



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

November 7, 2001

**MEMORANDUM**

TO: The Commission  
General Counsel  
Staff Director  
Public Information  
Press Office  
Public Records

FROM: Rosemary C. Smith *RC S*  
Assistant General Counsel

SUBJECT: Proposed Statement of Enforcement Policy Regarding Party  
Committee Transfers of Nonfederal Funds Payment of Allocable  
Expenses

Attached is a copy of Notice #2001-16, Proposed Statement of Enforcement Policy Regarding Party Committee Transfers of Nonfederal Funds Payment of Allocable Expenses. (66 *FR* 56247), published in the November 7, 2001 *Federal Register*. The comment period ends on November 14, 2001.

Attachment

cc: Associate General Counsel for Policy  
Congressional Affairs Officer  
Executive Assistants

## Proposed Rules

Federal Register

Vol. 66, No. 216

Wednesday, November 7, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF AGRICULTURE

#### Office of the Secretary

#### 7 CFR Part 3

#### Debt Collection

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** This document gives notice that the Department of Agriculture (USDA) plans to amend and make changes to its existing debt collection procedures at 7 CFR part 3 to reflect changes made by the revised Federal Claims Collection Standards (FCCS) published by the Department of Treasury (Treasury) and the Department of Justice (DOJ) on November 22, 2000, in the Federal Register. The Treasury and DOJ revised the FCCS to make clear and reduce in scope Federal debt collection standards and incorporate changes mandated by the Debt Collection Improvement Act of 1996 (DCIA) and the General Accounting Office Act of 1996 (GAOA).

**DATES:** Submit comments on or before December 7, 2001.

**ADDRESSES:** Comments should be sent to Dale Theurer, Credit, Travel and Accounting Policy Division, Office of the Chief Financial Officer, Department of Agriculture, Room 4628 South, 1400 Independence Avenue, SW., Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Joyce Baumgartner on 202-720-4958, FAX 202-690-1529, email to [jbaumgartner@ofa.usda.gov](mailto:jbaumgartner@ofa.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Debt Collection Act of 1982 (DCA), Pub. L. No. 97-365, was implemented on a government-wide basis by the Federal Claims Collection Standards (FCCS), set forth at 4 CFR part 101 *et seq* issued by DOJ and the General Accounting Office on March 9, 1984. See 49 FR 8889 (1984). USDA implemented the FCCS in 7 CFR part 3. As mandated by the DCIA, Pub. L. No. 104-134, on November 22,

2000, the Treasury and DOJ jointly promulgated the revised FCCS which appears in the Code of Federal Regulations at 31 CFR parts 901-904 to reflect the legislative changes to Federal debt collection procedures enacted under the DCIA. See 65 FR 70390 (2000). The revised FCCS supersedes the current FCCS codified at 4 CFR parts 101-105, and removes the Comptroller General as a promulgator of the FCCS in accordance with the GAOA, Pub. L. No. 104-316. USDA has reviewed the administrative offset provisions of the revised FCCS and finds the protections and procedures provided to debtors by the current USDA debt collection procedures for administrative offset at 7 CFR part 3, subpart B consistent with those provided by the newly revised FCCS.

At a later date, USDA will move to amend 7 CFR part 3 to reflect the promulgation of the revised FCCS and to incorporate other changes that are USDA specific on collecting debt by administrative offset. USDA requests comments from the public regarding what changes to 7 CFR part 3 should be included as part of any future notice of proposed rules.

Done at Washington, DC, this 29th day of October 2001.

Ann M. Vaneman,

Secretary.

[FR Doc. 01-27887 Filed 11-6-01; 8:45 am]

BILLING CODE 3410-01-P

### FEDERAL ELECTION COMMISSION

#### 11 CFR Part 106

#### [NOTICE 2001-15]

#### Request for Comment on Draft Statement of Policy Regarding Party Committee Transfers of Nonfederal Funds for Payment of Allocable Expenses

**AGENCY:** Federal Election Commission.

**ACTION:** Draft statement of policy with request for comments.

**SUMMARY:** In light of the suspension of fundraising activities by some party committees after the terrorist attacks of September 11, 2001, the Commission is considering exercising its discretion by not pursuing *prima facie* violations of the 60 day time limit for party committee transfers of nonfederal funds

to pay for the nonfederal share of allocable expenses. The limitations on the scope and duration of the policy under consideration will be discussed in detail below. The Commission seeks comments on the policy under consideration, and on any other circumstances arising out of the events of September 11 that need to be addressed.

**DATES:** Comments must be submitted on or before November 14, 2001.

**ADDRESSES:** All comments should be addressed to Rosemary C. Smith, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Federal Election Commission, 999 E Street, NW, Washington, DC 20463. Faxed comments should be sent to (202) 219-3923, with printed copy follow-up to insure legibility. Electronic mail comments should be sent to [transfers@fec.gov](mailto:transfers@fec.gov). Commenters sending comments by electronic mail must include their full name, electronic mail address and postal service address within the text of their comments. Comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered. The Commission will make every effort to have public comments posted on its web site within ten business days of the close of the comment period.

**FOR FURTHER INFORMATION CONTACT:** Rosemary C. Smith, Assistant General Counsel, or Richard Ewell, Staff Attorney, 999 E Street, NW, Washington, D.C. 20463, (202) 694-1850 or (800) 424-8530.

**SUPPLEMENTARY INFORMATION:** Sections 106.1 and 106.5 of the Commission's regulations (11 CFR 106.1 and 106.5) allow party committees to defray the costs of activities that relate to both federal and nonfederal elections by allocating the costs between their federal and nonfederal accounts, so long as they pay an amount equal to or greater than the federal portion of these expenses with funds that are permissible under the Federal Election Campaign Act, 2 U.S.C. § 431 *et seq.* ["FECA" or "the Act"].

Party committees allocate these expenses by paying the entire amount of the expense from a federal account or allocation account, and transferring funds from a nonfederal account to

cover the nonfederal portion of the allocable expense. 11 CFR 106.5(g)(1)(i) and (ii). The regulations establish a time period, or "window," during which these nonfederal transfers may be made. "[S]uch funds may not be transferred more than 10 days before or more than 60 days after the payments for which they are designated are made." 11 CFR 106.5(g)(2)(i)(B). Any transfer made more than 60 days after payment of the related allocable expense "shall be presumed to be a loan or contribution from the non-federal account to a federal account, in violation of the Act." 11 CFR 106.5(g)(2)(iii).

In many instances, party committees plan and execute allocable activities based, in part, on the expectation that they will subsequently receive nonfederal funds that can be transferred to their federal or allocation accounts before the expiration of the 60 day time limit in section 106.5(g)(2)(ii)(B). In most instances, committees' expectations are realized.

However, some party committees voluntarily suspended their fundraising activities in the immediate aftermath of the September 11, 2001 terrorist attacks. See e.g., FEC Advisory Opinion Request 2001-16; Rachel Van Dongen, *Shoptalk*, Roll Call, October 11, 2001 <http://www.rollcall.com/pages/politics/shoptalk/>. As a result, some party committees may not have sufficient funds in their nonfederal accounts to make transfers to their federal accounts or allocation accounts in a timely manner, i.e., within 60 days of when the committee pays the allocable expense for which those funds would be transferred.<sup>1</sup>

The Commission recognizes that this situation is the result of the unprecedented events of September 11, 2001, which have had a significant impact on many aspects of American life, and could not have been anticipated.

In light of these circumstances, the Commission is considering exercising its discretion by not pursuing *prima facie* violations of the 60 day time limit in certain limited situations. Under the policy being considered, the Commission would not pursue an

untimely party committee transfer made to cover the nonfederal share of an allocable expense paid between August 27, 2001 and November 1, 2001, if the transfer is made no later than December 31, 2001, and is fully disclosed on the party committee's year end report. Alternatively, the Commission would not pursue an untimely party committee transfer made to cover the nonfederal share of an allocable expense paid between August 27, 2001 and December 31, 2001, if the transfer is made no later than March 1, 2002, and is fully disclosed on the party committee's applicable report.

The Commission invites comments on the policy that is under consideration. Comments may be submitted on any aspect of the policy being considered, including its scope and duration, or on any other circumstance arising out of the attacks of September 11 that should be addressed. After reviewing the comments received, the Commission will issue a final Statement of Policy.

The Commission is taking this action in response to the unique circumstances described above. Consequently, this action should not be viewed as a precedent for any similar action in the future.

Dated: November 2, 2001.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 01-27944 Filed 11-5-01; 8:45 am]

BILLING CODE 5715-01-0

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-CE-47-AD]

RIN 2120-AA64

#### Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2, BN-2A, BN-2B, BN-2T, BN-2T-4, and BN2A MK. III Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to all Pilatus Britten-Norman Ltd. (Pilatus Britten-Norman) BN-2, BN-2A, BN-2B, BN-2T, BN-2T-4, and BN2A MK. III series airplanes. This proposed AD would require you to repetitively inspect the throttle friction-shaft; and replace the shaft if damaged. This proposed AD is

the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this proposed AD are intended to detect and correct loosening of the throttle friction adjustment beyond its normal limits. Such a condition could lead to damage to the throttle friction-adjuster or the retaining washer and split pin. This could allow the throttle quadrant shaft to laterally shift and impede the operation of the engine controls.

**DATES:** The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before December 10, 2001.

**ADDRESSES:** Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-47-AD, 901 Locust, Room 506, Kansas City, Missouri 64108. You may view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

You may get service information that applies to this proposed AD from Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone: +44 (0) 1983 872511; facsimile: +44 (0) 1983 873246. You may also view this information at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64108; telephone: (816) 328-4059; facsimile: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

##### How Do I Comment on This Proposed AD?

The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments to the address specified under the caption ADDRESSES. We will consider all comments received on or before the closing date. We may amend this proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this proposed AD action and determining whether we need to take additional rulemaking action.

##### Are There Any Specific Portions of This Proposed AD I Should Pay Attention to?

The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy

<sup>1</sup> The Commission notes that the rules permit but do not require party committees to transfer nonfederal funds to cover the nonfederal portion of an allocable expense, since the effect of not making such a transfer would be that federal funds are used to defray the full amount of the allocable expense, a result that is permissible under the Act and regulations. See *Methods of Allocation Between Federal and Non-Federal Accounts: Payments: Reporting*, 55 FR 26058, 26063 (June 26, 1990) (explaining that "allocating a portion of certain costs to a committee's non-federal account is a permissive rather than a mandated procedure").