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.

IN THE SENATE OF THE UNITED STATES

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''CFTC Whistleblower Protection and Program Improvement Act of 2026''.

SEC. 2. COMMODITY FUTURES TRADING COMMISSION CUSTOMER PROTECTION FUND MODIFICATIONS.

(a) SEPARATE ACCOUNT FOR EDUCATION INITIATIVES AND ADMINISTRATIVE EXPENSES.—Section 23(g) of the Commodity Exchange Act (7 U.S.C. 26(g)) is amended—

(1) in paragraph (2)(A), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''$100,000,000'' and inserting ''$300,000,000'';

(B) in subparagraph (B), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(C) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting the clauses appropriately;

(D) in the matter preceding clause (i) (as so redesignated), by striking ''There shall be deposited into or credited to the Fund:'' and inserting the following:

''(A) IN GENERAL.—There shall be deposited in, or credited to, the Fund the following:''; and

(E) by adding at the end the following:

"(B) SEPARATE ACCOUNT FOR EDUCATION INITIATIVES AND ADMINISTRATIVE EXPENSES.—

"(i) IN GENERAL.—Any amounts contained in, deposited in, or credited to the Fund under subparagraph (A) shall be first deposited in, or credited to, a separate account in the Fund described in clause (ii), regardless of outstanding whistleblower awards, unless the balance of that separate account at the time the amounts are deposited or credited exceeds $10,000,000.

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

"(I) the purpose described in subparagraph (B) of paragraph (2); and

"(II) the funding of administrative and salary expenses necessary for personnel to carry out the activities described in subparagraphs (A) and (B) of that paragraph.''.

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

(1) in paragraph (3), by striking ''until'' and all that follows through the period at the end and inserting ''until expended.''; and

(2) by striking paragraph (4).

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

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) any distribution made in a United States bankruptcy proceeding to the Commission, an injured investor, or other defrauded person or entity as a result of information provided by 1 or more whistleblowers.''; and

(2) in paragraph (5)—

(A) by striking ‘‘means any judicial’’ and inserting ‘‘means any proceeding in a United States bankruptcy court brought by any party and any judicial’’;

(B) by striking ‘‘subsection (h)(2)(C)’’ and inserting ‘‘subsection (h)(2)(C)(i)’’; and

(C) by striking ‘‘subsection (a)’’ and inserting ‘‘subsection (b)’’.

SEC. 3. STRENGTHENING PROTECTIONS FOR COMMODITY WHISTLEBLOWERS.

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

(1) in subsection (a)(7)—

(A) by striking ‘‘The term’’ and inserting the following:

‘‘(A) IN GENERAL.—The term’’; and

(B) by adding at the end the following:

‘‘(B) SPECIAL RULE.—For purposes of subsection (h), the term ‘whistleblower’ includes any individual who takes, or any 2 or more individuals, acting jointly, who take, an action described in paragraph (1)(A) of that subsection.’’;

(2) in subsection (h)(1)—

(A) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—No employer may, directly or indirectly, discharge, demote, suspend, threaten, blacklist, harass, seek to deny any award, or in any other manner discriminate against a whistleblower in the terms and conditions of employment or post-employment because of any lawful act done by the whistleblower—

"(i) in providing information in writing or orally, if the oral report is documented, including information provided as part of the job duties of the whistleblower, in accordance with this section to—

"(I) the Commission or the Attorney General;

"(II) a Federal, State, or local regulatory or law enforcement agency;

"(III) any Member of Congress or any committee of Congress; or

"(IV) a person with supervisory authority over the whistleblower, or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct;

“(ii) in initiating, testifying in, or assisting in any investigation or judicial or administrative action of the Commission or the Department of Justice based upon or related to the information described in clause (i); or

“(iii) in providing information, in writing or orally, if the oral report is documented, regarding any conduct that the whistleblower reasonably believes constitutes a violation of any law, rule, or regulation subject to the jurisdiction of the Commission, or a violation of section 1956, 1957, or 1960 of title 18, United States Code (or any rule or regulation under any such provision), to—

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

“(II) another individual working for the employer described in subclause (I) who the whistleblower reasonably believes has the authority—

"(aa) to investigate, discover, or terminate the misconduct; or

"(bb) to take any other action to address the misconduct.";

(B) in subparagraph (B)(i)—

(i) by striking "An individual" and inserting the following:

"(I) In general.—An individual";

(ii) in subclause (I) (as so designated), by striking ", unless" and all that follows through "title 5, United States Code"; and

(iii) by adding at the end the following:

"(II) Jury trial.—A person against whom an action is brought under this subsection shall be entitled to a jury trial.

"(III) Burden of proof.—All complaints under this subsection shall be governed by the legal burdens of proof set forth in section 1221(e) of title 5, United States Code."; and

(C) in subparagraph (C)(ii), by inserting “2 times” before “the amount”; and

(3) by adding at the end the following:

“(o) EMPLOYEE EDUCATION ON WHISTLEBLOWER RIGHTS.—

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

“(A) notice provided individually to each employee;

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

“(C) mandatory training for each employee.

“(2) PROCEDURE.—Notwithstanding the exceptions described in the undesignated matter following subsection (b)(4) of section 553 of title 5, United States Code, that section shall apply to the issuance of the rule under paragraph (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:

"(3) TIMELY PROCESSING OF CLAIMS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) AWARD CLAIM.—The term 'award claim' means a claim submitted by a whistleblower 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).

"(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—

"(I) the date that is 1 year after the deadline established by the Commission, by rule, for the whistleblower to file the award claim; and

"(II) the date that is 1 year after the final resolution of all litigation, including any appeals, concerning the covered judicial or administrative action or related action.

"(ii) MULTIPLE RELATED ACTIONS.—If an award claim involves 1 or more related actions, the requirement under clause (i) shall apply with respect to the latest deadline with respect to the involved actions.

"(C) EXCEPTIONS.—

"(i) INITIAL EXTENSION.—If the Director determines that an award claim is sufficiently complex or involves more than 1 whistleblower, or if other good cause exists such that the Commission cannot reasonably satisfy the requirements under subparagraph (B), as determined by the Director, the Director, after providing notice to the Chairman of the Commission, may extend the deadline with respect to the satisfaction of those requirements by not more than 180 days.

"(ii) ADDITIONAL EXTENSION.—If, after providing an extension under clause (i), the Director determines that good cause exists such that the Commission cannot 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) in subsection (c)(1)(B)(i)(III), by striking "the Act" each place it appears and inserting "this Act"; and

(2) in subsection (f)(3), by striking "section 7064" and inserting "section 706".