

Forum had crossed the \$1,000 threshold through expenditures or contributions. Consequently, the Commission did not undertake a major purpose analysis for the Leadership Forum.

All of these cases taken together illustrate (1) The Commission's commitment to enforcing FECA's requirements for political committee status as well as (2) the need for an examination of an organization's activities under the major purpose doctrine, regardless of a particular organization's tax status.

#### 5. The Advisory Opinion Process

Any entity that remains unclear about the application of FECA to its prospective activities may request an advisory opinion from the Commission. See 2 U.S.C. 437f; 11 CFR part 112. Through advisory opinions, the Commission can further explain the application of the law and provide guidance to an organization about how the Commission would apply the major purpose doctrine to its proposed activities, and whether the organization must register as a political committee.<sup>29</sup>

Under FECA, the Commission is required to provide an advisory opinion within 60 days of receiving a complete written request and, in some instances, within 20 days. See 2 U.S.C. 437f(a); 11 CFR 112.4(a) and (b). Moreover, the Commission's legal analysis and conclusions in an advisory opinion may be relied upon not only by the requestor, but also by any person whose activity "is indistinguishable in all its material aspects" from the activity in the advisory opinion. See 2 U.S.C. 437f(c); 11 CFR 112.5(a)(2). The Commission has considered the major purpose doctrine in prior advisory opinions when assessing whether an organization is a political committee.<sup>30</sup>

The advisory opinion process is an effective means by which the Commission clarifies the law because it allows an entity to ask the Commission for specific advice about the factual situation with which the entity is concerned, often in advance of the entity engaging in the contemplated activities.

<sup>29</sup> See *McConnell*, 540 U.S. at 170 n.64 (holding portions of BCRA were not unconstitutionally vague, in part because "should plaintiffs feel that they need further guidance, they are able to seek advisory opinions for clarification \* \* \* and thereby 'remove any doubt there may be as to the meaning of the law'" (internal citation omitted)).

<sup>30</sup> See Advisory Opinions 2006-20 (Unity 08); 2005-16 (Fired Up); 1996-13 (Townhouse Associates); 1996-3 (Breedon-Schmidt Foundation); 1995-11 (Hawthorn Group); 1994-25 (Libertarian National Committee) and 1988-22 (San Joaquin Valley Republican Associates).

#### Conclusion

By adopting a new regulation by which an organization may be required to register as a political committee based on its solicitations, and by tightening the rules governing how registered political committees fund solicitations, voter drives and campaign advertisements, the *2004 Final Rules* bolstered FECA against circumvention not just by one kind of organization, but by groups of all kinds. As discussed above, the Commission's decision not to establish a political committee definition singling out 527 organizations is informed by the statutory scheme, Supreme Court precedent, and Congressional action regarding 527 organizations. Accordingly, the Commission will continue to utilize the political committee framework provided by Congress in FECA, as modified by the Supreme Court.

Pursuant to FECA and Supreme Court precedent, the Commission will continue to determine political committee status based on whether an organization (1) Received contributions or made expenditures in excess of \$1,000 during a calendar year, and (2) whether that organization's major purpose was campaign activity. See 2 U.S.C. 431(4)(A); *Buckley*, 424 U.S. at 79; *MCFL*, 479 U.S. at 262. When analyzing a group's contributions, the Commission will consider whether any of an organization's solicitations generated contributions because the solicitations indicated that any portion of the funds received would be used to support or oppose the election of a clearly identified Federal candidate. See 11 CFR 100.57. Additionally, the Commission will analyze whether expenditures for any of an organization's communications made independently of a candidate constituted express advocacy either under 11 CFR 100.22(a), or the broader definition at 11 CFR 100.22(b).

As evidenced by the Commission's recent enforcement actions, together with guidance provided through publicly available advisory opinions and filings in civil enforcement cases, this framework provides the Commission with a very effective mechanism for regulating organizations that should be registered as political committees under FECA, regardless of that organization's tax status. The Commission's new and amended rules, together with this Supplemental Explanation and Justification, as well as the Commission's recent enforcement actions, places the regulated community on notice of the state of the law regarding expenditures, the major

purpose doctrine, and solicitations resulting in contributions. In addition, any group unclear about the application of FECA to its prospective activities may request an advisory opinion from the Commission. See 2 U.S.C. 437f; 11 CFR part 112.

Dated: February 1, 2007.

**Robert D. Lenhard,**

*Chairman, Federal Election Commission.*

[FR Doc. E7-1936 Filed 2-6-07; 8:45 am]

BILLING CODE 6715-01-P

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## FARM CREDIT ADMINISTRATION

### 12 CFR Parts 611, 612, 613, 614, and 615

RIN 3052-AC15

#### **Organization; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Eligibility and Scope of Financing; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Regulatory Burden; Effective Date**

**AGENCY:** Farm Credit Administration.

**ACTION:** Notice of effective date.

**SUMMARY:** The Farm Credit Administration (FCA) published a final rule under parts 611, 612, 613, 614, and 615 on November 8, 2006 (71 FR 65383). This final rule reduces regulatory burden on the Farm Credit System by repealing or revising regulations and correcting outdated and erroneous regulations. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is February 1, 2007.

**EFFECTIVE DATES:** The regulation amending 12 CFR parts 611, 612, 613, 614, and 615, published on November 8, 2006 (71 FR 65383) is effective February 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline R. Melvin, Associate Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4498, TTY (703) 883-4434; or Howard I. Rubin, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020, TTY (703) 883-4020.

(12 U.S.C. 2252(a)(9) and (10))

Dated: February 1, 2007.

**Roland E. Smith,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. E7-1950 Filed 2-6-07; 8:45 am]

BILLING CODE 6705-01-P

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 123

RIN 3245-AF46

#### Disaster Relief to Small Business Concerns Damaged by Drought

**AGENCY:** Small Business Administration (SBA).

**ACTION:** Interim final rule: Notice of reopening of the comment period.

**SUMMARY:** On December 15, 2006 SBA published in the **Federal Register** an interim final rule on disaster relief to small business concerns damaged by drought (71 FR 75407). This interim final rule made revisions to the SBA economic injury disaster loans available to small businesses that have been adversely affected by drought, or by below average water levels in any body of water that supports commerce by small business concerns. The original comment period was from December 15, 2006 through January 16, 2007. SBA is reopening the comment period until March 9, 2007 because SBA believes that affected parties need more time to adequately respond.

**DATES:** The comment period for the interim final rule published on December 15, 2006 (71 FR 75407) is reopened through March 9, 2007.

**ADDRESSES:** You may submit comments, identified by RIN 3245-AF46, by any of the following methods: (1) Federal Rulemaking Portal: <http://www.regulations.gov>, following the specific instructions for submitting comments; (2) FAX (202) 481-2226; (3) E-mail: [Herbert.Mitchell@sba.gov](mailto:Herbert.Mitchell@sba.gov); or (4) Mail/Hand Delivery/Courier: Herbert L. Mitchell, Associate Administrator for Disaster Assistance, 409 3rd Street, SW., Washington, DC 20416.

Dated: February 1, 2007.

**Herbert L. Mitchell,**

*Associate Administrator/Disaster Assistance.*

[FR Doc. E7-1972 Filed 2-6-07; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2006-26086; Airspace Docket No. 06-ASO-14]

#### Amendment of Class E Airspace; Covington, GA

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E5 airspace at Covington, GA. As a result of an evaluation, it has been determined a modification should be made to the Covington, GA, Class E5 airspace area to contain the Nondirectional Radio Beacon (NDB) Runway 28, Standard Instrument Approach Procedure (SIAP) to Covington Municipal Airport, Covington, GA. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP.

**DATES:** 0901 UTC, May 10, 2007. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Mark Ward, Manager, System Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5627.

#### SUPPLEMENTARY INFORMATION:

##### History

On December 7, 2006, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E5 airspace at Covington, GA, (71 FR 70911). This action provides adequate Class E5 airspace for IFR operations at Covington Municipal Airport, Covington, GA. Designations for Class E are published in FAA Order 7400.9P, dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR part 71.1. The Class E designations listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

## The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E5 airspace at Covington, GA.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

##### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9P, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

##### ASO GA E5 Covington, GA [Revised]

Covington Municipal Airport, GA  
(Lat. 33°37'57" N., long. 83°50'58" W.)  
Alcovy NDB  
(Lat. 33°37'47" N., long. 83°46'56" W.)