Farmers Home Administration

7 CFR Part 1955

Purchasing of Services for Program Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is removing from the Code of Federal Regulations (CFR) its regulation regarding procurement of goods and services for inventory property and program services. This regulation is being removed since the portions of it that affect the public are contained elsewhere in the CFR. The intended effect of this action is to remove an unneeded regulation from the CFR.

EFFECTIVE DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT: Edward W. Nidever, Realty Specialist, Property Management Branch, Servicing and Property Management Division, Farmers Home Administration, USDA, Room 6342, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382-1452.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 to implement Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal Agency management. Certain aspects of the regulation are provided in the regulations issued by the General Services Administration, as contained in 41 CFR Chapter 1, and the U.S. Department of Agriculture, as contained in 41 CFR Chapter 4, publication of the Agency regulation is not necessary.

It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of this change involves Agency management, and publication for comments is unnecessary.

This regulation does not directly affect any FmHA programs or projects which are subject to A-95 clearinghouse review.

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statement." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

This action does not affect any programs listed in the current Catalog of Federal Domestic Assistance (CFDA).

List of Subjects in 7 CFR Part 1955

Construction contracts, Government acquired property, Government property management, Service contracts.

Accordingly, Part 1955 of Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1955—PROPERTY MANAGEMENT

Subpart B—Management of Property

§ 1955.63 [Amended]

1. Section 1955.63(a)(3)(i), (h) (2), (3) and (4), and (i) are amended to insert the phrase "(available in any FmHA office)" after the reference "Subpart D of this Part 1955."

Subpart C—Disposal of Acquired Property

§ 1955.116 [Amended]

2. Section 1955.116(b)(3)(ii)(A) is amended to insert the phrase "(available in any FmHA office)" after the reference "Subpart D of this Part 1955."

Subpart D—Purchasing of Services for Program Property

§§ 1955.151 through 1955.170 [Removed and Reserved]

3. Subpart D, consisting of §§1955.151 through 1955.170, is removed and reserved.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301, Section 10 Pub. L. 93-357, 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70; 29 FR 14764, 33 FR 9850)

Dated: April 15, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83-11069 Filed 4-26-83; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 110, and 9003

Candidate's Use of Property in Which Spouse Has an Interest

AGENCY: Federal Election Commission.

ACTION: Final rule; Transmittal of Regulations to Congress.

SUMMARY: The Commission has transmitted regulations to Congress to govern the application of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 431 *et seq.*), to a federal candidate's use of property in which his or her spouse has an interest. The regulations address the definitions of "contribution" and of "personal funds" of a candidate.

2 U.S.C. 438(d) requires that any rule or regulation proposed by the Commission to implement Chapter 14 of Title 2, United States Code be transmitted to the Speaker of the House and the President of the Senate prior to final promulgation. If neither House of Congress disapproves the regulation within 30 legislative days after its transmittal, the Commission may finally prescribe the regulations in question. The following regulations were transmitted to Congress on April 22, 1983.

EFFECTIVE DATE: Further action, including the announcement of an effective date will be taken after the regulations have been before Congress 30 legislative days in accordance with 2 U.S.C. 438(d).

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: On July 20, 1982, the Commission published a Notice of Proposed Rulemaking amending and adding to the regulations pertaining to a candidate's use of property in which the spouse has an interest. (47 FR 31390, July 20, 1982) No public comments were received during the thirty day comment period.

Explanation and Justification of Regulations Concerning a Candidate's Use of Property in Which Spouse has an Interest

The revisions primarily address two situations involving loans obtained by the candidate for use in a campaign. In the first situation, the loan is acquired on the basis of property owned jointly with the candidate's spouse. In the second situation, the signature of the spouse is required on the loan instrument to waive some statutory non-ownership interest such as dower or curtesy. A third situation covered by these revisions involves the drawing of funds from assets such as jointly held bank accounts or the proceeds from liquidating jointly held stock.

The revisions carve out a narrow area to allow for the use of property in which the candidate's spouse has an interest or

to allow for spousal signature on a loan without violating the contribution limits. This is implemented in 11 CFR 100.7(a)(1)(i) by adding a new subsection (D) which states that a signatory spouse will not be considered a contributor if the value of the candidate's share of the property used as collateral or as a basis for the loan equals or exceeds the amount of the loan to be used for the candidate's campaign. In addition, the standard set out in subsection (D) is applied as an exception to those parts of §§ 100.7(b)(11) and 100.8(b)(12) which classify endorsers and guarantors as contributors.

The revisions also clarify the definition of "personal funds" of a candidate as set out in §§ 110.10(b) and 9003.2(c)(3). By changing the term "right of beneficial enjoyment" to "equitable interest" the Commission is using a term which more specifically applies to an ownership or pecuniary interest that is not one of legal title. By reordering the criteria defining "personal funds," it is made clear that the criteria of "legal and rightful title" and "equitable interest" must each be linked with "legal right of access to or control over." The latter criterion is the standard set out in the legislative history of the 1974 Amendments to 18 U.S.C. 608 pertaining to the limitations of expenditures of personal funds by a candidate, also cited in *Buckley v. Valeo,* 424 U.S. 1, 51, 52, n.57.

Finally, the revisions add a subsection (3) to the "personal funds" definition in 11 CFR 110.10(b) and a subsection (iii) to the "personal funds" definition in § 9003.2(c)(3) in order to address the concept of "personal funds" in joint ownership situations. These new provisions permit a candidate to use the full value of his or her share of assets jointly owned with a spouse without the spouse being considered a contributor. If there is no written instrument indicating the candidate's ownership share of the property, the candidate will be considered to own one-half of the value of the property under these rules. This 50% rule would apply in community property states, as well as in non-community property states.

List of Subjects

11 CFR Part 100

Elections.

11 CFR Part 110

Political candidates, Campaign funds.

11 CFR Part 9003

Campaign funds, Political candidates, Elections.

11 CFR Chapter I is Amended to Read as Follows:

PART 100—[AMENDED]

1. 11 CFR 100.7(a)(1)(i)(C) is revised to read as follows:

§ 100.7 [Amended]

(a) * * *
(1) * * *
(i) * * *

(C) Except as provided in (D), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

* * * * *

2. 11 CFR 100.7(a)(1)(i)(D) is redesignated as 11 CFR 100.7(a)(1)(i)(E) and 11 CFR 100.7(a)(1)(i)(D) is added as follows:

(a) * * *
(1) * * *
(i) * * *

(D) A candidate may obtain a loan on which his or her spouse's signature is required when jointly owned assets are used as collateral or security for the loan. The spouse shall not be considered a contributor to the candidate's campaign if the value of the candidate's share of the property used as collateral equals or exceeds the amount of the loan which is used for the candidate's campaign.

* * * * *

3. 11 CFR 100.7(b)(11) is revised to read as follows:

* * * * *

(b) * * *

(11) A loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration is not a contribution by the lending institution if such loan is made in accordance with applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it: bears the usual and customary interest rate of the lending institution for the category of loan involved; is made on a basis which assures repayment; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Such loans shall be reported by the political committee in accordance with 11 CFR 104.3(a). Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement, except that, in the event of a signature by the candidate's spouse, the provisions of 11 CFR 100.7(a)(1)(i)(D) shall apply. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a contribution by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. For purposes of 11 CFR 100.7(b)(11), an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

* * * * *

4. 11 CFR 100.8(b)(12) is revised to read as follows:

§ 100.8 Expenditures (2 U.S.C. 431(9)).

* * * * *

(b) * * *

(12) A loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration is not an expenditure by the lending institution if such loan is made in accordance with

applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it: bears the usual and customary interest rate of the lending institution for the category of loan involved; is made on a basis which assures repayment; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Such loans shall be reported by the political committee in accordance with 11 CFR 104.3(a). Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement, except that, in the event of a signature by the candidate's spouse, the provisions of 11 CFR 100.7(a)(1)(i)(D) shall apply. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that the loan agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered an expenditure by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. For the purpose of 11 CFR 100.8(b)(12), an overdraft made on a checking or savings account shall be considered an expenditure unless: the overdraft is made on an account which is subject to automatic overdraft protection; and the overdraft is subject to a definite interest rate and a definite repayment schedule.

* * * * *

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

5. 11 CFR 110.10(b)(1) is revised to read as follows:

§ 110.10 [Amended]

* * * * *

(b) * * *

(1) Any assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had either:

(i) Legal and rightful title, or

(ii) An equitable interest.

6. 11 CFR 110.10(b)(3) is added to read as follows:

* * * * *

(b) * * *

(3) A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. The portion of the jointly owned assets that shall be considered as personal funds of the candidate shall be that portion which is the candidate's share under the instrument(s) of conveyance or ownership. If no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used shall be considerd as personal funds of the candidate.

PART 9003—ELIGIBILITY FOR PAYMENTS

7. 11 CFR 9003.2(c)(3) is revised to read as follows:

§ 9003.2 Candidate certificates.

* * * * *

(c) * * *

(3) For purposes of this section, the terms "personal funds" and personal funds of his or her immediate family" mean—

(i) Any assets which, under applicable state law, at the time he or she became a candidate the candidate had legal right of access to or control over, and with respect to which the candidate, had either:

(A) Legal and rightful title, or

(B) An equitable interest.

(ii) Salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stocks or other investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy of which the candidate is a beneficiary; gifts of a personal nature which had been customarily received prior to candidacy; proceeds from lotteries and similar legal games of chance.

(iii) A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. The portion of the jointly owned assets that shall be considered as personal funds of the candidate shall be that portion which is the candidate's share under the instrument(s) of conveyance or ownership. If no specific share is indicated by any instrument of conveyance or ownership, the value of one-half of the property used shall be considered as personal funds of the candidate.

* * * * *

Dated: April 22, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-11220 Filed 4-26-83; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-143 (Texas—20 Addition); Order No. 291]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued: April 21, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Monte Christo, South (9000') Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross (202) 357-8571 or Walter Lawson (202) 357-8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Monte Christo, South (9000') Formation underlying land in Hidalgo County, Texas, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued November 1, 1982 (47 FR 50300, November 5, 1982) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703, that the Monte Christo, South (9000') Formation, an addition to the Monte Christo

[1] Comments were invited on the proposed rule and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.