



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 1, 1978

AO 1978-44

Honorable Ted Stevens
United States Senate
Committee on Appropriations
Washington, D.C. 20510

Dear Senator Stevens:

This responds to your letter of July 5, 1978, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and regulations prescribed thereunder, to a summer intern program which you have been operating for the last several years.

Your letter states that the program, which is "primarily educational," brings 20-30 recent Alaskan high school graduates to Washington for five weeks so that they can learn how Congress works and to become acquainted with Washington and various governmental operations. To learn the details of how a Senate office operates the interns assist in your office, although you say that in order to supervise the interns your staff is diverted from their jobs causing a burden on staff productivity and efficiency and thus the benefits to you as an officeholder are limited. The interns also spend time on the Senate floor and each intern accompanies you for a day of meetings.

While in Washington the interns are paid members of your Senate staff and are responsible for all of their own expenses. However, since they are not on the payroll when they travel, Senate funds are not available to pay their travel expenses. These transportation costs are covered by donations from interested individuals, civic leaders and businesses who provide the cost of a ticket.

All donated funds are received, held, and disbursed by a travel agency in Alaska where an account is maintained for that purpose and which provides a pool of credit to those promising to provide a ticket. The agency prepares the individual airline tickets, allocates the pool of credit to cover the cost of all tickets, and is responsible for payment to the airlines. At the end of the summer the travel agency bills the individuals or businesses which agreed to help provide transportation.

You explain that "the funds are donated and used only to provide air fare for interns. No one on your staff, or connected with your campaign committee ever holds the funds or disburses them." You further state that the program is "nonpolitical" and "not in anyway intended to influence or further your election to Federal office," but rather, to provide a unique educational experience to a group of young Alaskans.

Specifically you ask the following:

- (1) Do Commission rules or regulations prohibit this program?
- (2) Do you consider the promise to buy a ticket a contribution by private citizens and corporations as defined in 2 U.S.C. 431?
- (3) Are the funds provided for air fare "other funds donated for the purpose of supporting my activities as a Federal officeholder" as defined in 11 CFR 113.1 and, therefore, subject to reporting requirements of that section?
- (4) If the funds contributed by civic leaders are considered to be funds provided to support my activities as a Federal officeholder, are the travel expenses paid by an intern himself or his parents considered to be such funds, in view of the fact that no official funds are available?

1. The Commission concludes that neither the Act nor Commission regulations prohibit the summer intern program as described by you.

2. Based on the information provided in your request such as: the program is a yearly program existing for the last several years; the donated funds are specifically for intern travel to the program in Washington; and the program itself is educationally geared and not campaign oriented, it does not appear that the funding involves any contributions "made for the purpose of influencing" your future nomination or election. Therefore, the promise to buy a ticket would not be considered a contribution as defined by 2 U.S.C. 431.

3,4. The Commission concludes that funds provided for air fare for the interns in your program are not amounts contributed "for the purpose of supporting [your] activities as a Federal officeholder" and therefore are not subject to 2 U.S.C. 439a and Commission regulations in 11 CFR 113 *et seq.* This conclusion is based upon the facts presented in your letter including the educational benefits to the interns, utilization of the travel agency to coordinate and distribute the funds, and the fact that none of these funds are at any time within your dominion or control and that they are specifically donated and used for intern airplane tickets. The Commission also reaches this conclusion on the basis that the factual situation presented in your request does not differ in any material aspect from the specific factual situation presented in Advisory Opinion 1977-27 (copy enclosed).

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)

Joan D. Aikens
Chairman for the
Federal Election Commission

Enclosure