

Congress of the United States
Washington, DC 20510

September 30, 2002

VIA FAX and E-MAIL

Ms. Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
Washington, DC 204630

Re: Notice 2002-15

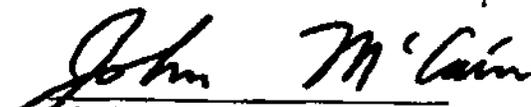
Dear Ms. Dinh:

We appreciate the opportunity to comment on the Commission's proposed rules to implement the provisions of the Bipartisan Campaign Reform Act of 2002 ("BCRA" or "Act") addressing disclaimers, fraudulent solicitation, civil penalties, and personal use of campaign funds, issued as Notice 2002-15, and published in the Federal Register at 67 Fed. Reg. 55348 (August 29, 2002).

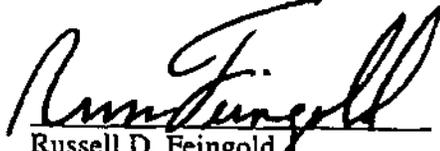
In its proposal, the Commission seeks comment on whether Congress intended to ban completely the use by candidates who are federal officeholders of campaign funds for trips which may be part of such candidate's duties as an officeholder. Congress intentionally left intact the provision in the Federal Election Campaign Act that specifically permits the use of campaign funds for "ordinary and necessary expenses incurred in connection with duties of the individual as a holder of federal office" (2 U.S.C. §439a). Congress did not intend to modify current law or practice with respect to the use of campaign funds for trip expenses in connection with officeholders' duties. In addition, it appears that the Commission's proposed regulation 11 C.F.R. § 113.1(g)(1)(i)(J) contains a drafting error in that the first sentence of this provision could be read to impose an absolute prohibition on the use of campaign funds for *any* vehicle expenses (other than *de minimis* amounts), including campaign-related expenses. To address these concerns, we urge the Commission to modify its proposed regulations 11 C.F.R. §§ 113.1(g)(1)(i)(J), 113.1(g)(1)(i)(K), 113.1(g)(1)(ii)(C), and 113.1(g)(5).

Thank you for considering our comments.

Sincerely,


John McCain
United States Senator


Christopher Shays
Member of Congress


Russell D. Feingold
United States Senator


Marty Meehan
Member of Congress

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