

# Proposed Rules

Federal Register

Vol. 86, No. 83

Monday, May 3, 2021

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 113

[Notice 2021–07]

#### Rulemaking Petition: Candidate Salaries

**AGENCY:** Federal Election Commission.

**ACTION:** Rulemaking petition; notification of availability.

**SUMMARY:** On March 23, 2021, the Federal Election Commission received a Petition for Rulemaking asking the Commission to amend its existing regulations regarding candidate salaries and permissible uses of campaign funds. The proposed amendments would: Extend the period during which a candidate can draw a salary from campaign funds; establish a minimum salary for candidates from campaign funds; and designate the payment of certain healthcare costs as permissible uses of campaign funds. The Commission seeks comment on the petition.

**DATES:** Comments must be submitted on or before July 2, 2021.

**ADDRESSES:** All comments must be in writing. Commenters may submit comments electronically via the Commission's website at <http://sers.fec.gov/fosers/>, reference REG 2021–01.

Each commenter must provide, at a minimum, his or her first name, last name, city, and state. All properly submitted comments, including attachments, will become part of the public record, and the Commission will make comments available for public viewing on the Commission's website and in the Commission's Public Records Office. Accordingly, commenters should not provide in their comments any information that they do not wish to make public, such as a home street address, personal email address, date of birth, phone number, social security number, or driver's license number, or any information that is restricted from disclosure, such as trade secrets or

commercial or financial information that is privileged or confidential.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Rothstein, Assistant General Counsel, or Mr. Kevin Paulsen, Attorney, Office of the General Counsel, at [CandidateSalaries@fec.gov](mailto:CandidateSalaries@fec.gov).

**SUPPLEMENTARY INFORMATION:** On March 23, 2021 the Commission received a Petition for Rulemaking from Nabilah Islam ("Petition"). The Petition asks the Commission to amend 11 CFR 113.1(g), which, in part, lists certain permissible and impermissible expenses for which campaign funds may and may not be used and sets forth the conditions under which candidates may pay themselves a campaign salary. Petition at 1. Each of the Petition's proposals is addressed in turn below.

#### A. Candidate Salary Period

Existing Commission regulations permit candidates to draw salaries from their principal campaign committees using campaign funds, subject to certain conditions. 11 CFR 113.1(g)(1)(i)(I). If these conditions are met, an eligible candidate may begin receiving a campaign salary on the date of "the filing deadline for access to the primary election ballot for the Federal office that the candidate seeks, as determined by state law, or in those states that do not conduct primaries, on January 1 of each even-numbered year." *Id.* "If the candidate wins the primary election, his or her principal campaign committee may pay him or her a salary from campaign funds through the date of the general election, up to and including the date of any general election runoff." *Id.* If, however, the candidate loses the primary, withdraws from the race, or otherwise ceases to be a candidate, no salary may be paid beyond the date he or she is no longer a candidate. *Id.* In odd-numbered years in which a special election for a Federal office occurs, the candidate's principal campaign committee may pay him or her a salary from the date the special election is set through the date of the special election. *Id.*

The Petition asserts that ballot access deadlines for state primaries "vary wildly based on state law." Petition at 3–4. According to the Petition, during the 2018 election cycle, the date on which a candidate could begin drawing a campaign salary under Commission regulations "ranged from December 4,

2017 in Illinois to July 10, 2018 in Delaware, a difference of 218 days." *Id.* at 4. The Petition asks the Commission to amend 11 CFR 113.1(g)(1)(i)(I) to "standardize and expand the ability for candidates to draw a salary" from their campaigns. *Id.* The Petition proposes that the regulations be amended to permit a candidate to begin drawing a campaign salary "at least 180 days before the primary election, but a full year would be optimal." *Id.* (emphasis in original).

#### B. Minimum Candidate Salary

The same provision of the Commission's existing regulations limits the amount of salary payments that a candidate may receive from his or her principal campaign committee. 11 CFR 113.1(g)(1)(i)(I). Under the regulation, salary payments may not exceed "the lesser of: The minimum salary paid to a Federal officeholder holding the Federal office that the candidate seeks; or the earned income that the candidate received during the year prior to becoming a candidate." *Id.* The regulation further states that "[a]ny earned income that a candidate receives from salaries or wages from any other source shall count against the foregoing limit of the minimum salary paid to a Federal officeholder holding the Federal office that the candidate seeks." *Id.* Any salary payments must also "be computed on a pro-rata basis." *Id.*

The Petition alleges that the current maximum salary limitation "leaves candidates who are full time caretakers or who have had gaps in employment out in the cold." Petition at 4–5. The Petition asks the Commission to amend 11 CFR 113.1(g)(1)(i)(I) by creating a minimum "floor" for the salary that a candidate may draw from his or her principal campaign committee at an amount "no less than the annualized salary of \$15 per hour." *Id.*

#### C. Healthcare Premiums

The Federal Election Campaign Act, 52 U.S.C. 30101–45 ("FECA"), provides that a candidate's authorized committee may use its funds for several specific purposes, including "otherwise authorized expenditures in connection with the campaign for Federal office of the candidate." 52 U.S.C. 30114(a)(1). An authorized committee may not, however, convert campaign funds to "personal use." 52 U.S.C. 30114(b); 11 CFR 113.1(g)(1)(ii). FECA defines

“personal use” as the use of campaign funds “to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign.” 52 U.S.C. 30114(b)(2); *see also* 11 CFR 113.1(g). FECA and Commission regulations provide a non-exhaustive list of expenses that, when paid using campaign funds, constitute per se conversion to personal use. 52 U.S.C. 30114(b)(2); 11 CFR 113.1(g)(1)(i). For expenses not listed, the Commission determines on a case-by-case basis whether the expense would exist irrespective of the candidate’s campaign. 11 CFR. 113.1(g)(1)(ii). Neither FECA nor Commission regulations explicitly address health insurance premiums.<sup>1</sup>

The Petition alleges that rising healthcare costs act as a barrier to the prospective candidacies of “working class people.” Petition at 5. Accordingly, the Petition asks the Commission to amend 11 CFR 113.1(g) to expressly permit a candidate to use campaign funds to pay the costs of “any health benefit plan already provided to other campaign employees” beginning on the date on which the candidate is eligible to receive a campaign salary.<sup>2</sup> *Id.* The Petition also requests that such amendment “clarify that any payments for health insurance premiums that are not otherwise taxable under Internal Revenue Service rules should not count against any compensation cap set by the Commission.” *Id.*

The Commission seeks comment on the Petition. The public may inspect the Petition on the Commission’s website at <http://sers.fec.gov/fosers/>.

The Commission will not consider the Petition’s merits until after the comment period closes. If the Commission decides that the Petition has merit, it may begin a rulemaking proceeding.

<sup>1</sup> As the Petition notes, the Commission recently determined in the context of an enforcement matter that the existing candidate salary provision at 11 CFR 113.1(g)(1)(i)(I) does not permit the use of campaign funds to reimburse a candidate’s out-of-pocket payments of health insurance premiums. *See Factual & Legal Analysis at 10, MUR 7068 (Mowrer for Iowa, et al.) (Dec. 20, 2017), https://www.fec.gov/files/legal/murs/7068/18044452908.pdf.* The Commission further concluded that the candidate’s use of campaign funds to pay his health insurance premiums was a prohibited “personal use” under 11 CFR 113.1(g)(1)(ii), because these expenses would exist irrespective of the candidate’s campaign. *Id.*

<sup>2</sup> The For the People Act of 2021, which was passed by the House of Representatives this year, would amend Section 30114 of FECA to expressly permit the use of a candidate’s authorized committee’s funds to pay for the candidate’s health insurance premiums. For the People Act of 2021, H.R. 1, 117th Cong. § 5302 (2021). If this legislation becomes law, the Petition notes that this particular aspect of the request would become moot.

The Commission will announce any action that it takes in the **Federal Register**.

Dated: April 23, 2021.

On behalf of the Commission,

**Ellen L. Weintraub,**

*Commissioner, Federal Election Commission.*

[FR Doc. 2021-08866 Filed 4-30-21; 8:45 am]

**BILLING CODE 6715-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0259; Project Identifier AD-2020-01128-E]

RIN 2120-AA64

#### Airworthiness Directives; CFM International, S.A. Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2013-26-01, which applies to all CFM International, S.A. (CFM) CFM56-3 and CFM56-7B model turbofan engines with a certain accessory gearbox assembly (AGB) not equipped with a handcranking pad oil dynamic seal assembly. AD 2013-26-01 requires an independent inspection to verify reinstallation of the handcranking pad cover after removal of the pad cover for maintenance. Since the FAA issued AD 2013-26-01, a dual-engine oil loss event occurred, prompting CFM to revise its service information to provide procedures for reworking and reidentifying the AGB. The FAA has also evaluated the requirement to install a redesigned handcranking pad oil dynamic seal assembly in response to the dual-engine oil loss event. This proposed AD would continue to require independent inspection to verify reinstallation of the AGB handcranking pad cover after maintenance. This proposed AD would require the replacement of the affected AGB as a terminating action to the inspection requirement. 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 June 17, 2021.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** (202) 493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432-3272; email: [fleetsupport@ge.com](mailto:fleetsupport@ge.com). You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7759.

#### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0259; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Christopher McGuire, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7120; fax: (781) 238-7199; email: [Chris.McGuire@faa.gov](mailto:Chris.McGuire@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2021-0259; Project Identifier AD-2020-01128-E” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://>