



Submission No. 23-113  
July 12, 2023

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

**Re: Amendments to Rule 6.46 (Business Gifts, Meals and Entertainment)  
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 certifies the amendments to Rule 6.46, which are set forth in Exhibit A. Exchange Rule 6.46 currently prohibits persons transacting with the Exchange (e.g. Members, participants, vendors... etc.) from giving, and Exchange employees from accepting, any compensation or gratuity other than a gift of nominal value. The amendments delete the prohibition and incorporate, by reference, the Exchange's internal Gifts, Meals and Entertainment Policy and the reporting obligations thereunder into IFUS Rule 6.46.

The Exchange certifies that the amendments, which will become effective on July 31, 2023, comply with the requirements of the Act and the CFTC Regulations promulgated thereunder. The Exchange has reviewed the designated contract market core principles ("Core Principles") as set forth in the Act and has determined that the amendments comply with the following relevant Core Principles:

**COMPLIANCE WITH RULES**

The amendments will be enforced by the Exchange in accordance with Core Principle 2.

**AVAILABILITY OF INFORMATION**

As required by Core Principle 7, the text of the amended Rules will be codified in the Exchange's Rulebook and made available on the Exchange's Website.

**CONFLICTS OF INTEREST AND GOVERNANCE FITNESS STANDARDS**

As required by Core Principle 7, the Exchange's conflicts of interest policies and governance fitness standards are codified in Exchange Rules 6.05 and 6.06, 6.40, 6.46 and 6.47, and in comprehensive internal policies and requirements.

The Exchange is not aware of any opposing views with regard to the amendments and further certifies that, concurrent with this filing, a copy of this submission was posted on the Exchange's website 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](mailto:jason.fusco@theice.com).

Sincerely,

A handwritten signature in black ink that reads "Jason V. Fusco". The signature is fluid and cursive, with the first name being the most prominent.

Jason V. Fusco  
Assistant General Counsel

Enc.  
cc: Division of Market Oversight  
New York Regional Office



## EXHIBIT A

### Rule 6.46. Business Gifts, Meals and Entertainment [~~Prohibition of Compensations and Gratuities to Employees~~]

~~[(a) No Member, Exchange vendor or any other Person transacting business with the Exchange shall give any compensation or gratuity to any Exchange employee, other than a gift of nominal value. (a) Exchange employees shall be subject to the Exchange's policies and procedures regarding the acceptance of any gift, compensation or gratuity~~

~~(b) No employee of the Exchange may accept any compensation or gratuity from any Member, Exchange vendor or any other Person transacting business with the Exchange, other than a gift of nominal value.]~~

~~(e) An[y] Exchange employee who receives a[ny] gift, compensation or gratuity from any Member, Exchange vendor or any other Person transacting business with the Exchange, shall report such fact as required by Exchange's policies and procedures. [~~to the President of the Exchange as promptly as practicable~~].~~