

MEMORANDUM

Date: November 21, 2012

To: Shagufta Ahmed and Nicholas Fraser, Office of Management and Budget (OMB), Office of Information and Regulatory Affairs

From: Vincente Martinez, Whistleblower Office, Commodity Futures Trading Commission (CFTC)

Re: Justification Statement for Non-Substantive Revisions to CFTC Forms TCR and WB-APP

Attached are revised versions of CFTC Forms TCR and WB-APP (both OMB Control Number 3038-0082). Neither set of revisions is intended to be substantive. A description of each set of revisions follows.

I. Changes to Form TCR

- Questions E.1. and E.5. were combined to eliminate redundancy; both questions ask for the same information, but for different entities. The wording of Question E.1. was also revised to conform to the wording of CFTC Whistleblower Rule 165.6 [17 C.F.R. § 165.6].
- Question E.3. has been reworded because experience has shown us that whistleblowers often misread the question and answer it incorrectly.
- Question E.6. has been revised to allow whistleblowers to explain any “Yes” answer to the previous questions in the section.
- Corresponding changes have been made to the *Submission Procedures* to reflect the changes above.
- A reference to a new System of Records Notice for whistleblower records has been added to the *Privacy Act Statement*.
- Minor changes have been made throughout the form to: make statutory and rule citations consistent with Bluebook conventions; make abbreviations uniform; and correct capitalization, grammar and punctuation errors.

II. Changes to Form WB-APP

The changes to Form WB-APP are more extensive. In March 2012, OMB reviewed and approved a set of non-substantive changes to Form TCR of the following nature:

- The term “the whistleblower” was replaced with “you” to make the questions clearer.
- The order of certain questions was changed to bring the most important questions to the top.

- A box to “Print Name of Attorney and Law Firm, if Applicable” was added to Section G of the form.
- The *Privacy Statement, Submission Procedures and Instructions for Completing Form TCR* were edited to conform to the revisions in the form itself, and to update certain information.
- The form was edited to correct spelling and grammar errors.

The changes presented here to Form WB-APP are similar and meant to conform to Form TCR; namely:

- The term “the whistleblower” has been replaced with “you.”
- The wording of certain questions has been revised for clarity.
- The order of the questions in Section F was changed to eliminate redundancy.
- A “Counsel Certification” box has been added (Section I) to conform with Form TCR and to address situations where the award claim is made through an attorney.
- The *Privacy Statement, Submission Procedures and Instructions for Completing Form WB-APP* have been edited to conform to the revisions in the form itself, and to update certain information.
- The form has been edited to correct spelling and grammar errors.