

1 **Futures Contracts Committee**
2 **Adopted at the 101th Annual Meeting**
3 **June 18, 2025**

4
5 The Futures Contracts Committee recommends that ACSA:

6
7 **1. MERGER OF THE CFTC WITH THE SEC:**
8

9 Urge Congress to continue supporting the Commodity Futures Trading Commission (CFTC or
10 Commission) as an independent regulatory agency with adequate funding and full authority
11 over all forms of futures and options trading and oppose any proposal to merge the CFTC with
12 the U.S. Securities and Exchange Commission or other regulatory agency or federal
13 department;

14
15 **2. POSITION LIMITS RULEMAKING**
16

17 Continue to engage the Commission on specific issues that were supported by ACSA in the
18 development of the final rule on Position Limits for Derivatives, and urge the Commission to
19 preserve the final rule without broad change despite potential requests to revisit key themes
20 and to maintain the following positions on policy included in the position limits rule:

21
22 (a) *Bona Fide Hedging* – the final rule’s definition of bona fide hedging (BFH) in a manner
23 generally consistent with the views of the commercial trade, and addresses the temporary
24 substitute test of the BFH definition and eliminates risk management exemptions for banks;

25
26 (b) *Anticipated Merchandising* – the final position limit rule’s creation of a new enumerated
27 hedge for anticipated merchandising, noting that anticipated merchandising is defined as
28 long or short positions that offset the anticipated change in value of the underlying
29 commodity that a person anticipates purchasing or selling, provided that: (1) the positions
30 do not exceed in quantity 12 months of current or anticipated purchase or sale requirements
31 of the same commodity; and (2) the person is a merchant with a demonstrated history of
32 such activity and that person is entering into the position solely for its merchandising
33 business;

34
35 (c) *Gross vs. Net Hedging* – the final rule’s clarification that market participants generally may
36 hedge positions either on a gross basis or on a net basis, provided that the market participant
37 has done so over time in a consistent, non-evasive manner, noting that the use of gross or
38 net hedging applies to both enumerated and non-enumerated exemptions at the federal
39 level;

40
41 (d) *Enumerated Hedges* – the final rule’s expansion of the list of enumerated BFHs to include
42 the following:

43 (1) Hedges of inventory and cash commodity fixed-price purchase contracts;

44
45 (2) Hedges of cash commodity fixed-price sales contracts;

46
47 (3) Hedges of offsetting unfixed-price cash commodity sales and purchases;

48
49 (4) Hedges of unsold anticipated production;

- (5) Hedges of unfilled anticipated requirements for processing, manufacturing, use or resale;
- (6) Hedges of anticipated merchandising;
- (7) Hedges by agents responsible for merchandising cash positions;
- (8) Hedges of anticipated mineral royalties;
- (9) Hedges of anticipated receipts or payments under an executed contract for services;
- (10) Offsets of commodity trade options that meet the requirements of CFTC Regulation 32.3; and,
- (11) Cross-commodity hedges;
- (e) *Deliverable Supply* – noting the exception of modifications related to the Intercontinental Exchange (ICE) Cotton No. 2 (CT) contract, the final rule’s adoption of federal spot month position limit levels at or below 25 percent of estimated deliverable supply, further noting that with respect to the CT contract, ACSA was instrumental in negotiating the final rule’s adoption of a lower federal spot month position limit level of 900 contracts instead of the proposed 1,800 contracts;
- (f) *Federal Limits* – the final rule’s setting of the spot-month, single-month, and all-month position limits, with position limits for the CT contract that are as follows:
- (1) Spot-Month Limit: 900 contracts;
- (2) Single-Month Limit: The greater of 5,000 contracts or 50 percent of the all-month-combined limit; and,
- (3) All-Months Limit: 11,900 contracts;
- (g) *Exchange-Set Limits* – the final rule’s prohibition of exchanges from adopting position limits that are more lenient than any limit set for the same contract at the federal level; noting that exchanges may grant exemptions from the exchange-set position limits so long as the exemption is recognized by the CFTC for federal position limit purposes, for example, an enumerated BFH exemption, and urging ACSA’s continued support of the continuance of exchange set position limits at the current level of 300 contracts in the spot-month, 5,000 single-month, and 5,000 all-months limits;

3. **HEDGE EXEMPTIONS**

Urge the continuation of the current practice by which the Intercontinental Exchange (ICE) Futures U.S. grants hedge exemptions under the supervision of the CFTC;

4. **SEPARATE REPORTING CATEGORIES FOR NON-TRADITIONAL HEDGERS**

Require that all non-traditional hedge accounts, those not involved in the commercial enterprise of physically trading bales of cotton, be reported as a separate individual category;

1 **5. HEDGE MARGIN LEVELS**

2
3 Urge that only those involved in the commercial enterprise of physically trading commodities
4 shall be eligible for hedge margin levels;

5
6 **6. CERTIFICATION CLASSIFICATION**

7
8 Support the continued implementation developed by the ICE Futures U.S. Cotton Committee
9 and approved by the Exchange Board under which bales that meet the quality and age
10 parameters set by the Exchange can be registered as tenderable against the Cotton No. 2
11 contract based upon the Smith Doxey classing results of the bale and without requiring certified
12 classing of the bale;

13
14 **7. TAXATION OF COMMODITY FUTURES TRANSACTIONS**

15
16 Urge Congress maintain the IRS Code Section 1256 with respect to commodity futures
17 transactions;

18
19 **8. MARGIN FUTURES TO FUTURES & OPTIONS TO OPTIONS SETTLEMENTS**

20
21 Urge the requirement that the ICE and its clearing members adhere to the practice of margining
22 futures to futures settlements and options to options settlements;

23
24 **9. ENGAGE ICE COTTON COMMITTEE WHEN CONSIDERING THE INCREASE OF**
25 **SPECULATIVE POSITION LIMITS**

26
27 Commend ICE for its collaboration with commercial participants from the cotton industry
28 during the position limits rulemaking process, and request, consistent with prior commitment,
29 that ICE continue to engage with the ICE Cotton Committee on price discovery, non-spot
30 month liquidity, and volatility, prior to any additional increases above current levels in
31 speculative position limits;

32
33 **10. MARKET STRUCTURE**

34
35 (a) Urge the CFTC to reject proposals that allow real-time margin reconciliation or automatic
36 liquidation of positions, and which create potential negative impacts to commercial market
37 participants, compromise market functionality, and eliminate existing futures market
38 safeguards; and,

39
40 (b) Urge the CFTC to consider the risks that any market structure changes to the current futures
41 model for non-traditional asset classes could be used as precedent-setting for other futures
42 contracts such as cotton;

43
44 **11. INTERMEDIARY CAPITAL REQUIREMENTS**

45
46 (a) Urge the Federal Reserve to reject any proposals that would increase intermediary bank
47 capital requirements that would result in decreased capacity and increased costs associated
48 with clearing services for hedging activities; and,

49
50 (b) Urge the Federal Reserve to work closely with Congress and the CFTC, as well as

1 agriculture producer and merchandiser stakeholders, to ensure that federal bank capital
2 requirements do not negatively impact the efficiency or availability of derivatives markets;
3

4 **12. CUSTOMER PROTECTION**

5
6 Urge the CFTC to maintain the policy as amended by the Final Rule titled “Residual Interest
7 Deadline for Futures Commission Merchants,” published on March 24, 2015 in the *Federal*
8 *Register*, noting that this final rule establishes an appropriate time interval for customer margin
9 receipt by an Futures Commission Merchants (FCM) and balances the need for customer
10 protection without leading to prefunding of margin accounts, and noting further that this policy
11 is less likely to result in concentration of FCM or lead to smaller FCM with less capital
12 defaulting;
13

14 **13. DIGITAL ASSET OVERSIGHT**

15
16 Urge expansion of the scope of the CFTC’s regulatory authority to cover digital asset spot
17 commodities in addition to their tradeable derivatives;
18

19 **14. CARBON MARKETS**

- 20
21 (a) Request collaborative focus and transparency between relevant U.S. government agencies
22 and departments concerning the oversight of carbon markets to create commercial and
23 regulatory certainty for market participants;
24
25 (b) Urge the ACSA staff to continue to identify commercial opportunities and risks associated
26 with the trading of carbon; and,
27
28 (c) Support the development of compliance standards for the measurement and verification of
29 carbon for the purpose of developing a price discovery / risk management market;
30

31 **15. AUTOMATED TRADING**

32
33 Urge the Commission to limit the applicability of any regulation similar to Regulation
34 Automated Trader, which had been proposed by a previous Commission and withdrawn in
35 2020, to true automated traders and not hedgers;
36

37 **16. SWEET SPOT CERTIFICATION CUT-OFF DATE**

38
39 Urge the USDA to continue its analysis of potentially extending the 180-day Sweet Spot/Smith
40 Doxey cut-off date;
41

42 **17. ON-CALL COTTON REPORT**

43
44 Urge the CFTC to discontinue the weekly on-call reporting requirement; provided though, that
45 should the CFTC continue to find value in receiving the information provided in these reports
46 for surveillance or other regulatory purposes, then urge the CFTC to discontinue publication
47 of the weekly reports; noting that:
48

- 49 (a) ACSA’s views were presented to the Commission during the position limit debate;

- 1 (b) Others in the cotton trade did not agree with eliminating these reports and the Commission
2 ultimately decided to retain the report and the public release of the report;
3
4 (c) The final rule eliminates Form 204 and corresponding Parts I and II of Form 304 for cotton,
5 which enable the Commission to leverage cash-market reporting submitted directly to the
6 exchanges; and,
7
8 (d) The final rule maintains Part III of Form 304, related to the cotton on-call report, with the
9 result that Form 304 therefore will be used exclusively to collect the information needed to
10 publish the weekly cotton on-call report;
11

12 **18. ASYMMETRIC “SPEED BUMPS”**

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14 Oppose the introduction by an exchange of any mechanism that would allow market makers
15 additional time to modify or cancel quotes prior to an aggressing order interacting with those
16 quotes;
17

18 **19. CLEARINGHOUSE MARGIN**

19
20 Oppose efforts to force clearinghouses to amend their margin methodologies with the goal of
21 higher minimum margin levels in periods of low market volatility;
22

23 **20. PERPETUAL FUTURES CONTRACTS**

24
25 Oppose allowances for perpetual futures contracts that could potentially compromise the
26 efficacy of the ICE Cotton No. 2 Contract; and,
27

28 **21. ICE NO. 2 CONTRACT**

29
30 Urge ICE to consider the following:
31

- 32 (a) That increased margin requirements not be retroactive;
33
34 (b) In accordance with ICE rules, halt options trading when the lead futures month is trading
35 at a synthetic price that is equal to two times the daily price limit currently in effect for the
36 lead month; and should the futures trade off the daily limit, then options trading shall be
37 reopened;
38
39 (c) Not to increase Speculative Position Limits above the levels currently in effect unless
40 approved by the Cotton Contract Specifications Committee;
41
42 (d) Oppose an increase in the speculative limits for the spot month pending study and review;
43
44 (e) Not to establish any additional delivery points;
45
46 (f) Not to increase the number of deliverable grades;
47
48 (g) Except with respect to registration on Smith Doxey class, not permit the practice of
49 sampling for certification at interior warehouses;

- 1 (h) Recommend strict standards for bale conditions be maintained and enforced;
- 2
- 3 (i) Maintain the delivery of certificated stocks via electronic warehouse receipts;
- 4
- 5 (j) Recommend all certificated stocks show the state or area of growth;
- 6
- 7 (k) Recommend any changes in the rules, terms, procedures, or trading practices not be
- 8 instituted without prior approval of the cotton committee;
- 9
- 10 (l) Support ICE's implementation of a discount for certificated bales with grams per tex 25.0-
- 11 25.9 as determined by U.S. Department of Agriculture-Agricultural Marketing Service
- 12 quoted differences;
- 13
- 14 (m) Close ICE Markets one (1) minute before and open five (5) minutes after USDA's Supply
- 15 and Demand and Production reports are released;
- 16
- 17 (n) Evaluate base grade and premium and discounts;
- 18
- 19 (o) Add Savannah, Georgia as a delivery point for the ICE Cotton No. 2 futures contract within
- 20 a fifteen (15) mile radius from the Savannah, Georgia city limits and remove the Greenville,
- 21 South Carolina delivery point including Spartanburg, South Carolina;
- 22
- 23 (p) Reject proposals to expand cotton trading hours, as doing so would compromise liquidity,
- 24 complicate margin management given the lack of access to banking and require human
- 25 resources from market participants to manage risks in active markets; and,
- 26
- 27 (q) Support the approval of petitions from the Joint Cotton Industry Bale Packaging Committee
- 28 for bale packaging materials without prerequisite requirements for multi-year testing or
- 29 analysis;