleblower, the whistleblower's lawyer, or the whistleblower's employer a request, inquiry, or demand for the information.
- Retaliation against whistleblowers by employers is prohibited by the Dodd-Frank Act.

## NEED FOR "ORIGINAL INFORMATION"

- The whistleblower must provide "original information" that is not already known to the CFTC. This information must be derived from the whistleblower's independent knowledge or independent analysis.
- If the CFTC previously received the same information from another source, the subsequent whistleblower will not be eligible for an award unless he/she can show that he/she was the "original source" of the information.

## 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.
- 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 unreasonably delayed reporting a violation to the CFTC.
- Whether the whistleblower interfered with his/her company's internal compliance and reporting systems.

## HOW CFTC KEEPS INFORMATION CONFIDENTIAL

- The CFTC will not disclose the whistleblower's identity in response to requests under the Freedom of Information Act.
- 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:
  - 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.

