

## Commodity Futures Trading Commission

## § 140.2

market, registered futures association or self-regulatory organization.

- 140.73 Delegation of authority to disclose information to United States, States, and foreign government agencies and foreign futures authorities.
- 140.74 Delegation of authority to issue special calls for Series 03 Reports and Form 40.
- 140.75 Delegation of authority to the Director of the Division of Clearing and Intermediary Oversight.
- 140.76 Delegation of authority to disclose information in a receivership or bankruptcy proceeding.
- 140.77 Delegation of authority to determine that applications for contract market designation are materially incomplete.
- 140.80 Disclosure of information pursuant to a subpoena or summons.
- 140.81 [Reserved]
- 140.91 Delegation of authority to the Director of the Division of Trading and Markets.
- 140.92 Delegation of authority to grant registrations and renewals thereof.
- 140.93 Delegation of authority to the Director of the Division of Clearing and Intermediary Oversight.
- 140.94 Delegation of authority to the Director of the Division of Clearing and Risk.
- 140.95 Delegation of authority with respect to withdrawals from registration.
- 140.96 Delegation of authority to publish in the FEDERAL REGISTER.
- 140.97 Delegation of authority regarding requests for classification of positions as bona fide hedging.
- 140.98 Publication of no-action, interpretative and exemption letters and other written communications.
- 140.99 Requests for exemptive, no-action and interpretative letters.

### Subpart C—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

- 140.735-1 Authority and purpose.
- 140.735-2 Prohibited transactions.
- 140.735-2a Prohibited interests.
- 140.735-3 Non-governmental employment and other outside activity.
- 140.735-4 Receipt and disposition of foreign gifts and decorations.
- 140.735-5 Disclosure of information.
- 140.735-6 Practice by former members and employees of the Commission.
- 140.735-7 Statutory violations applicable to conduct of Commission members and employees.
- 140.735-8 Interpretative and advisory service.

AUTHORITY: 7 U.S.C. 2 and 12a.

## Subpart A—Organization

### § 140.1 Headquarters office.

(a) *General.* The headquarters office of the Commission is located at Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

(b) [Reserved]

[48 FR 2734, Jan. 21, 1983, as amended at 60 FR 49335, Sept. 25, 1995]

### § 140.2 Regional office—regional coordinators.

Each of the Regional offices described herein functions as set forth in this section under the direction of a Regional Coordinator who, as a collateral duty, oversees the administration of the office and represents the Commission in negotiations with employee union officials and in interactions with external parties. Each regional office has delegated authority for the enforcement of the Act and administration of the programs of the Commission in the particular regions.

(a) The Eastern Regional Office is located at 140 Broadway, New York, New York, 10005 and is responsible for enforcement of the Act and administration of programs of the Commission in the States of Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

(b) The Central Regional Office is located at 525 West Monroe Street, Suite 1100, Chicago, Illinois 60661 and is responsible for enforcement of the Act and administration of programs of the Commission in the States of Illinois, Indiana, Michigan, Ohio and Wisconsin.

(c) The Southwestern Regional Office is located at Two Emanuel Cleaver II Blvd., Suite 300, Kansas City, Missouri 64112, and is responsible for enforcement of the Act and administration of the programs of the Commission in the States of Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma,

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Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

[69 FR 41426, July 9, 2004, as amended at 72 FR 16269, Apr. 4, 2007]

### Subpart B—Functions

#### § 140.10 The Commission.

The Commission is composed of a Chairman and four other Commissioners, not more than three of whom may be members of the same political party, who are appointed by the President, with the advice and consent of the Senate, for 5-year terms, one term ending each year. The Commission is assisted by a staff, which includes lawyers, economists, accountants, investigators and examiners, as well as administrative and clerical employees.

[41 FR 28474, July 12, 1976]

#### § 140.11 Emergency action by the senior Commissioner available.

(a) *Authority of senior Commissioner.* When it is not feasible to convene a quorum of the Commission, the Senior Commissioner present at the principal offices of the Commission (or, during non-business hours, available in the Washington, DC area) may take emergency action on behalf of and in the name of the Commission in accordance with the procedures set forth in this section. Members of the Commission shall be considered senior in the following order: The Chairman, the Vice-Chairman, and other Commissioners in order of their length of service on the Commission. Where two or more Commissioners have commenced their service on the same date, the Commissioner whose unexpired term in office is the longest will be considered senior.

(b) *Exercise of authority.* Subject to the right of the Commission to review any emergency action taken as hereinafter provided, the Senior Commissioner may act on behalf of and in the name of the Commission with respect to all of the functions of the Commission except general rulemaking functions: *Provided, however,* That the Senior Commissioner shall not exercise any authority on behalf of the Commission (1) without consultation with such other member of the Commission as may at the time be present at the Com-

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mission's offices in Washington, DC, and without a reasonable attempt to consult, by telephone, with other members of the Commission; and (2) unless, in the opinion of the Senior Commissioner (after consulting with the General Counsel or his deputy or associate, and such other members of the Commission staff as the Senior Commissioner deems appropriate) the public interest requires that action be taken prior to the next scheduled meeting of the Commission.

(c) *Report to the Commission.* The exercise of Senior Commissioner authority shall be reported to the Commission within one business day thereafter either by the Senior Commissioner or at his direction, and shall be recorded by the Secretariat in the Minute Record of all official actions of the Commission. The Secretariat shall promptly notify any directly affected person of the action taken and that it was the Senior Commissioner available, rather than the Commission as a whole, who took the action.

(d) *Review by the Commission.* The Commission may, in the following circumstances, review any action taken under Senior Commissioner authority and may affirm, modify, alter or set aside the decision:

(1) Upon the request of any member of the Commission, any action taken by a Senior Commissioner shall be reviewed by the Commission.

(2) In the event action by a Senior Commissioner suspends, denies or revokes or otherwise directly and adversely affects any license, right or privilege of any person, that person may in writing request review by the Commission and shall be entitled to have the action of the Senior Commissioner reviewed by the Commission.

(3) The Commission may, in its discretion, review any action taken by a Senior Commissioner upon petition by any other person.

(e) *Final effect of action by Senior Commissioner.* In any matter, the action taken under Senior Commissioner authority shall be deemed the action of the Commission unless and until the Commission shall otherwise direct.

[41 FR 28474, July 12, 1976]