

divestiture specified in paragraphs (e) through (f) of this section.

(3) *Disqualification pending divestiture.* Pending divestiture of prohibited securities, an employee must disqualify himself or herself, in accordance with § 2635.402 of this title, from participation in particular matters which, as a result of continued ownership of the prohibited securities, would affect the financial interests of the employee, or those of the spouse or dependent child of the employee.

(g) *Waivers.* The DAEO may grant a written waiver from this section based on a determination that the waiver is not inconsistent with 5 CFR part 2635 of this title or otherwise prohibited by law and that, under the particular circumstances, application of the prohibition is not necessary to avoid the appearance of an employee's misuse of position or loss of impartiality, or to otherwise ensure confidence in the impartiality and objectivity with which the Commission's programs are administered, or in the case of a special Government employee, divestiture would result in substantial financial hardship. A waiver under this paragraph must be in writing and may impose conditions, such as requiring execution of a written disqualification.

**§ 5601.103 Notice of disqualification when seeking employment.**

(a) An employee who has been assigned to or is supervising work on a particular matter that affects the financial interests of a prospective employer and who is required, in accordance with § 2635.604(a) of this title, to disqualify himself or herself from participation in that matter shall provide written notice of disqualification to the DAEO within 3 business days. The DAEO shall inform the employee's supervisor that the employee is disqualified from the matter. Public filers must comply with the notification requirements set forth in § 2635.607 of this title even when not required to disqualify from participation in a particular matter. Employees who file a notification statement in compliance with § 2635.607 of this title are not required to file a separate notice under this section.

(b) An employee may withdraw written notice under paragraph (a) of this section upon determining that disqualification from participation in the matter is no longer required. A withdrawal of disqualification shall be in writing and shall be provided to the DAEO. The DAEO shall inform the employee's supervisor that the employee is no longer disqualified from the matter.

**§ 5601.104 Prohibited outside employment.**

An employee shall not engage in outside employment, either on a paid or unpaid basis, with or for an entity on the prohibited securities list described in § 5601.102(b)(1)(i)–(b)(1)(vi).

**§ 5601.105 Prior approval for outside employment.**

(a) *Prior approval for outside employment.* An employee who wishes to engage in outside employment, either on a paid or unpaid basis, shall obtain the prior written approval of the DAEO. A request for such approval shall be submitted in writing with sufficient description of the employment to enable the DAEO to give approval based on an informed determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including paragraph (a) of this section and part 2635 of this title. The DAEO shall provide a copy of any written approvals for outside employment to the employee's supervisor.

(b) *Scope of approval.* An employee must submit a new request for approval upon either a significant change in the nature or scope of the outside employment or a change in the employee's Commission position or assigned responsibilities.

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**COMMODITY FUTURES TRADING COMMISSION**

**17 CFR Chapter I**

**RIN 3038-AE55**

**Project KISS**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Request for Information; Correction.

**SUMMARY:** This is a correction to a Request for Information published by the Commodity Futures Trading Commission ("Commission" or "CFTC") in the **Federal Register** of May 9, 2017 regarding the submission by the public of suggestions about how the Commission's existing rules, regulations, or practices could be applied in a simpler, less burdensome, and less costly manner. This correction changes the web address to which suggestions may be submitted. The incorrect web address appeared in two places in the original document. To avoid any confusion and to ensure the public has all necessary information in

one place, the Request for Information is being republished in full with the corrected web address.

**DATES:** Suggestions must be received on or before September 30, 2017.

**ADDRESSES:** You may submit suggestions, identified by RIN number 3038-AE55, by any of the following methods:

- The agency's Web site, at [www.cftc.gov/projectkiss](http://www.cftc.gov/projectkiss). Follow the instructions for submitting a Project KISS suggestion through the Public Comment Form.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail, above.

Please submit your suggestions using only one method.

**FOR FURTHER INFORMATION CONTACT:** Michael Gill, Regulatory Reform Officer, (202) 418–5713, [mgill@cftc.gov](mailto:mgill@cftc.gov), Commodity Futures Trading Commission, Three Lafayette Centre, 1151 21st Street NW., Washington, DC 20581; or [KISS@cftc.gov](mailto:KISS@cftc.gov).

**SUPPLEMENTARY INFORMATION:** On February 24, 2017, President Donald J. Trump issued Executive Order 13777: Enforcing the Regulatory Reform Agenda ("EO 13777"). EO 13777 directs federal agencies, among other things, to designate a Regulatory Reform Officer and establish a Regulatory Reform Task Force. Although the CFTC, as an independent federal agency,<sup>1</sup> is not bound by EO 13777, the Commission is nevertheless commencing an agency-wide review of its rules, regulations, and practices to make them simpler, less burdensome, and less costly. This initiative is called Project KISS, which stands for "Keep It Simple Stupid."<sup>2</sup> In support of these efforts, the Commission has approved the solicitation of suggestions from the public regarding how the Commission's existing rules, regulations, or practices could be applied in a simpler, less burdensome, and less costly manner. The public may submit Project KISS suggestions through the Public Comment Form on the

<sup>1</sup> Independent federal agencies exist outside of the federal executive departments headed by a Cabinet secretary and the Executive Office of the President. See *Humphrey's Executor v. United States*, 295 U.S. 602 (1935); 5 U.S.C. 104.

<sup>2</sup> See Remarks of Acting Chairman J. Christopher Giancarlo before the 42nd Annual International Futures Industry Conference in Boca Raton, FL, Mar. 15, 2017, available at <http://www.cftc.gov/PressRoom/SpeechesTestimony/opagiancarlo-20>.

Commission's Web site, at [www.cftc.gov/projectkiss](http://www.cftc.gov/projectkiss).

The Commission is not asking the public to identify rules for revocation, suspension, annulment, withdrawal, limitation, amendment, modification, conditioning or repeal. The submission of a Project KISS suggestion will not constitute a petition for issuance, amendment, or repeal of a rule pursuant to § 13.2 of the Commission's regulations,<sup>3</sup> nor will it constitute a request for an exemptive, no-action, or interpretive letter pursuant to § 140.99 of the Commission's regulations.<sup>4</sup> The Commission will treat Project KISS suggestions like the Commission treats other correspondence that it receives. Submission of a Project KISS suggestion may not result in Commission action.

All suggestions must be submitted in English, or if not, accompanied by an English translation. Suggestions will be posted as received to [www.cftc.gov](http://www.cftc.gov). You should submit only information that you wish to make available publicly. If you wish to submit information that you believe is exempt from disclosure under the Freedom of Information Act in your suggestion(s), please submit your suggestion(s) via Mail or Hand Delivery/Courier and also submit a petition for confidential treatment of the exempt information according to the procedures established in § 145.9 of the Commission's regulations.<sup>5</sup>

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your suggestion(s) from [www.cftc.gov](http://www.cftc.gov) that it may deem to be inappropriate for publication, such as a suggestion containing obscene language. Any suggestions that contain comments on the merits of an outstanding proposed rulemaking will be retained in the public comment file for that rulemaking and considered as required under the Administrative Procedure Act and other applicable laws. All suggestions that have been redacted or removed that contain comments on the merits of an outstanding proposed 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 Freedom of Information Act.

Dated: May 19, 2017.

**Christopher J. Kirkpatrick,**  
*Secretary of the Commission.*

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## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3000

[Docket No. RM2017-4; Order No. 3907]

#### Supplemental Standards of Ethical Conduct

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Commission proposes to delete its existing ethics rules to avoid duplication and those changes proposed to by the Commission with the concurrence of the Office of Government Ethics.

**DATES:** *Comments are due:* June 23, 2017.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

#### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

The Postal Regulatory Commission (Commission) establishes a rulemaking docket to consider amending the Commission's ethics rules, 39 CFR subpart A of part 3000. The Commission proposes to delete its existing ethics rules to avoid duplication of 5 CFR part 2635 and those changes proposed to 5 CFR part 5601 by the Commission with the concurrence of the Office of Government Ethics (OGE).<sup>1</sup> This rulemaking also proposes to replace the deleted ethics rules with new rules that reflect the Commission's current regulatory role under the Postal Accountability and Enhancement Act (PAEA), Public Law 109-435, 120 Stat. 3198 (2006). The proposed rules aim to treat employees' and former employees'

interactions with the Postal Service substantially the same as if those interactions were with entities that are not part of the federal government.

#### II. Background

##### A. The Existing 39 CFR Subpart A of Part 3000

The ethics rules contained in 39 CFR subpart A of part 3000 were adopted in a 1971 rulemaking, in which the Civil Service Commission promulgated employee conduct regulations on the Commission's behalf.<sup>2</sup> In 1993, the Commission collaborated with OGE to revise the Commission's ethics rules in 39 CFR subpart A of part 3000. The ethics rules in 39 CFR subpart A of part 3000 retained "those portions of the current standards of conduct not superseded by [OGE's] amendments to title 5 of the Code of Federal Regulations and incorporate[d] provisions of the Supplemental Standards of Ethical Conduct for Employees of the Postal Rate Commission issued in 5 CFR part 5601 with the concurrence of [OGE]."<sup>3</sup> The Commission amended the ethics rules in 2001 to eliminate a redundant provision.<sup>4</sup>

In 2006, the PAEA made several changes to the Commission's regulatory role. Specifically, the PAEA eliminated the responsibility to adjudicate omnibus rate cases each year, which set rates for all Postal Service products.<sup>5</sup> Instead, under the PAEA the Commission, among other responsibilities, approves or denies discrete Postal Service requests to change rates of market dominant products or competitive products.<sup>6</sup> Proposed rate changes include requests to change rates of general applicability, *e.g.*, retail rates available to the public, and rates not of general applicability, *e.g.*, negotiated service agreements (NSAs) with private parties. *See id.* Post-PAEA, the Commission must make an Annual Compliance Determination report concerning whether the rates or fees in effect for the year satisfied statutory and regulatory requirements and whether any service standards in effect during

<sup>2</sup> See 36 FR 5412 (Mar. 23, 1971).

<sup>3</sup> 58 FR 42873 (Aug. 12, 1993).

<sup>4</sup> 66 FR 32544 (Jun. 15, 2001).

<sup>5</sup> Public Law 109-435, 120 Stat. 3198, sections 201-202 (2006) (amending 39 U.S.C. 3621-3622 (2005) and repealing sections 3623-3624).

<sup>6</sup> The PAEA introduced the division of Postal Service products into market dominant products (products delivered under the Postal Service monopoly) and competitive products (all other products). 39 U.S.C. 3621-3622 and 39 CFR part 3010 (regulation of rates for market dominant products); 39 U.S.C. 3631-3634 and 39 CFR part 3015 (regulation of rates for competitive products).

<sup>3</sup> 17 CFR 13.2.

<sup>4</sup> 17 CFR 140.99.

<sup>5</sup> 17 CFR 145.9.

<sup>1</sup> See Order No. 3906, Notice of Proposed Rulemaking on Amendments to Supplemental Standards of Ethical Conduct for Employees of the Postal Regulatory Commission, May 19, 2017.