

999 E Street NW., Washington, DC 20463, Monday through Friday, from 9 a.m. to 5 p.m. Interested persons may also obtain a copy of the petition by dialing the Commission's Faxline service at (202) 501-3413 and following its instructions. Request document #283.

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

On behalf of the Commission,

Dated: September 29, 2016.

**Matthew S. Petersen,**

*Chairman, Federal Election Commission.*

[FR Doc. 2016-24310 Filed 10-6-16; 8:45 am]

**BILLING CODE 6715-01-P**

## FEDERAL ELECTION COMMISSION

**11 CFR Parts 102, 104, 106, 109, 110, 9008, and 9012**

[Notice 2016-10]

### Rulemaking Petition: Implementing the Consolidated and Further Continuing Appropriations Act, 2015

**AGENCY:** Federal Election Commission.

**ACTION:** Rulemaking Petition: Notice of availability.

**SUMMARY:** The Federal Election Commission has received a Petition for Rulemaking that asks the Commission to amend its regulations to implement amendments to the Federal Election Campaign Act made by the Consolidated and Further Continuing Appropriations Act, 2015, which established certain new accounts for national party committees. The petition also asks the Commission to amend its regulations regarding convention committees. The Commission seeks comments on this petition.

**DATES:** Comments must be submitted on or before January 30, 2017.

**ADDRESSES:** All comments must be in writing. Commenters are encouraged to submit comments electronically via the Commission's Web site at <http://www.fec.gov/fosers>, reference REG 2014-10, or by email to [NationalPartyAccounts@fec.gov](mailto:NationalPartyAccounts@fec.gov). Alternatively, commenters may submit comments in paper form, addressed to the Federal Election Commission, Attn.: Neven F. Stipanovic, Acting Assistant General Counsel, 999 E Street NW., Washington, DC 20463.

Each commenter must provide, at a minimum, his or her first name, last name, city, state, and zip code. 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 Web site and in the Commission's Public Records room. 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:** Mr. Neven F. Stipanovic, Acting Assistant General Counsel, or Mr. Tony Buckley or Ms. Esther D. Gyory, Attorneys, Office of General Counsel, 999 E Street NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** On January 8, 2016, the Federal Election Commission received a Petition for Rulemaking from the Perkins Coie LLP Political Law Group. The petition asks the Commission to adopt new regulations, and to revise its current regulations, to implement amendments to the Federal Election Campaign Act, 52 U.S.C. 30101-46 ("FECA"), made by the Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. 113-235, 128 Stat. 2130, 2772 (2014) (the "Appropriations Act"). The petition also asks the Commission to adopt new regulations, and to amend its current regulations, regarding convention committees.

The Appropriations Act amended FECA by establishing separate limits on contributions to three types of segregated accounts of national party committees (collectively "party segregated accounts"). The party segregated accounts are for expenses incurred with respect to (1) presidential nominating conventions; (2) party headquarters buildings; and (3) election recounts or contests and other legal proceedings. 52 U.S.C. 30116(a)(9). The Appropriations Act permits a national party committee to maintain the party segregated accounts in addition to any other federal accounts that the committee may lawfully maintain.

Under the Appropriations Act, a national party committee may use its presidential nominating convention account "solely to defray expenses incurred with respect to a presidential

nominating convention (including the payment of deposits) or to repay loans the proceeds of which were used to defray such expenses, except that the aggregate amount of expenditures the national committee of a political party may make from such account may not exceed \$20,000,000 with respect to any single convention." 52 U.S.C. 30116(a)(9)(A). A committee may use its party headquarters building account "solely to defray expenses incurred with respect to the construction, purchase, renovation, operation, and furnishing of one or more headquarters buildings of the party or to repay loans the proceeds of which were used to defray such expenses, or otherwise to restore funds used to defray such expenses." 52 U.S.C. 30116(a)(9)(B). Finally, a national party committee may use its election recounts or contests and other legal proceedings account to "defray expenses incurred with respect to the preparation for and the conduct of election recounts and contests and other legal proceedings." 52 U.S.C. 30116(a)(9)(C). The petition asks the Commission to adopt a "new regulatory framework" for each type of party segregated account and to amend current regulations, or adopt new regulations, that would apply to all such accounts.

The petition also addresses convention committees. Until recently, national party committees were entitled to receive public funds to defray the costs of their presidential nominating conventions. *See* 26 U.S.C. 9001-9013 (2012); 11 CFR part 9008. Commission regulations therefore established convention committees "as a necessary requirement in order to enable the Commission to know who has initial responsibility for handling public funds and incurring expenditures." Presidential Election Campaign Fund and Federal Financing of Presidential Nominating Conventions, 44 FR 63036, 63038 (Nov. 1, 1979). In 2014, however, Congress terminated the public funding of presidential nominating conventions, while leaving in place most of the statutory framework that had implemented that funding system. *See* Gabriella Miller Kids First Research Act, Pub. L. 113-94, 128 Stat. 1085 (2014) (the "Research Act"). Shortly after the Research Act was passed, in response to a request filed by two national party committees, the Commission issued an advisory opinion concluding that the requestors could establish convention committees to "us[e] privately-raised funds solely to pay for the same types of convention expenses for which public funds were previously used."

Advisory Opinion 2014–12 (Democratic National Committee *et al.*) at 5 (internal quotation marks omitted). The petition asks the Commission to adopt new regulations, and amend its current regulations, to address convention committees, as well as to remove related regulations that are now “obsolete.”

The Commission seeks comments on the petition. The public may inspect the petition on the Commission’s Web site at <http://www.fec.gov/fosers>, or in the Commission’s Public Records Office, 999 E Street NW., Washington, DC 20463, Monday through Friday, from 9 a.m. to 5 p.m. Interested persons may also obtain a copy of the petition by dialing the Commission’s Faxline service at (202) 501–3413 and following its instructions. Request document #282.

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

Dated: September 29, 2016.

On behalf of the Commission.

**Matthew S. Petersen,**

*Chairman, Federal Election Commission.*

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## SMALL BUSINESS ADMINISTRATION

### 13 CFR Parts 121 and 134

RIN 3245–AG82

#### Rules of Procedure Governing Cases Before the Office of Hearings and Appeals

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Small Business Administration (SBA) is proposing to amend the rules of practice of its Office of Hearings and Appeals (OHA) to implement Section 869 of the National Defense Authorization Act for Fiscal Year 2016. This legislation authorizes OHA to decide Petitions for Reconsideration of Size Standards. This rule also proposes to revise the rules of practice for OHA appeals of agency employee grievances.

**DATES:** Comments must be received on or before December 6, 2016.

**ADDRESSES:** You may submit comments, identified by RIN: 3245–AG82 by any of the following methods:

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

- *Mail, Hand Delivery/Courier:* Delorice Price Ford, Assistant Administrator for Hearings and Appeals, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

SBA will post all comments on [www.regulations.gov](http://www.regulations.gov). If you wish to submit confidential business information (CBI) as defined in the User Notice at [www.regulations.gov](http://www.regulations.gov), please submit the information to Linda (Lin) DiGiandomenico, Attorney Advisor, Office of Hearings and Appeals, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, or send an email to [OHA@sha.gov](mailto:OHA@sha.gov). Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination whether it will publish the information.

**FOR FURTHER INFORMATION CONTACT:**

Linda (Lin) DiGiandomenico, Attorney Advisor, at (202) 401–8206 or [OHA@sha.gov](mailto:OHA@sha.gov).

**SUPPLEMENTARY INFORMATION:** This proposed rule would amend the rules of practice for the SBA’s Office of Hearings and Appeals (OHA) in order to implement section 869(b) of the National Defense Authorization Act for Fiscal Year 2016, Public Law 114–92, 129 Stat. 726, November 25, 2015 (NDAA 2016). This legislation added a provision to section 3(a) of the Small Business Act to authorize OHA to hear and decide Petitions for Reconsideration of Size Standards (Size Standard Petitions or Petitions). A Size Standard Petition may be filed at OHA after SBA publishes a final rule in the **Federal Register** to revise, modify, or establish a size standard. This proposed rule would create a new subpart I in OHA’s regulations (13 CFR part 134) to set out detailed rules of practice for Size Standard Petitions, revise OHA’s general rules of practice in subparts A and B of part 134 as required by the new legislation, and amend SBA’s small business size regulations (13 CFR part 121) to include Size Standard Petitions as part of SBA’s process for establishing size standards.

This proposed rule also would revise the rules of practice for OHA appeals of agency employee grievances, in concert with SBA’s revisions of its Standard Operating Procedure (SOP) 37 71, The Employee Dispute Resolution Process.

## Section-by-Section Analysis

### A. Part 121

SBA proposes to amend § 121.102, the rules for establishing size standards, to provide for Petitions for Reconsideration of Size Standards (Size Standard Petitions or Petitions), pursuant to 15 U.S.C. 632(a)(9). New paragraph (e) would require SBA to include instructions for filing a Size Standard Petition in any final rule revising, modifying, or establishing a size standard. The rule would inform the public that, as stated in the NDAA 2016, any Petition for reconsideration of a size standard must be filed no later than 30 days after the final rule is published. New paragraph (f) would require SBA to publish a notice in the **Federal Register** within 14 calendar days after a Size Standard Petition is filed. Among other things, the notice would let interested parties know that they may intervene in the dispute. New paragraph (g) would require SBA to publish notice in the **Federal Register** where SBA grants a petition for reconsideration of a size standard that had been revised or modified.

### B. Part 134, Subpart A

In § 134.101, SBA proposes to revise the definition for “AA/OHA” to include the new statutory title “Chief Hearing Officer”. SBA also proposes to add definitions for “Administrative Judge” (including the new statutory title “Hearing Officer”), “Petitioner” (as the party who initially files a petition), and “Size Standard Petition” (citing 15 U.S.C. 632(a)(9) and subpart I of part 134).

Section 134.102 lists the cases in which OHA has authority to conduct proceedings. In paragraph (r), on Employee Disputes, SBA proposes to remove the reference to “Appropriate Management Official” (AMO), a term being eliminated from the EDRP. Paragraph (t) permits the Administrator to refer matters to OHA through a SOP, Directive, Procedural Notice, or individual request. Section 869(a)(3) of the NDAA 2016, repealed this regulatory provision. As a result, SBA proposes to amend paragraph (t) by removing the current text and adding in its place, the authority for OHA to accept Size Standard Petitions.

### Part 134, Subpart B

Section 134.201 would be amended to redesignate paragraph (7) as paragraph (8) and to add a new paragraph (7), which would state that the rules of practice governing Size Standard Petitions cases are at new subpart I of part 134.