



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 21, 1978

AO 1977-27

The Honorable L. A. "Skip" Bafalis
House of Representatives
Washington, D.C. 20515

Dear Mr. Bafalis:

This refers to your letter of June 10, and October 21, 1977, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and regulations prescribed thereunder, to the Tenth Congressional District (Florida) Intern Trust Fund.

Your letters and the Trust Agreement and Articles of Incorporation for the Tenth Congressional District Intern Program, Inc., state that the program was established as a project to enable high school juniors residing within the Tenth Congressional District to visit Washington, D.C., for one week with all expenses paid for the purpose of observing various operations of the Federal Government. A nonprofit corporation was chartered in Florida to collect and disburse funds and otherwise manage and promote the program. The corporation, and hence the program, is funded by gifts from interested citizens, local businesses, and civic organizations.

All funds are received and disbursed through a trust administered by two trustees who function pursuant to a "Declaration of Policy for the Tenth Congressional District Intern Fund." The funds are spent to defray expenses incident to the program which are primarily travel and incidental expenses of the students selected for participation in the program and their adult chaperons. Your letter of October 21, 1977, states that the trust instrument and related Declaration of Policy will be modified to make it possible, but not mandatory, for a future successor of yours to receive any residual program funds if he or she establishes a similar intern program within six months after assuming the office of U.S. Representative for the Tenth Congressional District of Florida.

The materials you submitted with your letters further explain that your involvement, and that of your staff, is limited to arranging the schedule for the interns and making hotel and airline reservations. In addition, you state that neither you nor any member of your staff serves the program "in any official capacity--not as an officer, not as a director" and that none of the funds involved can be used by you "personally or for political purposes." The intern selection process

involves participating high schools and local committees; neither you nor your staff have any function with respect to selecting the interns.

You request an advisory opinion as to whether the described intern program is subject to the reporting requirements in the Commission's regulations (11 CFR 113.4) and, if so, whether it will continue to be subject to those requirements after January 3, 1978.

The Commission concludes that donations and disbursements relating to your intern program are not subject to 2 U.S.C. 439a and Commission regulations in 11 CFR 113, *et seq.* The Commission reaches this conclusion because it is clear under the facts presented, including the organization and operation of the program and the supporting trust fund, that the amounts given to the corporation are not donated to you for the purpose of supporting your activities as a holder of Federal office. The Commission notes that none of these funds is at any time within your dominion or control. In this regard, it is significant that, according to your letter of June 10, 1977, the corporation organized to manage the program has achieved tax exempt status under section 501(c)(3) of the Internal Revenue Code.

The Commission regards this opinion as superceding those portions of Advisory Opinion 1977-13, issued May 5, 1977, which related to the applicability of 2 U.S.C. 439a and Part 113 of the Commission's regulations. This advisory opinion should be regarded as stating the Commission's views concerning application of 2 U.S.C. 439a and Part 113 of the regulations to the funding of high school student intern programs which are indistinguishable in all material aspects from the specific factual situation related herein. 2 U.S.C. 437f(b)(2)

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

Sincerely yours,

(signed)
Thomas E. Harris
Chairman for the
Federal Election Commission