



55 East 52nd Street
New York, NY 10055

AMSTERDAM ATLANTA CALGARY CHICAGO HOUSTON LONDON NEW YORK SINGAPORE WINNIPEG

BY ELECTRONIC TRANSMISSION

Submission No. 19-187
June 21, 2019

Mr. Christopher J. Kirkpatrick
Secretary of the Commission
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Re: Amendments to Rule 2.21 - FCM Member Firm Financial and Reporting Requirements -Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6(a)

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended (the “Act”) and Commodity Futures Trading Commission (“Commission”) Regulation 40.6(a), ICE Futures U.S., Inc. (“IFUS” or “Exchange”) hereby self-certifies the amendments to Rule 2.21 set forth in Exhibit A. The amendments eliminate the requirement that clearing members file with the Exchange copies of the annual financial statements they file with the clearing organizations of which they are members.¹ Pursuant to existing Exchange Rules, all FCMS must file annual financial statements and monthly net capital statements with the Exchange, whether or not they are clearing members. This facilitates the Exchange in conducting financial surveillance of those firms as required under the CEA. The Rule also requires non-FCM clearing members to file annual financial statements even though they do not handle customer positions and do not have to meet any financial threshold to become an Exchange member.

The Exchange believes that the clearing organization which has granted a firm clearing privileges for proprietary positions is in the best position to evaluate the firm’s financial condition, as the clearing organization is most familiar with the daily trading activity, margin and payment flows of the firm, and imposes ongoing reporting obligations related to financial condition, such as the duty to report a material adverse change in financial condition and other significant events. In these circumstances, collecting a duplicative annual financial statement from non-FCM clearing members serves no particular purpose.

¹ The amendments also delete a redundant provision concerning broker-dealers.

The Exchange is not aware of any opposing views to the amendment, which will become effective July 9, 2019. The Exchange has reviewed the designated contract market core principles ("Core Principles") as set forth in the Act and has determined that the amendment complies with the requirements of Core Principle 11-Financial Integrity of Transactions. The amendments do not impact the Exchange rules regarding the financial surveillance and integrity of FCMS, the requirement to clear all transactions through a DCO or the eligibility requirements for becoming a member of a DCO. The amendments do not impact the protection of customer funds as they do not relate to FCMS. As such, the amendments are consistent with the Core Principle.

The Exchange further certifies that concurrent with this filing a copy of this submission was posted on the Exchange's website, which may be accessed at (<https://www.theice.com/futures-us/regulation#Rule-Filings>).

If you have any questions or need further information, please contact me at 212-748-4021 or at jason.fusco@theice.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason V. Fusco". The signature is fluid and cursive, with a long, sweeping underline.

Jason V. Fusco
Assistant General Counsel
Market Regulation

Enc.

cc: Division of Market Oversight

EXHIBIT A

Rule 2.21. FCM Member Firm Financial and Reporting Requirements

(a) A Member Firm which is registered as a Futures Commission Merchant [~~or which is a Clearing Member~~] must submit to the Exchange, within sixty (60) days of the close of its fiscal year, [~~or, in the case of an FCM that is also registered as a broker dealer, within sixty (60) days of the close of its fiscal year,~~] a copy of its financial statement certified by an independent Certified Public Accountant.

[Remainder of Rule Unchanged]