



FEDERAL ELECTION COMMISSION
Washington, DC 20463

31 AUG 1976

AO 1976-44

Honorable Bob Carr
U.S. House of Representatives
Washington, D. C. 20515

Dear Mr. Carr:

This responds to your letter of July 19, 1976, requesting an advisory opinion concerning the use of a mobile office in your congressional district. You state that the office is operated by a member of your staff and makes regularly scheduled stops in rural areas of your district. The office is identified as your mobile office by signs on the side of the vehicle, and it is not "used in any way for campaign activities." Subsequent communication with your staff indicated that all the expenses of operating the mobile office are defrayed from congressionally appropriated funds and that you have used the office for approximately a year-and-a-half. You ask whether the Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits the continued use of the mobile office during the campaign.

The Commission concludes that no provision of the Act would bar the use of your mobile office for carrying out your duties as a Member of Congress during the same period you also seek nomination or election to Federal office. The Commission has previously stated that, in its view, Congress did not intend that the receipt of legislatively appropriated funds should be deemed the receipt of a "contribution" for purposes of 2 U.S.C. §431(e). See Advisory Opinion 1976-34 (July 9, 1976) (copy enclosed).

Similarly, in view of your representations that the mobile office is not "used in any way for campaign activities," the Commission need not express any opinion as to whether the payment of a Member's expenses with appropriated funds should be deemed an "expenditure," reportable by the Member under the Act.

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This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

(signed)

Vernon W. Thomson

Chairman for the

Federal Election Commission

Enclosure [Copy of AO 1976-34 (July 9, 1976)]