

for the locations in which it appears: AHAM DW–1–2020.

VII. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of proposed rulemaking.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, and Small businesses.

Signing Authority

This document of the Department of Energy was signed on April 12, 2024, by Jeffrey Marootian, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been

authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the Federal Register.

Signed in Washington, DC, on April 12, 2024.

Treena V. Garrett, Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons set forth in the preamble, DOE proposes to amend part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Amend § 430.32 by revising paragraph (f) to read as follows:

§ 430.32 Energy and water conservation standards and their compliance dates.

* * * * *

(f) Dishwashers. (1) All dishwashers manufactured on or after May 30, 2013, shall meet the following standard—

(i) Standard size dishwashers shall not exceed 307 kwh/year and 5.0 gallons per cycle. Standard size dishwashers have a capacity equal to or greater than eight place settings plus six serving pieces as specified in AHAM DW–1–2020 (incorporated by reference, see § 430.3) using the test load specified in section 2.3 of appendix C1 or section 2.4 of appendix C2 to subpart B of this part, as applicable.

(ii) Compact size dishwashers shall not exceed 222 kwh/year and 3.5 gallons per cycle. Compact size dishwashers have a capacity less than eight place settings plus six serving pieces as specified in AHAM DW–1–2020 (incorporated by reference, see § 430.3) using the test load specified in section 2.3 of appendix C1 or section 2.4 of appendix C2 to subpart B of this part, as applicable.

(2) All dishwashers manufactured on or after [Date 3 years after date of publication of the final rule in the Federal Register], shall not exceed the following standard—

Table with 3 columns: Product class, Estimated annual energy use (kWh/year), Maximum per-cycle water consumption (gal/cycle). Rows include (i) Standard-size and (ii) Compact-size.

1 The energy conservation standards in this table do not apply to standard-size dishwashers with a cycle time for the normal cycle of 60 minutes or less. 2 Place settings are as specified in AHAM DW–1–2020 (incorporated by reference, see § 430.3) and the test load is as specified in section 2.4 of appendix C2 to subpart B of this part.

(3) The provisions of paragraph (f)(2) of this section are separate and severable from one another. Should a court of competent jurisdiction hold any provision(s) of this section to be stayed or invalid, such action shall not affect any other provision of this section.

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[FR Doc. 2024–08211 Filed 4–23–24; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL ELECTION COMMISSION

11 CFR Part 100

[NOTICE 2024–12]

Amending Definition of Contribution to Include “Valuable Information”

AGENCY: Federal Election Commission.

ACTION: Notification of Disposition of Petition for Rulemaking.

SUMMARY: The Commission announces its disposition of a Petition for Rulemaking filed on April 29, 2019. The Petition asked the Commission to amend the existing regulation defining “contribution” by adding a new section to include within the definition of contribution certain “valuable information.” The Petition would further require the Commission to initiate investigations and report to a law enforcement agency “automatically” and without a vote whenever the Commission receives notice that any person has received certain “foreign information” or “compromising information.” The Commission is not initiating a rulemaking at this time because it lacks the statutory authority to do so.

DATES: April 24, 2024.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Knop, Assistant General

Counsel, or Mr. Luis M. Lipchak, Attorney, 1050 First Street NE, Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Federal Election Campaign Act, 52 U.S.C. 30101–45 (the “Act”), and Commission regulations define a contribution as “any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.” 1 “Anything of value” includes all in-kind contributions, such as the provision of goods and services without charge or at a charge that is less than the usual and normal charge. 2 Moreover, Commission regulations identify the following as

1 52 U.S.C. 30101(8)(A)(i); see also 11 CFR 100.52(a).

2 11 CFR 100.52(d)(1).

contributions: payment for attendance at a fundraiser, political event, or the purchase price of a fundraising item sold by a political committee;³ compensation by a third party for personal services an individual provides unpaid to a political committee;⁴ an extension of credit, unless the extension is extended in the ordinary course of a person's business and under terms and conditions that are substantially similar to credits extended to nonpolitical entities;⁵ and anything of value given to a national party committee for the purchase or construction of an office building or facility.⁶

On April 29, 2019, the Commission received a Petition for Rulemaking ("Petition") from Sai, Fiat Fiendum, Inc., Make Your Laws PAC, Inc., and Make Your Laws Advocacy, Inc. (collectively "Petitioners"). The Petitioners asked the Commission to amend 11 CFR part 100, subpart B, by adding a new § 100.57 to include within the definition of contribution certain "valuable information."⁷

The Petition proposes to define "valuable information" as information that: (1) is not freely available to the public; (2) is provided to a person regulated by the Act at a cost less than the market rate or by a person not hired by the recipient to generate such information; (3) would cost a non-trivial amount for the recipient to obtain at their own expense; and (4) is information that would likely have the effect of influencing any election for Federal office or that parties or candidate committees have traditionally expended money to obtain.⁸

The proposal sets out two types of "valuable information" that would require special treatment: "foreign information" and "compromising information."⁹ "Foreign information" would include any information that comes from a source that is prohibited from making contributions under the Act.¹⁰ "Compromising information" would include "any information that could be used to blackmail or otherwise compromise any candidate for Federal office (including indirect coercion, such as of a candidate's family), regardless of source."¹¹

The Petition would require any person who receives "foreign information" or "compromising

information," or is offered any "foreign information" or "compromising information," to notify the Commission in writing within three days.¹² Any "compromising information" the Commission received would have to be maintained under seal unless the information was otherwise available to the public, or all persons against whom the information could be used had consented to the information being made public.¹³

Under the Petitioners' proposal, upon learning of any "foreign information" or "compromising information," the Commission would be required, automatically and without a vote of the Commission, to: (1) initiate investigations pursuant to 11 CFR 111.3 and 111.10; (2) provide a report to the Federal Bureau of Investigation; and (3) in the case of "compromising information," provide a report to every reasonably identifiable person against whom such information could be used, or whose private information is disclosed by such information.¹⁴ The Petitioners' proposal would also require the Commission, upon learning of any "foreign information" or "compromising information," to: (1) immediately provide a report to any other law enforcement entity with likely jurisdiction over the matter; (2) within 14 days, publicly issue a report on the matter, redacting any material under seal and any material the disclosure of which could compromise an ongoing law enforcement investigation; and (3) within 30 days after the conclusion of any law enforcement investigation, issue a public report on the matter, redacting any material under seal.¹⁵

The Commission published a Notice of Availability ("NOA") on July 31, 2019, asking for public comment on the Petition.¹⁶ The Commission received 39 comments from individuals supporting the Petition, two from individuals opposing the Petition, and one from an individual posing several questions regarding the Petition. The Commission also received comments from three organizations that opposed initiating a rulemaking in response to the Petition. The organizational comments raised various concerns with the petition, including that the proposed regulations are vague, would lead to confusion and burdens that would unnecessarily implicate the First Amendment, and that, as acknowledged by the Petition,

the Act already covers "valuable information" addressed by the proposed regulation.

One organizational commenter opposed the Petition because the "proposed regulatory definition is redundant" and the information covered by the proposed amendment is "already a 'contribution' within the meaning of the Act."¹⁷ Another organizational commenter argued that the Petition was "either unconstitutional or duplicative," that the proposed definitions were vague, and that the proposed enforcement procedures were inconsistent with the statute.¹⁸

In deciding whether to initiate a rulemaking in response to a petition, the Commission generally considers five factors: (1) the Commission's statutory authority; (2) policy considerations; (3) the desirability of proceeding on a case-by-case basis; (4) the necessity or desirability of statutory revision; and (5) available agency resources.¹⁹ After considering these factors and reviewing the comments received on the Petition, the Commission has decided not to initiate a rulemaking at this time.

First, and most significantly, the Commission lacks the statutory authority to promulgate the rule sought by the Petition. The Act empowers the Commission to "make, amend, or repeal such rules . . . as are necessary to carry out the provisions of [the] Act."²⁰ The Act requires an affirmative vote of at least four Commissioners in order to initiate an investigation or report apparent violations to the appropriate law enforcement authorities.²¹ Thus, the Commission has no authority to promulgate a rule, as Petitioners wish, that would require the Commission to initiate an investigation or report an apparent violation to a law enforcement agency "automatically," without a Commission vote. Furthermore, the Act prohibits the Commission from disclosing any information about a pending investigation without the written consent of the respondent.²² Thus, the Commission also lacks the authority to promulgate a rule, as the Petitioners propose, that would require the Commission to disseminate "compromising information" or other information that may be subject of a pending Commission enforcement action.

Additionally, the Commission chooses not to amend the definition of

³ 11 CFR 100.53.

⁴ 11 CFR 100.54.

⁵ 11 CFR 100.55.

⁶ 11 CFR 100.56.

⁷ Petition at 3.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Petition at 3–4.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ See Notice of Availability, 84 FR 37154 (July 31, 2019).

¹⁷ Campaign Legal Center, Comment.

¹⁸ Institute for Free Speech, Comment.

¹⁹ 11 CFR 200.5.

²⁰ 52 U.S.C. 30107(a)(8).

²¹ 52 U.S.C. 30106(c), 30107(a)(9), 30109(a)(2).

²² 52 U.S.C. 30109(a)(4), (12).

contribution to include “valuable information” as a matter of policy, because such an amendment would be redundant and potentially confusing to the public. The existing definition of contribution includes “anything of value.”²³

Accordingly, after reviewing the comments received regarding the Petition and in consideration of the factors discussed, the Commission declines to initiate a rulemaking in response to the Petition.

Copies of the comments and the Petition for Rulemaking are available on the Commission’s website, <https://www.fec.gov/fosers/> (REG 2019–01 Amending Definition of Contribution to Include “Valuable Information” (2019)) and at the Commission’s Public Records Office, 1050 First Street NE, Washington, DC 20463, Monday through Friday between the hours of 9 a.m. and 5 p.m.

Dated: April 18, 2024.

On behalf of the Commission.

Sean J. Cooksey,

Chairman, Federal Election Commission.

[FR Doc. 2024–08698 Filed 4–23–24; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

11 CFR Parts 102, 104, 110

[NOTICE 2024–11]

Contributions From Corporations and Other Organizations to Political Committees

AGENCY: Federal Election Commission.

ACTION: Notification of disposition of petition for rulemaking.

SUMMARY: The Commission announces its disposition of a Petition for Rulemaking filed on May 14, 2015. The Petition asks the Commission to revise existing rules concerning the reporting of contributions to political committees from corporations and other organizations. For the reasons described below, the Commission is not initiating a rulemaking at this time.

DATES: April 24, 2024.

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

²³ 52 U.S.C. 30101(8)(A)(i); 11 CFR 100.52(a). See also Petition at 2, which acknowledges that “valuable information” is already covered by the Act (“To be absolutely clear, we believe that the information covered in this amendment is already a “contribution” within the meaning of the Act, whether or not it is adopted.”).

SUPPLEMENTARY INFORMATION: The Federal Election Campaign Act, 52 U.S.C. 30101–45 (the “Act”), and Commission regulations require all political committees to abide by certain organizational, record-keeping, and reporting requirements.¹ This includes maintaining records of contribution receipts and disbursements, reporting independent expenditures, and filing periodic disclosure reports that identify the source of each contribution exceeding \$200.² Commission regulations also require every person who makes electioneering communications 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 to report certain information to the Commission.³

On May 14, 2015, the Federal Election Commission received a Petition for Rulemaking from Make Your Laws PAC, Inc. and Make Your Laws Advocacy, Inc. (“Petition”). The Petition asked the Commission to modify its regulations requiring disclosure of contributions from corporations and other organizations to political committees. The Petition requested that the Commission establish a new rule requiring that “any person, other than a natural person, contributing an aggregate of more than \$1,000 in any calendar year to any political committee, whether directly or indirectly” (emphasis omitted), must do so from an account subject to certain reporting requirements. Specifically, the Petition asked the Commission to require that these accounts disclose “the original source of all election-related contributions and expenditures, traceable through all intermediary entities to a natural person, regardless of the amounts or entities involved” (emphasis omitted). The Petition also asked the Commission to apply to these accounts the identification requirements of 11 CFR 100.12; the Act’s prohibition on foreign national contributions, 52 U.S.C. 30121; allocation rules for administrative expenses; and, in some circumstances, the Act’s limitations on contributions to political committees.

The Petition argued that for disclosure requirements to be effective, disclosure must be required for “the *original* source of *all* election-related contributions and expenditures,

traceable through *all* intermediary entities to a natural person, regardless of the amounts or entities involved” (footnote omitted).⁴ The Petition asserted that under existing regulations independent expenditure only political committees can hide the “original source” of contributions because they are permitted to receive contributions from corporations, including 501(c)(4) corporations, that are not subject to reporting obligations under the Act.⁵ The Petition argued that these sources can make political contributions while hiding the “true source” of contributions because “the FEC only requires political committees to report the identity of the *proximate* source of a contribution, rather than the *original* source.”⁶ Furthermore, the Petition asserted that foreign nationals could circumvent the prohibition on indirect political contributions by foreign nationals by making contributions to 501(c)(4) corporations knowing that their funds will be used to make contributions to political committees.⁷

The Commission published a Notice of Availability (“NOA”) on July 29, 2015, asking for public comment on the Petition.⁸ The Commission received 13 substantive comments on the Petition and one non-substantive comment (from an individual commenting on a tangential matter). Of the 13 substantive comments, three were from individuals supporting the Petition and 10 were from commenters who opposed the Petition. The three comments supporting the Petition included a broad statement of support for the Petition, and two of those individual commenters expressed general concern about the influence of corporate contributions on the political process.

The 10 comments opposed to initiating a rulemaking were received from four individuals and six organizations/professionals. Of the four comments from individuals opposing the Petition, one was from an individual who broadly opposed the proposed rulemaking, two were from individuals who contended that the proposed rules were beyond the Commission’s statutory authority, and one was from an individual who believed the proposed rules did not address the issue raised by the Petition of identifying the original source of funds contributed to independent expenditure-only political committees. The primary and common

⁴ Petition at 4.

⁵ Petition at 2.

⁶ *Id.*

⁷ See *id.*

⁸ See Notice of Availability, 80 FR 45115 (July 29, 2015).

¹ See 52 U.S.C. 30102, 30103, 30104; 11 CFR 102.1, 102.2, 102.7, 104.3.

² See 11 CFR 104.3(a)(4)(i), 104.4, 104.5(c).

³ 11 CFR 104.20(b) and (c), 109.10(b), (e); 52 U.S.C. 30104(c)(1) and (2), (f).