(Sept. 21, 1922, ch. 369, § 4f, as added June 15, 1936, ch. 545, § 5, 49 Stat. 1495; amended Pub. L. 90–258, § 7, Feb. 19, 1968, 82 Stat. 28; Pub. L. 93–463, title I, § 103(a), Oct. 23, 1974, 88 Stat. 1392; Pub. L. 95–405, § 5, Sept. 30, 1978, 92 Stat. 869; Pub. L. 97–444, title II, § 208, Jan. 11, 1983, 96 Stat. 2302; Pub. L. 102–546, title II, §§ 207(b)(1), 229, Oct. 28, 1992, 106 Stat. 3604, 3619; Pub. L. 106–554, § 1(a)(5) [title I, § 123(a)(6), title II, § 252(b), (c)], Dec. 21, 2000, 114 Stat. 2763, 2763A–407, 2763A–447; Pub. L. 110–246, title XIII, § 13105(b), May 22, 2008, 122 Stat. 1434; Pub. L. 110–246, § 4(a), title XIII, § 13105(b), June 18, 2008, 122 Stat. 1664, 2196.)

REFERENCES IN TEXT

Section 9 of the Federal Reserve Act, referred to in subsec. (c)(4)(B)(i), is section 9 of act Dec. 23, 1913, ch. 6, 38 Stat. 251, as amended, which is classified generally to subchapter VIII (§ 321 et seq.) of chapter 3 of Title 12, Banks and Banking.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsec. (c)(4)(B)(i). Pub. L. 110–246, § 13105(b), substituted ''complied'' for ''compiled''.

2000—Subsec. (a). Pub. L. 106–554, § 1(a)(5) [title II, § 252(b)], designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (a)(4). Pub. L. 106–554, § 1(a)(5) [title II, § 252(c)], added par. (4).

Subsecs. (b), (c)(3)(B). Pub. L. 106–554, § 1(a)(5) [title I, § 123(a)(6)], inserted ''or derivatives transaction execution facility'' after ''contract market'' wherever appearing.

1992—Subsec. (a). Pub. L. 102–546, §§ 207(b)(1), 229(1), redesignated par. (1) as subsec. (a) and substituted ''floor broker, or floor trader'' for ''or floor broker''.

Subsec. (b). Pub. L. 102–546, § 229(1), (2), redesignated par. (2) as subsec. (b) and substituted ''this subsection'' for ''this paragraph (2)''.

Subsec. (c). Pub. L. 102–546, § 229(3), added subsec. (c).

1983—Par. (1). Pub. L. 97–444, § 208(1), made grammatical changes, made registration provisions applicable to introducing brokers, and substituted ''revoked pursuant to the provisions of this chapter'' for ''revoked after notice and hearing as prescribed in this chapter''.

Par. (2). Pub. L. 97–444, § 208(2), made financial requirements applicable to introducing brokers.

1978—Par. (1). Pub. L. 95–405 substituted ''Each registration shall expire on December 31 of the year for which issued or at such other time, not less than one year from the date of issuance, as the Commission may by rule, regulation, or order prescribe'' for ''All registrations shall expire on the 31st day of December of the year for which issued''.

1974—Pub. L. 93–463 substituted ''Commission'' for ''Secretary of Agriculture''.

1968—Par. (1). Pub. L. 90–258, § 7(a), substituted ''this chapter'' for ''section 6g of this title''.

Par. (2). Pub. L. 90–258, § 7(b), substituted provisions that prescribed financial requirements for registration as futures commission merchant be met and continued at all times and that such requirements will be considered met by membership in a contract market and compliance with its minimum financial standards and related reporting requirements for former provisions for display of futures commission merchants' registration certificates.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 207(b)(1) of Pub. L. 102–546 effective 180 days after Oct. 28, 1992, with Commodity Futures Trading Commission to issue any regulations necessary to implement such amendment no later than 180 days after Oct. 28, 1992, see section 207(c) of Pub. L. 102–546, set out as a note under section 6e of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 97–444 effective Jan. 11, 1983, see section 239 of Pub. L. 97–444, set out as a note under section 2 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–405 effective Oct. 1, 1978, see section 28 of Pub. L. 95–405, set out as a note under section 2 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

For effective date of amendment by Pub. L. 93–463, see section 418 of Pub. L. 93–463, set out as a note under section 2 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–258 effective 120 days after Feb. 19, 1968, see section 28 of Pub. L. 90–258, set out as a note under section 2 of this title.

EFFECTIVE DATE

For effective date of section, see section 13 of act June 15, 1936, set out as an Effective Date of 1936 Amendment note under section 1 of this title.

§ 6g. Reporting and recordkeeping

(a) In general

Every person registered hereunder as futures commission merchant, introducing broker, floor broker, or floor trader shall make such reports as are required by the Commission regarding the transactions and positions of such person, and the transactions and positions of the customer thereof, in commodities for future delivery on any board of trade in the United States or elsewhere, and in any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract; shall keep books and records pertaining to such transactions and positions in such form and manner and for such period as may be required by the Commission; and shall keep such books and records open to inspection by any representative of the Commission or the United States Department of Justice.

(b) Daily trading records: registered entities

Every registered entity shall maintain daily trading records. The daily trading records shall include such information as the Commission shall prescribe by rule.

(c) Daily trading records: floor brokers, introducing brokers, and futures commission merchants

Floor brokers, introducing brokers, and futures commission merchants shall maintain daily trading records for each customer in such manner and form as to be identifiable with the

trades referred to in subsection (b) of this section.

(d) Daily trading records: form and reports

Daily trading records shall be maintained in a form suitable to the Commission for such period as may be required by the Commission. Reports shall be made from the records maintained at such times and at such places and in such form as the Commission may prescribe by rule, order, or regulation in order to protect the public interest and the interest of persons trading in commodity futures.

(e) Disclosure of information

Before the beginning of trading each day, the exchange shall, insofar as is practicable and under terms and conditions specified by the Commission, make public the volume of trading on each type of contract for the previous day and such other information as the Commission deems necessary in the public interest and prescribes by rule, order, or regulation.

(f) Authority of Commission to make separate determinations unimpaired

Nothing contained in this section shall be construed to prohibit the Commission from making separate determinations for different registered entities when such determinations are warranted in the judgment of the Commission.

(Sept. 21, 1922, ch. 369, § 4g, as added June 15, 1936, ch. 545, § 5, 49 Stat. 1496; amended Pub. L. 90–258, § 8, Feb. 19, 1968, 82 Stat. 28; Pub. L. 93–463, title I, § 103(a), (f), title IV, § 415, Oct. 23, 1974, 88 Stat. 1392, 1415; Pub. L. 95–405, § 6, Sept. 30, 1978, 92 Stat. 869; Pub. L. 97–444, title II, § 209, Jan. 11, 1983, 96 Stat. 2302; Pub. L. 102–546, title II, § 207(b)(1), title IV, § 402(5), Oct. 28, 1992, 106 Stat. 3604, 3624; Pub. L. 106–554, § 1(a)(5) [title I, § 123(a)(7)], Dec. 21, 2000, 114 Stat. 2763, 2763A–407; Pub. L. 110–234, title XIII, § 13202(a), May 22, 2008, 122 Stat. 1438; Pub. L. 110–246, § 4(a), title XIII, § 13202(a), June 18, 2008, 122 Stat. 1664, 2200.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–246, § 13202(a), inserted ‘‘, and in any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract’’ after ‘‘elsewhere’’.

2000—Subsec. (b). Pub. L. 106–554, § 1(a)(5) [title I, § 123(a)(7)(A)], substituted ‘‘registered entity’’ for ‘‘clearinghouse and contract market’’.

Subsec. (f). Pub. L. 106–554, § 1(a)(5) [title I, § 123(a)(7)(B)], substituted ‘‘registered entities’’ for ‘‘clearinghouses, contract markets, and exchanges’’.

1992—Subsec. (a). Pub. L. 102–546, §§ 207(b)(1), 402(5)(A), redesignated par. (1) as subsec. (a) and substituted ‘‘floor broker, or floor trader’’ for ‘‘or floor broker’’.

Subsec. (b). Pub. L. 102–546, § 402(5)(A), redesignated par. (2) as subsec. (b).

Subsec. (c). Pub. L. 102–546, § 402(5), redesignated par. (3) as subsec. (c) and substituted ‘‘subsection (b)’’ for ‘‘paragraph (2)’’.

Subsecs. (d) to (f). Pub. L. 102–546, § 402(5)(A), redesignated pars. (4) to (6) as subsecs. (d) to (f), respectively.

1983—Par. (1). Pub. L. 97–444, § 209(1), made reporting and recordkeeping requirements applicable to introducing brokers.

Par. (2). Pub. L. 97–444, § 209(2), made customer daily trading records requirement applicable to introducing brokers.

1978—Par. (3). Pub. L. 95–405 substituted ‘‘Floor brokers’’ for ‘‘Brokers’’.

1974—Par. (1). Pub. L. 93–463, §§ 103(a), (f), 415, designated existing provisions as par. (1) and substituted ‘‘Commission’’ for ‘‘Secretary of Agriculture’’ and ‘‘United States Department of Agriculture’’.

Pars. (2) to (6). Pub. L. 93–463, § 415, added pars. (2) to (6).

1968—Pub. L. 90–258 rephrased existing provisions to express reporting and recordkeeping requirements as a positive obligation of futures commission merchants and floor brokers, rather than as a ground for revoking or suspending registration and struck out provisions for revocation or suspension of registration. See section 9 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 13202(a) of Pub. L. 110–246 effective June 18, 2008, see section 13204(a) of Pub. L. 110–246, set out as a note under section 2 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 207(b)(1) of Pub. L. 102–546 effective 180 days after Oct. 28, 1992, with Commodity Futures Trading Commission to issue any regulations necessary to implement such amendment no later than 180 days after Oct. 28, 1992, see section 207(c) of Pub. L. 102–546, set out as a note under section 6e of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 97–444 effective Jan. 11, 1983, see section 239 of Pub. L. 97–444, set out as a note under section 2 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–405 effective Oct. 1, 1978, see section 28 of Pub. L. 95–405, set out as a note under section 2 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

For effective date of amendment by Pub. L. 93–463 see section 418 of Pub. L. 93–463, set out as a note under section 2 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–258 effective 120 days after Feb. 19, 1968, see section 28 of Pub. L. 90–258, set out as a note under section 2 of this title.

EFFECTIVE DATE

For effective date of section, see section 13 of act June 15, 1936, set out as an Effective Date of 1936 Amendment note under section 1 of this title.

§ 6h. False self-representation as registered entity member prohibited

It shall be unlawful for any person falsely to represent such person to be a member of a registered entity or the representative or agent of such member, or to be a registrant under this chapter or the representative or agent of any registrant, in soliciting or handling any order or contract for the purchase or sale of any commodity in interstate commerce or for future de-