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General Comment:Ms. Amy L. Rothstein  
Assistant General Counsel

Dear Ms. Rothstein,

Thank you for the opportunity to comment on the proposed changes to the rules for candidate reimbursement of the cost of air travel.

I would like to suggest one additional alternative, which is somewhat more complex but might solve many of the problems left open by the various alternatives mentioned. This is a variation on the "comparable aircraft alternative." I propose the following:

- (1) The comparable aircraft alternative is used to determine the amount that each candidate, committee or PAC must pay for its travel.
- (2) If these costs add up to LESS than the actual market value of the flight provided, then the provider is deemed to have made an in-kind contribution. This is non-reimbursable, and always recognized as a contribution. I would split the contribution pro-rata according to the number of passengers with each political entity.
- (3) If these costs add up to MORE than the actual market value of the flight provided (e.g., perhaps lots of small charters cost more than one big charter), then the provider is paid fair market value, and the rest of the money becomes a contribution to public money, e.g. to the public funds used to support

campaigns.

Under this framework, the providers of flights are unable to make "invisible contributions" and political campaigns gain no advantage by taking gift flights instead of charter aircraft. Political entities never pay either less or more than the cost of charter travel.

If this proves too costly or difficult to administer, I believe the best of the proposed alternatives is the "per passenger" rule, applied equally to candidates, committees and PACs. Each group or individual should reimburse a proportion of the fair market value of a comparable charter flight, depending on the portion of all traveling passengers that that group or individual represents. This has the advantages of (1) ensuring that total reimbursement matches the market value of the actual flight, and (2) splitting the cost according to proportional utilization of the services rendered.

Under this rule, private parties such as members of the press or unaffiliated individuals would pay at equal rates, and therefore the cost to political travelers is dependent on the total number of passengers. The risk under this rule is that the provider could make an individual contribution by filling a plane with unaffiliated individuals to dilute the cost to the candidate, committee or PAC. (Or, conceivably, candidates, committees and PACs could surreptitiously "cross-subsidize" each other's travel, as circumstances demand, by intentionally diluting another group's portion of the cost.)

To minimize the effect of this rule, I suggest a mandatory disclosure rule, requiring the provider of a flight to explain the process by which the flight was offered and the passenger list developed, including a statement of known relationships between any travelers, and each traveler's purpose. This would certainly not eliminate every individual abuse of the rule, but it would likely make it more difficult to orchestrate patterns of abuse, over time.

Thank you for considering this comment.

Micah Block