

Product Submission by ForecastEx LLC – Pursuant to 17 C.F.R. §§ 40.2

September 2, 2024
SUBMITTED VIA CFTC PORTAL
Secretary of the Commission
Office of the Secretariat
U.S. Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

Re: ForecastEx LLC – CFTC Regulation 40.2(a) Notification Regarding the Initial Listing of “US Top Income Tax Rate Forecast Contract”

Dear Mr. Kirkpatrick,

Pursuant to Section 5c(c) of the Commodity Exchange Act and Section 40.2(a) of the regulations of the Commodity Futures Trading Commission, ForecastEx LLC (“ForecastEx” or the “Exchange”) hereby notifies the Commission that it is self-certifying the “US Top Income Tax Rate Forecast Contract”. ForecastEx will list a Forecast Contract corresponding with every other tax year.

The submission includes:

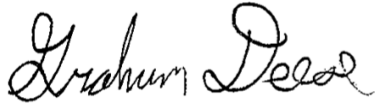
A concise explanation, analysis and background of the Contract;

- Certification;
- Appendix A with the Contract’s Terms and Conditions;
- Confidential Appendices with further information; and
- A request for FOIA confidential treatment.

The Exchange certifies that this submission (other than those appendices for which confidential treatment has been requested) has been concurrently posted on the Exchange’s website.

Any questions regarding this filing, as well as any notices pursuant to Commission Regulation 40.2, should be directed to the attention of the undersigned at gdeese@forecastex.com or 630-743-9013.

Respectfully submitted,

A handwritten signature in black ink that reads "Graham Deese". The signature is written in a cursive, flowing style.

Graham Deese
ForecastEx Chief Regulatory Officer

Encl. (Appendix A)

Attachments:

Appendix A - Contract Terms and Conditions

Appendix B (Confidential) – Explanation and Analysis of the Product

Appendix C (Confidential) – Certification that Contracts are not Readily Susceptible to Manipulation

Appendix A – Contract Terms and Conditions

Event Question: Will the US top marginal income tax rate exceed [##]% for tax year [year]?

Product Code: USIT

Instructions: The top marginal income tax rate is the highest tax rate assessed for individual income taxes. The top marginal income tax rate is set by Public Laws enacted by the United States Congress. United States Code is the codification of the general and permanent laws of the United States. The top marginal income tax rate, as enacted by Congress, is codified in US Code. The US individual income tax system uses a progressive tax system, with the tax rate increasing as income increases. US Top Income Tax Rate Forecast Contracts are based on the highest marginal rate for unmarried individuals. The current top marginal income tax rate is 37%.

Underlying: The underlying for US Top Income Tax Rate Forecast Contracts are the public laws enacted by Congress as recorded in US Code. The section of US Code that contains the top marginal income tax rate can be accessed [here](#). Currently, the top marginal income tax rate is recorded in 26 US Code, Subtitle A, Chapter 1, Subchapter A, Part II. When Congress passes a Public Law, US Code is updated accordingly. As described [here](#), each section of US Code has a currency date displayed above the text of the section. When a new public law is enacted, the US Code section will identify that there are pending updates to the US Code section and details of that pending update will identify the Public Laws which enacted the change. Public Laws can viewed in the Library of Congress's congress.gov database. If there is a pending update to US Code based on a newly enacted Public Law that impacts the resolution of the contract, ForecastEx will settle the contract on the basis of those enacted Public Laws. The links above are provided for informational purposes only and the source agency may decide to publish the data at a different location at any time.

Source Agency: The Public Laws of the United States

Minimum Tick: The Minimum Tick size for the referred Contract shall be \$0.01

Listing Cycle: ForecastEx will initially list three expirations of US Top Income Tax corresponding with tax years 2026, 2027, and 2029. Once the 2027 tax year contract expires, ForecastEx will list contracts corresponding to the next odd numbered tax year for which there is not a contract.

Thresholds: ForecastEx will list one threshold for each expiration.

Position Accountability: The position accountability level is 250,000 Event Positions in any one Forecast Contract.

Last Trading Time: 3:59:59 PM CT on the day of the Resolution Time.

Payout Criteria: The Settlement Value of each US Top Income Tax Rate Contract is \$1.00 or \$0 depending on the Outcome of the Event Question. If the Outcome of the Event Question is “Yes”, then holders of the “Yes” Position will be entitled to receive the Settlement Value of \$1.00 per contract and holders of the “No” Position will receive \$0.00. If the Outcome of the Event Question is “No”, then holders of the “No” Position will be entitled to receive the Settlement Value of \$1.00 per contract and holders of the “Yes” Position will receive \$0.00.

Resolution Time: 12:00:00 AM ET on January 1st of the year in the Event Question.

Expiration Time: Same as Resolution time.

Settlement Time: Settlement for Resolved US Top Income Tax Rate Contracts will occur after Resolution Time at 13:00 PM CT the following ForecastEx Business Day in accordance with ForecastEx Rule 603(b)(3).