FEDERAL ELECTION COMMISSION

11 CFR Part 110

[Notice 1996–14]

Coordinated Party Expenditures

AGENCY: Federal Election Commission.

ACTION: Final rule; technical amendment

SUMMARY: On June 26, 1996, the Supreme Court issued a decision in *Colo. Repub. Fed. Camp. Comm. et al.* v. *F.E.C.* regarding coordinated party expenditures. The Commission today is publishing a technical amendment to conform its regulations to the decision. The Commission also is publishing today a Notice of Availability for a Petition for Rulemaking it received after the decision.

EFFECTIVE DATE: August 7, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Ms. Teresa A. Hennessy, Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202)219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Federal Election Campaign Act of 1971 (''FECA'') governs, *inter alia,* coordinated party expenditures by party committees. 2 U.S.C. 441a(d). A party committee is a political committee that represents a political party and is part of the official party structure. 11 CFR 100.5(e)(4). Pursuant to 11 CFR 110.7, a party committee may make coordinated expenditures on behalf of a candidate for Federal office who is affiliated with the party in addition to direct contributions to the candidate under 2 U.S.C. 441a(a). The Commission's regulations specifically provide that a national committee of a political party, and a State committee of the party, may make these expenditures in connection with the general election campaign of a candidate for the U.S. House of Representatives (''House'') or the U.S. Senate (''Senate''). 11 CFR 110.7(b)(1). The regulations also provided that party committees may not make independent expenditures on behalf of a candidate for the House or the Senate. 11 CFR 110.7(b)(4). An independent expenditure is an expenditure that expressly advocates the election or defeat of a candidate for Federal office, *see* 11 CFR 100.22(a), and is not coordinated with the candidate on whose behalf it is made. 11 CFR 109.1.

In *Colo. Repub. Fed. Camp. Comm. et al.* v. *F.E.C.*, 116 S.Ct. 2309 (1996), the Commission had alleged, inter alia, that the Colorado Republican Federal Campaign Committee exceeded the Act's limits for coordinated party expenditures when it financed advertisements referring to a Democratic candidate for the U.S. Senate from Colorado. The Court ruled that party committees are capable of making independent expenditures on behalf of their candidates for Federal office and that these expenditures are not subject to the coordinated party expenditure limits at 2 U.S.C. § 441a(d). 116 S.Ct. 2312–15. The Court also stated that, because the coordinated party expenditure limits for presidential elections were not at issue in the case, the decision did not ''* * * address issues that might grow out of the public funding of Presidential campaigns''. 116 S.Ct. 2314. Section 110.7(b)(4) of the Commission's regulations has been deleted to follow the Supreme Court's decision. Since the ruling is limited to congressional campaigns, the Notice does not revise the provisions for coordinated party expenditures on behalf of presidential candidates.

Therefore, the Commission is publishing this Notice to make the necessary technical amendment to its regulations. The Notice amends 11 CFR 110.7 to conform to the Court's decision. Because the amendment is merely technical, it is exempt from the notice and comment requirements of the Administrative Procedure Act. *See* 2 U.S.C. 553(b)(B). It is also exempt from the legislative review provisions of the FECA. *See* 2 U.S.C. 438(d). These exemptions allow the amendment to be made effective immediately upon publication in the Federal Register. As a result, this amendment is made effective on August 7, 1996.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

I certify that the attached final rule will not have a significant economic impact on a substantial number of small entities. The basis of the certification is that the rule's repeal is necessary to conform to a recent Supreme Court decision. The repeal permits, but does not require, the expenditure of funds in certain Federal campaigns. Therefore, no significant economic impact is caused by the final rule.

List of Subjects in 11 CFR Part 110

Campaign funds, 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 and 441h.

§ 110.7 Party Committee Expenditure Limitations (2 U.S.C. 441a(d)).

2. Section 110.7(b)(4) is removed.

Dated: August 2, 1996

John Warren McGarry,

Vice Chairman, Federal Election Commission.

[FR Doc. 96–20102 Filed 8–06–96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–AEA–03]

Amendment of Class E Airspace; New York, NY

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies the Class E airspace area at New York, NY to accommodate a planned Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at the Lincoln Park Airport, Lincoln Park, NJ. This amendment also corrects the description of the New York, NY Class E Airspace Area published as a Notice of Proposed Rulemaking in the Federal Register April 30, 1996 (61 FR 19001). The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Lincoln Park Airport.

EFFECTIVE DATE: 0901 UTC, October 10, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Frances T. Jordan, Airspace Specialist, Operations Branch, AEA–530, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On April 30, 1996, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a Class E airspace area at New York, NY (61 FR 19001). The