

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106738; File No. SR–ICC–2026–009]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to the ICE Clear Credit Recovery Plan and ICE Clear Credit Wind-Down Plan

October 26, 2026.

I. Introduction

On August 27, 2026, ICE Clear Credit LLC (“ICC” or “ICE Clear Credit”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act” or the “Act”) ¹ and Rule 19b–4 thereunder, ² a proposed rule change (the “Proposed Rule Change”) to revise the ICC Recovery Plan (the “Recovery Plan”) and the ICC Wind-Down Plan (the “Wind-Down Plan”) (collectively, the “Plans”) to reflect changes that impacted ICC in the past year and to accommodate ICC’s U.S. Treasury clearing service (the “Treasury Clearing Service”). The proposed rule change was published for comment in the *Federal Register* on September 14, 2026. ³ The Commission did not receive comments regarding the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

A. Background

ICC is registered with the Commission as a clearing agency for the purpose of clearing covered default swap (“CDS”) contracts and for transactions involving U.S. Treasury securities. ⁴ ICC is a central counterparty (“CCP”), which means that it interposes itself as the buyer to every seller and the seller to

every buyer for transactions in CDS contracts and U.S. Treasury securities. ⁵ Because it acts as a CCP, ICC is a “covered clearing agency” as defined in Rule 17ad–22(a). ⁶ As such, ICC is regulatorily obligated to have plans for (i) recovery, which must address any uncovered loss, liquidity shortfall, or capital inadequacy, whether arising from participant default or other causes, as necessary to maintain its viability as a going concern and to continue its provision of core services and (ii) wind-down, which encompasses actions to effect the permanent cessation, sale, or transfer of one or more of its core services. ⁷

ICC proposes to make changes to the Plans, which include the policies and procedures that ICC uses to govern its recovery and wind-down. ⁸ ICC has stated that the Proposed Rule Change amends the Plans to reflect changes that impacted ICC in the past year, including its expansion of clearance and settlement services to cover U.S. Treasury securities as part of its new Treasury clearing service. ⁹ ICC further stated that the Proposed Rule Change would update and revise the Plans for clarity and streamlining purposes, and to ensure that the information provided is current. ¹⁰

⁵ Rule 17ad–22(a) defines “central counterparty” as “a clearing agency that interposes itself between the counterparties to securities transactions, acting functionally as the buyer to every seller and the seller to every buyer.” 17 CFR 240.17ad–22(a).

⁶ Rule 17ad–22(a) defines “covered clearing agency” as a “registered clearing agency that provides the services of a central counterparty or central securities depository.” 17 CFR 240.17ad–22(a).

⁷ Rule 17ad–22(e)(3)(ii) requires that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to, among other things, maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which includes plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses. 17 CFR 240.17ad–22(e)(3)(ii). Further, Rule 17ad–26(b) defines “orderly wind-down” as “the actions of a covered clearing agency to effect the permanent cessation, sale, or transfer of one or more of its core services . . . in a manner that would not increase the risk of significant liquidity, credit, or operational problems spreading among financial institutions or markets and thereby threaten the stability of the U.S. financial system.” 17 CFR 240.17ad–26.

⁸ ICC’s Recovery Plan and Wind-Down Plan are contained in Confidential Exhibits 3 and 5, respectively, of SR–ICC–2026–009. See generally Notice, 91 FR 58208.

⁹ See Notice, 91 FR at 58208, 58212. See also Securities Exchange Act Release No. 104762 (Jan. 30, 2026), 91 FR 5528 (Feb. 2, 2026) (File No. 600–45), granting ICC’s application to register as a clearing agency to provide CCP services for transactions involving U.S. Treasury securities.

¹⁰ See Notice, 91 FR at 58208, 58212.

B. Proposed Changes Common to Both Plans

In general, ICC proposes to incorporate references to the Treasury clearing service throughout the Plans and distinguish between the Treasury and CDS clearing services, where applicable. As proposed, both Plans would clarify that the information provided in the amended documents is current as of March 6, 2026, unless otherwise stated. ICC also proposes to add a footnote stating that the Treasury clearing service has not yet launched, while incorporating Treasury clearing service-specific information throughout the Plans that is based on the anticipated launch of the service.

ICC proposes to update the terminology referencing its members. Under the proposal, ICC Clearing Participants (“Clearing Participants” or “CPs”) would refer to members in the CDS clearing service and ICC Treasury Participants (“Treasury Participants” or “TPs”) would refer to members in the Treasury clearing service. These changes in terminology, as well as references to the CDS Rules versus the Treasury Rules, would be extended throughout the Plans.

ICC proposes to update language in the Plans about its role and scope of critical operation; its financial resources in case of a member default; and its stress scenarios. ICC proposes to insert a description of its role as a CCP for the Treasury clearing service, as well as additional language about its original founding as a CCP for the CDS market. ICC states that these brief descriptions would distinguish its existing CDS clearing services and approvals from its recently approved Treasury clearing services and planned Treasury clearing activities. ¹¹ The current Plans describe ICC’s CDS clearing services as its sole critical operation. However, to accommodate the inclusion of the recent Treasury clearing service, ICC proposes revisions to clarify that “clearing services,” broadly, are its sole critical operation. Additionally, ICC proposes to use the terms “General Guaranty Fund” for the CDS clearing service and “Treasury Guaranty Fund” for the Treasury clearing service. Although stress scenarios are and would continue to be listed in both Plans, ICC proposes to incorporate references to the Treasury clearing service and distinguishing between the Treasury and CDS clearing services, where applicable. ICC further proposes to specify in both Plans that it ensures that it is in compliance with all

¹⁴ 17 CFR 200.30–3(a)(12).

¹⁵ U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Securities Exchange Act Release No. 106308 (Sept. 9, 2026), 91 FR 58208 (Sept. 14, 2026) (File No. SR–ICC–2026–009) (“Notice”).

⁴ Capitalized terms not otherwise defined herein have the meanings assigned to them in the Plans, ICC’s CDS Rules, or Treasury Clearing Rules, as applicable.

¹¹ See Notice, 91 FR at 58209, 58212.

regulatory capital requirements at the entity level.

Across the Plans, ICC proposes to remove references to withdrawn regulatory guidance.¹² ICC states that, despite this regulatory withdrawal, it would continue to consider the principles underlying such guidance in its recovery planning.¹³ As such, ICC proposes to replace references to such guidance with references to “industry best practices.”

Regarding governance structure, ICC proposes to amend the Plans to reflect that ICC has a board-level Board Risk Committee¹⁴ by revising the existing governance chart to include the Board Risk Committee and to include a new subsection describing the role and responsibilities of the Board Risk Committee. This governance chart likewise would incorporate Treasury clearing service-specific committees and groups,¹⁵ and new language would describe their roles and responsibilities. ICC proposes additional language describing required prior consultation with the Treasury Risk Committee as to certain Specified Actions,¹⁶ including certain matters relating to the acceptance for clearing of Treasury transactions, modifications to the Treasury Rules relating to margin and the Treasury Guaranty Fund, as well as certain recovery-related matters such as commencing reduced gain distribution or implementing full clearing service termination. For consistency with CDS and Treasury Rules, ICC also proposes a clarifying edit to provide that a majority of each Risk Committee constitutes a quorum for doing business. ICC further proposes to update terminology throughout the Plans to distinguish between the CDS and Treasury clearing services, including references to the CDS Risk Committee versus the Treasury Risk Committee.

With regard to the annual review process for the Recovery Plan and Wind-Down Plan, the current language specifies that the annual review and material amendments are presented to

the Risk Committee,¹⁷ which then makes a recommendation to the Board regarding their approval. However, under the Proposed Rule Change, this review and any material amendments instead would be presented to the Board Risk Committee, who would then make a recommendation to the Board regarding their approval. As proposed, the CDS and Treasury Risk Committees would continue to review material matters impacting the Recovery Plan and the Wind-Down Plan but would no longer be required to conduct a separate review solely in connection with each Plan.¹⁸ ICC proposes to specify that the results of testing of the Recovery Plan and the Wind-Down Plan will be provided to the Treasury Risk Committee and Board Risk Committee, in addition to the CDS Risk Committee and Board.

ICC proposes to update the relevant agreement governing certain services in the list of critical services provided to ICC by affiliates shown in each Plan. Similar to the existing identification of core services for the CDS clearing service, ICC proposes to include in the Plans the core services for the Treasury clearing service, including the acceptance of new trades, management of positions, production of risk and banking reports, and movement of funds. Regarding staffing considerations and specifically as to the roles necessary to support the core services on a daily basis and in the event of recovery or wind-down, ICC proposes to state that, in general, all staff in a functional area provide support for all cleared products and markets at ICC and personnel are not split between the CDS and Treasury clearing services. ICC also proposes to clarify that ICC separately holds the dedicated funds used to meet financial resources requirements for the CDS clearing service from the Treasury clearing service.

The remaining changes proposed to the Recovery Plan and the Wind-Down Plan would renumber subsections, correct typographical errors, and update relevant information to ensure that it is current and accurate. For example, such changes would include a list of Clearing

Participants;¹⁹ updated financials;²⁰ identification of ICC’s counterparties and contractual agreements;²¹ changes in contact information for relevant regulatory staff;²² projected estimated recovery and wind-down costs and financial resources to support wind-down;²³ and updated stress scenario analyses.²⁴

C. Proposed Changes Specific to the Recovery Plan

ICC proposes to amend its Recovery Plan, the purpose of which is to describe the actions and steps that would be taken to restore ICC to a stable and sustainable condition in the event that it came under severe stress; and to maintain effective arrangements for ensuring losses that threaten ICC’s viability as a going concern are allocated.

In addition to the above common changes to both Plans, ICC proposes to make conforming changes in Section IV., which provides an overview of key recovery elements. ICC proposes to align language about membership qualifications with that found in the CDS Rules and Treasury Rules. ICC proposes to replace “must” with “may” in the Recovery Plan for consistency with CDS Rule 201(c), which states that “the following categories of persons *may* be approved by ICE Clear Credit as Participants” before listing the categories.²⁵ As amended, the language in the Recovery Plan would state that an entity “*may* be one of the following” to qualify as a Clearing Participant. Similarly, ICC proposes to amend language in the Recovery Plan and add a corresponding footnote to align with recently revised Treasury Rule 201(c),²⁶ which states that to qualify as a Treasury Participant for the Treasury clearing service, an entity may be one of the following: registered broker-dealer,

¹⁹ Recovery Plan, Sec. IV.B.; Wind-Down Plan, Sec. IV.A. See Notice, 91 FR at 58211, 58214.

²⁰ Recovery Plan, Sec. VIII.B.; Wind-Down Plan, Sec. VII. See Notice, 91 FR at 58211–212, 58214.

²¹ Recovery Plan, Sec. VI.B.-C.; Wind-Down Plan, Sec. VII.D, VIII. See Notice, 91 FR at 58211, 58214.

²² Recovery Plan, Sec. VII.B.; Wind-Down Plan, Sec. VI.A. *Id.*

²³ Recovery Plan, Sec. X.; Wind-Down Plan, Sec. IX. See Notice, 91 FR at 58212, 58214.

²⁴ Sections XIII of the Recovery Plan and Section XI.D. of the Wind-Down Plan. *Id.* For a full list of non-substantive changes, see Notice, 91 FR at 58211–212, 58214.

²⁵ See CDS Rule 201(c) (emphasis added), available at https://www.ice.com/publicdocs/clear_credit/ICE_Clear_Credit_Rules.pdf.

²⁶ See generally Securities Exchange Act Release No. 105986 (July 24, 2026), 91 FR 47864 (July 29, 2026) (File No. SR-ICC-2026-009) (approving the clarification that futures commission merchants and registered clearing agencies be added to the list of entities that ICC may approve to be Treasury Participants).

¹² See Commodity Futures Trading Commission, Press Release No. 9120–25 (September 11, 2025), available at <https://www.cftc.gov/PressRoom/PressReleases/9120-25>.

¹³ See Notice, 91 FR at 58209.

¹⁴ See generally Securities Exchange Act Release No. 103161 (May 30, 2025), 90 FR 23970 (June 5, 2025) (File No. SR-ICC-2025-006).

¹⁵ These groups and committees would include the Treasury Risk Committee, Treasury Operations Working Group, and the Treasury Risk Working Group. See Notice, 91 FR at 58210. In a footnote, ICC proposes to explain that such Treasury clearing service-specific working groups and committees have not yet been formed and may be convened at the direction of ICC management in connection with the launch of the Treasury clearing service. *Id.*

¹⁶ See Treasury Rule 502.

¹⁷ Currently, this reference pertains to the CDS Risk Committee because ICC has yet to establish a Treasury Risk Committee. See Notice, 91 FR at 58211, n. 28.

¹⁸ ICC states that these changes aim to streamline the CDS and Treasury Risk Committees’ review processes and remove the potential for duplicate reviews. See Notice, 91 FR at 58211. However, specifically as to the Recovery Plan, ICC proposes to add details about ICC’s testing of the Recovery Plan, and to state that ICC may determine to conduct this Recovery Plan testing separately or together for the CDS and Treasury clearing services. See Notice, 91 FR at 58211.

registered investment company, bank, insurance company, futures commission merchant, registered clearing agency, or an entity which may not fall within the above categories, as designated appropriate by the SEC. ICC further proposes to incorporate information into the Recovery plan about participation in the Treasury clearing service in accordance with its Treasury Rules.

ICC further proposes to amend Section IV. regarding operational capacity, financial responsibility and capital requirements, funding requirements, and collateral management. Under the Proposed Rule Change, the Recovery Plan would state that the CDS and Treasury clearing services operate separately in terms of financial resources. Specifically, the Recovery Plan would state that the CDS clearing service maintains a separate General Guaranty Fund and calls for and holds margin payments from Clearing Participants independently of margin payments called for in connection with the Treasury clearing service. Similarly, regarding collateral management, ICC proposes to specify that the Treasury clearing service determines its liquidity needs separately from the CDS clearing service and maintains separate liquidity resources. ICC proposes to state the eligible forms of collateral for Initial Margin and Treasury Guaranty Fund contributions for the Treasury clearing service as of March 6, 2026, in accordance with Treasury Rule 401 and Schedule 401 to the Treasury Rules.

Additionally in Section IV., ICC proposes to remove references to “direct liquidation” as a hedging and liquidation mechanism in the context of managing a defaulting CP’s portfolio. This removal would reflect previously approved changes to ICC’s Clearing Participant Default Management Procedures and CDS Rules.²⁷ ICC further proposes to update titles and committee memberships to reflect current committee composition.

In Section VII., which addresses stress scenarios, ICC proposes to state that whether a member is in default in each clearing service will be determined independently under the rules of each clearing service, except when, specifically, should a common member default in a single clearing service, such event will not automatically lead to a default declaration of such common member in the other ICC clearing service. However, as ICC further proposes, the fact the common member

has defaulted in a single clearing service could lead to the determination that such common member is, in the judgement of ICC, likely to fail to meet any of its obligations to the other clearing service, which could be a basis for declaring such common member in default in the other clearing service. Other proposed minor changes and clarifying edits to Section VII. include the addition of Treasury Participants to ICC’s existing monitoring mechanisms, and the removal of modifiers from and an addition of a parenthetical to the list of monitored metrics to apply to both clearing services.²⁸

Regarding Section VIII., which describes available recovery tools, ICC proposes to state that the use of these recovery tools is done separately under the rules of each clearing service.²⁹ ICC proposes to clarify that as each of the CDS and Treasury clearing services are designed to be independent with their own separate rulebooks, memberships and default resources, ICC does not expect that a recovery caused by a participant default in one clearing service will cross over to cause a recovery scenario in the other service. Under the Proposed Rule Change, Section VIII. would state that the CDS General Guaranty Fund and CDS margin assets will not be used to cover losses from a default in the Treasury clearing service, or vice versa, consistent with the separate rulebooks for the two clearing services. As proposed, new language would state that this design minimizes the financial risks posed by the Treasury clearing service to the CDS clearing service and vice versa.

With respect to the tools available to address credit losses in a participant default scenario, ICC proposes to amend Section VIII. by specifying that, for the Treasury clearing service, these tools generally include a declaration of a Treasury Participant default, communicating the default, and conducting default management actions to eliminate, settle, reduce, or replace the risk of the defaulter’s open Treasury positions. Other revisions to Section VIII. would add a subsection describing ICC’s ability to run one or more default auctions to address credit losses in a participant default scenario in the Treasury clearing service,³⁰ and include

ICC’s financial resources hierarchy for the Treasury clearing service, in the order of consumption. ICC proposes to add a description of ICC’s Treasury Guaranty Fund,³¹ specifying which recovery tools are applicable to each clearing service in accordance with their respective rulebooks, and making clean-up changes to the overview of initial default auctions for the CDS clearing service.³²

With respect to tools used to address liquidity shortfalls in participant and non-participant default scenarios, ICC proposes to incorporate references to the Treasury clearing service, while differentiating from the CDS clearing service, where applicable. Under the Proposed Rule Change, Section VIII. would incorporate references to the Treasury Clearing Service Liquidity Risk Management Framework (“LRMF”) and describe the LRMF’s objectives and ICC’s liquidity waterfall, as well as include a subsection listing additional liquidity tools for the Treasury clearing service. ICC proposes to state that it is likely that a recovery scenario in one clearing service would not trigger a significant reduction in ICC’s employee headcount because the other clearing service would continue business-as-usual operations. Also in Section VIII., ICC proposes to remove a duplicate entry in the insurance coverage table.

As proposed, Section IX. would be amended by removing stale statements about direct customer participation in governance, since the CDS and Treasury Risk Committees provide for customer participation. ICC proposes to update terminology from “full tear-up” to “full termination” for consistency with the rulebooks, which use “termination” rather than “tear-up” when discussing the termination of clearing.³³

D. Proposed Changes Specific to the Wind-Down Plan

ICC proposes to amend its Wind-Down Plan, which establishes how ICC could be wound-down in an orderly manner in the event the recovery actions described in the ICC Recovery Plan failed to preserve ICC’s viability as a going concern, but before resolution has been triggered.³⁴

³¹ See Treasury Rule 801.

³² Such changes include updating examples to align with those included in the current version of the Default Auction Procedures—Initial Default Auctions and replacing existing tables and text-based examples with graphical illustrations to improve formatting and presentation. See Notice, 91 FR at 58211.

³³ See CDS Rule 810 and Treasury Rule 810.

³⁴ The Wind-Down plan also may be used if ICC makes a business decision to exit all clearing activities. See Notice, 91 FR at 58212.

²⁷ See Securities Exchange Act Release No. 103601 (July 31, 2025), 90 FR 37612 (Aug. 5, 2025) (File No. SR-ICC-2025-010).

²⁸ ICC states that such changes do not amend ICC’s existing practices for the CDS clearing service and maintain consistency with existing policies and procedures. See Notice, 91 FR at 58210.

²⁹ As in certain previous sections in the Recovery Plan, ICC also proposes to incorporate references to the Treasury clearing service and distinguish between the Treasury and CDS clearing services, where applicable.

³⁰ See Treasury Rule 20–605(d)(v).

In addition to the above common changes to both Plans, ICC proposes to amend Section VI., which covers wind-down options that will be used in the event that the recovery actions described in the Recovery Plan failed to preserve ICC's viability as a going concern and resolution has not been triggered. In particular, ICC proposes amendments to its approach, timeline, resources, considerations and/or potential impediments of each wind-down option to include the Treasury clearing service. The wind-down options of transfer, sale and termination currently apply to the CDS clearing service and would continue to do so, while extending to the Treasury clearing service under the Proposed Rule Change. As in the Recovery Plan, references to "tear-up" would be replaced with "termination."³⁵

Regarding all three options of transfer, sale, and termination described in Section VI., ICC proposes to update the description of these options to contemplate the transfer or sale of either the CDS clearing service or the Treasury clearing service, as well as the transfer or sale of both services. Regarding the transfer and termination options, ICC proposes to state that if only one clearing service will be transferred or terminated, ICC will need to continue to maintain risk, treasury, compliance, and operations teams on a business-as-usual basis for the remaining clearing service. In the case of either a transfer or sale, ICC proposes to include language that already exists for the CDS clearing service and apply it to the Treasury clearing service, allowing the transfer or sale of Treasury clearing activities from ICC to an alternative clearing house or another entity, respectively.³⁶ For both the transfer and sale options, ICC proposes to state that both CDS and Treasury clearing services will be transferred or sold, ICC anticipates pursuing the relevant processes in parallel, such that the anticipated timeline will not be delayed. With respect to the transfer option, ICC proposes adding a description as to potential impediments or considerations, specifying that there may be a limited number of potential recipient clearing houses because such clearing houses would be required to have all appropriate registrations. With respect to the sale option, ICC proposes to state that if only one clearing service will be sold, a service provider may prefer to provide transitional services to the recipient clearing house for a

specified time period. With respect to the termination option, ICC proposes to define the termination option to include the termination of open Treasury positions ideally through orderly close out, and if orderly close out is not achieved, through the termination of open positions.

In Section VIII., ICC proposes to incorporate references to the Treasury clearing service in the description of contractual arrangements in the context of continuation of services during wind-down, while distinguishing it from the CDS clearing service and identifying which arrangements are applicable to each clearing service. Specifically, ICC proposes to make conforming changes to the description of the relevant contractual provisions and to analysis of the potential impact that such provisions would have on wind-down implementation.³⁷

Lastly, ICC proposes updating Section XI. regarding certain clearing process charts in Section XI.B and C. ICC proposes to specify that these charts reflect the CDS clearing service, as the Treasury clearing service has not yet launched. Accordingly, Treasury clearing process charts would not be included at this time, and this section will need to be updated in a future filing.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act requires the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization.³⁸ Under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change."³⁹

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,⁴⁰ and any failure of an SRO to provide this information may result in the

Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.⁴¹ Moreover, "unquestioning reliance" on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.⁴²

After carefully considering the proposed rule change, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC. More specifically, for the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,⁴³ and Rules 17ad-22(e)(3), 17ad-26(a)(1), 17ad-26(a)(8), and 17ad-26(a)(9) under the Act.⁴⁴

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of ICC be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.⁴⁵

A recovery, wind-down, or business disruption could lead to the failure of ICC's business operations in the CDS and Treasury clearing spaces, which could, in turn, inhibit the prompt and accurate clearance and settlement of transactions at ICC. Because the Recovery Plan and the Wind-Down Plan would facilitate the continuity and orderly functioning of ICC's clearing services in the case of a business disruption severe enough to necessitate recovery or wind-down, the Plans help ensure that ICC can continue to operate in those situations, and thus continue clearing and settling securities transactions in CDS and U.S. Treasury markets.

As noted above, the Proposed Rule Change primarily would update the Plans with current information by incorporating references to the recently established Treasury clearing service throughout the Plans and distinguishing between the Treasury and CDS clearing services, where applicable. The

⁴¹ *Id.*

⁴² *Susquehanna Int'l Group, LLP v. Securities and Exchange Commission*, 866 F.3d 442, 447 (D.C. Cir. 2017).

⁴³ 15 U.S.C. 78q-1(b)(3)(F).

⁴⁴ 17 CFR 240.17ad-22(e)(3), 17 CFR 240.17ad-26(a)(1), 17 CFR 240.17ad-26(a)(8), and 17 CFR 240.17ad-26(a)(9).

⁴⁵ 15 U.S.C. 78q-1(b)(3)(F).

³⁷ An example of such impact is the effect of a counterparty's termination of an agreement on a non-impacted clearing service. See Notice, 91 FR at 58213.

³⁸ 15 U.S.C. 78s(b)(2)(C).

³⁹ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

⁴⁰ *Id.*

³⁵ See *supra* n. 32 and accompanying text.

³⁶ Such a transfer or sale would include open positions. See Notice, 91 FR at 58213.

Proposed Rule Change also would incorporate into the Plans current information about, among other things, internal governance groups and committees, finances, references to industry best practices rather than withdrawn regulatory guidance, the annual review process and testing of the Plans, contractual arrangements, and recovery tools and wind-down options. By providing the most current information about the incorporation of the Treasury clearing services and other key topics, the Proposed Rule Change will support ICC's ability to monitor its finances, assess its Plans annually under the appropriate governance, and evaluate its regulatory capital. This in turn will help ensure ICC has the financial resources to promptly and accurately clear and settle transactions during recovery and, if necessary, conduct an orderly wind-down.

Additionally, these proposed changes help ensure visibility into and transparency of the Plans and into the processes ICC has developed to ensure continuity, or an effective wind-down, should certain circumstances threaten its viability. The updated information ensures that the Plans remain current and relevant, and thereby effectively serve their intended purpose. Since both the transparency and relevancy of the Plans are factors that support the Plans' ability to help facilitate the continuity and orderly functioning of ICC in the case of a recovery or winddown, those factors help ensure ICC can meet its business obligations in such situations, and thus continue clearing and settling securities transactions.

Accordingly, the Proposed Rule Change promotes the prompt and accurate clearance and settlement of transactions at ICC, consistent with Section 17A(b)(3)(F) of the Act.⁴⁶

B. Consistency With Rule 17ad-22(e)(3) Under the Act

Rule 17ad-22(e)(3)(ii) requires that ICC establish, implement, maintain and enforce written policies and procedures reasonably designed to, among other things, maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which includes plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses.⁴⁷

As described above, ICC proposes to update its Recovery Plan and Wind-Down Plan to include provisions pertaining to the newly established Treasury clearing service and distinguish recovery and wind-down operations from those applicable to the CDS service, where applicable. As proposed, the Plans would align many provisions regarding governance, financials, contractual arrangements, review processes of Plans, and terminology. Under the Proposed Rule Change, the Recovery Plan would clarify key recovery elements, such as by stating that the CDS and Treasury clearing services operate separately in terms of financial resources. The proposed changes to the Recovery Plan also would address stress scenarios, including by clarifying that, generally, the determination as to whether a member is in default in each clearing service will be determined independently. The Recovery Plan also would be updated to include current descriptions of available recovery tools, other tools available to address credit losses in a participant default scenario, and tools used to address liquidity shortfalls in participant and non-participant default scenarios. Likewise, under the Proposed Rule Change, the Wind-Down Plan would update ICC's approach, timeline, resources, considerations and/or potential impediments of each wind-down option to include the Treasury clearing service, while retaining the wind-down options of transfer, sale and termination that currently apply to the CDS clearing service. The Wind-Down Plan, as proposed, also would incorporate references to the Treasury clearing service in the description of contractual arrangements in the context of continuation of services during wind-down, while distinguishing it from the CDS clearing service and identifying which arrangements are applicable to each clearing service. Overall, the Plans, as proposed, would align not only to each other, but also with applicable CDS Rules and Treasury Rules.

These proposed changes reduce the risk that the Plans may not contain current information and provide a more accurate and useful playbook for ICC in case of recovery and/or orderly wind-down. Thus, these proposed changes should improve ICC's ability to conduct a recovery and/or orderly wind-down using the Plans.

Accordingly, the Proposed Rule Change is consistent with the requirements of Rule 17ad-22(e)(3)(ii) under the Act.⁴⁸

C. Consistency With Rule 17ad-26(a)(1) Under the Act

Rule 17ad-26(a)(1)(i)-(ii) requires ICC's plans for recovery and orderly wind-down to identify and describe ICC's core payment, clearing, and settlement services and address how ICC would continue to provide such core services in the event of a recovery and during an orderly wind-down, including by identifying the staffing roles necessary to support such core services; and analyzing how such staffing roles necessary to support such core services would continue in the event of a recovery and during an orderly winddown.⁴⁹

As described above, ICC's proposed changes identify staffing roles necessary to support core services of the CDS clearing service and the Treasury Clearing service. Regarding staffing considerations and specifically as to the roles necessary to support the core services on a daily basis and in the event of recovery or wind-down, ICC proposes to state in both Plans that, in general, all staff in a functional area provide support for all cleared products and markets at ICC and personnel are not split between the CDS and Treasury clearing services. Additionally, these staffing roles do not refer to specific personnel or employees, but instead to positions, roles, and personnel functions that are necessary for the continuation of core services. By confirming that all staff in a functional area are not split between the CDS and Treasury clearing services, and thus existing staff in the CDS service support the core services of the Treasury clearing service, these changes would identify the staffing roles necessary to support core services for the Treasury clearing and how those would continue in the event of a recovery and during an orderly winddown.

Therefore, the Proposed Rule Change is consistent with the requirements of Rule 17ad-26(a)(1)(i)-(ii) under the Act.⁵⁰

D. Consistency With Rule 17ad-26(a)(8) Under the Act

Rule 17ad-26(a)(8)(iii) requires ICC's plans for recovery and orderly wind-down to include procedures for testing ICC's ability to implement the recovery and orderly wind-down plans at least every 12 months, including by, among other things, providing for reporting the results of such testing to ICC's board of directors and senior management.⁵¹

⁴⁶ *Id.*

⁴⁷ 17 CFR 240.17ad-22(e)(3)(iii).

⁴⁸ *Id.*

⁴⁹ 17 CFR 240.17ad-26(a)(1)(i)-(ii).

⁵⁰ *Id.*

⁵¹ 17 CFR 240.17ad-26(a)(8)(iii).

As described above, under the Proposed Rule Change, the results of testing of the Plans will be provided to the Treasury Risk Committee and Board Risk Committee, in addition to the CDS Risk Committee and Board. This would accommodate the splitting off of the separate CDS Risk Committee and the Treasury Risk Committees for consistency with the CDS Rules and Treasury Rules. The CDS and Treasury Risk Committees would continue to review material matters impacting the Recovery Plan and the Wind-Down Plan but would no longer be required to conduct a separate review solely in connection with each Plan. ICC further proposes to specify that the results of testing of the Plans will be provided to the Treasury Risk Committee and Board Risk Committee, in addition to the CDS Risk Committee and Board, thus providing for reporting the results of such testing to ICC’s board of directors and senior management.

Therefore, the Proposed Rule Change is consistent with the requirements of Rule 17ad–26(a)(8)(iii) under the Act.⁵²

D. Consistency With Rule 17ad–26(a)(9) Under the Act

Rule 17ad–26(a)(9) requires ICC’s plans for recovery and orderly wind-down to include procedures requiring review and approval of the Plans by the ICC’s Board at least every 12 months or following material changes to ICC’s operations that would significantly affect the viability or execution of the plans, with such review informed, as appropriate, by ICC’s testing of the plans.⁵³

As proposed, the annual review process of the Plans would be extended to incorporate references to Treasury clearing service and Treasury Rules, and distinguish between the Treasury and CDS clearing services and respective rulebooks. Additionally, the Proposed Rule Change would update the governance process to include that the annual review of the Plans and any material amendments to them would be presented to the Board Risk Committee, who would then make a recommendation to the Board regarding their approval. As such, the Plans would continue to include procedures requiring review and approval of the Plans by ICC’s Board at least every 12 months or following material changes to ICC’s operations that would significantly affect the viability or execution of the Plans, but would encompass as part of those operations ICC’s newly established Treasury

clearing service and changes to risk committees. Therefore, the Proposed Rule Change is consistent with the requirements of Rule 17ad–26(a)(9) under the Act.⁵⁴

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act,⁵⁵ and Rules 17ad–22(e)(3), 17ad–26(a)(1), 17ad–26(a)(8), and 17ad–26(a)(9)⁵⁶ thereunder.

It is therefore ordered pursuant to Section 19(b)(2) of the Act⁵⁷ that the proposed rule change (SR–ICC–2026–009) be, and hereby is, approved.⁵⁸

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁹

Sherry R. Haywood,
Assistant Secretary.
[FR Doc. 2026–22026 Filed 10–28–26; 8:45 am]
BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21992 and #21993;
KENTUCKY Disaster Number KY–20035]

Administrative Declaration of a
Disaster for the Commonwealth of
Kentucky

AGENCY: U.S. Small Business
Administration.
ACTION: Notice.

SUMMARY: This is notice of an
Administrative declaration of a disaster
for the commonwealth of Kentucky
dated October 26, 2026.

Incident: Severe Storms, Straight-line
winds, Tornadoes, and Flooding.

DATES: Issued on October 26, 2026.

Incident Period: June 18, 2026
through June 27, 2026.

Physical Loan Application Deadline
Date: December 28, 2026.

Economic Injury (EIDL) Loan
Application Deadline Date: July 26,
2027.

ADDRESSES: Visit the MySBA Loan
Portal at <https://lending.sba.gov> to
apply for a disaster assistance loan.

⁵⁴ *Id.*
⁵⁵ 15 U.S.C. 78q–1(b)(3)(F).
⁵⁶ 17 CFR 240.17ad–22(e)(3), 17 CFR 240.17ad–
26(a)(1), (8), and (9).
⁵⁷ 15 U.S.C. 78s(b)(2).
⁵⁸ In approving the proposed rule change, the
Commission considered the proposal’s impact on
efficiency, competition, and capital formation. 15
U.S.C. 78c(f).
⁵⁹ 17 CFR 200.30–3(a)(12).

FOR FURTHER INFORMATION CONTACT:
Robert Camacho, Office of Disaster
Recovery, U.S. Small Business
Administration, 409 3rd Street SW,
Suite 6050, Washington, DC 20416,
(202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is
hereby given as a result of the
Administrator’s disaster declaration,
applications for disaster loans may be
submitted online using the MySBA
Loan Portal <https://lending.sba.gov> or in
person at other locally announced
locations. For further assistance please
contact the SBA disaster assistance
customer service center by email at
disastercustomerservice@sba.gov or by
phone at 1–800–659–2955. If you are
deaf, hard of hearing, or have a speech
disability, please dial 7–1–1 to access
telecommunications relay services.

The following areas have been
determined to be adversely affected by
the disaster:

Primary Counties: Bullitt, Cumberland,
Madison.

Contiguous Counties:

Kentucky: Adair, Clark, Clinton,
Estill, Fayette, Garrard, Hardin,
Jackson, Jefferson, Jessamine,
Metcalf, Monroe, Nelson,
Rockcastle, Russell, Spencer.
Tennessee: Clay.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Avail- able Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Avail- able Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organiza- tions with Credit Available Elsewhere	3.625
Private Non-Profit Organiza- tions without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organiza- tions without Credit Available Elsewhere	3.625

The number assigned to this disaster
for physical damage is 21992B and for
economic injury is 219930.

The commonwealth and state which
received an SBA Administrative
declaration are Kentucky, Tennessee.
(Catalog of Federal Domestic Assistance
Number 59008)

⁵² *Id.*
⁵³ 17 CFR 240.17ad–26(a)(9).