

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Commodity Exchange Act to adjust the period during which amounts transferred by the Commodity Futures Trading Commission to the account for customer education initiatives and non-awards expenses shall remain available, to strengthen anti-retaliation protections for whistleblowers, to ensure whistleblowers are informed of their rights, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. GRASSLEY (for himself and Mr. FETTERMAN) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend the Commodity Exchange Act to adjust the period during which amounts transferred by the Commodity Futures Trading Commission to the account for customer education initiatives and non-awards expenses shall remain available, to strengthen anti-retaliation protections for whistleblowers, to ensure whistleblowers are informed of their rights, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “CFTC Whistleblower  
3 Protection and Program Improvement Act of 2026”.

4 **SEC. 2. COMMODITY FUTURES TRADING COMMISSION CUS-**  
5 **TOMER PROTECTION FUND MODIFICATIONS.**

6 (a) SEPARATE ACCOUNT FOR EDUCATION INITIA-  
7 TIVES AND ADMINISTRATIVE EXPENSES.—Section 23(g)  
8 of the Commodity Exchange Act (7 U.S.C. 26(g)) is  
9 amended—

10 (1) in paragraph (2)(A), by striking “subsection  
11 (a)” and inserting “subsection (b)”; and

12 (2) in paragraph (3)—

13 (A) in subparagraph (A), by striking  
14 “\$100,000,000” and inserting “\$300,000,000”;

15 (B) in subparagraph (B), by striking “sub-  
16 paragraph (A)” and inserting “clause (i)”;

17 (C) by redesignating subparagraphs (A)  
18 through (C) as clauses (i) through (iii), respec-  
19 tively, and indenting the clauses appropriately;

20 (D) in the matter preceding clause (i) (as  
21 so redesignated), by striking “There shall be  
22 deposited into or credited to the Fund:” and in-  
23 serting the following:

24 “(A) IN GENERAL.—There shall be depos-  
25 ited in, or credited to, the Fund the following:”;  
26 and

1 (E) by adding at the end the following:

2 “(B) SEPARATE ACCOUNT FOR EDUCATION  
3 INITIATIVES AND ADMINISTRATIVE EX-  
4 PENSES.—

5 “(i) IN GENERAL.—Any amounts con-  
6 tained in, deposited in, or credited to the  
7 Fund under subparagraph (A) shall be  
8 first deposited in, or credited to, a separate  
9 account in the Fund described in clause  
10 (ii), regardless of outstanding whistle-  
11 blower awards, unless the balance of that  
12 separate account at the time the amounts  
13 are deposited or credited exceeds  
14 \$10,000,000.

15 “(ii) USE OF SEPARATE ACCOUNT.—  
16 The separate account referred to in clause  
17 (i) shall be available to the Commission,  
18 without further appropriation or fiscal year  
19 limitation, for—

20 “(I) the purpose described in  
21 subparagraph (B) of paragraph (2);  
22 and

23 “(II) the funding of administra-  
24 tive and salary expenses necessary for  
25 personnel to carry out the activities

1 described in subparagraphs (A) and  
2 (B) of that paragraph.”.

3 (b) COMMODITY FUTURES TRADING COMMISSION  
4 WHISTLEBLOWER PROGRAM.—Section 1(b) of Public Law  
5 117–25 (135 Stat. 297; 136 Stat. 2133; 136 Stat. 2309;  
6 136 Stat. 5984; 139 Stat. 46) is amended—

7 (1) in paragraph (3), by striking “until” and all  
8 that follows through the period at the end and in-  
9 serting “until expended.”; and

10 (2) by striking paragraph (4).

11 (c) DEFINITIONS.—Section 23(a) of the Commodity  
12 Exchange Act (7 U.S.C. 26(a)) is amended—

13 (1) in paragraph (3)—

14 (A) in subparagraph (A), by striking  
15 “and” at the end;

16 (B) in subparagraph (B), by striking the  
17 period at the end and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(C) any distribution made in a United  
20 States bankruptcy proceeding to the Commis-  
21 sion, an injured investor, or other defrauded  
22 person or entity as a result of information pro-  
23 vided by 1 or more whistleblowers.”; and

24 (2) in paragraph (5)—

1 (A) by striking “means any judicial” and  
2 inserting “means any proceeding in a United  
3 States bankruptcy court brought by any party  
4 and any judicial”;

5 (B) by striking “subsection (h)(2)(C)” and  
6 inserting “subsection (h)(2)(C)(i)”; and

7 (C) by striking “subsection (a)” and in-  
8 serting “subsection (b)”.

9 **SEC. 3. STRENGTHENING PROTECTIONS FOR COMMODITY**  
10 **WHISTLEBLOWERS.**

11 Section 23 of the Commodity Exchange Act (7 U.S.C.  
12 26) is amended—

13 (1) in subsection (a)(7)—

14 (A) by striking “The term” and inserting  
15 the following:

16 “(A) IN GENERAL.—The term”; and

17 (B) by adding at the end the following:

18 “(B) SPECIAL RULE.—For purposes of  
19 subsection (h), the term ‘whistleblower’ includes  
20 any individual who takes, or any 2 or more in-  
21 dividuals, acting jointly, who take, an action de-  
22 scribed in paragraph (1)(A) of that sub-  
23 section.”;

24 (2) in subsection (h)(1)—

1 (A) by striking subparagraph (A) and in-  
2 serting the following:

3 “(A) IN GENERAL.—No employer may, di-  
4 rectly or indirectly, discharge, demote, suspend,  
5 threaten, blacklist, harass, seek to deny any  
6 award, or in any other manner discriminate  
7 against a whistleblower in the terms and condi-  
8 tions of employment or post-employment be-  
9 cause of any lawful act done by the whistle-  
10 blower—

11 “(i) in providing information in writ-  
12 ing or orally, if the oral report is docu-  
13 mented, including information provided as  
14 part of the job duties of the whistleblower,  
15 in accordance with this section to—

16 “(I) the Commission or the At-  
17 torney General;

18 “(II) a Federal, State, or local  
19 regulatory or law enforcement agency;

20 “(III) any Member of Congress  
21 or any committee of Congress; or

22 “(IV) a person with supervisory  
23 authority over the whistleblower, or  
24 such other person working for the em-  
25 ployer who has the authority to inves-

1                   tigate, discover, or terminate mis-  
2                   conduct;

3                   “(ii) in initiating, testifying in, or as-  
4                   sisting in any investigation or judicial or  
5                   administrative action of the Commission or  
6                   the Department of Justice based upon or  
7                   related to the information described in  
8                   clause (i); or

9                   “(iii) in providing information, in  
10                  writing or orally, if the oral report is docu-  
11                  mented, regarding any conduct that the  
12                  whistleblower reasonably believes con-  
13                  stitutes a violation of any law, rule, or reg-  
14                  ulation subject to the jurisdiction of the  
15                  Commission, or a violation of section 1956,  
16                  1957, or 1960 of title 18, United States  
17                  Code (or any rule or regulation under any  
18                  such provision), to—

19                  “(I) a person with supervisory  
20                  authority over the whistleblower at the  
21                  employer of the whistleblower; or

22                  “(II) another individual working  
23                  for the employer described in sub-  
24                  clause (I) who the whistleblower rea-  
25                  sonably believes has the authority—

1 “(aa) to investigate, dis-  
2 cover, or terminate the mis-  
3 conduct; or

4 “(bb) to take any other ac-  
5 tion to address the misconduct.”;

6 (B) in subparagraph (B)(i)—

7 (i) by striking “An individual” and in-  
8 serting the following:

9 “(I) IN GENERAL.—An indi-  
10 vidual”;

11 (ii) in subclause (I) (as so des-  
12 ignated), by striking “, unless” and all  
13 that follows through “title 5, United States  
14 Code”; and

15 (iii) by adding at the end the fol-  
16 lowing:

17 “(II) JURY TRIAL.—A person  
18 against whom an action is brought  
19 under this subsection shall be entitled  
20 to a jury trial.

21 “(III) BURDEN OF PROOF.—All  
22 complaints under this subsection shall  
23 be governed by the legal burdens of  
24 proof set forth in section 1221(e) of  
25 title 5, United States Code.”; and

1 (C) in subparagraph (C)(ii), by inserting

2 “2 times” before “the amount”; and

3 (3) by adding at the end the following:

4 “(o) EMPLOYEE EDUCATION ON WHISTLEBLOWER  
5 RIGHTS.—

6 “(1) IN GENERAL.—Not later than 360 days  
7 after the date of enactment of this Act, the Commis-  
8 sion shall publish in the Federal Register a final rule  
9 requiring each registered entity to provide education  
10 and training to employees of the registered entity on  
11 the rights of whistleblowers and remedies under this  
12 section, including, at a minimum, through—

13 “(A) notice provided individually to each  
14 employee;

15 “(B) posting information on the homepage  
16 of the website of the registered entity; and

17 “(C) mandatory training for each em-  
18 ployee.

19 “(2) PROCEDURE.—Notwithstanding the excep-  
20 tions described in the undesignated matter following  
21 subsection (b)(4) of section 553 of title 5, United  
22 States Code, that section shall apply to the issuance  
23 of the rule under paragraph (1).”.

**1 SEC. 4. PROMPT PAYMENT OF AWARDS.**

Section 23(b) of the Commodity Exchange Act (7 U.S.C. 26(b)) is amended by adding at the end the following:

5 “(3) TIMELY PROCESSING OF CLAIMS.—

6 “(A) DEFINITIONS.—In this paragraph:

7 “(i) AWARD CLAIM.—The term ‘award  
8 claim’ means a claim submitted by a whis-  
9 tleblower for an award under this section.

“(ii) DIRECTOR.—The term ‘Director’ means the Director of the Division of Enforcement of the Commission (or a designee).

14 “(B) PRELIMINARY DETERMINATION.—

“(i) IN GENERAL.—Except as provided in subparagraph (C), the Commission shall make a preliminary determination with respect to an award claim not later than the later of—

20 “(I) the date that is 1 year after  
21 the deadline established by the Com-  
22 mission, by rule, for the whistleblower  
23 to file the award claim; and

24 “(II) the date that is 1 year after  
25 the final resolution of all litigation, in-  
26 cluding any appeals, concerning the

1 covered judicial or administrative ac-  
2 tion or related action.

3 “(ii) MULTIPLE RELATED ACTIONS.—

4 If an award claim involves 1 or more re-  
5 lated actions, the requirement under clause  
6 (i) shall apply with respect to the latest  
7 deadline with respect to the involved ac-  
8 tions.

9 “(C) EXCEPTIONS.—

10 “(i) INITIAL EXTENSION.—If the Di-  
11 rector determines that an award claim is  
12 sufficiently complex or involves more than  
13 1 whistleblower, or if other good cause ex-  
14 ists such that the Commission cannot rea-  
15 sonably satisfy the requirements under  
16 subparagraph (B), as determined by the  
17 Director, the Director, after providing no-  
18 tice to the Chairman of the Commission,  
19 may extend the deadline with respect to  
20 the satisfaction of those requirements by  
21 not more than 180 days.

22 “(ii) ADDITIONAL EXTENSION.—If,  
23 after providing an extension under clause  
24 (i), the Director determines that good  
25 cause exists such that the Commission can-

not reasonably satisfy the requirement under subparagraph (B), the Director may extend the deadline described in clause (i) for 1 additional successive 180-day period only after providing notice to, and receiving approval from, the Commission.

“(iii) NOTICE TO WHISTLEBLOWER REQUIRED.—If the Director exercises authority under clause (i) or (ii), the Director shall submit to the whistleblower who filed the award claim that is subject to that exercise a written notification of the exercise.

“(D) FINAL ORDER.—The Commission shall issue a final order with respect to an award claim not later than 1 year after the preliminary determination under subparagraph (B).

“(E) APPLICABILITY.—This paragraph shall apply only to an award claim that the Director determines is timely submitted under a deadline established by the Commission after the date of enactment of this paragraph.”.

**SEC. 5. TECHNICAL CORRECTIONS.**

Section 23 of the Commodity Exchange Act (7 U.S.C.

26) is amended—

- 1           (1) in subsection (c)(1)(B)(i)(III), by striking  
2       “the Act” each place it appears and inserting “this  
3       Act”; and  
4           (2) in subsection (f)(3), by striking “section  
5       7064” and inserting “section 706”.