

TO: Comment File – RIN 3038-AD30
76 FR 7976 (Feb. 11, 2011)

FROM: Amanda Olear, Division of Clearing and Intermediary Oversight

RE: Comments on Proposed Amendments to CPO and CTA Compliance Obligations

On May 10, 2011, at 9:00 a.m. EDT, Commission staff participated in a meeting with representatives of the Investment Adviser Association (IAA). Topics discussed included the proposed rescission of Commission regulations 4.13(a)(3) and 4.13(a)(4) and proposed Forms CPO-PQR and CTA-PR.

IAA representatives presented the following views: IAA raised concerns about the possibility of duplicative reporting on Form PF and CPO-PQR, which is not contemplated by the proposed rules. IAA also raised concerns about the costs associated with registration and compliance with the Commission's regulations. IAA further stated its belief that the rescission of Regulations 4.13(a)(3) and (a)(4) and the expansion of the definition of "commodity interests" to include swaps would result in capturing non-US fund operators with solely non-US participants. IAA stated that its members were most concerned about the testing requirements for registration and the costs associated with preparation for exams by the National Futures Association. IAA also argued that funds of funds should be exempt because they do not have direct holdings in commodities.

Present at the meeting:

IAA

Karen Barr, IAA
Lawrence Patent, K&L Gates LLP
Cary Meer, K&L Gates LLP

CFTC

Kevin Walek
Eileen Chotiner
Amanda Olear
Jake Preiserowicz