

# Joint Audit Committee

## REGULATORY ALERT

TO: Chief Executive Officers  
Chief Financial Officers  
Chief Compliance Officers #26-01

CC: Market Participants Division, CFTC

DATE: April 10, 2026

SUBJECT: Trading Availability During Non-Business Hours

Technological advancements and demand in certain markets are leading to an increase in DCMs that offer trading on a near 24/7 basis. While continuous trading may provide greater market access and availability for customers, FCMs must remain mindful of current key regulatory requirements that apply outside of typical business hours and particularly during the weekend. For the avoidance of doubt and for purposes of this JAC Regulatory Alert, non-business hours include the time between two consecutive U.S. business days (i.e., overnight), Saturday and Sunday<sup>1</sup>.

### Residual Interest Policies and Procedures

Written policies and procedures are required for the maintenance of the FCM's residual interest, including targets, in its segregated, secured 30.7 and cleared swap customer account(s)<sup>2</sup>. Importantly, an FCM must at all times maintain funds in its segregated, secured 30.7 and cleared swap customer account(s) in an amount at least sufficient to cover its total obligations to all segregated, secured 30.7 and cleared swaps customers, respectively by account class. Policies and procedures must address the availability of trading during non-business hours when establishing target amounts to ensure that the FCM continues to maintain adequate residual interest at all times.

An FCM may withdraw residual interest, not for the benefit of customers, from segregated, secured 30.7 and cleared swap customer account(s) only under certain conditions<sup>3</sup>. Among the conditions include an obligation to prepare a segregation, secured 30.7 and cleared swap customer statement calculation, as applicable for the account class of the withdrawal, for the preceding business day prior to the withdrawal, as well as an obligation to obtain written pre-approval for a withdrawal greater than 25% of

---

<sup>1</sup> Existing guidance regarding the regulatory treatment of Holidays is included in JAC Regulatory Alert #22-01

<sup>2</sup> CFTC Regulation 1.11(e)(3)(i)(D)

<sup>3</sup> JAC Regulatory Alert #18-04

residual interest from the Chief Executive Officer, Chief Financial Officer or other senior officer registered with NFA as a principal of the firm with knowledge of the FCM's financial requirements and position prior to the withdrawal. An FCM must comply with the conditions for residual interest withdrawals, not for the benefit of customers, made during non-business hours.

### **Capital Compliance and Recordkeeping**

As with residual interest requirements, an FCM must also remain in capital compliance at all times<sup>4</sup>. Records that are necessary to demonstrate compliance with applicable residual interest and capital requirements during non-business hours must be maintained and may include pro-forma calculations, trade confirmations, general ledgers and other financial transactions.

### **Risk Management and Regulatory Notifications**

FCMs should employ procedures and internal controls to monitor compliance with residual interest and capital requirements when trading is available during non-business hours. Such procedures and controls may be similar or identical to those in place during regular business hours. The ability to identify and manage material changes to key financial and trading account balances during non-business hours is critical to determine when a regulatory notification must be filed with the CFTC and the FCM's DSRO. For example, market volatility, additional margin requirements, timing of clearing organization settlements and other fund transfers can result in events that require notification. Events described in CFTC Regulation 1.12 that require immediate notification must be filed immediately upon discovery, even if such event occurs or is discovered during non-business hours.

This guidance is not intended to address all risks that may be applicable when trading is available during non-business hours. FCMs should consider any prudent measures to ensure compliance with residual interest and capital requirements.

If you have any questions, please contact your DSRO.

---

<sup>4</sup> CFTC Regulation 1.17(a)(3)