

CLIENT ALERT

CFTC Makes Clerical Updates to Swap Dealer Rules

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On January 24, 2023, the Commodity Futures Trading Commission (“**CFTC**”) approved a final rule that makes technical corrections to the Part 23 reporting rules for swap dealers.¹ The changes are intended to be non-substantive amendments that should not impose new obligations on swap dealers. The changes update the language in Part 23 to conform to the updated swap data reporting regulations in Part 45 that the CFTC promulgated in September 2020. The CFTC is instituting these new changes because Part 23 contains multiple cross-references to, and relies on definitions included in, Part 45.

Below is a list of the technical amendments to Part 23 that the CFTC adopted:

- **Unique Transaction Identifier** — The CFTC replaced the term “unique swap identifier” in Part 23 with the term “unique transaction identifier.”²
- **Legal Entity Identifier** — The CFTC updated Part 23 to consistently use the term “legal entity identifier” (“**LEI**”).³ The CFTC also clarified that there are circumstances in which a counterparty may use an alternate identifier in lieu of an LEI.

¹ Commodity Futures Trading Commission. Reporting, Recordkeeping, Daily Trading Records, and Swap Documentation Requirements for Swap Dealers and Major Swap Participants; Corrections (Jan. 24, 2023), available [here](#).

² *Id.* at 3.

³ *Id.* at 3-4.

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- **Updating the Example Floating Rate** — The CFTC replaced the example floating rate in Exhibit C of Part 23, Subpart I, Appendix 1. That exhibit previously used the outdated “USD-Libor-BBA” as an example for the field labeled “Floating rate index name/rate period.”⁴ Now, the exhibit uses “Fed Funds.”
- **Correcting Cross-References** — The CFTC updated cross-references in Part 23 that are not accurate. Rule 23.202 (Daily trading records) erroneously cross-references Rules 45.4(a), 45.4(b), and 45.4(c), so the CFTC has changed these references to Rules 45.5, 45.6, and 45.7, respectively. Additionally, Rule 23.205(a) (Real-time public reporting of swap transaction and pricing data) erroneously refers to the real-time public “recording” requirements in Part 43, which should have said “reporting.”⁵

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⁴ *Id.* at 4.

⁵ *Id.* at 3.