

**Congress of the United States**  
Washington, DC 20510

September 25, 2002

The Honorable David Mason, Chairman  
The Honorable Karl Sandstrom, Vice Chairman  
The Honorable Danny McDonald, Commissioner  
The Honorable Bradley Smith, Commissioner  
The Honorable Scott Thomas, Commissioner  
The Honorable Michael Toner, Commissioner  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

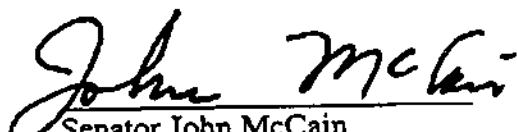
Dear Mr. Chairman and Commissioners:

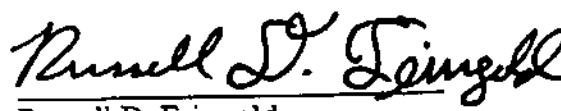
The Final Rule proposed by the Federal Election Commission staff on September 24, 2002 in the Electioneering Communication rulemaking has incorrectly and inaccurately characterized our position set forth in comments submitted to the Commission in that rulemaking. It also contains erroneous statements about the Commission's authority under the Bipartisan Campaign Reform Act of 2002 ("BCRA") to issue exemptions from the electioneering communications provisions.

While we believe, as we stated in our comments, that the Commission's power to issue exemptions under Section 201 is narrow, we strongly dispute that our "characterization of the limitation is so restrictive that almost no exemption would satisfy it," as the staff document mistakenly asserts at page 37.

In fact, in our comments we proposed just such an exemption: one that we believe is both appropriate as a policy matter and within the Commission's clear authority under the BCRA. Furthermore, we did not suggest that the exemption we proposed would be the only one consistent with the statute. We strongly urge you to correct the mischaracterization of our position set forth in the Commission document of September 24, 2002. We also believe it would be consistent with the statute and preferable for the Commission to alter the proposed final rule to include an appropriate exemption such as the one we proposed, although we recognize that the FEC could vote to do so at any time in the future as well.

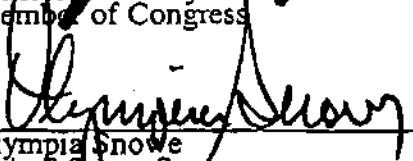
Sincerely yours,

  
Senator John McCain  
United States Senate

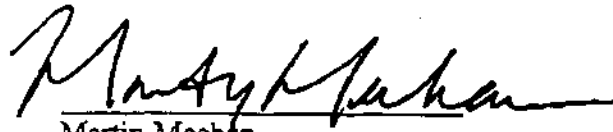
  
Russell D. Feingold  
United States Senate



Christopher Shays  
Member of Congress



Olympia Snowe  
United States Senate



Martin Meehan  
Member of Congress



Jim Jeffords  
United States Senate

cc: Office of the General Counsel