



BY ELECTRONIC TRANSMISSION

Submission No. 17-107
June 26, 2017

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 4.01 (Failure to Supervise)
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6(a), ICE Futures U.S., Inc. (“IFUS” or “Exchange”) self certifies the amendments to Trading Rule 4.01 in attached Exhibit A. Exchange Rule 4.01 sets forth the supervision requirements for participants engaging in Exchange-related activities. As currently written, the rule requires participants to supervise the Exchange related activities of their employees, but not their agents. The amendments to Rule 4.01 will expressly require participants to supervise their agents--including automated trading systems (which are viewed as the electronic agents of the participants). The amendments codify existing Exchange Regulation requirements and expectations. Historically, participants failing to adequately supervise their agents or automated trading systems have been sanctioned either for a failure to supervise under Rule 4.01 or for engaging in conduct detrimental to the Exchange, pursuant to Rule 4.04.

The Exchange is not aware of any opposing views to the amendments, which will become effective on July 26, 2017. The Exchange certifies that the amendments to Rule 4.01 comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder. Specifically, the amendments comply with core principle 2 (Compliance with Rules). As amended, Rule 4.01 helps ensure compliance with the Exchange’s rules by requiring firms and individuals to supervise their employees and agents by expressly making firms responsible for the actions of their employees and agents. The Exchange further certifies that, concurrent with this filing, a copy of this submission was posted on the Exchange’s website and may be accessed at (<https://www.theice.com/futures-us/regulation#rule-filings>).

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

Sincerely yours,

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

Jason V. Fusco
Assistant General Counsel
Market Regulation

cc: Division of Market Oversight

Enc.

Exhibit A

Rule 4.01. Duty to Supervise

(a) Every Person shall diligently supervise the Exchange-related activities of such Person's employees and agents. For purposes of this Rule, the term "agent" includes any Exchange-related activities associated with automated trading systems that generate, submit and/or cancel messages without human intervention. Every Person ~~[and]~~ shall also be responsible for the acts and omissions of such employees and agents.

(b) Each Member and Member Firm which employs a Clerk must be present or have a Member who is either an associate of the Brokers Association or Member Firm that employs such Clerk present on the premises occupied by the Exchange at all times during which such Clerk is engaged in Exchange-related activities.