

The technical position paper on waste form provides guidance to waste generators on test methods and results acceptable to NRC staff for implementing the 10 CFR Part 61 waste form requirements. It can be used as an acceptable approach for demonstrating compliance with the 10 CFR Part 61 waste structural stability criteria. This technical position paper includes guidance on processing of waste into an acceptable stable form, designing acceptable high-integrity containers, packaging cartridge filters, and minimizing radiation effects on organic ion-exchange resins.

Previous draft versions of both technical position papers have been made available to interested members of the public. Comments received on these drafts have been considered during preparation of the technical position papers referenced by this Notice. Further public comment on these technical position papers is welcomed, and any such comment received will be considered as part of development of the waste form and waste classification regulatory guides. Comments on the technical position papers may be forwarded to Leo B. Higginbotham, Chief, Low-Level Waste Licensing Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Mail Stop SS-623).

Copies of the waste form and waste classification technical position papers are being furnished to all NRC licensees. In addition, copies of the technical position papers are being furnished to all Agreement States for distribution to their licensees.

Dated at Silver Springs, Maryland, this 6th day of May 1983.

For the Nuclear Regulatory Commission,
Leo B. Higginbotham,
 Chief, Low-Level Waste Licensing Branch,
 Division of Waste Management.

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FEDERAL ELECTION COMMISSION

11 CFR Ch. I

Transfer of Funds; Collecting Agents, Joint Fundraising

AGENCY: Federal Election Commission.
ACTION: Transmittal of Regulations to Congress.

SUMMARY: FEC regulations at 11 CFR Part 102 have been revised and transmitted to Congress pursuant to 2 U.S.C. 438(d). These regulations govern transfers of funds between specified

committees and establish procedures for joint fundraising by political committees. They also contain provisions which clarify the status of unregistered organizations that collect and transfer contributions on behalf of a connected separate segregated fund. Such unregistered organizations, termed "collecting agents", are distinguished from participants in a joint fundraiser. Further information on the revised regulations is provided in the supplementary information which follows.

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

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

SUPPLEMENTARY INFORMATION: The revised regulations on joint fundraising and collecting agents are based upon public comment received in response to the Commission's Notice of Proposed Rulemaking (46 FR 48074; September 30, 1981). The title of current 11 CFR 102.6 has been changed to "Transfers of Funds; Collecting Agents" and corresponding revisions have been made to that section. In addition, a new section entitled "Joint Fundraising By Committees Other Than Separate Segregated Funds" has been included in the regulations, designated as 11 CFR 102.17. This section was designated as section 102.7 in the Commission's Notice of Proposed Rulemaking; however, it has been added as the last section in Part 102 to avoid changing the numerous citations throughout the Commission's regulations to current §§ 102.7 through 102.16.

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

Explanation and Justification for 11 CFR 102.6 and 102.17
 Section 102.6 Transfers of Funds;
 Collecting Agents

Section 102.6(a) Transfers of Funds; Registration and Reporting Required.

Following current section 102.6(a), subsections (a)(1)(i) and (a)(1)(ii) state that party committees of the same political party and affiliated committees may make unlimited transfers of funds. 2 U.S.C. §§ 441a(a)(4) and 441a(a)(5). Subsection (a)(1)(iii) incorporates 2 U.S.C. 441a(a)(5)(A) into the regulations by stating that participants in a joint fundraising activity conducted under § 102.17 may transfer joint fundraising proceeds without limit so long as no participant receives more than its allocated share of the funds raised. Subsection (a)(1)(iv) clarifies that transfers may only be made from funds which are permissible under the Act.

Subsection (a)(2) generally follows the provisions of current § 102.6(a) to state that transfers of funds count against the reporting thresholds and may trigger political committee status under the Act. Hence, an unregistered committee which makes or receives transfers for the purpose of influencing a federal election may be subject to the registration and reporting requirements of the Act.

Section 102.6(b) Fundraising by Collecting Agents; No Reporting Required.

This is a new section in the regulations which clarifies the application of the Act to fundraising on behalf of separate segregated funds. See Advisory Opinions 1982-61, 1982-55, 1982-11, 1981-4, 1979-19, 1978-98, and 1978-42. Subsection (b)(1) describes a collecting agent as an organization or committee that collects and transmits contributions to one or more separate segregated funds which are related to it. Generally, the collecting agent is an organization which is eligible to establish and administer a separate segregated fund under 11 CFR 114.5 such as a corporation or labor organization. See 11 CFR 100.6. Under this section, a collecting agent may be any of several types of entities. It may be a registered or unregistered affiliated committee or connected organization of the separate segregated fund. A collecting agent may also be a parent or subsidiary of the connected organization of a separate segregated fund. Moreover, a local, national or international union may act as a collecting agent for a separate segregated fund of any federation with which the union is affiliated.

The inclusion of this section is also intended to permit an unregistered organization to collect contributions on behalf of a connected separate segregated fund without triggering

political committee status under the Act. Transfers made by a collecting agent to a separate segregated fund in accordance with the requirements of subsection (c) do not trigger reporting requirements under the Act. Thus, subsection (b)(2) provides that unregistered organizations, such as a State PAC, union local or corporate subsidiary, which act as collecting agents following the procedures under subsection (c) need not register and report under the Act. This is consistent with the legislative history of the 1979 Amendments which indicates that Congress did not intend that reporting be required in this narrow circumstance. See e.g. 125 Cong. Rec. S19099 (daily ed. December 18, 1979) (statement of Sen. Pell) and 125 Cong. Rec. H12365 (daily ed. December 20, 1979) (statements of Rep. Thompson and Rep. Frenzel).

Subsection (b)(3) specifies that neither commercial fundraising firms nor individuals who collect contributions for separate segregated funds will be considered collecting agents under this section. Rather, commercial fundraising firms will be considered the agent of the separate segregated fund or collecting agent. All persons who collect contributions are subject to the requirements of 11 CFR 102.8 and the provisions of 11 CFR Part 110.

Subsection (b)(4) clarifies that separate segregated funds are not required to utilize a collecting agent. While this section provides for the use of a collecting agent to solicit contributions, it does not prevent a separate segregated fund from soliciting and collecting contributions on its own.

Section 102.6(c) Procedures for Collecting Agents

This section describes the procedures to be followed by a collecting agent in soliciting and collecting contributions on behalf of a separate segregated fund. Subsection (c)(1) makes it clear that the separate segregated fund is responsible for the acts of the collecting agent and for ensuring that the recordkeeping, reporting and transmittal requirements of the Act are met. Inclusion of this provision is intended to encourage separate segregated funds to ensure that those collecting contributions on their behalf follow the Act and regulations.

Subsection (c)(2) provides that a solicitation for voluntary contributions to a separate segregated fund may be included in a bill for membership dues or other fees or in a solicitation for contributions to the collecting agent itself. See Advisory Opinions 1979-19 and 1978-42. Such solicitations may only be made to the solicitable class of the parent organization under 11 CFR Part

114, such as a corporation's stockholders and executive and administrative personnel, and must meet the requirements for a proper solicitation under 11 CFR 114.5. See e.g. *Federal Election Commission v. National Right To Work Committee*, — U.S. —, 103 S.Ct. 562 (Dec. 13, 1982). Subsection (c)(2)(i) states that the collecting agent may pay any or all of the costs of transmitting contributions as such payments are considered part of the establishment, administration and solicitation expenses permitted under 2 U.S.C. 441b(b)(2)(C). A provision has also been included in subsection (c)(2)(ii) which permits a collecting agent to reimburse its separate segregated fund for administrative expenses within 30 days after the separate segregated fund pays the expense if the expense could have been paid directly by the collecting agent under 2 U.S.C. 441b(b)(2)(C). A corresponding provision has been included in 11 CFR 114.5. It should be noted that an unregistered committee that is not a connected organization may trigger the registration and reporting requirements of the Act by making reimbursements under this section.

Subsection (c)(3) provides that a contributor may combine payment of dues or other fees with a contribution to the separate segregated fund in a single check. However, that subsection requires that the check be drawn on the contributor's personal checking account or on a non-repayable corporate drawing account of the individual contributor. See also, Advisory Opinions 1978-98, 1979-19 and 1978-42. Subsection (c)(3) also contains a provision which permits an employer to send a check to a union which includes payment of union dues or other employee deductions (such as vacation fund payments) and voluntary contributions from its employees to the union's separate segregated fund. Subsection (c)(3), thus, provides for combined payment of employee political contributions and other fees by an employer to a union or its agent. See Advisory Opinions 1982-55, 1982-11, 1981-4, and 1978-98. Contributions which may be so combined must be collected pursuant to a payroll deduction plan and are considered direct contributions from the individual employees.

One comment received by the Commission questioned the status of certain employee benefit plans, such as ERISA plans, under section 102.6. Under such plans, participants may designate a portion of the funds deposited with the plan on their behalf by their employer to be contributed to a separate segregated

fund, such as their union PAC. The comment raised the issue of whether certain fiduciaries, such as ERISA plan administrators, should be considered collecting agents under this section. These fiduciaries, however, are considered agents of the plan's sponsor. As the sponsor is the employer or the union of the plan participants, a plan administrator or fiduciary is acting on behalf of a collecting agent. The Commission, therefore, found no need to refer specifically to this situation in the regulations.

Moreover, no special provision is needed to govern the timing of the transmittal of such contributions to the separate segregated fund. A contribution by the plan participant to the separate segregated fund results only when the participant designates a sum in writing to be contributed to the separate, segregated fund and that sum can be disbursed under the plan agreement, since that is the point at which the participant acquires the right to such funds. For example, under a vacation fund plan, vacation benefits are paid out at specified times of the year. Payments to third parties, such as separate segregated funds, may only be made at the same time that disbursements are made to plan beneficiaries under the plan agreement. See ERISA Interpretive Bulletin 78-1 (43 FR 68565 (December 15, 1978)). Under these circumstances, the time for transmitting a contribution to the separate segregated fund under § 102.6(c)(4) would not begin to run until the date on which disbursements can be made to the beneficiary.

Subsection (c)(4) clarifies that collecting agents must follow the requirements of 11 CFR 102.8 regarding the time for transmittal of contributions. Therefore, contributions of \$50 or less collected by a collecting agent must be given to the separate segregated fund within 30 days after receipt. Contributions in excess of \$50 must be forwarded to the separate segregated fund within 10 days of receipt.

This subsection also sets forth methods for transmitting contributions to a separate segregated fund. Pursuant to subsection (c)(4)(i), checks made out to the separate segregated fund must be transmitted by the collecting agent directly to the fund within the appropriate time period. Subsection (c)(4)(ii) establishes several options for transmittal of contributions in other forms. First, as under current § 102.6(b)(1), the collecting agent may choose to set up a transmittal account solely for the deposit and transmittal of funds collected on behalf of a separate segregated fund under subsection

(c)(4)(ii)(A). Funds deposited into this account are subject to the prohibitions and limitations of the Act. If an expenditure is made from funds in this account, other than a transfer of funds to an affiliated committee, the account will be considered a depository of the recipient committee and all activity of that account must be reported.

Alternatively, the collecting agent may deposit contributions collected into its own treasury account under subsection (c)(4)(ii)(B). If the collecting agent selects this method, it must keep separate records of all receipts and deposits which represent contributions to the separate segregated fund and make separate deposits of all cash contributions. See e.g. Advisory Opinion 1978-42.

Another method, stated in subsection (c)(4)(ii)(C), follows current § 102.6(b)(3). This subsection provides that the collecting agent may deposit contributions into an account maintained for State and local election activity. Under this option, the collecting agent must also keep separate records of all receipts and deposits which represent contributions to the separate segregated fund.

In addition to the other methods for transmitting contributions, subsection (c)(4)(ii)(D), permits the collecting agent to transmit cash contributions to the separate segregated fund in the form of money orders or cashiers checks. This provision generally follows current § 102.6(b)(2), although it is now limited to cash contributions.

Subsection (c)(5) requires that the collecting agent comply with the requirements of 11 CFR 102.8 in transmitting contributor information to a separate segregated fund. However, as under current § 102.6(b)(3), if contributions of \$50 or less are received at a mass collection, the collecting agent must keep a record of the date, the total amount collected, and the name of the function at which the collection was made.

Finally, subsections (c)(6) and (c)(7) specify the recordkeeping and reporting responsibilities of collecting agents and separate segregated funds under this section. Pursuant to subsection (c)(6), a collecting agent is required to retain records of all contribution deposits and transmittals for three years and to make these records available to the Commission upon request. Similarly, the separate segregated fund must keep a record of all transmittals of contributions received from the collecting agent. It is not necessary that the separate segregated fund report contributions received from a collecting agent as transfers-in. Rather, under

subsection (c)(7), the separate segregated fund is required to report each contribution received through the collecting agent as a contribution received from the original contributor as required by 11 CFR 104.3(a).

Section 102.17 Joint Fundraising By Committees Other Than Separate Segregated Funds.

(a) *General.* This subsection sets forth the basic rules for conducting joint fundraising activities. See Advisory Opinions 1979-75, 1979-35, 1979-12, 1979-6, 1977-61, 1977-23, 1977-14 and 1977-8. Subsection (a)(1)(i) states the general permission allowing political committees to engage in joint fundraising with other political committees or with unregistered committees or organizations. This subsection requires that the joint fundraising participants have a fundraising representative. The participants have the option of either establishing a separate political committee or selecting a participating political committee to act as the fundraising representative. Regardless of which method the participants select, the fundraising representative must be a reporting political committee under the Act and will be considered an authorized committee of each participating Federal candidate consistent with 2 U.S.C. 432(e)(3)(A)(ii). See also 11 CFR 102.13(c)(1). The participants may hire a commercial fundraising firm or other type of agent to assist in conducting the joint fundraiser. However, subsection (a)(1)(ii) makes it clear that participants hiring a commercial firm are still required to select or establish a fundraising representative.

Subsection (a)(2) describes the entities which may engage in joint fundraising and states that the procedures at subsection (c) govern all joint fundraising activities conducted under this section. The Commission notes that if all of the participants in a fundraising activity are party committees of the same political party, the participants will not have to adhere to the requirements of this section even though an agreement may have been reached as to the allocation of proceeds before the fundraiser takes place. Since the party committees could decide, after the fundraising was concluded, to transfer any amount of the proceeds among themselves pursuant to 2 U.S.C. 441a(a)(4), the fact that an allocation formula had been previously agreed to would not trigger the joint fundraising requirements to provide notice of the recipients of the funds or to allocate contributions according to the

prearranged formula. However, the party committees would have to follow the notice requirements of 11 CFR 102.5 if the activity is conducted in connection with both Federal and non-federal elections. In addition, if no notice is given regarding the intended allocation of contributions, the contributions received would count toward the contributor's limit for the party committee sponsoring the event, i.e., the national committee or State committee running the fundraiser.

Subsection (a)(3) distinguishes a joint fundraising representative conducting a joint fundraising activity from an unregistered organization acting as a collecting agent under 11 CFR 102.6(b). It also clarifies that the provisions of this section are inapplicable to a separate segregated fund or an unregistered organization operating as a collecting agent under § 102.6(b).

Section 102.17(b) Fundraising Representatives.

This section reiterates that participants in a joint fundraising activity must either establish a separate political committee or select a participating political committee to act as fundraising representative. In either case, the fundraising representative must be a political committee under 11 CFR 100.5. This section also describes the fundraising representative's responsibilities in conducting the joint fundraising activity. Specifically, the fundraising representative is responsible for collecting contributions, paying the costs of the fundraising effort, and disbursing the net proceeds to each participant.

Subsection (b)(3) specifies the amounts which may be advanced by each participant for start-up costs of the fundraiser. To avoid an in-kind contribution, subsection (b)(3)(i) provides that a participant may advance an amount in proportion to the allocation formula agreed upon under subsection (c)(1). A participant may advance more than its proportionate share of the fundraising costs under subsection (b)(3)(ii). However, the amount in excess of the proportionate share may not exceed the amount the participant could legally contribute to the other participants. Subsection (b)(3)(iii) provides that if all the joint fundraising participants are affiliated committees or party committees of the same political party, unlimited amounts may be advanced for fundraising costs since transfers among such committees are unlimited. See 11 CFR 110.3; 2 U.S.C. 441a(a)(4) and 441a(a)(5).

Section 102.17(c) Joint Fundraising Procedures.

This section sets forth the procedures for conducting joint fundraising activities. The first requirement, stated in subsection (c)(1), is that all the participants must enter into a written agreement which identifies the fundraising representative and states the formula for allocating the fundraising proceeds and expenses. The participants should make this agreement prior to engaging in any fundraising activity. The fundraising representative is required to retain this agreement for three years and make it available to the Commission upon request.

Furthermore, in addition to the disclaimer notice required by 11 CFR 110.11, subsection (c)(2) requires that each solicitation for contributions to a joint fundraiser contain a fundraising notice informing contributors of specific details of the fundraising activity. Subsections (c)(2)(i) (A) through (D) require that the fundraising notice contain the names of the participating committees, regardless of whether they are registered political committees; the allocation formula; a statement informing contributors that they may designate their contribution for a particular participant or participants; and a statement that the allocation formula may change if the contributor makes a contribution which exceeds the amount he or she could give to any participant. Subsection (c)(2)(ii) provides for special notices in two situations. For example, under subsection (c)(2)(ii)(A), if the participants are engaging in the joint fundraiser only to pay outstanding debts, the fundraising solicitation must state that the allocation formula may change if a participant receives enough funds to pay its debts. Subsection (c)(2)(ii)(B) requires that if any of the participants can lawfully receive contributions from sources prohibited under the Act, such as a State or local committee that can receive corporate contributions, the solicitations must state that any such contributions received will be given only to participants that can receive them.

Under the Commission's regulations, an agent or other person who receives a contribution on behalf of a political committee is required to forward that contribution to the committee treasurer within 10 or 30 days of receipt. 11 CFR 102.8. The contribution must then be deposited within 10 days in a designated committee depository. However, the Commission recognizes that, in the context of a joint fundraising event, it is common for the fundraising

representative to receive contributions over an extended time period and retain them until all funds are received to ensure payment of expenses and proper distribution of proceeds.

Subsection (c)(3) is intended to address the aforementioned situation and resolve any possible conflict between the Commission's regulations and actual joint fundraising practices. Pursuant to subsection (c)(3)(i), the participants or joint fundraising representative are required to establish a separate account for the receipt and disbursement of joint fundraising proceeds. Under subsection (c)(3)(ii), contributions must be deposited into the separate account by the fundraising representative within 10 days of receipt as required by 11 CFR 103.3. The fundraising representative is not required, however, to distribute the proceeds to the participants until all contributions have been received and all expenses paid. Since each participating political committee must designate this account as an additional depository pursuant to subsection (c)(3)(i), such retention would not conflict with the Commission's regulations. Only funds permissible under the Act may be deposited into this joint fundraising account. If a participant can accept funds prohibited as to other participants under the Act, the fundraising representative or the participants may either establish another account for such contributions or transfer them directly to the participants that can accept them.

Furthermore, subsection (c)(3)(iii) requires that the fundraising representative report contributions in the reporting period in which they are received. This subsection also clarifies that, although distribution of proceeds may be delayed until expenses are paid, for contribution reporting and limitation purposes the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. Participating political committees are not required to report joint fundraising proceeds, however, until they receive the funds from the fundraising representative.

Moreover, subsection (c)(4) describes the recordkeeping responsibilities of the fundraising representative and participating committees. Under section (c)(4)(i), the fundraising representative and the participants are required to screen the contributions received to ensure that they are neither prohibited under the Act nor in excess of the contribution limitations. Participants must make their contributor records available to the fundraising

representative to facilitate its screening of contributions. Subsection (c)(4)(ii) requires the fundraising representative to collect and retain contributor information in accordance with 11 CFR 102.8 and to forward such information to participating political committees. If necessary, the fundraising representative should also keep a record of the total amount of prohibited contributions received and of transfers of these contributions to any participants that may accept them. Furthermore, fundraising disbursement records required under 11 CFR 102.9 must be kept by the fundraising representative for three years pursuant to subsection (c)(4)(iii). That subsection also provides that commercial fundraising firms or agents must forward contributor information to the fundraising representative.

Subsection (c)(5) permits a contributor to make a donation to a joint fundraiser up to the total amount which he or she could give to all the participants subject to the contribution limitations of 2 U.S.C. 441a(a)(1). Hence, if five Federal candidates participated in a joint fundraiser and agreed to share proceeds equally, an individual could contribute up to \$5,000, less any amount which had been previously contributed to any of the participants by that individual.

Subsection (c)(6) prescribes the manner in which gross proceeds from the joint fundraiser are to be allocated among the participants. Generally, as provided in subsection (c)(6)(i), the fundraising representative must allocate the proceeds according to the formula stated in the fundraising agreement. Changes in the agreed upon allocation formula are limited to two factual situations under this subsection. Excess funds may only be reallocated after distribution according to the preestablished formula has extinguished the debts of one or more participants or if distribution under the formula would result in a violation of the contribution limitations. Reallocation in either of these circumstances must be based on the remaining participants' proportionate shares under the allocation formula. If reallocation results in a contributor's exceeding the contribution limitations, the fundraising representative must return the amount of the contribution which exceeds the limit to the contributor pursuant to subsection (c)(6)(i). Since the participants are required to notify contributors before a contribution is made that reallocation may occur, there is no need to inform them of the results of such reallocation. Under subsection (c)(6)(ii), designated or earmarked

contributions which exceed the contributor's limit to the particular participant may not be reallocated without the written consent of the contributor. Subsection (c)(6)(iii) provides that prohibited contributions need not be distributed according to the allocation formula in the fundraising agreement if any participant may legally accept them.

Subsection (c)(7) governs the allocation of expenses and distribution of net proceeds. This subsection establishes different methods for calculating each participant's share of expenses and net proceeds based upon whether the participants were previously affiliated committees or are party committees of the same political party. For instance, subsection (c)(7)(i)(A) provides that if the participants are not affiliated committees or party committees of the same political party, the fundraising representative, after allocating gross proceeds, should calculate each participant's share of expenses based on the percentage of the total receipts each participant has been allocated. Prohibited contributions need not be included in the total receipts for the purpose of allocating expenses. Thus, under this subsection, the fundraising representative must subtract a participant's share of expenses from the amount it was allocated from gross proceeds to determine the amount of net proceeds each participant will receive. If each participant pays its own share of expenses calculated pursuant to this section, no contribution in-kind from one or more of the participants occurs. A participant may pay the expenses of another participant, but subsection (c)(7)(i)(B) points out that such payments are subject to the contribution limits of 11 CFR Part 110. Any funds advanced by one participant on behalf of another to pay the initial costs of the fundraising activity will also count against the contribution limits as provided under subsection (b)(3).

By contrast, since the Act permits unlimited transfers between committees which are affiliated or party committees of the same political party, no in-kind contribution results if one committee pays all expenses of a fundraising event. Thus, under subsection (c)(7)(ii) expenses need not be allocated if the participants are affiliated committees or are related party committees. This subsection also clarifies, however, that payment of such expenses by an unregistered Committee or organization on behalf of an affiliated political committee or related party political committee may trigger the registration

and reporting requirements under the Act.

Two additional points should be noted. First, under subsection (c)(7)(i) "committees of the same political party" refers only to party committees and not to candidates of the same political party. Also, regardless of whether the participants are affiliated committees or party committees of the same political party, pursuant to subsection (c)(7)(iii), the fundraising representative may pay expenses from gross proceeds.

Finally, subsection (c)(8) explains when and how receipts and disbursements must be reported by the fundraising representative and participating political committees. Under subsection (c)(8)(i)(A), the fundraising representative is required to report all contributions in the reporting period in which they are received on FEC Schedule A, with a clear indication that these contributions represent joint fundraising proceeds. If any prohibited contributions are received during the reporting period, the fundraising representative should report the total amount of such contributions as a memo entry on Schedule A. Subsection (c)(8)(i)(B) provides that, after the distribution of net proceeds, each participant must report the amount it receives as a transfer-in from the joint fundraising representative. Each committee should also file a memo Schedule A containing an itemization of its share of gross receipts as contributions from the original contributors as required under 11 CFR 104.3(a). Pursuant to subsection (c)(8)(ii), the fundraising representative must report all disbursements in the reporting period in which they are made.

List of Subjects in 11 CFR Part 102

Campaign funds, Political candidates, Political committees and parties, Reporting requirements.

11 CFR Chapter I is amended as follows:

PART 102—[AMENDED]

In Part 102, § 102.6 is revised to read as follows:

§ 102.6 Transfers of funds; collecting agents.

(a) *Transfers of Funds; Registration and Reporting Required.* (1) *Who May Make Transfers Under This Section.*

(i) Transfers of funds may be made without limit on amount between affiliated committees whether or not they are political committees under 11 CFR 100.5.

(ii) Transfers of funds may be made without limit on amount between or

among a national party committee, a State party committee and/or any subordinate party committee whether or not they are political committees under 11 CFR 100.5 and whether or not such committees are affiliated.

(iii) Transfers of joint fundraising proceeds may be made without limit on amount between organizations or committees participating in the joint fundraising activity provided that no participating committee or organization governed by 11 CFR 102.17 received more than its allocated share of the funds raised.

(iv) Transfers under subsections (i) through (iii) shall be made only from funds which are permissible under the Act. See 11 CFR Parts 110, 114 and 115.

(2) *When Registration and Reporting Required.* Except as provided in 11 CFR 102.6(b), organizations or committees making transfers under 11 CFR 102.6(a)(1) shall count such transfers against the reporting thresholds of the Act for determining whether an organization or committee is a political committee under 11 CFR 100.5.

(b) *Fundraising by Collecting Agents; No Reporting Required.* (1) *Definition of Collecting Agent.* A collecting agent is an organization or committee that collects and transmits contributions to one or more separate segregated funds to which the collecting agent is related. A collecting agent may be either:

(i) A committee, whether or not it is a political committee as defined in 11 CFR 100.5, affiliated with the separate segregated fund under 11 CFR 110.3; or

(ii) The connected organization of the separate segregated fund as defined in 11 CFR 100.6; or

(iii) A parent, subsidiary, branch, division, department, or local unit of the connected organization of the separate segregated fund; or

(iv) A local, national or international union collecting contributions on behalf of the separate segregated fund of any federation with which the local, national or international union is affiliated. See 11 CFR 114.1(e).

(2) *Collecting Agent Not Required To Report.* A collecting agent that is an unregistered organization and that follows the procedures of 11 CFR 102.6(c) is not required to register and report as a political committee under 11 CFR Parts 102 and 104, provided that the organization does not engage in other activities such as making contributions or expenditures for the purpose of influencing federal elections.

(3) *Who Is Not a Collecting Agent.* (i) *Commercial Fundraising Firm.* A separate segregated fund or a collecting agent may hire a commercial fundraising

firm to assist in fundraising; however, the commercial fundraising firm shall not be considered as a collecting agent for the purpose of this section. Rather, the commercial fundraising firm shall be considered to be the agent of the separate segregated fund or collecting agent.

(ii) *Individuals.* An individual who collects contributions for a separate segregated fund shall not be considered a collecting agent for the purpose of this section. Individuals who collect contributions are subject to the requirements of 11 CFR 102.8 and the provisions of 11 CFR Part 110.

(4) *Separate Segregated Fund May Collect Contributions.* Nothing in this section shall preclude a separate segregated fund from soliciting and collecting contributions on its own behalf.

(c) *Procedures for Collecting Agents.*

(1) *Separate Segregated Fund Responsible for Acts of Collecting Agent.* The separate segregated fund shall be responsible for ensuring that the recordkeeping, reporting and transmittal requirements of this section are met.

(2) *Solicitation for Contributions.* A collecting agent may include a solicitation for voluntary contributions to a separate segregated fund in a bill for membership dues or other payments such as conference registration fees or a solicitation for contributions to the collecting agent. The collecting agent may only solicit contributions from those persons permitted to be solicited under 11 CFR Part 114. The solicitation for contributions must meet all of the requirements for proper solicitations under 11 CFR 114.5.

(i) The collecting agent may pay any or all of the costs incurred in soliciting and transmitting contributions to the separate segregated fund.

(ii) If the separate segregated fund pays any solicitation or other administrative expense from its own account, which expense could be paid for as an administrative expense by the collecting agent, the collecting agent may reimburse the separate segregated fund no later than 30 calendar days after the expense was paid by the separate segregated fund.

(3) *Checks Combining Contributions with Other Payments.* A contributor may write a check that represents both a contribution and payment of dues or other fees. The check must be drawn on the contributor's personal checking account or on a non-repayable corporate drawing account of the individual contributor. Under a payroll deduction plan, an employer may write a check on behalf of its employees to a union or its agent, which check represents a

combined payment of voluntary contributions to the union's separate segregated fund and union dues or other employee deductions.

(4) *Transmittal of Contributions.* The full amount of each contribution collected by a collecting agent on behalf of a separate segregated fund shall be transmitted to that fund within 10 or 30 days as required by 11 CFR 102.8.

(i) Checks made payable to the separate segregated fund shall be transmitted by the collecting agent directly to the separate segregated fund in accordance with 11 CFR 102.8.

(ii) To transfer all other contributions, a collecting agent shall either:

(A) Establish a transmittal account to be used solely for the deposit and transmittal of funds collected on behalf of the separate segregated fund. Funds deposited into this account are subject to the prohibitions and limitations of the Act. If any expenditure is made from the account, other than a transfer of funds to an affiliated committee, the account shall be considered a depository of the recipient committee and all activity of that account shall be reported; or

(B) Deposit the contributions collected into the collecting agent's treasury account. The collecting agent shall keep separate records of all receipts and deposits that represent contributions to the separate segregated fund and, in the case of cash contributions, the collecting agent shall make separate deposits of such funds; or

(C) Deposit the contributions collected into an account otherwise established solely for State or local election activity. The collecting agent shall keep separate records of all receipts and deposits that represent contributions to the separate segregated fund; or

(D) In the case of cash contributions, transmit the contributions to the separate segregated fund in the form of money orders or cashier's checks.

(5) *Contributor Information.* The collecting agent shall comply with the requirements of 11 CFR 102.8 regarding transmittal of contributions and contributor information to the separate segregated fund, except that if contributions of \$50 or less are received at a mass collection, a record shall be kept of the date, the total amount collected, and the name of the function at which the collection was made.

(6) *Retention of Records.* The collecting agent shall retain all records of contribution deposits and transmittals under this section for a period of three years and shall make these records available to the Commission on request. The separate segregated fund shall keep a record of all transmittals of contributions received from collecting

agents under this section, and shall retain these records for a period of three years.

(7) *Reporting of Funds Received Through Collecting Agents.* A separate segregated fund receiving contributions collected by a collecting agent shall report the full amount of each contribution received as a contribution from the original contributor to the extent required by 11 CFR 104.3(a).

New § 102.17 is added as follows:

§ 102.17 Joint fundraising by committees other than separate segregated funds.

(a) *General.* (1)(i) Political committees may engage in joint fundraising with other political committees or with unregistered committees or organizations. The participants in a joint fundraising effort under this section shall either establish a separate committee or select a participating committee, to act as fundraising representative for all participants. The fundraising representative shall be a reporting political committee and an authorized committee of each candidate for federal office participating in the joint fundraising activity.

(ii) The participants may hire a commercial fundraising firm or other agent to assist in conducting the joint fundraising activity. In that case, however, the fundraising representative shall still be responsible for ensuring that the recordkeeping and reporting requirements set forth in this section are met.

(2) The procedures in 11 CFR 102.17(c) will govern all joint fundraising activity conducted under this section. The participants in joint fundraising activity may include political party committees (whether or not they are political committees under 11 CFR 100.5), candidate committees, multicandidate committees, and unregistered organizations which do not qualify as collecting agents under 11 CFR 102.6(b).

(3) A fundraising representative conducting joint fundraising under this section is distinguished from an unregistered organization acting as a collecting agent under 11 CFR 102.6(b). If a separate segregated fund or an unregistered organization qualifies and acts as a collecting agent under 11 CFR 102.6(b), the provisions of 11 CFR 102.17 will not apply to that fundraising activity.

(b) *Fundraising Representatives.* (1) *Separate Fundraising Committee as Fundraising Representative.* Participating committees may establish a separate political committee to act as fundraising representative for all participants. This separate committee

shall be a reporting political committee and shall collect contributions, pay fundraising costs from gross proceeds and from funds advanced by participants, and disburse net proceeds to each participant.

(2) *Participating Committee as Fundraising Representative.* All participating committees may select one participant to act as fundraising representative for all participants. The fundraising representative must be a political committee as defined in 11 CFR 100.5. The fundraising representative and any other participating committees may collect contributions; however, all contributions received by other participants shall be forwarded to the fundraising representative as required by 11 CFR 102.8. The fundraising representative shall pay fundraising costs from gross proceeds and from funds advanced by participants and shall disburse net proceeds to each participant.

(3) *Funds Advanced For Fundraising Costs.* (i) Except as provided in 11 CFR 102.17(b) (3)(ii) and (iii), the amount of funds advanced by each participant for fundraising costs shall be in proportion to the allocation formula agreed upon under 11 CFR 102.17 (c)(1).

(ii) A participant may advance more than its proportionate share of the fundraising costs, however, the amount advanced which is in excess of the participant's proportionate share shall not exceed the amount that participant could legally contribute to the remaining participants. See 11 CFR 102.12(c)(2) and Part 110.

(iii) If all the participants are affiliated under 11 CFR 110.3 or if the participants are all party committees of the same political party, there is no limit on the amount a participant may advance for fundraising costs on behalf of the other participants.

(c) *Joint Fundraising Procedures.* The requirements of 11 CFR 102.17(c)(1) through (8) shall govern joint fundraising activity conducted under this section.

(1) *Written Agreement.* The participants in a joint fundraising activity shall enter into a written agreement, whether or not all participants are political committees under 11 CFR 100.5. The written agreement shall identify the fundraising representative and shall state a formula for the allocation of fundraising proceeds. The participants shall also use the formula to allocate the expenses incurred for the fundraising activity. The fundraising representative shall retain the written agreement for a period of

three years and shall make it available to the Commission on request.

(2) *Fundraising Notice.* In addition to any notice required under 11 CFR 110.11, a joint fundraising notice shall be included with every solicitation for contributions.

(i) This notice shall include the following information:

(A) The names of all committees participating in the joint fundraising activity whether or not such committees are political committees under 11 CFR 100.5; and

(B) The allocation formula to be used for distributing joint fundraising proceeds; and

(C) A statement informing contributors that, notwithstanding the stated allocation formula, they may designate their contributions for a particular participant or participants; and

(D) A statement informing contributors that the allocation formula may change if a contributor makes a contribution which would exceed the amount that contributor may give to any participant.

(ii) In the following situations, the notice shall include the following additional information:

(A) If one or more participants engage in the joint fundraising activity solely to satisfy outstanding debts, a statement informing contributors that the allocation formula may change if a participant receives sufficient funds to pay its outstanding debts; and

(B) If one or more participants can lawfully accept contributions that are prohibited under the Act, a statement informing contributors that contributions from prohibited sources will be distributed only to those participants that can accept them.

(3) *Separate Depository Account.* (i) The participants or the fundraising representative shall establish a separate depository account to be used solely for the receipt and disbursement of the joint fundraising proceeds. All contributions deposited into the separate depository account must be permissible under the Act. Each political committee shall amend its Statement of Organization to reflect the account as an additional depository. If one or more participants can lawfully accept contributions that are prohibited under the Act, the participants may either establish a second depository account for contributions received from prohibited sources or they may forward such contributions directly to the nonfederal participants.

(ii) The fundraising representative shall deposit all joint fundraising proceeds in the separate depository account within ten days of receipt as required by 11 CFR 103.3. The fundraising representative may delay distribution of the fundraising proceeds to the participants until all contributions are received and all expenses are paid.

(iii) For contribution reporting and limitation purposes, the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. The fundraising representative shall report contributions in the reporting period in which they are received. Participating political committees shall report joint fundraising proceeds in accordance with 11 CFR 102.17(c)(8) when such funds are received from the fundraising representative.

(4) *Recordkeeping Requirements.* (i) The fundraising representative and participating committees shall screen all contributions received to insure that the prohibitions and limitations of 11 CFR Parts 110 and 114 are observed. Participating political committees shall make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions.

(ii) The fundraising representative shall collect and retain contributor information with regard to gross proceeds as required under 11 CFR 102.8 and shall also forward such information to participating political committees. The fundraising representative shall also keep a record of the total amount of contributions received from prohibited sources, if any, and of all transfers of prohibited contributions to participants that can accept them.

(iii) The fundraising representative shall retain the records required under 11 CFR 102.9 regarding fundraising disbursements for a period of three years. Commercial fundraising firms or agents shall forward such information to the fundraising representative.

(5) *Contribution limitations.* Except to the extent that the contributor has previously contributed to any of the participants, a contributor may make a contribution to the joint fundraising effort which contribution represents the total amount that the contributor could contribute to all of the participants under the applicable limits of 11 CFR 110.1 and 110.2.

(6) Allocation of Gross Proceeds. (i)

The fundraising representative shall allocate proceeds according to the formula stated in the fundraising agreement. If distribution according to the allocation formula extinguishes the debts of one or more participants and results in a surplus for those participants or if distribution under the formula results in a violation of the contribution limits of 11 CFR 110.1(a), the fundraising representative may reallocate the excess funds. Reallocation shall be based upon the remaining participants' proportionate shares under the allocation formula. If reallocation results in a violation of a contributor's limit under 11 CFR 110.1, the fundraising representative shall return to the contributor the amount of the contribution that exceeds the limit.

(ii) Designated contributions which exceed the contributor's limit to the designated participant under 11 CFR Part 110 may not be reallocated by the fundraising representative absent the written permission of the contributor.

(iii) If any participants can lawfully accept contributions from sources prohibited under the Act, any such contributions that are received are not required to be distributed according to the allocation formula.

(7) Allocation of Expenses and Distribution of Net Proceeds. (i)

participating committees are not affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity and are not committees of the same political party:

(A) After gross contributions are allocated among the participants under 11 CFR 102.17(c)(6), the fundraising representative shall calculate each participant's share of expenses based on the percentage of the total receipts each participant had been allocated. If contributions from sources prohibited under the Act have been received and distributed under 11 CFR 102.17(c)(6)(iii), those contributions need not be included in the total receipts for the purpose of allocating expenses under this section. To calculate each participant's net proceeds, the fundraising representative shall subtract the participant's share of expenses from the amount that participant has been allocated from gross proceeds.

(B) A participant may only pay expenses on behalf of another participant subject to the contribution limits of 11 CFR Part 110.

(ii) If participating committees are affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity or if participants are party committees of the same political party, expenses need not be allocated among those participants.

Payment of such expenses by an unregistered committee or organization on behalf of an affiliated political committee may cause the unregistered organization to become a political committee.

(iii) Payment of expenses may be made from gross proceeds by the fundraising representative.

(8) Reporting of Receipts and Disbursements. (i) **Reporting Receipts.**

(A) The fundraising representative shall report all funds received in the reporting period in which they are received. The fundraising representative shall report the total amount of contributions received from prohibited sources during the reporting period, if any, as a memo entry. Each Schedule A filed by the fundraising representative under this section shall clearly indicate that the contributions reported on that schedule represent joint fundraising proceeds.

(B) After distribution of net proceeds, each participating political committee shall report its share of net proceeds received as a transfer-in from the fundraising representative. Each participating political committee shall also file a memo Schedule A itemizing its share of gross receipts as contributions from original contributors to the extent required under 11 CFR 104.3(a).

(ii) **Reporting Disbursements.** The fundraising representative shall report all disbursements in the reporting period in which they are made.

PART 114—[AMENDED]

11 CFR Part 114 is amended by adding new § 114.5(b)(3) as follows:

§ 114.5 Separate segregated funds.

* * * * *

(b) * * *

(3) If the separate segregated fund pays any solicitation or other administrative expense from its own account, which expense could be paid for as an administrative expense by the collecting agent, the collecting agent may reimburse the separate segregated fund no later than 30 calendar days after the expense was paid by the separate segregated fund.

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Dated: June 2, 1983.

Danny L. McDonald,
Chairman, Federal Election Commission.

[FR Doc. 83-15182 Filed 6-6-83; 6:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF COMMERCE**International Trade Administration****15 CFR Part 386**

[Docket No. 30512-85]

Foreign Merchandise Exported from a Foreign Trade Zone; Commerce Form 7513 Not Applicable

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends Part 386 of the Export Administration Regulations by removing a reference to the applicability of Commerce Form 7513 for documentation of exports of foreign merchandise from a Foreign Trade Zone. This change is made in order to conform the Regulations with the Foreign Trade Statistics Regulations of the Bureau of the Census. Exporters must now submit Commerce Form 7525-V (Shipper's Export Declaration) when exporting foreign merchandise from Foreign Trade Zones.

EFFECTIVE DATE: This rule is effective June 7, 1983. Although there is no formal comment period, public comments on this rule are welcome.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal