



July 16, 2024

**VIA CFTC PORTAL**

Mr. Christopher Kirkpatrick  
Secretary of the Commission  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington, DC 20581

**Re: Amendments to the ICE Clear U.S., Inc. Risk Management Framework - Clarifications to Liquidity Requirements Determination, Liquidity Requirements Backtesting, and the Initial Margin Sensitivity Analysis - Submission Pursuant to Section 5c(c)(1) of the Commodity Exchange Act and Commission Regulation 40.6(a)**

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended (“Act”), and Commodity Futures Trading Commission (“Commission”) Regulation 40.6(a), ICE Clear U.S., Inc. (“ICUS”) is submitting this self-certification to amend the ICUS Rules,<sup>1</sup> specifically the ICUS Risk Management Framework. ICUS intends to revise the Risk Management Framework no sooner than the tenth business day following the filing of this submission, or such later date as ICUS may determine. ICUS has respectfully requested confidential treatment for these amendments to the Risk Management Framework which were submitted concurrently with this submission.

**1. Overview**

ICUS’s Risk Management Framework describes, among other things, how ICUS determines and backtests its liquidity requirements. In addition, ICUS’s Risk Management Framework describes the sensitivity analysis ICUS performs on its initial margin models. ICUS is proposing to make certain amendments to clarify the description of the liquidity requirements determination, liquidity requirements backtesting, and the initial margin model sensitivity analysis.

**2. Details of Rule Changes**

With respect to the liquidity requirements determination, ICUS is proposing to clarify how the daily liquidity requirement is determined. This is not a substantive change. ICUS is proposing to improve the Risk Management Framework documentation to clarify how this determination is being made in practice. Similarly, with respect to the backtesting ICUS performs on its liquidity requirements determination, ICUS is providing additional detail on how that backtesting is performed in practice. Again, these amendments will not result in a substantive change. Finally, with respect to the initial margin model sensitivity analysis, ICUS is proposing to add language to the Risk Management Framework to reflect the fact that it uses actual and hypothetical positions when it performs this analysis. As with the other proposed Risk Management Framework amendments, this is not a substantive change. It memorializes the analysis as it is performed.

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<sup>1</sup> Capitalized terms used and not defined in this submission have the meaning set forth in the ICUS Rules.



### 3. Compliance with the Act and Regulations

ICUS reviewed the foregoing amendments and determined that they comply with the requirements of the Act and the rules and regulations promulgated by the Commission in implementing the Act. In this regard, ICUS reviewed the derivatives clearing organizations core principles (“Core Principles”) and determined that the amendments are potentially relevant to the following Core Principle and the applicable regulations of the Commission thereunder:

#### **Risk Management (Core Principle D):**

These amendments ensure that the Risk Management Framework is clear and appropriately documented with language that reflects how the liquidity requirements determination and liquidity backtesting are currently being performed. The same applies to the amendments related to the initial margin model sensitivity analysis. This will enhance the Risk Management Framework by clearly identifying and documenting the range of risks to which ICUS is exposed, improve the monitoring and management of the entirety of those risks, and facilitate internal audit’s ability to perform its role. As a result, the proposed amendments are consistent with the requirements of Core Principle D and Commission Regulations 39.13 and 39.36.

### 4. Certifications

ICUS certifies that the proposed amendment to its Risk Management Framework complies with the Act and the rules and regulations promulgated by the Commission thereunder. ICUS is not aware of any substantive opposing views expressed regarding the amendment. ICUS further certifies that, concurrent with this filing, a copy of this submission was posted on ICUS’s website and may be accessed at <https://www.theice.com/clear-us/regulation>.

If you or your staff have any questions or require further information regarding this submission, please do not hesitate to contact the undersigned at (212) 748-3964 or [Eamonn.Hahessy@ice.com](mailto:Eamonn.Hahessy@ice.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Eamonn Hahessy', written over a horizontal line.

Eamonn Hahessy  
General Counsel and Chief Compliance Officer