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*The answers to these Frequently Asked Questions represent the views of the staff of the CFTC's Whistleblower Office. They are not CFTC rules or regulations, and the Commission has neither approved nor disapproved them. These answers are short general summaries of certain key features of the CFTC Whistleblower Program and do not purport to be complete or comprehensive. For detailed information about the program, please read **Section 23 of the Commodity Exchange Act (7 U.S.C. § 26)** and the **Whistleblower Rules (17 C.F.R. § 165)**.

Program Overview

What is the CFTC Whistleblower Program?

The Commission's whistleblower program was created by the Dodd-Frank Act, and it provides monetary awards to persons who voluntarily report violations of the Commodity Exchange Act if the information leads the Commission to bring an action, or if the information significantly contributes to the success of a Commission action, that results in more than \$1 million in monetary sanctions. The Commission can also pay awards based on monetary sanctions collected by other authorities in actions that are related to a successful CFTC action and are based on information provided by a CFTC whistleblower. The Dodd-Frank whistleblower provisions also prohibit retaliation by employers against employees who provide the Commission with information about possible violations, or who assist the Commission in any investigation or proceeding based on such information. The Dodd-Frank whistleblower provisions also include certain confidentiality protections to whistleblowers.

How does someone become a whistleblower?

To become a whistleblower, an individual must submit a [Form TCR](#) – Tip, Complaint or Referral. The Form TCR may be submitted electronically via the website, or by fax or mail.

What does it mean to provide information "voluntarily?"

To provide information voluntarily, you must give information to the Commission before the Commission sends you, your lawyer, or your employer a request, inquiry or demand for the information. You also cannot provide information to the Commission "voluntarily" if you have already received a request, inquiry, or demand from Congress, another regulatory or enforcement agency or a self-regulatory organization (such as the National Futures Association). On the other hand, if you provided information to any such organization before receiving a request, inquiry, or demand, your submission to the Commission will also be considered voluntary. [Rule 165.2\(o\)](#)

What is "original information?"

"Original information" is information not already known to the Commission that is derived from (i) your independent knowledge (information in your possession that is not generally known or available to the public), or (ii) your independent analysis (your examination and evaluation of information that may be publicly available but which reveals information that is not generally known). Also, if the Commission received the same information previously from someone else, your information will not be considered original information unless you can show that you were the "original source" of the information. [Rule 165.2\(k\)-\(l\)](#)

If you are not sure whether the information that you intend to submit falls within these categories, you should describe such information rather than produce it with your [Form TCR](#).

Please note that, unless certain limited exceptions apply, "independent knowledge" does not include communications that are subject to the attorney-client privilege and information obtained in connection with the legal representation of a client. [Rule 165.2\(g\)\(2\)-\(3\)](#)

What rights do I have if my employer retaliates against me for providing a tip to the CFTC?

Employers may not discharge, demote, suspend, harass, or in any way discriminate against you because of any lawful act done by you in providing information to the Commission under the whistleblower program or assisting the Commission in any investigation or proceeding based on the information submitted. If you believe that your employer has wrongfully retaliated against you, you may bring a private action in federal court against your employer, within two years of the employer's retaliatory act. If you prevail, you may be entitled to reinstatement, back pay, litigation costs, expert witness fees and attorney's fees. [Whistleblower Rules, Appendix A](#)

In addition to the anti-retaliation protections provided by the Commodity Exchange Act, a retaliatory action may also violate other federal and state statutes. If you have questions about these other statutes, please contact an attorney.

Submit a Whistleblower Tip

Who can be a whistleblower?

A whistleblower can be any individual who sends the Commission a [Form TCR](#) containing information about a potential violation of the Commodity Exchange Act. A whistleblower can be anyone from a corporate officer or insider, to a trader or market observer, to an investor or fraud victim. A company or other entity is not eligible to be a whistleblower. [Rules 165.2\(p\), 165.3](#)

However, not every whistleblower is eligible for an award. To be eligible, a whistleblower must "voluntarily" provide the Commission with "original information" about a violation. Those terms are explained below. Also, certain persons – including certain government and self-regulatory personnel, and persons convicted of a crime related to the conduct at issue in the whistleblower matter – are ineligible for an award. [Rules 165.5\(a\), 165.6](#)

How could my information lead to a successful enforcement action?

Your information could lead the Commission to open a new examination or investigation, re-open a previously closed investigation or pursue a new line of inquiry in connection with an ongoing investigation, and the Commission could bring a successful enforcement action based at least in part on the information you provided. Additionally, your information could relate to an ongoing examination or investigation and significantly contribute to the success of an enforcement action. If your information leads to a successful enforcement action you may be eligible for an award. [Rule 165.2\(i\)](#)

I work at a company with an internal compliance process. Do I have to report violations of the Commodity Exchange Act internally first to be eligible for a whistleblower award?

You do not have to report internally to be eligible for a whistleblower award, and you may submit your information directly to the Commission at any time.

If you choose to report internally first, your information will be deemed to be submitted to the Commission on the date you reported it internally if you also report it to the Commission within 120 days of that date. Under these circumstances, the Commission will consider your place in line for determining whether your information is "original information" to be the date you reported it internally. In addition, if your company conducts an investigation and reports the results to the Commission, you may benefit from the information that the company's investigation reveals when the Commission considers whether you should receive an award and what percentage you should receive. [Rule 165.2\(i\)\(3\)](#)

Also, the fact that you reported your information internally, and the extent to which you helped your company uncover a violation, will be considered as factors that may increase the size of any award that you are eligible to receive. [Rule 165.9\(b\)\(4\)](#)

How do I submit a whistleblower tip to the CFTC?

To become a whistleblower, you must complete and submit a Form TCR either electronically, by mail, or by facsimile.

You may file a Form TCR electronically by clicking on the Submit a Tip button at the top of the page, or by clicking on the ["File a Tip or Complaint" button](#) on the right-hand side of the CFTC's homepage, www.cftc.gov, and selecting the option for the Whistleblower Program.

You may also mail or fax a [printed Form TCR](#) to:

Commodity Futures Trading Commission
Whistleblower Office

1155 21st Street, NW
Washington, DC 20581
Fax: (202) 418-5975

Can I submit my whistleblower tip anonymously?

Yes. You can file your Form TCR anonymously, with or without a lawyer's help. Because the Commission may need to contact you for more information, and because you are required to cooperate with the Commission while the Commission is investigating a matter, you should provide some means of contact, such as an email address or telephone number. Also, there are detailed requirements for making an award claim anonymously. [Rules 165.3\(c\), 165.4\(b\), 165.7\(c\)](#)

If you have any questions about filing anonymously, the Commission strongly encourages you to contact the Whistleblower Office by sending an email to whistleblower@cftc.gov or calling the Whistleblower Hotline at (866) 873-5675 **before** you file.

Will the CFTC keep my identity confidential?

Whether or not you seek anonymity, the Commission is committed to protecting your identity. For example, the Commission will not disclose your identity in response to requests under the Freedom of Information Act. As a general rule, the Commission treats information learned during the course of an investigation – including the identity of sources – as non-public and confidential.

There are, however, limits on the Commission's ability to shield your identity. For example, in an administrative or court proceeding, the Commission may be required to produce documents or other information which would reveal your identity. In addition, as part of the Commission's ongoing investigatory responsibilities, the Commission may use information you have provided during the course of an investigation. In appropriate circumstances, the Commission may also provide information, subject to confidentiality requirements, to other governmental or regulatory entities. [Rule 165.4](#)

Orders Eligible for an Award

I have already submitted a tip to the CFTC. Why have I not heard back from the Commission?

Please understand that if you submitted information to the Commission, the Commission investigative staff may, or may not, contact you. Any inquiry conducted by the Commission as a

result of any information you provide is confidential. The fact that the Commission may investigate a firm or person generally will not be disclosed until such time as a public proceeding is brought either before the Commission or in federal court.

Even if you are not contacted by the Commission investigative staff, the Commission still encourages you to sign up for the Commission's and Whistleblower Program's [Email Subscription Service](#) to receive information updates, including Notices of Covered Actions that may be related to your submission. Links for these services can be found at the top of this webpage and the Commission's homepage at www.cftc.gov.

Are awards granted in connection with only certain orders?

Yes, only certain orders have the potential for an award to be granted. One category is orders that result from Commission enforcement actions that result in monetary sanctions over \$1 million. For those orders, the Commission posts Notices of Covered Actions on the Whistleblower Program website that identifies the orders and indicates the due date for award applications related to the order. The second category is orders obtained by other authorities in actions that are related to a successful Commission action and are based on information provided by a CFTC whistleblower. The Commission does not post notices of related actions.

Apply for an Award

How much money could I receive as a whistleblower?

Provided that you meet all of the program's eligibility criteria, the Commission will pay a total award amount equal to between 10% and 30% of the amount of the monetary sanctions collected in either the CFTC action or a related action.

How do I apply for an award?

You must complete a [Form WB-APP](#) and mail or fax it to the address below:

Commodity Futures Trading Commission

Whistleblower Office

1155 21st Street, NW

Washington, DC 20581

Fax: (202) 418-5975

No other form of submission will be accepted.

For covered CFTC actions, you must file the form no later than 90 days after the Commission post a "Notice of Covered Action." For related actions, you must file the form no later than 90 days after a judgment in the related action. [Rule 165.7](#)

How will I know when to apply for an award?

When the CFTC obtains a final judgment that contains more than \$1 million in monetary sanctions, the Commission will post a "Notice of Covered Action" on the Notices of Covered Actions page.

The Commission does not notify individuals directly about Notices of Covered Action, so you should monitor the webpage periodically. You can also sign up for the Whistleblower Program's [Email Subscription Service](#) to receive alerts to new Notices of Covered Action. The Commission does not provide or post any notification for related actions.

I provided information to the CFTC before the enactment of the Dodd-Frank Act on July 21, 2010. Am I eligible for an award?

No. The Dodd-Frank Act and our Whistleblower Rules make awards available only in connection with information first submitted to the CFTC after July 21, 2010. [Commodity Exchange Act § 23\(k\)](#) and [Rule 165.2\(k\)\(4\)](#)

Final Orders/Award Determinations

What factors does the CFTC consider in determining the amount of the award?

The Whistleblower Rules require that the Commission consider many factors in determining the amount of an award based on the unique facts and circumstances of each case. [Rule 165.9](#)

The Commission may increase the award percentage based on:

1. the significance of the information you provided the Commission to the success of a CFTC action or related action;
2. the degree of assistance you provided;
3. the Commission's law enforcement interest in deterring violations of the commodities laws by making awards to whistleblowers who provide information that leads to the successful enforcement of these laws; and/or
4. whether, and the extent to which, you participated in your company's internal compliance systems.

The Commission may reduce the amount of an award based on:

1. whether you were involved in, or culpable for, the conduct you reported;
2. whether you unreasonably delayed reporting a violation to us; and/or
3. whether you interfered with your company's internal compliance and reporting systems.

Can I appeal an award decision?

Yes. You can appeal a Final Order of the Commission regarding your award claim to an appropriate federal court of appeals no later than 30 days after the Final Order is issued. [Rule 165.13](#)