§ 165.18 Staff communications with whistleblowers from represented entities.

If the whistleblower is a whistleblower who is a director, officer, member, agent, or employee of an entity that has counsel, and the whistleblower has initiated communication with the Commission relating to a potential violation of the Commodity Exchange Act, the Commission’s staff is authorized to communicate directly with the whistleblower regarding the subject of the whistleblower’s communication without seeking the consent of the entity’s counsel.

§ 165.19 Nonenforceability of certain provisions waiving rights and remedies or requiring arbitration of disputes.

The rights and remedies provided for in this part 165 of the Commission’s regulations may not be waived by any agreement, policy, form, or condition of employment, including by a predispute arbitration agreement. No predispute arbitration agreement shall be valid or enforceable if the agreement requires arbitration of a dispute arising under this part.

Appendix A to Part 165—Guidance With Respect to the Protection of Whistleblowers Against Retaliation

Section 23(h)(1) of Commodity Exchange Act prohibits employers from engaging in retaliation against whistleblowers. This provision provides whistleblowers with certain protections against retaliation, including: A federal cause of action against the employer, which must be filed in the appropriate district court of the United States within two (2) years of the employer’s retaliatory act; and potential relief for prevailing whistleblowers, including reinstatement, back pay, and compensation for other expenses, including reasonable attorney’s fees.

(a) In General. No employer may discharge, demote, suspend, threaten, harass, directly or indirectly, or in any other manner discriminate against, a whistleblower in the terms and conditions of employment because of any lawful act done by the whistleblower—

(1) In providing information to the Commission in accordance with this part 165; or
(2) In assisting in any investigation or judicial or administrative action of the Commission based upon or related to such information.

(b) Enforcement—(1) Cause of Action. — An individual who alleges discharge or other discrimination in violation of section 23(h)(1)(A) of the Commodity Exchange Act may bring an action under section 23(h)(1)(B) of the Commodity Exchange Act in the appropriate district court of the United States for the relief provided in section 23(h)(1)(C) of the Commodity Exchange Act, unless the individual who is alleging discharge or other discrimination in violation of section 23(h)(1)(A) of the Commodity Exchange Act is an employee of the Federal Government, in which case the individual shall only bring an action under section 1221 of title 5, United States Code.

(2) Subpoenas. — A subpoena requiring the attendance of a witness at a trial or hearing conducted under section 23(h)(1)(A) of the Commodity Exchange Act may be served at any place in the United States.

(3) Statute of Limitations. — An action under section 23(h)(1)(B) of the Commodity Exchange Act may not be brought more than 2 years after the date on which the violation reported in Section 23(h)(1)(A) of the Commodity Exchange Act is committed.

(c) Relief. — Relief for an individual prevailing in an action brought under section 23(h)(1)(B) of the Commodity Exchange Act shall include—

(1) Reinstatement with the same seniority status that the individual would have had, but for the discrimination;
(2) The amount of back pay otherwise owed to the individual, with interest; and
(3) Compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney’s fees.
<table>
<thead>
<tr>
<th>A. INFORMATION ABOUT YOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMPLAINANT 1:</td>
</tr>
<tr>
<td>2. Street Address</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>3. Telephone</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>4. Occupation</td>
</tr>
<tr>
<td>COMPLAINANT 2:</td>
</tr>
<tr>
<td>1. Last Name</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>2. Street Address</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>3. Telephone</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>4. Occupation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. ATTORNEY’S INFORMATION (If Applicable – See Instructions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Attorney’s Name</td>
</tr>
</tbody>
</table>
Pt. 165, App. A

2. Firm Name

3. Street Address

<table>
<thead>
<tr>
<th>City</th>
<th>State/Province</th>
<th>ZIP/Postal Code</th>
<th>Country</th>
</tr>
</thead>
</table>

4. Telephone

<table>
<thead>
<tr>
<th>Telephone</th>
<th>Fax</th>
<th>E-mail Address</th>
</tr>
</thead>
</table>

C. TELL US ABOUT THE INDIVIDUAL AND/OR ENTITY THE WHISTLEBLOWER HAS A COMPLAINT AGAINST

INDIVIDUAL/ENTITY 1:

1. Type: [ ] Individual [ ] Entity

If an Individual, Specify Profession:

If an Entity, Specify Type:

2. Name

3. Street Address

<table>
<thead>
<tr>
<th>City</th>
<th>State/Province</th>
<th>ZIP/Postal Code</th>
<th>Country</th>
</tr>
</thead>
</table>

4. Phone

<table>
<thead>
<tr>
<th>Phone</th>
<th>E-mail Address</th>
<th>Internet Address</th>
</tr>
</thead>
</table>

INDIVIDUAL/ENTITY 2:

1. Type: [ ] Individual [ ] Entity

If an individual, specify profession:

If an entity, specify type:

2. Name

3. Street Address

<table>
<thead>
<tr>
<th>City</th>
<th>State/Province</th>
<th>ZIP/Postal Code</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Phone</td>
<td>E-mail Address</td>
<td>Internet Address</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>----------------</td>
<td>------------------</td>
<td></td>
</tr>
</tbody>
</table>

**D. TELL US ABOUT THE WHISTLEBLOWER'S COMPLAINT**

1. Occurrence Date (mm/dd/yyyy): /  
2. Nature of Complaint: 

3a. Has the complainant or counsel had any prior communication(s) with the CFTC concerning this matter?  
YES ☐ NO ☐

3b. If the answer to 3a is "Yes," name of CFTC staff member with whom the complainant or counsel communicated.

4a. Have you or your counsel provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you?  
YES ☐ NO ☐

4b. If the answer to 4a is "Yes," please provide details. Use additional sheets, if necessary.

4c. Name and contact information for point of contact at other agency or organization, if known.

5a. Does this complaint relate to an entity of which the complainant is or was an officer, director, counsel, employee, consultant or contractor?  
YES ☐ NO ☐

5b. If the answer to question 5a is "yes," has the complainant reported this violation to his or her supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations?  
YES ☐ NO ☐

5c. If the answer to question 5b is "yes," please provide details. Use additional sheets, if necessary.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sd.</td>
<td>Date on which the complainant took the action(s) described in question 5b (mm/dd/yyyy):</td>
</tr>
<tr>
<td>/</td>
<td>/</td>
</tr>
<tr>
<td>6a.</td>
<td>Have you taken any other action regarding your complaint?</td>
</tr>
<tr>
<td>YES ☐ NO ☐</td>
<td></td>
</tr>
<tr>
<td>6b.</td>
<td>If the answer to question 6a is “yes,” please provide details. Use additional sheets, if necessary.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>7a.</td>
<td>Type of financial product or investment, if relevant.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>7b.</td>
<td>Name of financial product or investment, if relevant.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>State in detail all facts pertinent to the alleged violation. Explain why the complainant believes the facts described constitute a violation of the Commodity Exchange Act (CEA). Use additional sheets, if necessary.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Describe all supporting materials in the complainant’s possession and the availability and location of any additional supporting materials not in complainant’s possession. Use additional sheets, if necessary.</td>
</tr>
</tbody>
</table>
10. Describe how and from whom the complainant obtained the information that supports this claim. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible. Use additional sheets, if necessary.
11. Identify with particularity any documents or other information in the whistleblower’s submission that the whistleblower believes could reasonably be expected to reveal the whistleblower’s identity and explain the basis for the whistleblower’s belief that the whistleblower’s identity would be revealed if the documents or information were disclosed to a third party.

12. Provide any additional information the whistleblower thinks may be relevant.

### E. ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Are you, or was the whistleblower at the time the whistleblower acquired the original information the whistleblower is submitting to the Commission a member, officer or employee of the Department of Justice, the Commodity Futures Trading Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, the National Credit Union Administration, the Securities and Exchange Commission, a registered entity, a registered futures association, a self-regulatory organization, or any law enforcement organization?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Commodity Futures Trading Commission

#### Pt. 165, App. A

2. Is the whistleblower providing this information pursuant to a cooperation agreement with the Commodity Futures Trading Commission or another agency or organization?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

3. Is the whistleblower providing this information before the whistleblower (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of the whistleblower’s submission (i) from the Commodity Futures Trading Commission, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization, or (iii) in connection with an investigation by the Congress, or any other federal or state authority?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

4. Is the whistleblower currently a subject or target of a criminal investigation, or have the whistleblower been convicted of a criminal violation, in connection with the information the whistleblower is submitting to the Commodity Futures Trading Commission?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

5. Did the whistleblower acquire the information being provided to us from any person described in questions E1 through E5?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

6. Are you, or was the whistleblower at the time the whistleblower acquired the original information the whistleblower is submitting to the Commission a member, officer, or employee of a foreign regulatory authority or law enforcement organization.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

7. Use this space to provide additional details relating to the whistleblower’s responses to questions 1 through 5. Use additional sheets, if necessary.

---

### F. WHISTLEBLOWER’S DECLARATION

I declare under penalty of perjury under the laws of the United States that the information contained herein is true, correct and complete to the best of my knowledge, information and belief. I fully understand that I may be subject to prosecution and ineligible for a whistleblower award if, in my submission of information, my other dealings with the Commodity Futures Trading Commission, or my dealings with another authority in connection with a related action, I knowingly and willfully make any false, fictitious, or fraudulent statements or representations, or use any false writing or document knowing that the writing or document contains any false, fictitious, or fraudulent statement or entry.

<table>
<thead>
<tr>
<th>Print Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
</tr>
<tr>
<td>Date</td>
</tr>
</tbody>
</table>

### G. COUNSEL CERTIFICATION
This notice is given under the Privacy Act of 1974. The Privacy Act requires that the Commodity Futures Trading Commission (CFTC or Commission) inform individuals of the following when asking for information.

This form may be used by anyone wishing to provide the CFTC with information concerning a violation of the Commodity Exchange Act or the Commission’s regulations. If the whistleblower is submitting this information for the Commission’s whistleblower award program pursuant to Section 23 of the Commodity Exchange Act, the information provided will enable the Commission to determine the whistleblower’s eligibility for payment of an award. This information may be disclosed to Federal, state, local, or foreign agencies responsible for investigating, prosecuting, enforcing, or implementing laws, rules, or regulations implicated by the information consistent with the confidentiality requirements set forth therein, including pursuant to Section 23 of the Commodity Exchange Act and Part 165 of the Commission’s regulations thereunder. Furnishing the information is voluntary, but a decision not to do so may result in the whistleblower not being eligible for award consideration.

Questions concerning this form may be directed to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

SUBMISSION PROCEDURES
• After completing this Form TCR, please send it electronically, by mail, e-mail or delivery to the Commission: electronically via the Commission’s Web site; by mail or delivery to the Commodity Futures Trading Commission, Three Lafayette Centre, 1151 21st Street, NW., Washington, DC 20581; by e-mail to XXXXXX.gov; or by facsimile to (202) XXX–XXXX.
  • The whistleblower has the right to submit information anonymously.
  • If the whistleblower is submitting information for the Commission’s whistleblower award program, the whistleblower must submit the whistleblower’s information using this Form TCR.

INSTRUCTIONS FOR COMPLETING FORM TCR

Section A: Information About You
Questions 1–4: Please provide the following information about yourself:
• Last name, first name, and middle initial;
• Complete address, including city, state and zip code;
• Telephone number and, if available, an alternate number where the whistleblower can be reached;
• The whistleblower’s e-mail address (to facilitate communications, we strongly encourage the whistleblower to provide the whistleblower’s email address);
• The whistleblower’s preferred method of communication; and
• The whistleblower’s occupation.

Section B: Information about the Whistleblower’s Attorney. Complete this Section Only if the Whistleblower is Represented by an Attorney in this Matter
Questions 1–4: Provide the following information about the attorney representing the whistleblower in this matter:
• Attorney’s name;
• Firm name;
• Complete address, including city, state and zip code;
• Telephone number and fax number; and
• E-mail address.
Section C: Tell Us About the Individual and/or Entity The Whistleblower Has a Complaint Against

If the whistleblower’s complaint relates to more than two individuals and/or entities, the whistleblower may use additional sheets, if necessary.

Question 1: Choose one of the following that best describes the individual’s profession or entity’s type to which the whistleblower’s complaint relates:
- For Individuals: Accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown, or other (specify).
- For Entities: Bank, commodity trading advisor, commodity pool operator, commodity pool, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown, or other (specify).

Questions 2–4: For each individual and/or entity, provide the following information, if known:
- Full name;
- Complete address, including city, state and zip code;
- Telephone number;
- E-mail address; and
- Internet address, if applicable.

Section D: Tell Us About the Whistleblower’s Complaint

Question 1: State the date (mm/dd/yyyy) that the alleged conduct began.

Question 2: Choose the option that the whistleblower believes best describes the nature of the whistleblower’s complaint. If the whistleblower is alleging more than one violation, please list all that the whistleblower believes may apply. Use additional sheets, if necessary.
- Theft/misappropriation;
- Misrepresentation/omission (i.e., false/misleading marketing/sales literature; inaccurate, misleading or non-disclosure by commodity pool operator, commodity trading advisor, futures commission merchant, introducing broker, retail foreign exchange dealer, major swap participant, swap dealer, or their associated person(s); false/material misstatements in any report or statement);
- Ponzi/pyramid scheme;
- Off-exchange foreign currency, commodity, or precious metal fraud;
- Registration violations (including unregistered commodity pool operator; commodity trading advisor; futures commission merchant; introducing broker; retail foreign exchange dealer; swap dealer, or their associated person(s));
- Trading (after hours trading; algorithmic trading; disruptive trading; front running; insider trading; manipulation/attempted manipulation of commodity prices; market timing; inaccurate quotes/pricing information; program trading; trading suspensions; volatility);
- Fees/mark-ups/commissions (excessive, unnecessary or unearned administrative, commission or sales fees; failure to disclose fees; insufficient notice of change in fees; excessive or otherwise improper spreads or fills);
- Sales and advisory practices (background information on past violations/integrity; breach of fiduciary duty/responsibility; churning/excessive trading; cold calling; conflict of interest; abuse of authority in discretionary trading; failure to respond to client, customer or participant; guarantee against loss; promise to profit; high pressure sales techniques; instructions by client, customer or participant not followed; investment objectives not followed; solicitation methods (e.g., cold calling; seminars);
- Customer accounts (unauthorized trading); identity theft affecting account; inaccurate valuation of Net Asset Value; or
- Other (analyst complaints; market maker activities; employer/employee disputes; specify other).

Question 3a: State whether the whistleblower or the whistleblower’s counsel has had any prior communications with the CFTC concerning this matter.

Question 3b: If the answer to question 3a is yes, provide the name of the CFTC staff member with whom the whistleblower or the whistleblower’s counsel communicated.

Question 4a: Indicate whether the whistleblower or the whistleblower’s counsel has provided the information the whistleblower is providing to the CFTC to any other agency or organization.

Question 4b: If the answer to question 4a is yes, provide details.

Question 4c: Provide the name and contact information of the point of contact at the other agency or organization, if known.

Question 5a: Indicate whether the whistleblower’s complaint relates to an entity of which the whistleblower is, was in the past, an officer, director, counsel, employee, consultant, or contractor.

Question 5b: If the answer to question 5a is yes, state whether the whistleblower has reported this violation to the whistleblower’s supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations.

Question 5c: If the answer to question 5b is yes, provide details.

Question 5d: Provide the date on which the whistleblower took the actions described in questions 5a and 5b.

Question 6a: Indicate whether the whistleblower has taken any other action regarding the whistleblower’s complaint, including
whether the whistleblower complained to the Commission, another regulator, a law enforcement agency, or any other agency or organization; initiated legal action, mediation or arbitration, or initiated any other action.

Question 6b: If the whistleblower answered yes to question 6a, provide details, including the date on which the whistleblower took the action(s) described, the name of the person or entity to whom the whistleblower directed any report or complaint and contact information for the person or entity, if known, and the complete case name, case number, and forum of any legal action the whistleblower has taken. Use additional sheets, if necessary.

Question 7a: Choose from the following the option that the whistleblower believes best describes the type of financial product or investment at issue, if applicable:
- Commodity futures;
- Options on commodity futures;
- Commodity options;
- Foreign currency transactions;
- Swaps; or
- Other (specify).

Question 7b: Provide the name of the financial product or investment, if applicable.

Question 8: State in detail all the facts pertinent to the alleged violation. Explain why the whistleblower believes the facts described constitute a violation of the Commodity Exchange Act. Use additional sheets, if necessary.

Question 9: Describe all supporting materials in the whistleblower’s possession, custody or control, and the availability and location of additional supporting materials not in the whistleblower’s possession, custody or control. Use additional sheets, if necessary.

Question 10: Describe how the whistleblower obtained the information that supports the whistleblower’s allegation. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible. Use additional sheets, if necessary.

Question 11: The whistleblower may use this space to identify any documents or other information in the whistleblower’s submission on this Form TCR that the whistleblower believes could reasonably be expected to reveal the whistleblower’s identity. Explain the basis for the whistleblower’s belief that the whistleblower’s identity would be revealed if the documents or information were disclosed to a third party.

Question 12: Provide any additional information the whistleblower thinks may be relevant.

Section E: Eligibility Requirements

Question 1: State whether the whistleblower is currently, or was at the time the whistleblower acquired the original information that the whistleblower is submitting to the Commodity Futures Trading Commission, a member, officer or employee of the Department of Justice, the Commodity Futures Trading Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, National Credit Union Administration, the Securities and Exchange Commission, a registered entity, a registered futures association, a self-regulatory organization, or any law enforcement organization.

Question 2: State whether the whistleblower is providing the information pursuant to a cooperation agreement with the Commodity Futures Trading Commission or with any other agency or organization.

Question 3: State whether the whistleblower is providing this information before the whistleblower (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of the whistleblower’s submission: (i) From the CFTC; (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association, a self-regulatory organization; or (iii) in connection with an investigation by the Congress, or any other federal or state authority.

Question 4: State whether the whistleblower is currently a subject or target of a criminal investigation, or has the whistleblower been convicted of a criminal violation, in connection with the information the whistleblower is submitting to the Commodity Futures Trading Commission.

Question 5: State whether the whistleblower acquired the information the whistleblower is providing to the Securities and Exchange Commission from any individual described in Questions 1 through 5 of this Section.

Question 6: State whether the whistleblower is currently, or was at the time the whistleblower acquired the original information that the whistleblower is submitting to the Commodity Futures Trading Commission, a member, officer, or employee of a foreign regulatory authority or law enforcement organization.

Question 7: Use this space to provide additional details relating to the whistleblower’s responses to questions 1 through 6. Use additional sheets, if necessary.

Section F: Whistleblower’s Declaration

The whistleblower must sign this Declaration if the whistleblower is submitting this information pursuant to the Commodity Futures Trading Commission whistleblower
Commodity Futures Trading Commission

program and wish to be considered for an award. If the whistleblower is submitting the whistleblower’s information anonymously, the whistleblower must still sign this Declaration, and the whistleblower must provide the whistleblower’s attorney with the original of this signed form.

If the whistleblower is not submitting the whistleblower’s information pursuant to the Commodity Futures Trading Commission whistleblower program, the whistleblower do not need to sign this Declaration.

Section G: Counsel Certification

If the whistleblower is submitting this information pursuant to the Commodity Futures Trading Commission whistleblower program and is doing so anonymously through an attorney, the whistleblower’s attorney must sign the Counsel Certification section.

If the whistleblower is represented in this matter but the whistleblower is not submitting the whistleblower’s information pursuant to the Commodity Futures Trading Commission whistleblower program, the whistleblower’s attorney does not need to sign the Counsel Certification Section.
UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, DC 20581

FORM WB-APP
APPLICATION FOR AWARD FOR ORIGINAL INFORMATION SUBMITTED
PURSUANT TO SECTION 23 OF THE COMMODITY EXCHANGE ACT

A. APPLICANT’S INFORMATION (REQUIRED FOR ALL SUBMISSIONS)

<table>
<thead>
<tr>
<th></th>
<th>Last Name</th>
<th>First</th>
<th>M.I.</th>
<th>Social Security No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Street Address</td>
<td>Apartment/ Unit #</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State/ Province</th>
<th>ZIP/ Postal Code</th>
<th>Country</th>
</tr>
</thead>
</table>

| 3. | Telephone | Alt. Phone | E-mail Address |

B. ATTORNEY’S INFORMATION (IF APPLICABLE – SEE INSTRUCTIONS)

| 1. | Attorney’s Name |
| 2. | Firm Name |
| 3. | Street Address |

<table>
<thead>
<tr>
<th>City</th>
<th>State/ Province</th>
<th>Zip/ Postal Code</th>
<th>Country</th>
</tr>
</thead>
</table>

| 4. | Telephone | Fax | E-mail Address |

C. TIP/COMPLAINT DETAILS

1. Manner in which original information was submitted to CFTC
   CFTC website [ ] Mail [ ] Fax [ ] Other [ ]

2a. Tip, Complaint or Referral (TCR) Number

2b. Date TCR referred to in 2a submitted to CFTC

2c. Subject(s) of the Tip, Complaint or Referral:

D. NOTICE OF COVERED ACTION
Commodity Futures Trading Commission

<table>
<thead>
<tr>
<th>1. Date of Notice of Covered Action to Which Claim Relates</th>
<th>2. Notice Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>3a. Case Name</td>
<td>3b. Case Name</td>
</tr>
</tbody>
</table>

E. CLAIMS PERTAINING TO RELATED ACTIONS

1. Name of agency or organization to which the whistleblower provided the whistleblower’s information.

2. Name and contact information for point of contact at agency or organization, if known.

3a. Date the whistleblower provided the whistleblower’s information (mm/dd/yyyy) | 3b. Date action filed by agency/organization (mm/dd/yyyy) |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>/</strong>/____</td>
<td><strong>/</strong>/____</td>
</tr>
</tbody>
</table>

4a. Case Name | 4b. Case Name

F. ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Is the whistleblower currently, or was the whistleblower at the time the whistleblower acquired the original information the whistleblower submitted to the CFTC, a member, officer or employee of the Department of Justice, the Commodity Futures Trading Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, the National Credit Union Administration, the Securities and Exchange Commission, a registered entity, a registered futures association, a self-regulatory organization, any law enforcement organization, or a foreign regulatory authority or law enforcement organization? YES ☐ NO ☐

2. Did the whistleblower provide the information identified in Section C above pursuant to a cooperation agreement with the CFTC or another agency or organization? YES ☐ NO ☐

3. Did the whistleblower acquire the information the whistleblower provided to the CFTC from any person described in questions F1 through F2? YES ☐ NO ☐

4. If the whistleblower answered “yes” to any of questions 1 through 3 above, please provide details. Use additional sheets, if necessary.

5a. Did the whistleblower provide the information identified in Section C above before the whistleblower (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of the whistleblower’s submission: (i) from the CFTC; (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization; or (iii) in connection with an investigation by the Congress, or any other federal or state authority? YES ☐ NO ☐
PRIVACY ACT STATEMENT
This notice is given under the Privacy Act of 1974. The Privacy Act requires that the Commodity Futures Trading Commission (CFTC or Commission) inform individuals of the following when asking for information. The information provided will enable the Commission to determine the whistleblower's eligibility for payment of an award pursuant to Section 23 of the Commodity Exchange Act. This information may be disclosed to Federal, state, local, or foreign agencies responsible for investigating, prosecuting, enforcing, or implementing laws, rules, or regulations implicated by the information consistent with the confidentiality requirements set forth in Section 23 of the Commodity Exchange Act and Part 165 of the Commission's Regulations thereunder. Furnishing the information is voluntary, but a decision not to do so may result in the whistleblower not being eligible for award consideration.
Questions concerning this form may be directed to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

GENERAL

• This form should be used by persons making a claim for a whistleblower award in connection with information provided to the CFTC or to another agency in a related action. In order to be deemed eligible for an award, the whistleblower must meet all the requirements set forth in Section 23 of the Commodities Exchange Act and the rules thereunder.

• The whistleblower must sign the Form WB–APP as the claimant. If the whistleblower provided the whistleblower’s information to the CFTC anonymously, the whistleblower must now disclose the whistleblower’s identity on this form and the whistleblower’s identity must be verified in a form and manner that is acceptable to the CFTC prior to the payment of any award.

• If the whistleblower is filing the whistleblower’s claim in connection with information that the whistleblower provided to the CFTC, then the whistleblower’s Form WB–APP, and any attachments thereto, must be received by the CFTC within ninety (90) days of the date of the Notice of Covered Action or the date of a final judgment in a related action to which the claim relates.

• If the whistleblower is filing the whistleblower’s claim in connection with information the whistleblower provided to another agency in a related action, then the whistleblower’s Form WB–APP, and any attachments thereto, must be received by the CFTC within ninety (90) days of the date of the Notice of Covered Action or the date of a final judgment in a related action to which the claim relates.

Questions concerning this form may be directed to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581; or by faxing the signed form to (202) XXX-XXXX.

INSTRUCTIONS FOR COMPLETING FORM WB–APP

Section A: Applicant’s Information

Questions 1–3: Provide the following information about yourself:

• First and last name, and middle initial, and social security number;

• Complete address, including city, state and zip code;

• Telephone number and, if available, an alternate number where the whistleblower can be reached; and

• E-mail address.

Section B: Attorney’s Information

If the whistleblower is represented by an attorney in this matter, provide the information requested. If the whistleblower is not represented by an attorney in this matter, leave this Section blank.

Questions 1–4: Provide the following information about the attorney representing the whistleblower in this matter:

• Attorney’s name;

• Firm name;

• Complete address, including city, state and zip code;

• Telephone number and fax number; and

• E-mail address.

Section C: Tip/Complaint Details

Question 1: Indicate the manner in which the whistleblower’s original information was submitted to the CFTC.

Question 2a: Include the TCR (Tip, Complaint or Referral) number to which this claim relates.

Question 2b: Provide the date on which the whistleblower submitted the whistleblower’s information to the CFTC.

Question 2c: Provide the name of the individual(s) or entity(s) to which the whistleblower’s tip, complaint, or referral related.

Section D: Notice of Covered Action

The process for making a claim for a whistleblower award begins with the publication of a “Notice of a Covered Action” on the Commission’s Web site. This Notice is published whenever a judicial or administrative action brought by the Commission results in the imposition of monetary sanctions exceeding $1,000,000. The Notice is published on the Commission’s Web site subsequent to the entry of a final judgment or order in the action that by itself, or collectively with other judgments or orders previously entered in the action, exceeds the $1,000,000 threshold required for a whistleblower to be potentially eligible for an award. The Commission
Section E: Claims Pertaining to Related Actions

Question 1: Provide the name of the agency or organization to which the whistleblower provided the whistleblower’s information.

Question 2: Provide the date on which the agency or organization referenced in question E1 filed the related action that was based on the information the whistleblower provided.

Question 3: Provide the case number referenced in Notice of Covered Action.

Question 4a: Provide the name and number, if applicable. Use additional sheets, if necessary.

Question 4b: Provide the case name referenced in Notice of Covered Action.

Section F: Eligibility Requirements and Other Information

Question 1: State whether the whistleblower is the subject or target of a criminal investigation, or has been convicted of a criminal violation, in connection with the information upon which the whistleblower’s application for an award is based.

Question 2: State whether the whistleblower voluntarily provided the Commission or to another agency in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization, or was a current, or at the time the whistleblower acquired the original information that the whistleblower submitted to the CFTC, a member, officer or employee of the Department of Justice, the Commodity Futures Trading Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, the National Credit Union Administration, the Securities and Exchange Commission, a registered entity, a registered futures association, a self-regulatory organization, any law enforcement organization, or a foreign regulatory authority or law enforcement organization.

Question 3: State whether the whistleblower acquired the information the whistleblower provided to the CFTC from any individual described in Question 1 through 2 of this Section.

Question 4: If the whistleblower answered ‘‘yes’’ to question 1 through 3 of this Section, please provide details.

Question 5: If the whistleblower answered ‘‘yes’’ to questions 1 though 3 of this Section, please provide details.

Question 6a: State whether the whistleblower is the subject or target of a criminal investigation, or has been convicted of a criminal violation, in connection with the information upon which the whistleblower’s point of contact at the agency or organization, if known, received any request, inquiry or demand that relates to the subject matter of the whistleblower’s submission: (i) From the CFTC; (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization; or (iii) in connection with an investigation by the Congress, or any other federal or state authority.

Question 6b: If the whistleblower answered ‘‘yes’’ to question 5a, please provide details. Use additional sheets if necessary.

This section is optional. Use this section to explain the basis for the whistleblower’s belief that the whistleblower is entitled to an award in connection with the whistleblower’s submission of information to the Commission or to another agency in connection with a related action. Specifically, address how the whistleblower believes the whistleblower voluntarily provided the Commission with original information that led to the successful enforcement of a judicial or administrative action filed by the Commission, or a related action. Refer to §165.11 of Part 165 of the Commission’s Regulations for further information concerning the relevant award criteria. The whistleblower may use additional sheets, if necessary.

Section G: Entitlement to Award

This section is optional. Use this section to explain the basis for the whistleblower’s belief that the whistleblower is entitled to an award in connection with the whistleblower’s submission of information to the Commission or to another agency in connection with a related action. Specifically, address how the whistleblower believes the whistleblower voluntarily provided the Commission with original information that led to the successful enforcement of a judicial or administrative action filed by the Commission, or a related action. Refer to §165.11 of Part 165 of the Commission’s Regulations for further information concerning the relevant award criteria. The whistleblower may use additional sheets, if necessary.

Section 23(c)(1)(B) of the CEA requires the Commission to consider in determining the amount of an award the following factors: (a) The significance of the information provided by a whistleblower to the success of the Commission action or related action; (b) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in the Commission action or related action; (c) the programmatic interest of the Commission in deterring violations of the Commodity Exchange Act (including Regulations under the Act) by making
Commodity Futures Trading Commission

§ 166.3

awards to whistleblowers who provide information that leads to the successful enforcement of such laws; and (d) whether the award otherwise enhances the Commission’s ability to enforce the Commodity Exchange Act, protect customers, and encourage the submission of high quality information from whistleblowers. Address these factors in the whistleblower’s response as well.

Section H: Declaration

This section must be signed by the claimant.

PART 166—CUSTOMER PROTECTION RULES

§ 166.1 Definitions.

(a) The term Commission registrant as used in this part means any person who is registered or required to be registered with the Commission pursuant to the Act or any rule, regulation, or order thereunder.

(b) [Reserved]

(c) The term customer as used in this part means any person trading, intending to trade, or receiving or seeking advice concerning any commodity interest, including any existing or prospective client or subscriber of a commodity trading advisor or existing or prospective participant in a commodity pool, but the term does not include a person who is acting in the capacity of a Commission registrant with respect to the trade.

(d) The term commodity account as used in this part means the account of a customer in which any commodity interest is, or is intended to be, traded.

§ 166.2 Authorization to trade.

No futures commission merchant, retail foreign exchange dealer, introducing broker or any of their associated persons may directly or indirectly effect a transaction in a commodity interest for the account of any customer unless before the transaction the customer, or person designated by the customer to control the account:

(a) With respect to any commodity interest as defined in §1.3(yy)(1) through (3) of this chapter, specifically authorized the futures commission merchant, retail foreign exchange dealer, introducing broker or any of their associated persons to effect the transaction (a transaction is “specifically authorized” if the customer or person designated by the customer to control the account specifies—

(1) The precise commodity interest to be purchased or sold; and

(2) The exact amount of the commodity interest to be purchased or sold); or

(b) With respect to any commodity interest as defined in §1.3(yy)(1) or (2) of this chapter, authorized in writing the futures commission merchant, introducing broker or any of their associated persons to effect transactions in commodity interests for the account without the customer’s specific authorization; Provided, however, That if any such futures commission merchant, introducing broker or any of their associated persons is also authorized to effect transactions in foreign futures or foreign options without the customer’s specific authorization, such authorization must be expressly documented.

[75 FR 55451, Sept. 10, 2010]

§ 166.3 Supervision.

Each Commission registrant, except an associated person who has no supervisory duties, must diligently supervise the handling by its partners, officers, employees and agents (or persons occupying a similar status or performing a similar function) of all commodity interest accounts carried, operated, advised or introduced by the registrant and all other activities of its partners, officers, employees and agents (or persons occupying a similar status or performing a similar function) relating to its business as a Commission registrant.

[48 FR 35394, Aug. 3, 1983]