

# Proposed Rules

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

## FEDERAL ELECTION COMMISSION

### 11 CFR Part 106

[Notice 2001–20]

#### Notice of Disposition Regarding Party Committee Transfers of NonFederal Funds for Payment of Allocable Expenses

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of disposition.

**SUMMARY:** The Commission will not issue a statement of enforcement policy regarding party committee transfers of nonfederal funds for payment of allocable expenses. On November 7, 2001, the Commission requested comments on a Draft Statement of Policy. The Draft Statement indicated that in light of the suspension of fundraising activities by some party committees after the terrorist attacks of September 11, 2001, the Commission would consider exercising its prosecutorial discretion by not pursuing *prima facie* violations of the 60 day limit for party committee transfers of nonfederal funds to pay for the nonfederal share of allocable expenses. After receiving and considering public comments, the Commission declined to adopt a final Statement of Policy by a 3–3 vote.

**DATES:** November 29, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Rosemary C. Smith, Assistant General Counsel, or Richard Ewell, Staff Attorney, 999 E Street, NW, Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

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

[“FECA” or “the Act”]. The Commission's regulations provide that party committees, after paying an allocable expense, have a 60 day “window” to transfer funds from a nonfederal account to cover the nonfederal portion of the allocable expense. *See* 11 CFR 106.5(g)(1)(i) and (ii); 11 CFR 106.5(g)(2)(ii)(B).

In many instances, party committees plan and execute allocable activities based, in part, on the expectation that they will subsequently receive nonfederal funds that can be transferred to their federal or allocation accounts before the expiration of the 60-day transfer window in section 106.5(g)(2)(ii)(B). In light of the fact that some party committees temporarily suspended their fundraising activities in the immediate aftermath of the September 11, 2001 terrorist attacks, these party committees may not have sufficient funds in their nonfederal accounts to make transfers to their federal accounts or allocation accounts within the required 60 day transfer window.

Consequently, the Commission sought and received public comment on a draft proposal to exercise its prosecutorial discretion by not pursuing *prima facie* violations of the 60 day time limit for a specified period of time. *See* 66 FR 56247 (Nov. 7, 2001). On November 29, 2001, the Commission declined to adopt a final statement of policy by a vote of 3–3. *See* Agenda Document Number 01–61. Because the motion did not receive an affirmative vote of four members of the Commission, the Commission is announcing that no further action on the proposed statement of policy will be taken at this time. *See* 2 U.S.C. 437c(c).

Dated: December 18, 2001.

**David M. Mason,**

*Vice Chairman, Federal Election Commission.*

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## FEDERAL HOUSING FINANCE BOARD

### 12 CFR Part 951

[No. 2001–30]

RIN 3069–AB14

#### Affordable Housing Program Amendments

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Housing Finance Board (Finance Board) is proposing to amend its regulation governing the operation of the Affordable Housing Program (AHP) to improve the operation and effectiveness of the AHP. The proposed changes include: making the requirements for approval of post-completion project modifications the same as the current requirements for pre-completion project modifications; allowing the Federal Home Loan Banks (Banks) to define “homeless household” for purposes of scoring applications for AHP subsidy to finance housing for such households; allowing the Banks to award scoring points to projects using Federal government properties, regardless of the price at which they are conveyed, and for projects using non-government properties conveyed for an amount significantly below their fair market value; permitting the Banks to allow project sponsors or members to re-use recaptured direct subsidies or unused interest-rate subsidies from prepaid mortgage loans to assist another AHP-eligible household to purchase an owner-occupied unit; permitting a Bank to allocate up to the greater of \$3 million or 25 percent of its annual required AHP contribution for the subsequent year to the current year's AHP competitive application program; including the Federal Financial Institutions Examination Council as a source of area median income data that may be used to determine household income eligibility; removing the requirement that the amount of AHP subsidies offered by a Bank in each funding period must be comparable; removing the requirement that the Banks must determine the feasibility of projects before their applications may be scored; and allowing the Banks additional time after completion of a rental project to review the