

(2) Excess funds may be used temporarily by the Board to defray expenses of the subsequent marketing year provided each handler's share of such excess shall be made available to him or her by the Board within five months after the end of the year.

(3) The Board may carry over such excess into subsequent marketing years as a reserve: Provided, that funds already in reserve do not exceed approximately two years' budgeted expenses. In the event that funds exceed two marketing years' budgeted expenses, future assessments will be reduced to bring the reserves to an amount that is less than or equal to two marketing years' budgeted expenses. Such reserve funds may be used:

(i) To defray expenses, during any marketing year, prior to the time assessment income is sufficient to cover such expenses;

(ii) To cover deficits incurred during any year when assessment income is less than expenses;

(iii) To defray expenses incurred during any period when any or all provisions of this part are suspended; and

(iv) To meet any other such costs recommended by the Board and approved by the Secretary.

(e) *Advanced assessments and commercial loans.* To provide funds for the administration of the provisions of this part during the part of a fiscal period when neither sufficient operating reserve funds nor sufficient revenue from assessments on the current season's certifications are available, the Board may accept payment of assessments in advance or may borrow money from a commercial lending institution for such purposes.

(f) *Termination.* Any money collected from assessments hereunder and remaining unexpended in the possession of the Board upon termination of this part shall be distributed in such manner as the Secretary may direct.

■ 18. Section 984.77 is revised to read as follows:

§ 984.77 Verification of reports.

For the purpose of verifying and checking reports filed by handlers or the operations of handlers, the Secretary and the Board through its duly authorized representatives shall have access to any premises where walnuts and walnut records are held. Such access shall be available at any time during reasonable business hours. Authorized representatives shall be permitted to inspect any walnuts held and any and all records of the handler with respect to matters within the

purview of this part. Each handler shall maintain complete records on the receiving, holding, and disposition of both inshell and shelled walnuts. Each handler shall furnish all labor necessary to facilitate such inspections at no expense to the Board or the Secretary. Each handler shall store all walnuts held by him or her in such manner as to facilitate inspection and shall maintain adequate storage records, which will permit accurate identification of respective lots and of all such walnuts held or disposed of theretofore. The Board, with the approval of the Secretary, may establish any methods and procedures needed to verify reports.

■ 19. Section 984.347 is revised to read as follows:

§ 984.347 Assessment rate.

An assessment rate shall be fixed at \$0.125 per inshell pound of walnuts.

§ § 984.450 and 984.451 [Removed and Reserved]

■ 20. Lift the stays on §§ 984.450(a) and (b) and 984.451(c) and remove and reserve the sections.

§ 984.452 [Removed and Reserved]

■ 21. Remove and reserve § 984.452.

§ 984.456 [Removed and Reserved]

■ 22. Lift the stay on § 984.456 and remove and reserve the section.

§ 984.459 [Amended]

■ 23. Amend § 984.459 by removing and reserving paragraph (a)(3).

§ 984.464 [Removed and Reserved]

■ 24. Lift the stay on § 984.464(a) and remove and reserve the section.

■ 25. Amend § 984.472 by revising paragraph (b) to read as follows:

§ 984.472 Reports of merchantable walnuts, received, shipped, and committed.

* * * * *

(b) Reports of walnuts purchased directly from growers by handlers who are manufacturers or retailers shall be submitted to the Board on CWB Form No. 6, not later than the 5th day of the month following the month in which the walnuts were purchased. Such reports shall show the quantity of walnuts purchased.

* * * * *

■ 26. Section 984.476 is revised to read as follows:

§ 984.476 Report of walnut receipts produced outside California or the United States.

Each handler who receives walnuts from outside California or the United States shall file with the Board, on CWB

Form No. 7, a report of the receipt of such walnuts. The report shall be filed as follows: On or before December 5 for such walnuts received during the period September 1 to November 30; on or before March 5 for such walnuts received during the period December 1 to February 28 (February 29 in a leap year); on or before June 5 for such walnuts received during the period March 1 to May 31; and on or before September 5 for such walnuts received during the period June 1 to August 31. The report shall include the quantity of such walnuts received, the country of origin for such walnuts, and whether such walnuts are inshell or shelled.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2022-06521 Filed 3-31-22; 8:45 am]

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FEDERAL ELECTION COMMISSION

11 CFR Parts 104, 109, 110, and 114

[NOTICE 2022-08]

Independent Spending by Corporations, Labor Organizations, Foreign Nationals, and Certain Political Committees (Citizens United)

AGENCY: Federal Election Commission.

ACTION: Notice of disposition of petitions for rulemaking.

SUMMARY: The Commission announces its disposition of two Petitions for Rulemaking filed on June 19 and June 22, 2015. The Petitions asked the Commission to revise existing regulations and issue new regulations concerning: Disclosure of certain financing information regarding independent expenditures and electioneering communications, election-related spending by foreign nationals; solicitations of corporate and labor organization employees and members; and the independence of expenditures made by independent-expenditure-only political committees and accounts. Because there were not four affirmative votes in support of the Petitions, the Commission is not initiating a rulemaking.

DATES: April 1, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Knop, Assistant General Counsel, or Ms. Heather Filemyr, Attorney, 1050 First Street NE, Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: On June 19, 2015, the Federal Election Commission received a Petition for

Rulemaking from Make Your Laws PAC, Inc. and Make Your Laws Advocacy, Inc. On June 22, 2015, the Commission received a Petition for Rulemaking from Craig Holman and Public Citizen. Both Petitions asked the Commission to revise existing regulations and issue new regulations in four areas in response to the Supreme Court's decision in *Citizens United v. FEC*, 558 U.S. 310 (2010), which held that the Federal Election Campaign Act's, 52 U.S.C. 30101–45 (the "Act"), ban on corporate independent campaign-related spending was unconstitutional.¹

The first area of regulations the Petitions asked the Commission to revise are those that implement the Act's requirement that every person who makes an electioneering communication aggregating in excess of \$10,000 in a calendar year and every person (other than a political committee) that makes independent expenditures in excess of \$250 with respect to a given election in a calendar year report certain information to the Commission. 52 U.S.C. 30104(c)(1) and (2), (f); 11 CFR 104.20(b) and (c), 109.10(b), (e). The Petitions asked the Commission to "[e]nsure full public disclosure of corporate and labor organization independent spending" by "requir[ing] that outside spending groups disclose their donors."

Second, the Act and Commission regulations prohibit foreign nationals from "directly or indirectly" making contributions, expenditures, and electioneering communications. 52 U.S.C. 30121(a); 11 CFR 110.20. The Petitions asked the Commission to "[c]larify that the prohibition on foreign national campaign-related spending restricts such spending by U.S. corporations owned or controlled by a foreign national."

¹ As the Commission explained in its initial rulemaking addressing the *Citizens United* decision, although the Court did not directly address whether labor organizations, like corporations, also have a First Amendment right to use their general treasury funds for independent expenditures and electioneering communications, the Act and Commission regulations generally treat labor organizations similarly to corporations. See Final Rules on Independent Expenditures and Electioneering Communications by Corporations and Labor Organizations, 79 FR 62,797, 62,798 n.3 (October 21, 2014) (citing 52 U.S.C. 30118; 11 CFR part 114; and Advisory Opinion 2010–11 (Commonsense Ten) at n.3.) The Commission further explained that the Court in *Citizens United*, when addressing corporations, often referred to labor organizations and provided no basis for treating labor organization communications differently than corporate communications under the First Amendment. *Id.* (citing *Citizens United*, 558 U.S. at 318, 343). Therefore, the Commission concluded that the changes to its regulations necessitated by the *Citizens United* decision should apply equally to both corporations and labor organizations. *Id.*

Third, Commission regulations prohibit corporations and labor organizations from "[u]sing coercion . . . to urge any individual to make a contribution or engage in fundraising activities on behalf of a candidate or political committee," 11 CFR 114.2(f)(2)(iv), and restrict how corporations and labor organizations may solicit contributions to their separate segregated funds from employees and members. 11 CFR 114.5(a)(2)–(5); see also 52 U.S.C. 30118(b)(3). The Petitions asked the Commission to "[c]larify that corporations and labor organizations are prohibited from coercing their employees and members into providing financial or other support for the corporation's or labor organization's independent political activities."

Fourth, the Petitions asked the Commission to "[e]nsure that the expenditures made by" independent-expenditure-only political committees and accounts, see, e.g., *SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010), "are truly independent of federal candidates."

In response to the Petitions, the Commission published a Notice of Availability ("NOA") on July 29, 2015 to ask for public comment on the Petitions. 80 FR 45,116 (July 29, 2015). The Commission received approximately 11,759 comments from 11,769 commenters on the NOA. See Minutes of An Open Meeting of the Federal Election Commission, December 17, 2015 (approved February 11, 2016) at 8.² Of the comments received, 11,414 commenters supported the Petitions. *Id.* Those commenters supporting the Petitions stated, among other reasons, that the new and revised regulations were necessary to provide adequate disclosure to the public and to clarify legal requirements applicable to corporations, labor organizations, and foreign nationals following Supreme Court's decision in *Citizens United*. Other commenters opposed the Petitions. Concerns expressed by those commenters included that revised regulations would be unnecessary, exceed the Commission's statutory authority, and impermissibly burden free speech rights under the First Amendment.

After considering the comments received, the Commission voted on a motion to initiate a rulemaking to adopt the regulations proposed by the Petitioners. See Certification of

Commission Vote, December 17, 2015.³ Three Commissioners voted to initiate a rulemaking based on the Petitions, and three Commissioners voted against initiating a rulemaking. *Id.* Among other reasons for supporting a rulemaking, Commissioners who voted in favor of the motion stated that the Commission should open a rulemaking to address significant issues that have arisen following the *Citizens United* decision and that Commission's coordination rules, created prior to the existence of super PACs, are outdated. See Minutes of An Open Meeting of the Federal Election Commission, December 17, 2015 (approved February 11, 2016) at 7.⁴ Commissioners who voted against the motion reasoned that Congress had considered but not adopted legislative changes following the *Citizen United* decision and expressed the view that the Commission should not act where Congress had failed to do so. Audio Recording of Discussion on Rulemaking Petition: Independent Spending by Corporations, Labor Organizations, Foreign Nationals, and Certain Political Committees (Citizens United) (Dec. 17, 2015).⁵ These Commissioners also stated that coordination by super PACs was adequately addressed by the Commission's existing regulations. *Id.*

The Act requires an affirmative vote of at least four Commissioners to take any action to amend a regulation. See 52 U.S.C. 30106(c) and 30107(a)(8). Accordingly, the Commission is not initiating a rulemaking at this time. *Id.*; see also Definition of "Express Advocacy," Notice of Disposition of Petition for Rulemaking, 64 FR 27,478 (May 20, 1999) (denying a petition to initiate a rulemaking because it did not garner the affirmative vote of four Commissioners).

Because the motion to initiate a rulemaking to adopt the regulations proposed by the Petitioners did not receive the required affirmative vote of four or more Commissioners, the Commission is notifying the public that it is not initiating a new rulemaking in response to the Petitions.

Copies of the comments, the NOA, and the Petitions for Rulemaking are available on the Commission's website, <http://www.fec.gov/fosers/> (REG 2015–04 Independent Spending by Corporations, Labor Organizations, Foreign Nationals, and Certain Political Committees (Citizens United) (2015)).

³ <https://sers.fec.gov/fosers/showpdf.htm?docid=346628>.

⁴ https://www.fec.gov/resources/updates/agendas/2016/mtgdoc_16-04-a.pdf.

⁵ <https://www.fec.gov/updates/december-17-2015-open-meeting>.

² https://www.fec.gov/resources/updates/agendas/2016/mtgdoc_16-04-a.pdf.

Dated: March 28, 2022.

On behalf of the Commission.

Allen J. Dickerson,

Chairman, Federal Election Commission.

[FR Doc. 2022-06895 Filed 3-31-22; 8:45 am]

BILLING CODE 6715-01-P

FEDERAL ELECTION COMMISSION

11 CFR Part 115

[NOTICE 2022-09]

Federal Contractors

AGENCY: Federal Election Commission.

ACTION: Notice of disposition of Petition for Rulemaking.

SUMMARY: The Commission announces its disposition of a Petition for Rulemaking filed on November 18, 2014, by Public Citizen. The petitioner asked that the Commission amend its regulations regarding federal contractors to include certain factors for determining whether entities of the same corporate family are distinct business entities for purposes of the prohibition on contributions by federal contractors. Because there were not four affirmative votes in support of the petition, the Commission is not initiating a rulemaking.

DATES: April 1, 2022.

ADDRESSES: All comments must be in writing, addressed to Mr. Robert Mark Knop, Assistant General Counsel, and submitted in hard copy form to the Federal Election Commission, 1050 First St. NE, Washington, DC 20463.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Knop, Assistant General Counsel, or Mr. Joseph P. Wenzinger, Attorney, Office of General Counsel, (202) 694-1650 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: Part 115 of the Commission's regulations prohibits federal contractors from making contributions or expenditures to any political party, political committee, or federal candidate, or to any person for any political purpose or use. 11 CFR 115.2(a); *see also* 52 U.S.C. 30119(a)(1). Part 115 further prohibits any person from knowingly soliciting a contribution from any federal contractor. 11 CFR 115.2(c); *see also* 52 U.S.C. 30119(a)(2). On November 18, 2014, the Commission received a Petition for Rulemaking from Public Citizen asking the Commission to amend 11 CFR part 115 to include certain factors for determining whether entities of the same corporate family are distinct business entities for purposes of these prohibitions.

The Commission published a Notice of Availability ("NOA") on March 30,

2015 to ask for public comment on the petition. 80 FR 16595 (Mar. 30, 2015). The Commission received approximately 19,750 comments on the NOA.

After considering the comments received, the Commission voted on a motion to initiate a rulemaking to adopt the regulations proposed by the petition. Three Commissioners voted to initiate a rulemaking based on the petition, and three Commissioners voted against initiating a rulemaking. Certification, Motion to Open a Rulemaking on REG 2014-09 in Response to Public Comment, Agenda Document 15-60-A (Nov. 13, 2015) at 2, <https://sers.fec.gov/fosers/showpdf.htm?docid=346292>.

Commissioners voting to initiate a rulemaking explained that new rules may be necessary to prevent federal contractors from creating "nominal subsidiaries" to make political contributions. *See* Audio Recording of Discussion on REG 2014-09 Amendment of 11 CFR 115 (Nov. 10, 2015) ("Audio Recording") at 1:51-4:10, <https://www.fec.gov/resources/audio/2015/2015111004.mp3> (statement of Commissioner Ellen L. Weintraub) (stating that Act's restrictions "are at risk of being rendered unenforceable if corporations can skirt the law by creating nominal subsidiaries to make political contributions"); Statement of Commissioner Ann M. Ravel on REG 2014-09 (Amendment of 11 CFR part 115) at 2, <https://sers.fec.gov/fosers/showpdf.htm?docid=> (stating that Act's restrictions could be "easily evaded by technical legal maneuvering that leaves the intent of the law completely thwarted"). On the other hand, a Commissioner voting against initiating a rulemaking explained that he was "persuaded by comments" arguing that Congress passed the federal-contractor ban "against a background of common-law corporate principles" that the Commission should not disrupt in the absence of direction by Congress. Audio Recording at 4:13-8:43 (statement of Vice Chairman Matthew S. Petersen) (stating that Commission has not "been instructed by Congress to disrupt that background understanding, though they've amended the law on a number of different occasions" in the "nearly four decades" the Commission has been applying the federal-contractor ban).

The Act requires an affirmative vote of at least four Commissioners to take any action to amend a regulation. *See* 52 U.S.C. 30106(c) and 30107(a)(8). Accordingly, the Commission is not initiating a rulemaking. *See also* Definition of "Express Advocacy," Notice of Disposition of Petition for Rulemaking, 64 FR 27478 (May 20,

1999) (denying a petition to initiate a rulemaking because it did not garner the affirmative vote of four Commissioners).

Copies of the comments, the NOA, the Petition for Rulemaking, and related documents are available on the Commission's website, <https://www.fec.gov/fosers/> (reference REG 2014-09 Amendment of 11 CFR 115).

Dated: March 28, 2022.

On behalf of the Commission.

Allen J. Dickerson,

Chairman, Federal Election Commission.

[FR Doc. 2022-06898 Filed 3-31-22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2022-0155; Project Identifier MCAI-2021-00585-T]

RIN 2120-AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain MHI RJ Aviation ULC Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes; Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) airplanes; Model CL-600-2C11 (Regional Jet Series 550) airplanes; Model CL-600-2D15 (Regional Jet Series 705) airplanes; Model CL-600-2D24 (Regional Jet Series 900) airplanes; and Model CL-600-2E25 (Regional Jet Series 1000) airplanes. This proposed AD was prompted by reports of displayed headings changing from MAG to TRU with no pilot action, which may result in misleading heading information on both primary function displays (PFDs) and multi-function displays (MFDs), and misleading course information on flight management systems (FMS). This proposed AD would require amending the existing airplane flight manual (AFM) to provide the flightcrew with updated procedures for accurate heading and course information. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 16, 2022.