

provided confirming documentation (Service Form I-94), and shall be admitted under the classification symbol TC for a period not to exceed one year. Form I-94 shall bear the legend "multiple entry." The fee prescribed under § 103.7 of this chapter shall be remitted upon admission to the United States pursuant to the terms and conditions of the FTA. Upon remittance of the prescribed fee, the Canadian citizen applicant shall be provided a Service receipt (Form G-211, Form G-711, or Form I-797).

(f) *Readmission.* A Canadian citizen in this classification may be readmitted to the United States for the remainder of the period authorized on Form I-94, without presentation of the letter or supporting documentation described in paragraph (d)(2) of this section, and without remittance of the prescribed fee, provided that the original intended business activities and employer(s) have not changed. An alien who seeks readmission to the United States under this section to continue in business activities at a professional level who is no longer in possession of a valid, unexpired Form I-94 and whose period of initial admission has not lapsed, shall present alternate evidence entitling the alien to readmission as TC. This alternate evidence may be in the form of a Service fee receipt for admission as TC or a previously issued admission stamp as TC in a passport, and a confirming letter from the United States employer(s).

(g) *Extension of stay.* A Canadian citizen admitted under this section may apply for an extension of stay on Form I-539, as provided in § 214.1(c) of this chapter. Extensions of stay may be granted in increments of one year. The application shall be accompanied by a letter(s) from the United States employer(s) confirming the continued need for the Canadian citizen's services and stating the length of additional time needed.

(h) *Request for change or addition of United States employer(s).* A Canadian citizen admitted under this paragraph who seeks to change or add a United States employer during the period of admission shall file an application for extension of stay on Form I-539. The application shall be accompanied by a letter from the new employer describing the services to be performed, the time needed to render such services, and the terms of remuneration for services. Employment with a different or with an additional employer is not authorized prior to Service approval of the request for extension of stay. No action shall be required on the part of a Canadian

citizen who is transferred to another location by the United States employer to perform the same services. Such an acceptable transfer would be to a branch or office of the employer, not to a separately incorporated subsidiary or affiliate. In the latter cases, an application for extension of stay with a new employment letter is required.

(i) *Spouse and unmarried minor children accompanying or following to join.* (1) The terms and conditions set forth under § 214.2(b)(1) of this chapter shall apply to the admission and the extension of temporary stay of the spouse or unmarried minor child of a Canadian citizen admitted under this section.

(2) The spouse or unmarried minor child shall be required to present a valid, unexpired nonimmigrant visa or a valid, unexpired Canadian border crossing identification card unless otherwise exempt under § 212.1 of this chapter.

(3) The spouse and dependent minor children shall be issued confirming documentation (Form I-94). Form I-94 shall bear the legend "multiple entry." There shall be no fee required for admission of the spouse and dependent minor children.

(4) The spouse and dependent minor children shall not accept employment in the United States unless otherwise authorized under the Act.

Dated: November 17, 1989.

Gene McNary,
Commissioner, Immigration and
Naturalization Service.

[FR Doc. 89-27536 Filed 11-24-89; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 102, 110, 114, and 9034

[Notice 1989-19]

Affiliated Committees, Transfers, Prohibited Contributions; Annual Contribution Limitations and Earmarked Contributions

AGENCY: Federal Election Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: On August 17, 1989 (54 FR 34098), the Commission published the text of revised regulations governing affiliated committees, transfers, contributions in the name of another, annual contribution limits and earmarked contributions. 11 CFR 110.3, 110.4, 110.5, and 110.6. These regulations implement the contribution limitations

and prohibitions established by 2 U.S.C. 441a, 441e, 441f and 441g, provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431 *et seq.* In addition, the Commission published several conforming amendments to 11 CFR 100.5, 102.2, 110.1, 110.8, 114.5, 114.8, and 9034.4. The Commission announces that these rules are effective as of November 24, 1989.

EFFECTIVE DATE: November 24, 1989.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463, (202) 376-5690 or toll free (800) 424-9530.

SUPPLEMENTARY INFORMATION: Section 438(d) of title 2, United States Code, and 26 U.S.C. 9039(c), require that any rule or regulation prescribed by the Commission to implement title 2 or title 26 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate thirty legislative days before final promulgation. The revisions to 11 CFR 110.3, 110.4, 110.5, and 110.6 and the conforming amendments to 11 CFR 100.5(g), 102.2(b), 110.1(f), 110.8(d), 114.5(g), 114.8(g), and 9034.4(d) were transmitted to Congress on August 14, 1989. The thirty legislative day period for rules implementing title 2 of the Act is calculated separately from the thirty legislative day period for title 26 rules. For the title 2 regulations, thirty legislative days expired in the Senate on October 17, 1989, and in the House of Representatives on October 23, 1989. For the title 26 regulations thirty legislative days expired on October 25, 1989.

Announcement of Effective Date

11 CFR 100.5(g), 102.2(b), 110.1(f), 110.3, 110.4, 110.5, 110.6, 110.8(d), 114.5(g), 114.8(g), and 9034.4(d) as published at 54 FR 34098 are effective as of November 24, 1989.

Dated: November 17, 1989.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 89-27509 Filed 11-22-89; 8:45 am]

BILLING CODE 6715-01-M

11 CFR Part 110

[Notice 1989-18]

Contributions and Expenditures; Prohibited Contributions

AGENCY: Federal Election Commission.

ACTION: Final rule; transmittal of regulations to Congress.

SUMMARY: The Commission has revised its regulations at 11 CFR 110.4(a), which

prohibit foreign nationals from making contributions and other persons from accepting such contributions in connection with any election for local, State or Federal public office. The revisions to section 110.4(a) add corresponding references to expenditures, and clarify that foreign nationals may not participate in certain election-related activities. These regulations are based on the prohibitions set forth in section 441e of the Federal Election Campaign Act of 1971, as amended ("the Act" or "FECA"), 2 U.S.C. 431 *et seq.* Further information on these revisions is provided in the supplementary information which follows.

DATES: Further action, including the announcement of an effective date, will be taken after these regulations have been before Congress for 30 legislative days pursuant to 2 U.S.C. 438(d).

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463, (202) 376-5690 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: The Commission is publishing today the final text of revisions to its regulations at 11 CFR 110.4, which concern election-related activity undertaken by foreign nationals. On June 7, 1989 the Commission issued a Notice of Proposed Rulemaking (NPRM) in which it sought comments on proposed revisions to these regulations (54 FR 24351). No written comments were received in response to the Notice.

The NPRM also sought comment on possible revisions to other unrelated provisions of the Commission's regulations which exempt certain unreimbursed payments for transportation and subsistence costs from the definitions of "contribution" and "expenditure" (11 CFR 100.7(b)(8) and 100.8(b)(9)). After further consideration, the Commission has decided not to amend those provisions at this time.

Section 438(d) of title 2, United States Code requires that any rules or regulations prescribed by the Commission to carry out the provisions of title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate 30 legislative days before they are finally promulgated. These regulations were transmitted to Congress on November 17, 1989.

Explanation and Justification

The Commission is revising 11 CFR

110.4(a) concerning foreign nationals in two respects. First, an explicit prohibition on expenditures by foreign nationals is being added, which parallels the current prohibition on contributions by such persons. Second, new language is being added to clarify that foreign nationals may not participate in the election-related activities of others, including decisions regarding contributions or expenditures by political committees, corporations, labor organizations or other persons.

Section 414e of the FECA prohibits foreign nationals, directly or through another person, from making contributions in connection with any election for political office or in connection with any primary election, convention or caucus held to select candidates for any political office. 2 U.S.C. 441e. While the Act does not explicitly refer to expenditures by foreign nationals, FECA generally prohibits expenditures when it prohibits contributions by a specific category or persons, thereby ensuring that the persons cannot accomplish indirectly what they are prohibited from doing directly. *See, e.g.*, 2 U.S.C. 441b. To foreclose the indirect violation of Section 441e and implement the general intent of the statute, the Commission is now revising 11 CFR 110.4(a)(1) to explicitly prohibit expenditures by as well as contributions from foreign nationals. The new language covers independent expenditures by foreign nationals as well as other kinds of expenditures.

The revisions also add new paragraph (a)(3) to prohibit foreign nationals from participating in election-related decisions by corporations, labor organizations, political committees or other persons, including decisions concerning contributions and expenditures. Accordingly, former paragraph (a)(3) has been renumbered as paragraph (a)(4).

The prohibition on contributions by foreign nationals has its origin in legislation that predates the FECA, the 1966 amendments to the Foreign Agents Registration Act (80 Stat. 248). In 1976 Congress incorporated into the FECA the foreign nationals provision, previously codified at 18 U.S.C. 613. The only change that Congress made was to replace the earlier statute's criminal penalties with new criminal and civil penalty and enforcement provisions.

Nothing in Section 441e's legislative history suggests that Congress intended to deviate from the FECA's general pattern of treating contributions and expenditures in parallel fashion. *See S.*

Rep. No. 94-677, 94th Cong., 2d Sess. 1, 11 (1976). *Cf.* H.R. Rep. No. 96-422, 96th Cong., 1st Sess. 11 (1979) ("Since all of these provisions are specific exemptions to the definition of contribution, exemptions from the expenditure definition are not necessary.") Further, under the 1976 amendments to the FECA "contribution" and "expenditure" are interrelated terms. For example, an expenditure made by a person in cooperation, consultation, or concert with a candidate or a candidate's committee is an in-kind contribution (2 U.S.C. 441a(a)(7)(B)). Also, a political committee receiving an in-kind contribution reports the amount as both a contribution and an expenditure pursuant to 11 CFR 104.13(a)(2). In general, a political committee reports the contributions that it makes to candidates as expenditures. *See* 11 CFR 100.8(a)(1) and 104.3(b).

The Commission faced an analogous situation in 1977 when it promulgated regulations to implement Section 441c(a) of the Act, which prohibits contributions by Government contractors. *See* Explanation and Justification of 11 CFR 115.2, found in "Communications from the Chairman," H.R. Doc. No. 95-44, 95th Cong., 1st Sess. 121 (January 12, 1977). An explicit prohibition on expenditures was included in those regulations.

Prior to this rulemaking, the Commission has not directly addressed the legality of expenditures by foreign nationals. For example, several advisory opinions concerning corporations owned by foreign principals have relied upon representations by the requesters that no foreign national would participate in the separate segregated funds' decisions regarding contributions or expenditures. *Cf.* Advisory Opinions 1980-100 and 1982-10. Thus, although the Commission has never directly ruled on the propriety of expenditures by foreign nationals or other election-related activity undertaken by foreign nationals directly or through a political committee, the Commission has consistently assumed that the statutory prohibition governing foreign nationals extends to these areas. The Commission has now decided to revise 11 CFR 110.4(a) to state expressly that foreign nationals are prohibited from making such expenditures and from undertaking these types of election-related activities.

List of Subjects in 11 CFR Part 110

Aliens, Political committees and parties.

For the reasons set out in the

preamble, subchapter A, chapter I, title 11 of the Code of Federal Regulations is amended as follows:

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 2 U.S.C. 431(8), 431(9), 432(c)(2), 437d(a)(8), 438(a)(8), 441a, 441b, 441d, 441e, 441f, 441g, 441h and 441i.

2. Section 110.4 is amended by revising paragraph (a) to read as follows:

§ 110.4 Prohibited contributions (2 U.S.C. 441e, 441f, 441g, 432(c)(2)).

(a) *Contributions or expenditures by foreign nationals.* (1) A foreign national shall not directly or through any other person make a contribution or an expenditure, or expressly or impliedly promise to make a contribution or an expenditure, in connection with a convention, a caucus, or a primary, general, special, or runoff election in connection with any local, State, or Federal public office.

(2) No person shall solicit, accept, or receive a contribution as set out above from a foreign national.

A foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, such as a corporation, labor organization, or political committee, with regard to such person's Federal or nonfederal election-related activities, such as decisions concerning the making of contributions or expenditures in connection with elections for any local, State, or Federal office or decisions concerning the administration of a political committee.

(4) For purposes of this section, "foreign national" means—

(i) A foreign principal, as defined in 22 U.S.C. 611(b); or

(ii) An individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined in 8 U.S.C. 1101(a)(20);

(iii) Except that "foreign national" shall not include any individual who is a citizen of the United States.

Dated: November 17, 1989.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 89-27510 Filed 11-22-89; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-ASW-33; Amdt 39-6401]

Airworthiness Directives; Sikorsky Aircraft Model S-58 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and verification as to whether or not an engine compartment fire extinguishing system is installed on certain Sikorsky Aircraft Model S-58 series helicopters. If this system is found not to be installed, the AD imposes interim operating limits until one is installed. The AD is needed to conform these aircraft to their approved type design configuration and thereby to prevent or reduce the hazards of an in-flight fire which could result in the loss of the helicopter.

EFFECTIVE DATES: December 26, 1989.

Comments must be received on or before January 8, 1990.

Compliance: As indicated in the body of the AD.

ADDRESSES: Comments on the amendment may be mailed in duplicate to: Regional Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76193-0007, or delivered in duplicate to Room 158, Building 3B, at the above address.

Comments delivered must be marked: Docket No. 89-ANS-33. Comments may be inspected at the above location in Room 158 of Building 3B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Terry Fahr, Boston Aircraft Certification Office, ANE-153, Systems and Propulsion Branch, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (617) 273-7103.

SUPPLEMENTARY INFORMATION: The FAA has found that several Sikorsky Aircraft Model S-58 helicopters, certificated in categories other than restricted and equipped with a reciprocating engine, do not have the required engine compartment fire extinguishing system. Evidence shows that these helicopters, which were converted to a standard Model S-58 from a military model, did not have an approved fire extinguishing system installed as required by the Model S-58 series type design data. An

engine fire extinguishing system is required by the applicable certification basis which is Civil Air Regulation (CAR) part 6. Amendment 6-4, § 6.488, states in part: "On all rotorcraft having engines or more than 1,500 cu. in. displacement, fire extinguisher systems shall be provided to serve all engine compartments and engine induction systems." The lack of a fire extinguishing system prevents extinguishing an in-flight engine compartment fire which could cause the loss of the helicopter.

Since this condition is likely to exist on other helicopters of the same type design, an AD is being issued which requires, within 1 year, the installation of an approved engine compartment fire extinguisher system on Sikorsky S-58 series helicopters with reciprocating engines installed. In the interim, new operating limitations are imposed until an approved system is installed. In addition, the AD imposes a limitation that allows only passengers who are essential to utility type operations. In conjunction with the AD operating limitations, the 1-year period is allowed for installation due to the helicopter service history, which includes only one reported engine compartment fire in a civil version of this helicopter.

The FAA has been advised that Model S-58 extinguishing systems and parts are not presently available but could be available within 1 year. This information is provided by California Helicopters, which is the sole U.S. licensee for S-58 helicopters. In light of all of these circumstances, the FAA has determined that an operable fire detection system, in conjunction with new interim operating limitations, will provide adequate safety until approved extinguishing systems can become available and are installed. This is further based on the fact that Model S-58 helicopters with reciprocating engines are generally used for utility operations, such as forest fire fighting and external cargo hauling, and not for passenger operations.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments

Although this action is a final rule which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited. Interested persons are invited to