



FEDERAL ELECTION COMMISSION
Washington, DC 20463

August 27, 1976

Re: AOR 1976-71

Honorable Carl. T. Curtis
United States Senate
Washington, DC 20510

Dear Senator Curtis:

This is in response to your letter of August 10, 1976. In that letter you state that the "Citizens for Curtis Committee" is presently retaining certain funds left over from your 1972 campaign for the United States Senate. You state that you intend to authorize certain expenditures out of these funds and you request the Commission's opinion as to whether such expenditures would be permissible under the Federal Election Campaign Act of 1971, as amended ("the Act").

You have described the expenditures as follows:

- 1.) A contribution to the candidates of my political party for Congress and the United States Senate in Nebraska.
- 2.) Earlier this year my wife and I were asked to accompany President Ford to Nebraska in connection with his campaign. We were later billed for transportation to and from Nebraska on the President's plane. This was not an item of expense in running my office, but is a contribution to the President's campaign.
- 3.) An expenditure of photographs of myself to fill the requests that come not only from the press but interested persons over the country, schools, libraries, and the like. This is in the nature of an office expense of mine and it is not reimbursable from any government funds.
- 4.) My wife and I were the hosts for retirement parties for three retiring United States Senators. In that connection we made an expenditure for development of the pictures expenditure for development of the pictures and for albums which were later given to the honorees. As Chairman of the Republican Conference of the Senate, my wife and I were called upon to serve as hosts. The other expenses

were taken care of by participants, but I had to take care of the photographic expenses mentioned in this paragraph. It was a nature of expense to my office.

Under 2 U.S.C. §439a any amounts received by a candidate as a contribution that are in excess of any amount necessary to defray campaign expenditures, may be used to defray any ordinary and necessary expenses incurred by the candidate in connection with his or her duties as a holder of Federal office, may be contributed by the candidate to any organization described in §170(c) of Title 26 of the United States Code, or may be used for any other lawful purpose.

The Commission has recently given final approval to proposed regulations which further interpret the provisions of 2 U.S.C. §439a. Section 113.2(c) of the proposed regulations provides that the use of such funds to make contributions to a political party or to another candidate is a lawful purpose. Accordingly, expenditures 1 and 2 set forth in your opinion request are appropriate under the Act. Such contributions are, of course, subject to the limitations of 2 U.S.C §441a and Part 110 of the proposed regulations. Expenditures 3 and 4 appear to be expenses to defray ordinary and necessary expenses incurred in connection with holding Federal office and are clearly permissible under the Act.

Such expenditures may be made either from an office account, as defined in §113.1(b) of the Commission's proposed regulations, or from an account maintained by your principal campaign committee or other authorized committee. These transactions should be reported pursuant to 2 U.S.C. §434 and Part 104 of the proposed regulations.

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. See 2 U.S.C. §438(c). The proposed regulations were submitted to Congress on August 3, 1976. It is the Commission's view that no enforcement or compliance action should be initiated in this matter if your actions conform to the conclusions and views stated in this letter.

Sincerely yours,

(signed)
Vernon W. Thomson
Chairman for the
Federal Election Commission

Enclosure [Part 113]