

## CHAPTER 1—COMMODITY EXCHANGES

Sec.		Sec.	
1.	Short title.	7b-2.	Privacy.
1a.	Definitions.	7b-3.	Swap execution facilities.
1b.	Requirements of Secretary of the Treasury regarding exemption of foreign exchange swaps and foreign exchange forwards from definition of the term "swap".	8.	Application for designation as contract market or derivatives transaction execution facility; time; suspension or revocation of designation; hearing; review by court of appeals.
2.	Jurisdiction of Commission; liability of principal for act of agent; Commodity Futures Trading Commission; transaction in interstate commerce.	9.	Prohibition regarding manipulation and false information.
2a to 4a.	Transferred.	9a.	Assessment of money penalties.
5.	Findings and purpose.	9b.	Rules prohibiting deceptive and other abusive telemarketing acts or practices.
6.	Regulation of futures trading and foreign transactions.	9c.	Notice of investigations and enforcement actions.
6a.	Excessive speculation.	10.	Repealed.
6b.	Contracts designed to defraud or mislead.	10a.	Cooperative associations and corporations, exclusion from board of trade; rules of board inapplicable to payment of compensation by association.
6b-1.	Enforcement authority.	11.	Vacation on request of designation or registration as "registered entity"; redesignation or reregistration.
6c.	Prohibited transactions.	12.	Public disclosure.
6d.	Dealing by unregistered futures commission merchants or introducing brokers prohibited; duties in handling customer receipts; conflict-of-interest systems and procedures; Chief Compliance Officer; rules to avoid duplicative regulations; swap requirements; portfolio margining accounts.	12-1 to 12-3.	Omitted.
6e.	Dealings by unregistered floor trader or broker prohibited.	12a.	Registration of commodity dealers and associated persons; regulation of registered entities.
6f.	Registration and financial requirements; risk assessment.	12b.	Trading ban violations; prohibition.
6g.	Reporting and recordkeeping.	12c.	Disciplinary actions.
6h.	False self-representation as registered entity member prohibited.	12d.	Commission action for noncompliance with export sales reporting requirements.
6i.	Reports of deals equal to or in excess of trading limits; books and records; cash and controlled transactions.	12e.	Repealed.
6j.	Restrictions on dual trading in security futures products on designated contract markets and registered derivatives transaction execution facilities.	13.	Violations generally; punishment; costs of prosecution.
6k.	Registration of associates of futures commission merchants, commodity pool operators, and commodity trading advisors; required disclosure of disqualifications; exemptions for associated persons.	13-1.	Violations, prohibition against dealings in motion picture box office receipts or onion futures; punishment.
6l.	Commodity trading advisors and commodity pool operators; Congressional finding.	13a.	Nonenforcement of rules of government or other violations; cease and desist orders; fines and penalties; imprisonment; misdemeanor; separate offenses.
6m.	Use of mails or other means or instrumentalities of interstate commerce by commodity trading advisors and commodity pool operators; relation to other law.	13a-1.	Enjoining or restraining violations.
6n.	Registration of commodity trading advisors and commodity pool operators; application; expiration and renewal; record keeping and reports; disclosure; statements of account.	13a-2.	Jurisdiction of States.
6o.	Fraud and misrepresentation by commodity trading advisors, commodity pool operators, and associated persons.	13b.	Manipulations or other violations; cease and desist orders against persons other than registered entities; punishment.
6o-1.	Transferred.	13c.	Responsibility as principal; minor violations.
6p.	Standards and examinations.	14.	Repealed.
6q.	Special procedures to encourage and facilitate bona fide hedging by agricultural producers.	15, 15a.	Omitted or Repealed.
6r.	Reporting and recordkeeping for uncleared swaps.	15b.	Cotton futures contracts.
6s.	Registration and regulation of swap dealers and major swap participants.	16.	Commission operations.
6t.	Large swap trader reporting.	16a.	Service fees and National Futures Association study.
7.	Designation of boards of trade as contract markets.	17.	Separability.
7a.	Repealed.	17a.	Separability of 1936 amendment.
7a-1.	Derivatives clearing organizations.	17b.	Separability of 1968 amendment.
7a-2.	Common provisions applicable to registered entities.	18.	Complaints against registered persons.
7a-3.	Repealed.	19.	Consideration of costs and benefits and anti-trust laws.
7b.	Suspension or revocation of designation as registered entity.	20.	Market reports.
7b-1.	Designation of securities exchanges and associations as contract markets.	21.	Registered futures associations.
		22.	Research and information programs; reports to Congress.
		23.	Standardized contracts for certain commodities.
		24.	Customer property with respect to commodity broker debtors; definitions.
		24a.	Swap data repositories.
		25.	Private rights of action.
		26.	Commodity whistleblower incentives and protection.
		27.	Definitions.
		27a.	Exclusion of identified banking product.
		27b.	Repealed.
		27c.	Exclusion of certain other identified banking products.
		27d.	Administration of the predominance test.
		27e.	Repealed.
		27f.	Contract enforcement.

**§ 1. Short title**

This chapter may be cited as the “Commodity Exchange Act.”

(Sept. 21, 1922, ch. 369, §1, 42 Stat. 998; June 15, 1936, ch. 545, §1, 49 Stat. 1491.)

**PRIOR PROVISIONS**

This chapter superseded act Aug. 24, 1921, ch. 86, 42 Stat. 187, known as “The Future Trading Act,” which act was declared unconstitutional, at least in part, in *Hill v. Wallace*, Ill. 1922, 42 S.Ct. 453, 259 U.S. 44, 66 L.Ed. 822. Section 3 of that act was found unconstitutional as imposing a penalty in *Trusler v. Crooks*, Mo. 1926, 46 S.Ct. 165, 269 U.S. 475, 70 L.Ed. 365.

**AMENDMENTS**

1936—Act June 15, 1936, substituted “Commodity Exchange Act” for “The Grain Futures Act”.

**EFFECTIVE DATE OF 1936 AMENDMENT**

Act June 15, 1936, ch. 545, §13, 49 Stat. 1501, provided that: “All provisions of this Act [see Tables for classification] authorizing the registration of futures commission merchants and floor brokers, the fixing of fees and charges therefor, the promulgation of rules, regulations and orders, and the holding of hearings precedent to the promulgation of rules, regulations, and orders shall be effective immediately. All other provisions of this Act shall take effect ninety days after the enactment of this Act [June 15, 1936].”

**SHORT TITLE OF 2015 AMENDMENT**

Pub. L. 114-1, title III, §301, Jan. 12, 2015, 129 Stat. 28, provided that: “This title [amending section 6s of this title and section 780-10 of Title 15, Commerce and Trade, and enacting provisions set out as a note under section 6s of this title] may be cited as the ‘Business Risk Mitigation and Price Stabilization Act of 2015.’”

**SHORT TITLE OF 2008 AMENDMENT**

Pub. L. 110-234, title XIII, §13001, May 22, 2008, 122 Stat. 1427, and Pub. L. 110-246, §4(a), title XIII, §13001, June 18, 2008, 122 Stat. 1664, 2189, provided that: “This title [amending sections 1a, 2, 6a, 6b, 6f, 6g, 6i, 6k, 6o-1, 6q, 7a, 7a-2, 7b, 8, 9, 12, 13, 13a, 13a-1, 16, 18, 21, and 25 of this title and enacting provisions set out as notes under section 2 of this title] may be cited as the ‘CFTC Reauthorization Act of 2008.’”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

**SHORT TITLE OF 2000 AMENDMENT**

Pub. L. 106-554, §1(a)(5) [§1(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-365, provided that: “This Act [H.R. 5660, as enacted by section 1(a)(5) of Pub. L. 106-554, enacting sections 5, 6o-1, 7 to 7a-3, 7b-1, 7b-2, 9c, and 27 to 27f of this title, sections 781 to 784 of Title 11, Bankruptcy, sections 339a, 4421, and 4422 of Title 12, Banks and Banking, and sections 77b-1 and 78c-1 of Title 15, Commerce and Trade, amending sections 1a, 2, 2a, 4, 4a, 6 to 6m, 6p, 7a-2, 7b, 8 to 9a, 10a, 11, 12, 12a to 12c, 13, 13a to 13b, 16, 18 to 21, and 25 of this title, sections 101, 103, 109, and 761 of Title 11, sections 624 and 4402 of Title 12, and sections 77b, 77c, 77l, 77q, 78c, 78f, 78g, 78i, 78j, 78k-1, 78l, 78o, 78o-3, 78p, 78q, 78q-1, 78s, 78t, 78u, 78u-1, 78bb, 78ee, 78ecc, 78ll, 80a-2, 80b-2, and 80b-3 of Title 15, repealing sections 5, 7, 7a, and 12e of this title, and enacting provisions set out as notes under this section, section 2 of this title, and section 78c of Title 15] may be cited as the ‘Commodity Futures Modernization Act of 2000.’”

Pub. L. 106-554, §1(a)(5) [title IV, §401], Dec. 21, 2000, 114 Stat. 2763, 2763A-457, provided that: “This title [title IV of H.R. 5660, as enacted by section 1(a)(5) of Pub. L. 106-554, enacting sections 27 to 27f of this title] may be cited as the ‘Legal Certainty for Bank Products Act of 2000.’”

**SHORT TITLE OF 1995 AMENDMENT**

Pub. L. 104-9, §1, Apr. 21, 1995, 109 Stat. 154, provided that: “This Act [amending section 16 of this title] may be cited as the ‘CFTC Reauthorization Act of 1995.’”

**SHORT TITLE OF 1992 AMENDMENT**

Pub. L. 102-546, §1(a), Oct. 28, 1992, 106 Stat. 3590, provided that: “This Act [enacting sections 1a and 12e of this title, amending sections 2, 2a, 4, 4a, 6 to 6c, 6e to 6g, 6j, 6p, 7 to 9a, 10a, 12, 12a, 12c, 13 to 13c, 15, 16, 18, 19, 21, and 25 of this title, repealing section 26 of this title, enacting provisions set out as notes under sections 1a, 4a, 6c, 6e, 6j, 6p, 7a, 13, 16a, 21, and 22 of this title, and repealing provisions set out as a note under section 4a of this title] may be cited as the ‘Futures Trading Practices Act of 1992.’”

**SHORT TITLE OF 1986 AMENDMENT**

Pub. L. 99-641, §1, Nov. 10, 1986, 100 Stat. 3556, provided that: “This Act [enacting section 2271a of this title, amending sections 2a, 6b, 6c, 7a, 13, 13a-1, 15, 16, 21, 23, 74, 87b, 1444, 1445b-3, and 1445c-2 of this title, sections 590h and 3831 of Title 16, Conservation, sections 606, 609, 621, 671, and 676 of Title 21, Food and Drugs, repealing section 14 of this title, and enacting provisions set out as notes under sections 20, 71, 76, 87b, and 2271a of this title and sections 601, 606, 609, 621, 671, and 676 of Title 21] may be cited as the ‘Futures Trading Act of 1986.’”

**SHORT TITLE OF 1983 AMENDMENT**

Pub. L. 97-444, §1, Jan. 11, 1983, 96 Stat. 2294, provided: “That this Act [enacting sections 2a, 12d, 25, and 26 of this title, amending sections 2, 4, 4a, 5, 6, 6a, 6c, 6d, 6f, 6g, 6h, 6i, 6k, 6m, 6n, 6o, 6p, 7a, 8, 9, 12, 12a, 13, 13a-1, 13a-2, 13c, 16, 16a, 18, 20, 21, 23, and 612c-3 of this title, and enacting provisions set out as a note under section 2 of this title] may be cited as the ‘Futures Trading Act of 1982.’”

**SHORT TITLE OF 1978 AMENDMENT**

Pub. L. 95-405, §1, Sept. 30, 1978, 92 Stat. 865, provided: “That this Act [enacting sections 13a-2, 16a, and 23 of this title, amending sections 2, 4a, 6c, 6d, 6f, 6g, 6k, 6m, 6n, 6o, 7a, 8, 12, 12a, 12c, 13, 13a, 15, 16, 18, and 21 of this title and section 6001 of Title 18, Crimes and Criminal Procedure, repealing section 15a of this title, omitting sections 12-1 to 12-3 of this title, and enacting provisions set out as notes under sections 2 and 20 of this title] may be cited as the ‘Futures Trading Act of 1978.’”

**SHORT TITLE OF 1974 AMENDMENT**

Pub. L. 93-463, §1, Oct. 23, 1974, 88 Stat. 1389, provided: “That this Act [enacting sections 4a, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 9a, 12-2, 13-3, 12c, 13a-1, 15a, 18, 19, 20, 21, and 22 of this title, amending sections 2, 4, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6i, 7, 7a, 7b, 8, 9, 11, 12, 12-1, 12a, 12b, 13, 13a, 13b, 13c, 15, and 16 of this title and sections 5314, 5315, 5316, and 5108 of Title 5, Government Organization and Employees, and enacting provisions set out as notes under sections 2, 4a, and 6a of this title] may be cited as the ‘Commodity Futures Trading Commission Act of 1974.’”

**SAVINGS PROVISIONS FOR 2000 AMENDMENT**

Pub. L. 106-554, §1(a)(5) [title III, §304], Dec. 21, 2000, 114 Stat. 2763, 2763A-457, provided that: “Nothing in this Act [see Short Title of 2000 Amendment note above] or the amendments made by this Act shall be construed as finding or implying that any swap agreement is or is not a security for any purpose under the securities laws. Nothing in this Act or the amendments made by this Act shall be construed as finding or implying that any swap agreement is or is not a futures contract or commodity option for any purpose under the Commodity Exchange Act [7 U.S.C. 1 et seq.].”

**CONSTRUCTION OF 2000 AMENDMENT**

Pub. L. 106-554, §1(a)(5) [title I, §122], Dec. 21, 2000, 114 Stat. 2763, 2763A-405, provided that: “Except as ex-