

representative's refiling of the petition for review), and granting the petition for review and directing bargaining and/or rescission of an agency head disapproval under 5 U.S.C. 7114(c) (with or without conditions).

■ 16. Amend § 2424.40 by revising paragraphs (b) and (c) to read as follows:

§ 2424.40 Authority decision and order.

* * * * *

(b) *Cases involving proposals.* If the Authority finds that the duty to bargain extends to the proposal, then the Authority will order the agency to bargain concerning the proposal. If the Authority finds that the duty to bargain does not extend to the proposal, then the Authority will dismiss the petition for review. If the Authority finds that the proposal is bargainable only at the election of the agency, then the Authority will so state. If the Authority resolves a negotiability dispute by finding that a proposal is within the duty to bargain, but there are unresolved bargaining obligation dispute claims, then the Authority will order the agency to bargain in the event its bargaining obligation claims are resolved in a manner that requires bargaining.

(c) *Cases involving provisions.* If the Authority finds that a provision is not contrary to law, rule, or regulation, or is bargainable at the election of the agency, then the Authority will direct the agency to rescind its disapproval of such provision in whole or in part as appropriate. If the Authority finds that a provision is contrary to law, rule, or regulation, the Authority will dismiss the petition for review as to that provision.

■ 17. Revise § 2424.41 to read as follows:

§ 2424.41 Compliance.

The exclusive representative may report to the appropriate Regional Director an agency's failure to comply with an order issued in accordance with § 2424.40. The exclusive representative must report such failure within thirty (30) days following expiration of the 60-day period under 5 U.S.C. 7123(a), which begins on the date of issuance of the Authority order. If, on referral from the Regional Director, the Authority finds such a failure to comply with its order, the Authority will take whatever action it deems necessary to secure compliance with its order, including enforcement under 5 U.S.C. 7123(b).

■ 18. Amend § 2424.50 by revising the introductory text to read as follows:

§ 2424.50 Illustrative criteria.

A compelling need exists for an agency rule or regulation concerning

any condition of employment when the rule or regulation was issued by the agency or any primary national subdivision of the agency, and the agency demonstrates that either the rule or regulation meets one or more of the following illustrative criteria, or the Authority determines that other circumstances establish a compelling need for the rule or regulation:

* * * * *

Approved: December 12, 2019.

Colleen Duffy Kiko,

Chairman, Federal Labor Relations Authority.

[FR Doc. 2019-27193 Filed 12-20-19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

15 CFR Part 7

[Docket No. 191217-0118]

RIN 0605-AA51

Securing the Information and Communications Technology and Services Supply Chain

AGENCY: U.S. Department of Commerce.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On November 27, 2019, the U.S. Department of Commerce (the Department) published a proposed rule to implement regulations pursuant to the Executive order of May 15, 2019, entitled "Securing the Information and Communications Technology and Services Supply Chain," that would govern the process and procedures that the Secretary of Commerce (Secretary) will use to identify, assess, and address certain information and communications technology and services transactions that pose an undue risk to critical infrastructure or the digital economy in the United States, or an unacceptable risk to U.S. national security or the safety of United States persons. The Department opened a public comment period through December 27, 2019. Through this document, the Department is extending the period for public comment until January 10, 2020.

DATES: The comment period for the proposed rule published on November 27, 2019 (84 FR 65316), is extended. Comments and information regarding this proposed rule must be received by close of business on January 10, 2020.

ADDRESSES: You may submit comments on the proposed rule by any of the following methods:

- *By the Federal eRulemaking Portal:* <http://www.regulations.gov> at docket number DOC-2019-0005.

- *By email directly to:* ICTsupplychain@doc.gov. Include "RIN 0605-AA51" in the subject line.

- *By mail or hand delivery to:* Henry Young, U.S. Department of Commerce, ATTN: RIN 0605-AA51, 1401 Constitution Avenue NW, Washington, DC 20230.

- *Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. For those seeking to submit confidential business information (CBI), please submit such information by email or mail or hand delivery as instructed above. Each CBI submission must also contain a summary of the CBI in sufficient detail to permit a reasonable understanding of the substance of the information for public consumption. Such summary information will be posted on [regulations.gov](http://www.regulations.gov).

FOR FURTHER INFORMATION CONTACT:

Henry Young, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-0224. For media inquiries: Rebecca Glover, Director, Office of Public Affairs, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4883.

SUPPLEMENTARY INFORMATION:

Background

On November 27, 2019, the Department published a proposed rule to implement regulations pursuant to Executive Order 13873, "Securing the Information and Communications Technology and Services Supply Chain" (84 FR 22689) that would govern the process and procedures that the Secretary of Commerce (Secretary) will use to identify, assess, and address certain information and communications technology and services transactions that pose an undue risk to critical infrastructure or the digital economy in the United States, or an unacceptable risk to U.S. national security or the safety of United States persons. The document requested comments on or before December 27, 2019. Through this document, the Department is extending the period for public comment until January 10, 2020, to give interested members of the public additional time to submit comments. All other information and instructions to commenters provided in the original document remain unchanged.

Previously submitted comments do not need to be resubmitted.

Authority: 50 U.S.C. 1701 *et seq.*; 50 U.S.C. 1601 *et seq.*; and section 301 of Title 3, United States Code.

Wilbur L. Ross,
Secretary of Commerce.

[FR Doc. 2019-27596 Filed 12-19-19; 8:45 am]

BILLING CODE 3510-20-P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 50

RIN 3038-AE92

Exemption From the Swap Clearing Requirement for Certain Affiliated Entities—Alternative Compliance Frameworks for Anti-Evasionary Measures

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) is proposing revisions to the Commission regulation that exempts certain affiliated entities within a corporate group from the swap clearing requirement under the applicable provision of the Commodity Exchange Act (CEA or Act). The revisions concern the anti-evasionary condition that swaps subject to the clearing requirement entered into with unaffiliated counterparties either be cleared or be eligible for an exception to or exemption from the clearing requirement. Specifically, the revisions would make permanent certain temporary alternative compliance frameworks intended to make this anti-evasionary condition workable for international corporate groups in the absence of foreign clearing regimes determined to be comparable to U.S. requirements.

DATES: Comments must be received on or before February 21, 2020.

ADDRESSES: You may submit comments, identified by RIN 3038-AE92, by any of the following methods:

- **CFTC Comments Portal:** <http://comments.cftc.gov>. Select the “Submit Comments” link for this rulemaking and follow the instructions on the Public Comment Form.
- **Mail:** Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- **Hand Delivery/Courier:** Follow the same instructions as for Mail, above.

Please submit your comments using only one of these methods. Submissions through the CFTC Comments Portal are encouraged.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://comments.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (FOIA), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission’s regulations.¹

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT:

Sarah E. Josephson, Deputy Director, Division of Clearing and Risk, at 202-418-5684 or sjosephson@cftc.gov; Melissa A. D’Arcy, Special Counsel, Division of Clearing and Risk, at 202-418-5086 or mdarcy@cftc.gov; or Stephen A. Kane, Office of the Chief Economist, at 202-418-5911 or skane@cftc.gov, in each case at the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Background
 - A. Overview of Existing Practice
 - B. Swap Clearing Requirement
 - C. Commission Regulation 50.52
 - D. Outward-Facing Swaps Condition
 - E. Alternative Compliance Frameworks
- II. Proposed Amended Regulation 50.52
 - A. Proposed Revised Alternative Compliance Frameworks
 - B. Commission’s Section 4(c) Authority
- III. Related Matters
 - A. Regulatory Flexibility Act
 - B. Paperwork Reduction Act
 - C. Cost-Benefit Considerations
 - 1. Statutory and Regulatory Background
 - 2. Considerations of the Costs and Benefits of the Commission’s Action

¹ 17 CFR 145.9. Commission regulations referred to herein are found at 17 CFR chapter I.

- 3. Costs and Benefits of the Proposed Rule as Compared to Alternatives
- 4. Section 15(a) Factors
- D. General Request for Comment
- E. Antitrust Considerations

I. Background

A. Overview of Existing Practice

This proposed rulemaking addresses the compliance requirements for market participants electing not to clear inter-affiliate swaps under Commission regulation 50.52. This regulation permits counterparties to elect not to clear swaps between certain affiliated entities, subject to a set of conditions.² These conditions include a general requirement that each eligible affiliate counterparty clear swaps executed with unaffiliated counterparties, if the swaps are covered by the Commission’s clearing requirement.³

As adopted in 2013, the regulation also included two alternative compliance frameworks (Alternative Compliance Frameworks) that allowed counterparties to pay and collect variation margin in place of swap clearing for certain outward-facing swaps.⁴ The Alternative Compliance Frameworks were adopted for a limited time period and expired on March 11, 2014.⁵ Since that time, market participants have requested that Commission staff provide relief equivalent to the Alternative Compliance Frameworks through no-action letters. The Division of Clearing and Risk (DCR) first provided no-action relief in 2014. DCR issued CFTC Letter No. 14-25 in response to a request from the International Swaps and Derivatives Association (ISDA) to provide relief equivalent to the expiring Alternative Compliance Frameworks set forth in Commission regulation 50.52.⁶ DCR subsequently extended the no-action relief provided under CFTC Letter No. 14-25 and later expanded the relief in a series of five additional no-action letters.⁷

² Clearing Exemption for Swaps Between Certain Affiliated Entities, 78 FR 21750 (Apr. 11, 2013).

³ Commission regulation 50.52(b)(4)(i).

⁴ Commission regulation 50.52(b)(4)(ii) through (iii) (discussed in the **Federal Register** release adopting Commission regulation 50.52, the Clearing Exemption for Swaps Between Certain Affiliated Entities, 78 FR 21750, 21763-21766 (Apr. 11, 2013)).

⁵ 78 FR 21763-21765.

⁶ CFTC Letter No. 14-25 (Mar. 6, 2014).

⁷ CFTC Letter Nos. 14-135 (Nov. 7, 2014), 15-63 (Nov. 17, 2015), 16-81 (Nov. 28, 2016), 16-84 (Dec. 15, 2016), and 17-66 (Dec. 14, 2017), all available at <https://www.cftc.gov/LawRegulation/CFTCStaffLetters/index.htm>. CFTC Letter No. 17-66 expanded relief to parties transacting in Australia, Canada, Hong Kong, Mexico, or Switzerland and extended the relief to the earlier of (i) December 31, 2020 at 11:59 p.m. (Eastern Time); or (ii) the