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WASHINGTON, D.C. 20463

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January 15, 2010

**MEMORANDUM**

**AGENDA ITEM**

To: The Commission

For Meeting of 1 - 20 - 10

Through: Alec Palmer  
Acting Staff Director *AP*

**SUBMITTED LATE**

From: John D. Gibson *JG*  
Chief Compliance Officer

Joseph F. Stoltz *JF*  
Assistant Staff Director  
Audit Division

Tom Hintermister *TH*  
Audit Manager

By: Bill Antosz *TH FJ BA*  
Lead Auditor

Subject: Audit Hearing for AFL-CIO COPE Political Contributions Committee  
(AFL-CIO)

As provided for in the Procedural Rules for an Audit Hearing, a copy of the draft final audit report and the legal analysis was sent to the AFL-CIO and its Counsel on October 28, 2009. Counsel for AFL-CIO requested a hearing on November 16, 2009.

In response, Counsel for AFL-CIO stated he will address Finding 2- Transfers Received from Separate Segregated Funds. The finding concludes that AFL-CIO received transfers totaling \$1,100,000 from two separate segregated funds, the CWA COPE Political Contributions Committee (CWA) and the American Federation of Teachers AFL-CIO Committee on Political Education (AFT) that did not meet the transmittal and recordkeeping requirements for collecting agents in accordance with 11 C.F.R. §102.6. Counsel for AFL-CIO contends that the arrangements between these organizations should not be cabined by the collection agent rules of 11 C.F.R. §102.6 because AFL-CIO also has longstanding joint fundraising arrangements with both committees and therefore the collecting agent regulations should not dictate the

recordkeeping and reporting of the funds that were transferred. Counsel for AFL-CIO also contends the joint fundraising regulations are not applicable to the fundraising arrangements with these separate segregated funds and there is no statutory or regulatory requirement that the separate segregated funds enter into a written agreement to govern their arrangement.

The Audit staff and the Office of General Counsel maintain that the regulations at 11 C.F.R. §102.6 are applicable and therefore AFL-CIO is responsible for ensuring that CWA and AFT complied with the collecting agent rules. Furthermore, the joint fundraising regulation at 11 C.F.R. §102.17 are specifically limited to committees other than separate segregated funds and AFL-CIO did not follow the procedure therein thus receiving unlimited transfers from CWA or AFT would not be permitted.

A copy of the draft Final Audit Report, the legal analysis provided by the Commission's Office of General Counsel and the audit hearing request/response by AFL-CIO are attached. Please note that other related documents can be found at the following location. Ntsrv1\voiting ballot matters\Audit\AFL-CIO. Should you have any questions, please contact Bill Antosz or Tom Hintermister at 694-1200.

Attachments:

Draft Final Audit Report

Legal Analysis

AFL-CIO Audit Hearing Request/Response



# Report of the Audit Division on the AFL-CIO Cope Political Contributions Committee

January 1, 2005 – December 31, 2006

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## Why the Audit Was Done

Federal law permits the Commission to conduct audits and field investigations of any political committee that is required to file reports under the Federal Election Campaign Act (the Act). The Commission generally conducts such audits when a committee appears not to have met the threshold requirements for substantial compliance with the Act.<sup>1</sup> The audit determines whether the committee complied with the limitations, prohibitions and disclosure requirements of the Act.

## Future Action

The Commission may initiate an enforcement action, at a later time, with respect to any of the matters discussed in this report.

## About the Committee (p. 2)

AFL-CIO COPE Political Contributions Committee is a separate segregated fund of AFL-CIO and is headquartered in Washington, DC. For more information, see the chart on the Committee Organization, p.3.

## Financial Activity (p. 2)

- **Receipts**
  - From Individuals \$ 193,546
  - From Other Political Committees 48,250
  - Transfers from Affiliated Committees 1,168,138
  - Other Receipts 8,004
  - **Total Receipts** \$ 1,417,938
- **Disbursements**
  - Contributions to Candidates/Committees \$ 1,304,452
  - Other Disbursements 166,520
  - **Total Disbursements** \$ 1,470,972

## Findings and Recommendations (p. 3)

- Misstatement of Financial Activity (Finding 1)
- Transfers Received from Separate Segregated Funds (Finding 2)

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<sup>1</sup> 2 U.S.C. §438(b).

**Report of the Audit Division  
on the  
AFL-CIO COPE Political  
Contributions Committee**

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January 1, 2005 – December 31, 2006



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# **Part I**

## **Background**

### **Authority for Audit**

This report is based on an audit of the AFL-CIO COPE Political Contributions Committee (AFL-CIO COPE), undertaken by the Audit Division of the Federal Election Commission (the Commission) in accordance with the Federal Election Campaign Act of 1971, as amended (the Act). The Audit Division conducted the audit pursuant to 2 U.S.C. §438(b), which permits the Commission to conduct audits and field investigations of any political committee that is required to file a report under 2 U.S.C. §434. Prior to conducting any audit under this subsection, the Commission must perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. 2 U.S.C. §438(b).

### **Scope of Audit**

Following Commission approved procedures, the Audit staff evaluated various factors and as a result, this audit examined:

1. The consistency between reported figures and bank records.
2. The disclosure of individual contributors' occupation and name of employer.
3. The receipt of transfers received from other separate segregated funds.

## Part II

### Overview of Committee

#### Committee Organization

<b>Important Dates</b>	<b>AFL-CIO COPE</b>
• Date of Registration	March 13, 1975
• Audit Coverage	January 1, 2005 – December 31, 2006
<b>Headquarters</b>	Washington, DC
<b>Bank Information</b>	
• Bank Depositories	1
• Bank Accounts	2 (1 Business Account and 1 Business Money Market Account)
<b>Treasurer</b>	
• Treasurer When Audit Was Conducted	Richard L. Trumka
• Treasurer During Period Covered by Audit	Richard L. Trumka
<b>Management Information</b>	
• Attended FEC Campaign Finance Seminar	Yes
• Used Commonly Available Campaign Management Software Package	Yes
• Who Handled Accounting and Recordkeeping Tasks	Paid Staff

#### Overview of Financial Activity (Audited Amounts)

<b>Cash on hand @ January 1, 2005</b>	<b>\$ 122,740</b>
○ From Individuals	193,546
○ From Other Political Committees	48,250
○ Transfers from Affiliated Committees	1,168,138
○ Other Receipts	8,004
<b>Total Receipts</b>	<b>\$ 1,417,938</b>
○ Contributions to Candidates/Committees	1,304,452
○ Other Disbursements	166,520
<b>Total Disbursements</b>	<b>\$ 1,470,972</b>
<b>Cash on hand @ December 31, 2006</b>	<b>\$ 69,706</b>

## **Part III**

### **Summaries**

#### **Findings and Recommendations**

##### **Finding 1. Misstatement of Financial Activity**

A comparison of AFL-CIO COPE's reported activity to bank records revealed a misstatement of cash on hand and disbursements in years 2005 and 2006. It was recommended that AFL-CIO COPE file amended reports to correct the misstatement. In response to the interim audit report, AFL-CIO COPE filed amended reports to correct the misstatements. AFL-CIO COPE also corrected its cash balance on its September 2009 monthly report. (For more detail, see p. 4)

##### **Finding 2. Transfers Received from Separate Segregated Funds**

During the audit period, AFL-CIO COPE received transfers totaling \$1,100,000 from two separate segregated funds. AFL-CIO COPE has not been able to demonstrate that the two separate segregated funds, CWA COPE Political Contributions Committee (CWA COPE) and American Federation of Teachers AFL-CIO Committee on Political Education (AFT AFL-CIO), have met the transmittal and recordkeeping requirements for collecting agents. AFL-CIO COPE stated that such transfers are a longstanding practice and that they are in compliance with the Commission's regulations. The Audit staff recommended that AFL-CIO COPE amend past reports and implement new procedures to ensure the proper accounting, reporting, and recordkeeping procedures are followed for these transfers. In response to the interim audit report, counsel for AFL-CIO COPE stated that it declines to accept the Audit staff's recommendation and believes that it is unfair to impose new reporting requirements without a change in the governing regulations. (For more detail, see p. 5)



## Part IV

# Findings and Recommendations

### Finding 1. Misstatement of Financial Activity

#### Summary

A comparison of AFL-CIO COPE's reported activity to bank records revealed a misstatement of cash on hand and disbursements in years 2005 and 2006. It was recommended that AFL-CIO COPE file amended reports to correct the misstatement. In response to the interim audit report, AFL-CIO COPE filed amended reports to correct the misstatements. AFL-CIO COPE also corrected its cash balance on its September 2009 monthly report.

#### Legal Standard

**Contents of Reports.** Each report must disclose:

- The amount of cash on hand at the beginning and end of the reporting period;
- The total amount of receipts for the reporting period and for the calendar year; and
- The total amount of disbursements for the reporting period and for the calendar year;
- Certain transactions that require itemization on Schedule A (Itemized Receipts) or Schedule B (Itemized Disbursements). 2 U.S.C. §434(b)(1), (2) and (4).

#### Facts and Analysis

The Audit staff reconciled the reported financial activity to the bank records for 2005 and 2006. It was determined there AFL-CIO COPE misstated cash on hand and disbursements for both years. The following charts outline the discrepancies for both years and provide explanations for the misstated activity.

2005 Activity			
	Reported	Bank Records	Discrepancy
Opening Cash Balance	\$105,571	\$122,740	\$17,169 Understated
Receipts	\$481,104	\$480,675	\$429 Overstated
Disbursements	\$513,314	\$530,093	\$16,779 Understated
Ending Cash Balance	\$70,861	\$73,322	\$2,461 Understated

The net understatement of disbursements was the result of the following:

• Disbursements not reported	+ \$15,294
• Reported disbursements that did not clear bank	+ 1,500
• Disbursements reported with incorrect amounts	- 15
• Net Understatement of Disbursements	\$16,779

<b>2006 Activity</b>			
	<b>Reported</b>	<b>Bank Records</b>	<b>Discrepancy</b>
Opening Cash Balance	\$70,861	\$73,322	\$2,461 Understated
Receipts	\$931,728	\$937,263	\$5,535 Understated
Disbursements	\$912,308	\$940,879	\$28,572 Understated
Ending Cash Balance	\$90,282	\$69,706	\$20,576 Overstated

The net understatement of disbursements was the result of the following:

• Disbursements reported incorrectly	+ \$27,500
• Disbursements reported with incorrect amounts	+ 1,051
• Unexplained differences	+ <u>21</u>
• Net Understatement of Disbursements	\$28,572

**Cash Balances:**

AFL-CIO COPE misstated the cash balances throughout 2005 and 2006 due to the errors outlined above and unknown adjustments from prior reporting periods. On December 31, 2006, the cash balance was overstated by \$20,576.

This matter was presented to the representatives for AFL-CIO COPE during the exit conference. The representatives did not provide any comments to explain the misstatements but later indicated that they would file amended reports to correct these errors.

**Interim Audit Report Recommendation and Committee's Response**

The Audit staff recommended that AFL-CIO COPE file amended reports to correct the misstatements noted above. It was also recommended that, AFL-CIO COPE amend the cash balance of its most recent report with an explanation that it resulted from audit adjustments from a prior period. In response to the interim audit report, AFL-CIO COPE stated that it concurred that its reported figures for calendar years 2005 and 2006 were inaccurate, and filed amended reports to correct the misstatements. AFL-CIO COPE also corrected its cash balance on an amended September 2009 monthly report.

## **Finding 2. Transfers Received from Separate Segregated Funds**

### **Summary**

During the audit period, AFL-CIO COPE received transfers totaling \$1,100,000 from two separate segregated funds. AFL-CIO COPE has not been able to demonstrate that the two separate segregated funds, CWA COPE Political Contributions Committee (CWA COPE) and American Federation of Teachers AFL-CIO Committee on Political Education (AFT AFL-CIO), have met the transmittal and recordkeeping requirements for collecting agents. AFL-CIO COPE stated that such transfers are a longstanding practice and that they are in compliance with the Commission's regulations. The Audit staff recommended that AFL-CIO COPE amend past reports and implement new procedures to ensure the proper accounting, reporting, and recordkeeping procedures are followed for these transfers. In response to the interim audit report, counsel for AFL-CIO COPE stated that it declines to accept the Audit staff's recommendation and believes that it is unfair to impose new reporting requirements without a change in the governing regulations.

### **Legal Standard**

**A. Affiliated Definition.** Established, financed, maintained or controlled by the same organization. Affiliated political committees are considered one political committee for purposes of contribution limits. Committees presumed to be affiliated include those established, financed, maintained or controlled by a single national or international union and/or its local unions or other subordinate organizations. Also, committees established by an organization of national or international unions and/or all its State or local central bodies are presumed to be affiliated. Affiliation is not presumed between unions and organizations of national or international unions. 11 CFR §§100.5(g) and 110.3(a).

**B. Collecting Agent Definition.** A collecting agent is an organization or committee that collects and transmits contributions to one or more separate segregated funds to which the collecting agent is related. A collecting agent may be the separate segregated fund's connected organization or an organization or committee affiliated with the SSF, or a local, national, or international union collecting contributions on behalf of the separate segregated fund of any federation with which the local, national, or international union is affiliated. 11 CFR §102.6(b)(1).

**C. Requirements for Collecting Agents.** The separate segregated fund (SSF) is responsible for ensuring that the recordkeeping, reporting, and transmittal requirements are met.

1. Collecting agent may solicit only those individuals who are eligible for solicitation under the law, and pay the expenses of soliciting.
2. Collecting agent may include a solicitation for contributions to an SSF in a bill for another payment.
3. Collecting agent may establish a separate transmittal account solely for the SSF's contributions or use its own account for the temporary deposit and transmittal of

contributions to the SSF. The agent must keep separate records of all receipts and deposits that represent contributions to the SSF.

4. Collecting agent must transfer the funds within 10 days for all contributions over \$50 and within 30 days for contributions \$50 or less.
5. Collecting agent must forward the required recordkeeping information to the SSF along with the collected contributions, and maintain records of SSF contribution deposits and transmittals for three years.
6. The SSF receiving contributions collected by a collecting agent shall report the full amount of each contribution received as a contribution from the original contributor to the extent required by 11 CFR §104.3(a), 11 CFR §§102.6(c) and 102.8(b).

**D. When to Itemize.** Political committees other than authorized candidate committees must itemize:

- Any contribution from an individual if it exceeds \$200 per calendar year, either by itself or when aggregated with other contributions from the same contributor; and
- Every contribution from any political committee, regardless of the amount.
- Every transfer from another political party committee, regardless of whether the committees are affiliated. 2 U.S.C. §434(b)(3)(A), (B) and (D).

**E. Definition of Itemization.** Itemization of contributions received means that the recipient committee discloses, on a separate schedule, the following information:

- The amount of the contribution;
- The date of receipt (the date the committee received the contribution);
- The full name and address of the contributor;
- In the case of contributions from individual contributors, the contributor's occupation and name of his or her employer; and
- The calendar year-to-date total of all contributions from the same contributor. 11 CFR §§100.12 and 104.3(a)(4) and 2 U.S.C. §434(b)(3)(A) and (B).

### **Facts and Analysis**

During the audit period, AFL-CIO COPE received four transfers from AFT AFL-CIO totaling \$800,000 and four transfers from CWA COPE totaling \$300,000. These transfers were reported by AFL-CIO COPE on Line 12 (Transfers from Affiliated/Other Party Committees) and described as joint fundraising transfers or as payroll deductions on its Schedules A (Itemized Receipts). The transfers were received and reported by AFL-CIO COPE without detail as to which individual contributors made up each transfer, or how much was given by each contributor.

CWA COPE is the separate segregated fund of the international union Communications Workers of America (CWA). AFT AFL-CIO is the separate segregated fund of the international union American Federation of Teachers (AFT). Both CWA and AFT are members of the federation of unions AFL-CIO and, as such, may serve as collecting agents for AFL-CIO COPE. The separate segregated funds of these unions (CWA COPE, AFT AFL-CIO and AFL-CIO COPE) are not considered "affiliated" within the

meaning of 11 CFR §110.3 and, therefore, are subject to separate contribution limitations and must independently report individual contributions to their respective organizations.

CWA COPE and AFT AFL-CIO initially receive and report contributions for their respective committees as well as AFL-CIO COPE. These contributions are often received from individuals who sign voluntary payroll deduction authorization cards. The authorization cards contain a statement that the contributions will be used in a “joint fundraising” effort and that a portion of their contributions would go to AFL-CIO COPE. The contributors do not designate specific or separate contribution amounts for AFL-CIO COPE. Likewise, the timing and amounts transferred to AFL-CIO COPE were based on periodic discussions with officers of CWA COPE and AFT AFL-CIO.

In accordance with 11 C.F.R. §102.6(c)(1), AFL-CIO COPE was responsible for ensuring that both AFT AFL-CIO and CWA COPE complied with the collecting agent rules. Under these rules, CWA COPE and AFT AFL-CIO must:

- Operate a separate transmittal account solely for AFL-CIO COPE contributions, or maintain records of all such receipts and deposits relating to AFL-CIO COPE transfers from their own accounts.
- Transfer funds to AFL-CIO COPE within 10 days for contributions over \$50 and within 30 days for contributions \$50 or less.
- Forward all recordkeeping information relating to the transfers to AFL-CIO COPE and maintain documentation of the deposits and transmittals for three years.

Since AFL-CIO COPE did not provide documentation that identified the individual contributions supporting the amounts transferred or any documentation that detailed the timing or calculation of the amounts transferred, it did not ensure that the collecting agent rules were met. AFL-CIO COPE also did not properly report contributions collected by collecting agents since they reported these contributions on Line 12 as transfers from the collecting agents rather than on Line 11 (Receipts from Individuals/Persons) as contributions from the original contributor.

The Audit staff presented this matter to AFL-CIO COPE representatives during the exit conference. In response, counsel for AFL-CIO COPE challenged the conclusion of the Audit staff with the following arguments.

First, counsel for AFL-CIO COPE addressed the timing of the transfers and argued that the requirements at 11 CFR §102.6(c)(4) are not applicable to the situation because of a joint fundraising arrangement among the separate segregated funds and their connected organizations. However, no joint fundraising agreement was presented.

Counsel contends that if 11 CFR §102.6(c)(4) was applicable, the transfers did conform to the timing requirements. In support of his argument, counsel provided data showing average daily receipts for both CWA COPE and AFT AFL-CIO. Since contributions were predominately \$50 or less, counsel believes that within the 30 days prior to each of

the transfers to AFL-CIO COPE, both CWA COPE and AFT AFL-CIO received far more contributions from individuals than was transferred.

Based on its own analysis, the Audit staff concurs that both AFT AFL-CIO and CWA COPE received sufficient contributions within 30 days prior to each transfer to AFL-CIO COPE. However, based on the available records, the Audit staff was not able to identify which contributions were included in the transfers. The Audit staff maintains that the requirements at 11 CFR §102.6(c)(4) and 11 CFR §102.8(b) are applicable and the amount of each contribution being transferred is required to be provided to AFL-CIO COPE within the appropriate time frame along with the required records supporting the contributions.

Second, counsel discusses the issue of having a separate account solely for AFL-CIO COPE contributions. Counsel confirms that both AFT AFL-CIO and CWA COPE did not maintain a separate account solely for AFL-CIO COPE contributions, did not keep separate records of contributions attributable to its transfers, or give that information to AFL-CIO COPE. Again, counsel argues that such requirements are not applicable since 11 CFR §102.6 does not recognize the dual roles of AFT AFL-CIO and CWA COPE as collecting agents for AFL-CIO COPE and as separate segregated funds soliciting and receiving contributions for themselves. According to counsel, AFT AFL-CIO and CWA COPE records and reports all disclosure information for AFL-CIO COPE contributions because the contributors authorize the actual remittance of their contributions only to AFT AFL-CIO and CWA COPE via standard payroll deduction authorization cards. These cards also inform contributors of the joint fundraising arrangement and acknowledge that contributions will be used for “political purposes.”

Counsel further explains that reporting the transfers without detailing the associated individual contributors is sufficient under 11 CFR §104.3(a) and that the regulations do not plainly require a shift to AFL-CIO COPE of the responsibility to report the individual contributors. According to counsel, the current practice “underscores that these transfers are most accurately viewed as comprised of funds that are not attributable to any particular individual, but are comprised of unitemized aggregate portion of all of them”.

The Audit staff believes that 11 CFR §102.6(c)(4) requires AFT AFL-CIO and CWA COPE to record the full amount and details of each contribution on behalf of AFL-CIO COPE. Such information is necessary in order to specifically track what amounts are contributed to the respective organizations, as well as to monitor itemization and limitation requirements. It is further noted that by viewing the transfer amount as being comprised of a portion of each contribution instead of the full amount of those contributions received prior to the transfer would likely not support the argument that the transfers were made timely.

Finally, counsel explains how the proposed changes would cause a significant administrative burden on all affected committees and would ultimately result in a reduction of contributor information on the public record. According to counsel, the number of individual contributors itemized by AFT AFL-CIO and CWA COPE would be fewer since a portion of their contributions would be attributed to AFL-CIO COPE.

In summary, the Audit staff accepts that both AFT AFL-CIO and CWA COPE can function as collecting agents for AFL-CIO COPE. However, as collecting agents, AFT AFL-CIO and CWA COPE must abide by the rules governing collecting agents at 11 CFR §102.6(c). During the period covered by the audit, AFT AFL-CIO and CWA COPE did not have separate transmittal accounts or keep separate records of all receipts and deposits that represent contributions to AFL-CIO COPE, or distinguish these contributions at the individual level. Given that these records were not kept, the arrangements with AFT AFL-CIO and CWA COPE did not satisfy the requirements of the collecting agent regulations. AFL-CIO COPE did not ensure that both AFT AFL-CIO and CWA COPE complied with the collecting agent rules in accordance with 11 C.F.R. §102.6(c)(1).

### **Interim Audit Report Recommendation and Committee Response**

The Audit staff recommended that AFL-CIO COPE document that procedures have been implemented to ensure the proper accounting, reporting, and recordkeeping in accordance with 11 CFR §102.6(b)(1) and (c).

Reports covering the audit period and any subsequent periods should be corrected to reflect all amounts received from collecting agents as contributions on Line 11 (Receipts from Individuals/Persons) instead of Line 12 (Transfers from Affiliated/Other Party Committees). Contributions aggregating over \$200 should be itemized on Schedule A supporting Line 11(a)(i) and the aggregate amount of unitemized contributions should be reported on Line 11(a)(ii).

AFL-CIO COPE is responsible for ensuring that collecting agents forward contributions and all contributor and date of receipt information to AFL-CIO COPE within 10 or 30 days depending on the contribution amounts. Records for such contributions are required to be retained for three years. 11 CFR §§102.6(c)(5) and (6) and 11 CFR §102.8.

In response to the interim audit report, counsel for AFL-CIO COPE stated that it concurs that both AFT AFL-CIO and CWA COPE may act as collecting agents for AFL-CIO COPE and that the transfers made complied with the timing requirements of 11 CFR §102.6(c)(4), although it disagrees that this regulation is applicable to its situation.

Further, counsel disagrees that the separate segregated funds must establish separate transmittal accounts solely for AFL-CIO COPE contributions, or must maintain contribution records of the contributions that comprise the transfers. Also, counsel disagrees that the separate segregated funds are required to forward all recordkeeping information to AFL-CIO COPE, and having AFL-CIO COPE report the incoming transfers on Line 11(Receipts from Individuals/Persons), itemizing individual contributions that exceed \$200. Counsel explains that the joint fundraising nature makes the individual attribution to, and reporting by AFL-CIO COPE unnecessary. It states that the transfers themselves provide the necessary information because individual CWA/AFL-CIO members authorize all of their contributions to be remitted to CWA COPE and then delegate to the two separate segregated funds the authority to apportion the total receipts between them.

As such, AFL-CIO COPE declines to accept the recommendation that it amend its reports for the audit period and any subsequent periods. It points out that if a reallocation was applied to the contributions being transferred in 2005 and 2006, no individual member would have contributed over \$200 to AFL-CIO COPE and therefore, no itemization of the contributions would be necessary on its reports. AFL-CIO COPE maintains that amending reports would not provide any public benefit and would be a highly burdensome undertaking.

In closing, counsel states that the arrangement at issue has been in place for at least 25 years and has been regularly reported by all participating separate segregated funds. It submits that, absent a change in the governing regulations, they should be entitled to continue under the current arrangement and it is manifestly unfair to impose new requirements now.

AFL-CIO COPE's response to the interim audit report reiterates the arguments made earlier. However, unlimited transfers between committees are permitted in very limited circumstances. Those relevant to this situation would include transfers between affiliated committees, the transfer of joint fundraising proceeds, and the transfer of funds received via a collecting agent. Each has specific requirements. First, AFT AFL-CIO and CWA COPE are not affiliated with AFL-CIO COPE under Commission regulations. If they were affiliated they would share a single contribution limitation. Second, the prospect of a joint fundraising arrangement is also not applicable to these committees since they were not joint fundraising arrangements as described in 11 CFR §102.17. As noted above, the relationship between these committees appears to be a collecting agent relationship as described at 11 CFR §102.6. However, AFT AFL-CIO, CWA COPE and AFL-CIO COPE are not meeting the requirements of that regulation.





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 15, 2009

**MEMORANDUM**

**TO:** John D. Gibson  
Chief Compliance Officer

Joseph F. Stoltz  
Assistant Staff Director

**FROM:** Christopher Hughey *pch*  
Deputy General Counsel

Lawrence L. Calvert, Jr. *LCC*  
Associate General Counsel

Lorenzo Holloway *LH*  
Assistant General Counsel  
For Public Finance and Audit Advice

Albert Veldhuyzen *AV*  
Attorney

**SUBJECT:** Draft Final Audit Report on [REDACTED] and AFL-CIO  
Committee on Political Education/Political Contributions Committee (LRA  
# 761).

**I. INTRODUCTION**

The Office of General Counsel has reviewed the Draft Final Audit Report ("Proposed Report") on [REDACTED] and the Draft Final Audit Report on AFL-CIO Committee on Political Education/Political Contributions Committee ("AFL PCC"). This memorandum reflects our comments on both audit reports. In these comments, we address: 1) Whether CWA PCC can legally serve as a collecting agent for AFL-PCC; 2) Whether CWA PCC complied with the collecting agent requirements; 3) How should CWA PCC and AFL PCC

report past and future contributions that were and will be transmitted to AFL PCC. If you have any questions, please contact Albert R. Veldhuyzen, the attorney assigned to this audit.

## II. BACKGROUND

CWA PCC, the separate segregated fund ("SSF") of an international union, the Communications Workers of America ("CWA"), receives and reports contributions from individuals who sign payroll authorization cards. The authorization cards contain a statement that the contributions will be used in a "joint fundraising" effort and that CWA PCC and AFL PCC are authorized to use the contributions "on behalf of candidates for federal, state, and local offices and [for] addressing political issues of public importance." Thus, contributors do not designate specific and separate amounts for CWA PCC and AFL PCC; rather, their undifferentiated contributions are received by CWA PCC and deposited into its account.

At various intervals, CWA PCC transmits an agreed portion of the collections in a lump sum to AFL PCC, the SSF of an organization of national and international unions ("AFL") of which CWA is a member.<sup>1</sup> AFL PCC reports this lump sum transmittal as a transfer from an affiliated committee. The audit confirmed that: 1) CWA PCC does not maintain a separate transmittal account solely for AFL PCC or keep separate records of all such receipts and deposits; 2) CWA PCC does not forward the individual (payroll contributor) contribution amounts and contributor information (about the payroll contributor) to AFL PCC or maintain those records of deposits and transmittals for three years; 3) AFL PCC does not report the full amount of each contribution received from the original contributor when required. See 11 C.F.R. §§ 102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.6(c)(7), 102.8.

Prior to examining the mechanics of the transfers from CWA PCC to AFL PCC, it is important to discuss the legal status of each of the parties and their concomitant rights and responsibilities. Specifically, we seek to establish whether CWA PCC is a collecting agent of AFL PCC governed by the Commission's regulations. If CWA PCC is a collecting agent, it must abide by the regulations governing collecting agents. Alternatively, if the SSFs are affiliated, they may transfer unlimited funds to each other. If CWA PCC cannot be a collecting agent and the SSFs are unaffiliated, CWA PCC made excessive contributions to AFL PCC. The answer to these questions will help determine the transfer, reporting, and recordkeeping responsibilities of the parties.

## III. AS A COLLECTING AGENT FOR AFL PCC, CWA PCC MUST MEET THE REGULATORY REQUIREMENTS FOR COLLECTING AGENT AND AFL PCC MUST ENSURE REQUIREMENTS ARE MET.

The Federal Election Campaign Act ("the Act") limits the amount of funds that one committee may contribute to another non-affiliated committee. See 2 U.S.C. § 441a(a)(2)(C). A

<sup>1</sup> During the audit period, AFL PCC received four transfers from CWA PCC: 1) \$100,000 (July 29, 2005); 2) \$100,000 (July 26, 2006); 3) \$50,000 (June 27, 2006); 4) \$50,000 (July 20, 2006). This Office is unaware of the rationale for the timing and amounts of the transfers, and we understand that Audit is unaware as well.

committee may not make a contribution greater than \$5,000 to another non-affiliated committee. 2 U.S.C. § 441a(a)(2)(C). By contrast, affiliated committees share a single limit on contributions made and a single limit on contributions received, but can transfer unlimited funds to each other. 11 C.F.R. §§ 100.5(g)(3), 110.3(c)(1), 104.3(a)(2)(v). The affiliation regulation specifies that all committees controlled by a single national or international union are affiliated and share a single contribution limit. 11 C.F.R. § 100.5(g)(3)(ii).

CWA PCC is a committee of a single international union. By contrast, AFL PCC is a committee of an organization of national and international unions. 11 C.F.R. § 100.5(g)(3)(iii). Although all of the committees established by an international union and its locals and other subordinate organizations are affiliated, 11 C.F.R. § 100.5(g)(3)(ii), and all of the committees established by an organization of national or international unions and that organization's state or local central bodies are affiliated, 11 C.F.R. § 100.5(g)(3)(iii), committees established by a single union are not affiliated with the committees established by an organization of unions. Even though the single union is a part of an organization of unions, its committees are not affiliated with the organization of unions (nor with its subordinate bodies) if they are not controlled by the latter. 11 C.F.R. § 100.5(g)(2). As applied here, this means that CWA PCC and AFL PCC are not affiliated, and they do not claim to be.<sup>2</sup> Consequently, they may not contribute more than \$5,000 to each other. Moreover, each SSF must report its own contributions received.

Another possibility is the collecting agent relationship. The transactions between CWA PCC and AFL PCC suggest there is a collecting agent relationship between the committees. In a collecting agent relationship, the collecting agent can transfer contributions collected for the benefit of the other SSF. This raises the question of whether CWA PCC can legally serve as a collecting agent for another unaffiliated SSF.

A collecting agent relationship allows an organization to collect and transmit contributions to one or more separate segregated funds to which it is related. 11 C.F.R. § 102.6(b)(1). If it were a collecting agent, CWA PCC could transfer to AFL PCC unlimited sums of contributions that were in fact made to AFL PCC. The regulations outline four circumstances when an entity may serve as a collecting agent for another organization. 11 C.F.R. § 102.6(b)(1). One of those circumstances is when an international union collects contributions on behalf of a separate segregated fund of a federation of which the international union is a member. 11 C.F.R. § 102.6(b)(1)(iv). Although the international union (in this case, CWA), the connected organization, is clearly permitted to collect on behalf of AFL PCC, the regulations do not specify that its separate segregated fund (CWA PCC) may collect on behalf of a separate segregated fund of the federation (AFL PCC). However, the Commission, in Advisory Opinion 2000-03, has allowed an SSF to step into the shoes of its connected organization, albeit in the context of funding a candidate appearance before the restricted class. There is nothing in AO 2000-03 that suggests that this principle must be limited to funding a candidate's appearance before a restricted class. Therefore, as a legal matter, we conclude that

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<sup>2</sup> The current practice of having CWA PCC report all contributions, regardless of whether it keeps them or transmits them to AFL PCC, would be permissible if both organizations were "affiliated," sharing a single contribution limitation. See 2 U.S.C. § 441a(a)(1)(C); 11 C.F.R. §§ 100.5(g)(3), 110.3(a).

CWA PCC can function as a collecting agent for AFL PCC. However, it would need to abide by the rules governing collecting agents at 11 C.F.R. § 102.6(c).<sup>3</sup>

Under that section, the collecting agent must transmit to the recipient committee the full amount of each contribution collected within 10 days after receipt for contributions more than \$50 or 30 days for contributions of \$50 or less. As relevant to these facts, the collecting agent must do one of the following three things:

- 1) Establish a transmittal account to be used solely for the deposit and transmittal of funds collected on behalf of the SSF. 11 C.F.R. § 107.6(c)(4)(i).
- 2) Deposit the contributions collected into its own treasury account, keeping separate records of all receipts and deposits that represent contributions to the committee for which the agent is acting. 11 C.F.R. § 102.6(c)(4)(ii).
- 3) Deposit the contributions collected for the SSF into an account otherwise established as a non-Federal account, keeping separate records of all receipts and deposits that represent contributions to the committee for which the agent is acting. 11 C.F.R. § 102.6(c)(4)(iii).

As relevant here, the collecting agent must also transmit, along with the contributions, the name and address of the contributor and the date of receipt for each contribution between \$51 and \$200, and the name, address, occupation and name of employer of the contributor for each contribution in excess of \$200. 11 C.F.R. §§ 102.6(c)(5), 102.8. In addition, the collecting agent must retain all records of contribution deposits and transmittals for three years for Commission inspection. 11 C.F.R. § 102.6(c)(6). However, it is the receiving SSF that must report the full amount of each contribution received as a contribution from the original contributor. 11 C.F.R. § 102.6(c)(7).

██████████ CWA PCC does not have a separate transmittal account or keep separate records of all receipts and deposits that represent contributions to AFL PCC. CWA PCC does not have separate records of individual contributions because it did not consider itself bound by the collecting agent regulations. Consequently, such records were not retained for three years for Commission inspection. 11 C.F.R. §§ 102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.6(c)(7), 102.8. Fundamentally, CWA PCC did not keep separate records of receipts and deposits, segregate those portions intended for AFL PCC, or distinguish contributions at the individual level. 11 C.F.R. § 102.6(c)(4)(ii)(B). Having failed to distinguish between contributions intended for CWA PCC and AFL PCC, they could not comply with the requirement to keep separate records of contributions. Given that these separate records were not kept, the arrangement violated the Commission's collecting agent regulations.

██████████ AFL PCC assert that the ██████ relationship has aspects of joint fundraising, and aspects of a collecting agent relationship, but acknowledge that the transactions here do not

<sup>3</sup> It is also essential that checks provided to unions representing a combined payment of union dues, other employee deductions, and voluntary contributions to an SSF be properly disaggregated. 11 C.F.R. § 102.6(c)(3). In our situation, it is assumed that the funds have already been disaggregated so that funds received by CWA PCC are permissible federal contributions and intended to be so by the original contributors.

fit precisely into either regulatory category. The result, ██████████ is that neither the joint fundraising regulations of 11 C.F.R. § 102.17 nor the collecting agent regulations of 11 C.F.R. § 102.6 apply here, because “the Commission has never addressed the relative obligations of two SSFs undertaking such an arrangement.” Letter from Lawrence Gold to Tom Hintermister, at 7 (July 8, 2008). The ██████████ assertions, however, ignore this key point: the Act and regulations create a system in which the \$5,000 limit on contributions between committees is a default rule, and the various statutory and regulatory provisions about transfers between committees provide, in essence, very specific and limited exceptions to that default rule. There are a number of these exceptions. First, as noted, affiliated committees may transfer unlimited amounts to each other. 2 U.S.C. § 441a(a)(5); 11 C.F.R. § 110.3(c)(1). Second, the authorized committee of a candidate may transfer excess campaign funds to political party organizations—including Federal party committees—without limit. 2 U.S.C. § 439a. Third, national, district, state, and local committees of the same political party may transfer unlimited amounts between each other. 2 U.S.C. § 441a(a)(4). Fourth, under certain circumstances, an authorized committee of a candidate for a Federal office may transfer an unlimited amount to a general election (of unused primary funds); to a future election cycle; or to the authorized committee of the same candidate for a different Federal office. 2 U.S.C. § 441a(a)(5)(C); 11 C.F.R. § 110.3(c). Fifth, joint fundraising representatives of committees other than SSFs engaged in joint fundraising under 11 C.F.R. § 102.17 may, without limit, transfer to each participating committee its proper share of the joint fundraising proceeds. 11 C.F.R. § 102.17. Finally, a committee acting as a “collecting agent” for another committee pursuant to 11 C.F.R. § 102.6 may transfer the full amount of contributions received *on the other committee’s behalf* to the other committee.

Thus, the fact that ██████████ use the label of “joint fundraising” and term the arrangement “unique” does not mean that they get to create their own exception and make their own rules.<sup>4</sup> Either they fit into one of the specifically described exceptions, or their transactions ██████████ are subject to contribution limits. The facts show that CWA PCC was, if not using these words, purporting to act as AFL PCC’s collecting agent. Accordingly, they were required to structure that arrangement in conformity with the collecting agent regulations.

The major flaw in CWA PCC and AFL PCC’s arrangement occurred when, having determined to deposit all contributions into its own account, CWA PCC failed to keep separate

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<sup>4</sup> ██████████ contend that the unlimited transfers are permissible because the committees are engaging in joint fundraising. However, if this rationale is accepted, any two committees who share contributors would be able to claim that they too are doing joint fundraising. Allowing this would tend to undermine the transfer rules, which permit transfers from one committee to another only in limited circumstances. See 11 C.F.R. § 110.3(c). Those limited circumstances include the transfer of funds between affiliated committees and between collecting agents and SSFs. 11 C.F.R. § 110.3(c)(1). Another circumstance where unlimited transfers are allowed concerns the transfer of joint fundraising proceeds, “provided that no participating committee or organization governed by 11 C.F.R. § 102.17 received more than its allocated share of the funds raised.” 11 C.F.R. § 110.3(c)(2). However, since section 102.17 is specifically limited to committees other than SSFs, this provision allowing unlimited transfers specifically does not apply to CWA PCC or AFL PCC. ██████████ that they are not conducting joint fundraising as described in 11 C.F.R. § 102.17, and have not followed the procedures in that regulation.

records of all receipts and deposits that represented contributions to AFL PCC. In the absence of such records, it is simply impossible to determine which contributions were made to CWA PCC and which to AFL PCC. As a result, it is also impossible to tell which contributions to AFL PCC were in amounts less than \$50, and which more; which were transferred within ten days of receipt, which within thirty days, and which longer; and for which ones CWA PCC was required to forward contributor information to AFL PCC, and for which ones it was not. The practical effect appears to have been that AFL PCC could simply have as much money as it wanted out of CWA PCC's account (or at least as much as CWA PCC was willing to send it), whenever it needed it, without regard to any facts pertaining to the actual contributors. In effect, CWA PCC and AFL PCC operated, for purposes of these funds transfers, as if they were affiliated committees. Because they are not affiliated committees, they could not operate as if they were.

In conclusion, CWA PCC and AFL PCC are not affiliated entities sharing one contribution limit. As such, they cannot transfer unlimited funds to each other. 11 C.F.R. § 110.3(c). CWA PCC qualifies as a collecting agent, which allows it to transmit to AFL PCC all contributions received on behalf of AFL PCC. As a collecting agent, however, CWA PCC must comply with certain collecting agent rules. These include the transmittal of contributions exceeding \$50 within 10 days and of all other contributions within 30 days, and the transmission of contributor information for contributions exceeding \$50. CWA PCC is also required to keep separate records of the contributions collected and transmitted and AFL PCC must report contributions received to the Commission. [REDACTED]

[REDACTED] Since AFL PCC was responsible for ensuring that CWA PCC would comply with the collecting agent rules, *see* 11 C.F.R. § 102.6(c)(1), we also recommend that the Proposed Report on AFL PCC include a finding that AFL PCC failed to do so.

The SSFs have specific transfer, recordkeeping, and reporting responsibilities, the mechanics of which are discussed below.

#### **IV. [REDACTED] AFL PCC FAILED TO PROPERLY REPORT THEIR ACTIVITIES AND NEED TO CORRECT THEIR PROCEDURES & PAST REPORTS.**

[REDACTED] AFL PCC reported the transfers as "Transfers From Affiliated/Other Party Committees." FEC Form 3X, Line 12. As previously discussed, CWA PCC and AFL PCC are not affiliated committees and therefore, the transfers should not have been reported as transfers to/from affiliated committees. Rather, the SSFs should follow these procedures in the future, for contributions transmitted to AFL PCC.

At the outset, the Act requires that [REDACTED] AFL PCC retain all records of deposits and transmittals for three years and make the records available to the Commission upon request. 11 C.F.R. § 102.6(c)(6). AFL PCC is responsible for ensuring that the record-keeping, disclosure, and transmittal requirements set forth in the Commission's regulations for collecting agent accounts are met by CWA PCC. 11 C.F.R. § 102.6(c)(1).

[REDACTED]

AFL PCC would need to include the aggregate amount of contributions received from CWA PCC in the aggregate amount of its contributions received as reported on line 11(a), include the aggregate amount of unitemized contributions received in a transfer in the total amount of its unitemized contributions reported on line 11(a)(ii), and itemizing itemizable contributions as necessary on Schedule A and including those contributions in its aggregate amount of itemized contributions.

For past [REDACTED] AFL PCC reports, it may be impossible for the SSF [REDACTED] to fully correct their reports because of the long-standing failure to keep separate records for AFL PCC contributions. Accordingly, it may be impossible to recreate past reports correctly. However, the SSF [REDACTED] should correct their past reports covered by the audit to the following extent: [REDACTED]

[REDACTED] AFL PCC should list all amounts previously received from CWA PCC as contributions and itemize those contributions to the extent possible, rather than reporting the transmitted amount on line 12 (transfers from affiliated committees). The itemized contributions should be reflected on Schedule A, and not as memo entries. 11 C.F.R. § 102.6(c)(7). Given that these contributions are from individuals through a collecting agent, they should be reflected as individual contributions on Schedule A. 11 C.F.R. § 102.6(c)(7).

# American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.  
Washington, D.C. 20006  
(202) 637-5000  
www.aflcio.org

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November 16, 2009

Joseph F. Stoltz  
Assistant Staff Director  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

## Re: Draft Final Audit Report for AFL-CIO COPE PCC (2005-06)

Dear Mr. Stoltz:

I am responding on behalf of the AFL-CIO and the AFL-CIO Committee on Political Education Political Contributions Committee ("AFL-CIO COPE PCC") to your October 28, 2009 letter to Elizabeth H. Shuler, AFL-CIO COPE PCC Treasurer; the Federal Election Commission's ("the Commission") draft final audit report for AFL-CIO COPE PCC in the 2005-06 election cycle ("Draft Report"); and the October 15, 2009 memorandum of the Office of General Counsel ("OGC Memorandum") commenting on the Draft Report. As explained below, AFL-CIO COPE PCC requests a hearing before the Commission on certain aspects of Finding 2 of the Draft Report.<sup>1</sup>

### Overview and Request for Hearing

Draft Finding 2, "Transfers Received From Separate Segregated Funds," concerns what we have been advised triggered the audit itself: the longstanding collecting agent/joint fundraising arrangements between, first, the AFL-CIO and AFL-CIO COPE PCC and the Communications Workers of America ("CWA") and its separate segregated fund, CWA COPE PCC, and second, between the AFL-CIO and AFL-CIO COPE PCC and the American Federation of Teachers ("AFT") and its separate segregated fund, AFT COPE.<sup>2</sup> The Draft Report concludes that those separate segregated funds lawfully could and did act as collecting agents for AFL-CIO COPE PCC when they transferred, in total during 2005-06, \$1.1 million to

<sup>1</sup> Draft Finding 1, "Misstatement of Financial Activity," addresses misstatements of cash on hand and disbursements during the audit period. As the Draft Report states, AFL-CIO COPE PCC has complied with the Audit Division's recommendations in its interim audit report dated July 21, 2009 ("Interim Report") to amend past reports and to correct the cash balance on a current report. Accordingly, we accept Finding 1 as drafted.

<sup>2</sup> The CWA and AFT separate segregated funds are occasionally referred to below as "the CWA and AFT SSFs."



AFL-CIO COPE PCC. But the Draft Report also concludes that AFL-CIO COPE PCC was responsible for ensuring that the CWA and AFT SSFs each acted as an ordinary collecting agent in full compliance with 11 C.F.R. § 102.6. OGC concurs with both parts of that analysis.

As explained below, AFL-CIO COPE PCC disagrees with the Draft Report's characterization of the arrangements at issue as cabined by 11 C.F.R. § 102.6, and contends that, due to the simultaneous joint fundraising arrangements with the CWA and AFT SSFs, the collecting agent regulations do not dictate the implementation, recordkeeping and reporting of the funds that were transferred. We do agree with Finding 2 that, if those requirements strictly apply, AFL-CIO COPE PCC and the CWA and AFT SSFs complied with the transfer timeliness requirements at 11 C.F.R. § 102.6(c)(4) during the audit period.

As we also show below, for over 20 years before this audit commenced in December 2007 AFL-CIO COPE PCC and at least nine and as many as 14 different Commission-registered separate segregated funds ("SSFs") connected with labor organizations that were constitutionally affiliated with the AFL-CIO routinely engaged in joint fundraising from their common restricted classes, and *since 1993 alone those committees routinely reported on their respective Forms 3X, at both ends of the transaction, 183 transfers to AFL-CIO COPE PCC that exceeded the \$5,000/yr. committee-to-committee limit.* Yet as far as we know, until October 2004 no office at the Commission ever questioned these arrangements or any of the 366 over-\$5,000 entries on Forms 3X that reported them, or the 198 under-\$5,000 transfers, which were recorded 396 times on Forms 3X, between the same committees and that further increased the aggregate annual payments from a particular union SSF to AFL-CIO COPE PCC over the \$5,000 mark.

AFL-CIO COPE PCC requests a hearing so we may present oral argument concerning these facets of Finding 2, pursuant to the Commission's Notice 2009-12, "Procedural Rules for Audit Hearings," 74 Fed. Reg. 33140 (July 10, 2009), as revised by Notice 2009-19, "Procedural Rules for Audit Hearings," 74 Fed. Reg. 39535 (August 7, 2009). We request that this hearing be held in a closed session if, at the time of the hearing, [REDACTED] has not yet concluded with a public release of a final report by the Commission. That is [REDACTED] and the OGC Memorandum, which would be made public in advance of the hearing on the AFL-CIO COPE PCC audit, [REDACTED]

**More Than 20 Years of Fully Reported Joint Fundraising Between AFL-CIO COPE PCC and at Least Nine Other Union-Connected Separate Segregated Funds Elapsed Before RAD First Questioned the Arrangement and Before the Current Audit Was Initiated**

This audit commenced in December 2007 following a series of correspondence between AFL-CIO COPE PCC and the Reports Analysis Division ("RAD") that began on October 20, 2004; between RAD and CWA COPE PCC that began on December 22, 2004; and between RAD and AFT COPE that began on September 13, 2006. Again, RAD's inquiries and this audit have questioned for the first time ever arrangements between the AFL-CIO, AFL-CIO COPE PCC and numerous labor organizations and their separate segregated funds that have continued year-in, year-out for almost a quarter-century, and that have been fully reported to the Commission throughout that lengthy period by every participating committee.

An Audit Division summary, “Line 12 Transfers from Affiliated Committees”<sup>3</sup> (Attachment 1), shows that between 2001 and 2004 the CWA and AFT SSFs and the SSFs of four other labor organizations made 66 separate joint fundraising transfers to AFL-CIO COPE PCC. Of these, 49 exceeded the \$5,000/yr. contribution limit from one political committee to another, see 2 U.S.C. § 441a(a)(2)(C), and the other 17, when aggregated with other transfers by the same SSF to AFL-CIO COPE PCC in the same year, totaled more than \$5,000. Of the 49 over-\$5,000 transfers:

- 2 were over \$5,000 and up to \$10,000
- 36 were over \$10,000 and up to \$25,000
- 1 was over \$25,000 and up to \$50,000
- 2 were over \$50,000 and up to \$100,000
- 8 were over \$100,000 and up to \$250,000

AFL-CIO COPE PCC, a monthly filer, reported these joint fundraising transfers on Form 3X, Line 12. Previously, and since at least 1993 (the earliest period covered by reports available on the Commission’s website<sup>4</sup>), AFL-CIO COPE PCC reported similar receipts on Line 11(c), as the attached spreadsheet (Attachment 2) demonstrates. During the eight-year period from 1993 to 2000, AFL-CIO COPE PCC’s Form 3X reports and those of the transferor SSFs similarly explicitly alerted the Commission to the nature of these arrangements, as follows:

1. AFL-CIO COPE PCC reported 315 separate receipts from labor organization SSFs that were parties to collecting agent/joint fundraising arrangements:
2. 236 of these transactions were reported by the transferor SSF as “joint fundraising transfers.”
3. 78 of these transactions lacked a “purpose” designation.
4. One transfer was reported as a “contribution.”
5. 134 of these transfers exceeded \$5,000, as follows:

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<sup>3</sup> We understand the Audit Division’s use of the term “affiliated” here to mean the constitutional relationship between the AFL-CIO and the transferor SSF, rather than to mean affiliated in the sense of 11 C.F.R. § 100.5(g). Except for the Transportation Trades Department AFL-CIO PAC and AFL-CIO MI COPE PCC, none of the listed committees was so “affiliated” with AFL-CIO COPE PCC.

<sup>4</sup> The Commission presumably can readily review its records prior to 1993. AFL-CIO internal records other than AFL-CIO COPE PCC Forms 3X indicate that these joint fundraising arrangements date back at least to 1985, and that between 1985 and 1992 they entailed transfers of similar orders of magnitude as occurred after 1992. Those records indicate that at least four union SSFs other than those listed in the text on page 4 participated in these arrangements prior to 1993: the International Longshoremen’s Association AFL-CIO Committee on Political Education ILA-COPE; the former Transportation Communications International /Brotherhood of Railway and Airline Clerks SSF; the National UFW- Volunteer PAC (a/k/a United Farm Workers of America AFL-CIO Federal PAC); and the American Federation of Teachers Staff Union Committee on Political Education.

- 50 transfers of over \$5,000 and up to \$10,000
- 62 transfers of over \$10,000 and up to \$25,000
- 12 transfers of over \$25,000 and up to \$50,000
- 7 transfers, each over \$50,000 and up to \$100,000
- 3 transfers of over \$100,000 and up to \$240,000

All told, between 1993 and 2004, AFL-CIO COPE PCC received joint fundraising transfers in one or more years from the following nine SSFs of labor organizations that are constitutionally affiliated with the AFL-CIO, in each case in amounts that exceeded \$5,000/yr.:

- American Federation of Teachers Committee on Political Education
- Campaign Fund of the Allied Industrial Workers of America, AFL-CIO
- Communications Workers of America Committee on Political Education Political Contributions Committee
- International Brotherhood of Electrical Workers Political Action Committee
- Office of Professional Employees International Union – Voice of the Electorate
- SEIU COPE (Service Employees International Union Committee on Political Education)
- UNITE HERE TIP Campaign Committee, and its predecessors ILGWU Campaign Fund and UNITE Campaign Committee
- United Auto Workers Voluntary Community Action Program
- United Food and Commercial Workers International Union Active Ballot Club

Again, apparently the Commission's first inquiry about these arrangements was a letter from RAD to AFL-CIO COPE PCC on October 20, 2004. In that letter RAD evinced what might be termed a surprising cluelessness about the structure of the AFL-CIO and its affiliated national labor organizations, despite the decades of their reporting to the Commission, the Commission's long familiarity with them, and the explicit regulatory recognition of that structure at 11 C.F.R. §§ 100.5(g)(3), 100.134(h) and (i), and 114.1(e)(5) and (6): RAD asked AFL-CIO COPE PCC whether it was "actually...affiliated" with CWA COPE PCC. And, that letter initiated a series of correspondence between RAD and, variously, AFL-CIO COPE PCC, CWA COPE PCC, AFT COPE and the UAW Voluntary Community Action Program that continued, fitfully and formalistically, for over three years until the Commission voted in December 2007 to undertake the current audit. Specifically regarding the CWA and AFT SSFs, correspondence between RAD and AFL-CIO COPE PCC or CWA COPE PCC was exchanged in October, November and December 2004; then in January, February and March 2005; then *nothing* for 15 months; then another RAD-initiated round in July, August, September and October 2006; and then nothing until the audit 14 months later. Meanwhile, RAD initiated similar correspondence with AFL-CIO COPE PCC and AFT COPE in July 2006, which continued in August, September and October 2006; then nothing for 11 months until RAD sent a letter to AFL-CIO COPE in September 2007, to which AFL-CIO COPE PCC responded in October; and then, two months later, the audit. And, despite the initiation of this audit, RAD and AFT COPE exchanged further such letters in March, April, July and August 2008, and January and February 2009.<sup>5</sup> (All of this correspondence is attached as Attachment 3.)

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<sup>5</sup> A review of this correspondence back and forth should raise concerns about how RAD operates. Not only did it appear unaware of the basic structure of the labor movement, but it repeatedly sent form letters asking the same questions over and over despite detailed responses from the various committees, including requests that RAD seek

## **The Collecting Agent/Joint Fundraising Arrangements Among the SSFs**

The pertinent facts are as follows concerning the structures of the arrangements at issue in draft Finding 2. For clarity, we address the status of the parties and the arrangements among the AFL-CIO, AFL-CIO COPE PCC, CWA and CWA COPE PCC; the same status and arrangements also pertain to the AFL-CIO, AFL-CIO COPE PCC, AFT and AFT COPE, as the Draft Report describes.

CWA is a “labor organization” within the meaning of 2 U.S.C. § 441b(b)(1), and it is “affiliated” with the AFL-CIO within the meaning of 11 C.F.R. §§ 100.134(h) and 114.1(e)(4). The AFL-CIO is also a “labor organization” under 2 U.S.C. § 441b(b)(1), and it is a “federation” under 11 C.F.R. §§ 100.134(h) and (i), and 114.1(e)(4) and (5). All members of CWA are also members of the AFL-CIO, so the two organizations’ restricted classes overlap to the full extent of CWA’s membership. *See id.* However, CWA is *not* “affiliated” with the AFL-CIO for purposes of aggregating contributions to and by their respective SSFs. *See* 11 C.F.R. § 100.5(g).

CWA/AFL-CIO members routinely authorize payroll-deducted *joint* contributions to both CWA COPE PCC and AFL-CIO COPE PCC pursuant to voluntary individual written authorizations that explicitly designate both of those SSFs. Those contributions are routinely collected by employers that are signatories to CWA collective bargaining agreements in accordance with 11 C.F.R. § 114.5, and those employers then remit these contributions directly to CWA COPE PCC. CWA itself directly receives a relatively small amount of contributions from restricted-class members whom CWA itself employs, pursuant to identical payroll deduction authorizations, and CWA remits those contributions directly to CWA COPE PCC.

CWA COPE PCC initially receives, processes and reports to the Commission all such payroll-deducted contributions, including by itemizing on Form 3X, Schedule A every member whose contributions aggregate more than \$200 in a calendar year, in accordance with 11 C.F.R. § 104.8. CWA COPE PCC then makes periodic joint fundraising transfers of a small fraction of these contributions to AFL-CIO COPE PCC, and each SSF reports that transfer as described above – CWA COPE PCC on Schedule B, Line 22, and AFL-CIO COPE PCC on Schedule A, Line 12.<sup>6</sup> The timing and amounts of those transfers occur at the mutual discretion of the officials of the SSFs’ connected organizations, the AFL-CIO and CWA.

## **ANALYSIS**

### **AFL-CIO COPE PCC Has a Joint Fundraising Arrangement with Each SSF**

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guidance from OGC and that the underlying legal issues be addressed in an orderly and efficient manner. Undersigned counsel did meet with RAD and OGC staff in 2006 without a conclusive result, and RAD’s rote RFAs then continued as before. Meanwhile, since RAD first initiated its inquiries over five years ago, as far as we have been made aware the October 15, 2009 OGC Memorandum marks the first time that OGC has prepared any legal analysis of RAD’s and the Audit Division’s cursory contentions over the years that these longstanding arrangements are in any way unlawful, despite AFL-CIO COPE PCC’s repeated requests that OGC be engaged.

<sup>6</sup> In recent years AFL-CIO COPE PCC and the other SSFs, upon the informal advice of a RAD analyst some time ago – as to which, we acknowledge, no record was made – have so reported the joint fundraising transfers as “transfers.” (In light of that informal advice, as well, RAD’s later inquiries were unexpected and perplexing.)

Under the Federal Election Campaign Act (“the Act”), there is no limit on the amounts of joint-fundraising proceeds that may be transferred between committees that jointly fundraise. See 2 U.S.C. § 441a(a)(5)(A); 11 C.F.R. § 110.3(c)(2). The Draft Report asserts that AFL-CIO COPE PCC *cannot* have a joint fundraising relationship with another SSF because the Commission’s joint fundraising regulation, 11 C.F.R. § 102.17, “Joint fundraising by committees other than separate segregated funds,” does not apply to them. See Draft Report at 11. But no such restriction appears in the Act or the regulations. Nor does the Act or the regulations require that a joint fundraising transferee record and report to the Commission the individual contributors to the transferor committee whose contributions might be deemed to be among the funds transferred.

Thus, 11 C.F.R. § 110.3(c)(2) provides that the usual contribution limitations do not apply to “[t]ransfers of joint fundraising proceeds between organizations and committees participating in the joint fundraising activities provided that no participating committee or organization governed by 11 C.F.R. § 102.17 receive[s] more than its allocated share of the funds raised.” OGC contends that “since section 102.17 is specifically limited to committees other than SSFs, this provision allowing unlimited transfers specifically does not apply to CWA [COPE] PCC or AFL[-CIO COPE] PCC.” OGC Mem. at 5 n. 4. But, that is *not* what 11 C.F.R. § 110.3(c)(2) says: rather it sets forth a general rule about entities that are parties to joint fundraising arrangements, and then imposes a special condition on the subset of those entities that are subject to 11 C.F.R. § 102.17, namely, they must conform to their respective allocated shares of jointly fundraised receipts.

OGC also misstates AFL-CIO COPE PCC’s position as relying on a “joint fundraising ‘rationale’ that, ‘if... accepted, [would mean that] any two committees who share contributors would be able to claim that they too are doing joint fundraising.” OGC Mem. at 5. n 4. In fact, AFL-CIO COPE PCC and the CWA and ACT SSFs do not simply “share contributors”; they are parties to longstanding joint fundraising arrangements, and their incoming contributions derive from individually executed instruments that identify *both* of the recipient joint fundraising committees. Only where there is such a commonly raised corpus of funds can there be transfers between committees without regard to the \$5,000/yr. limit. Moreover, because it appears that only SSFs with common restricted classes fit within our analysis, we believe that it could apply only to organizations with national federation structures, and only insofar as they are not actually affiliated for contribution-aggregation purposes anyway. See 11 C.F.R. §§ 100.134(h) and (i), 114.1(e)(4) and (5).

Draft Finding 2 also appears to dispute that AFL-CIO COPE PCC and the CWA and AFT SSFs had joint fundraising agreements because “no joint fundraising agreement was presented.” Draft Report at 8. However, the absence of a specific written agreement is legally irrelevant. 11 C.F.R. § 102.17(c)(1) does not apply, and even the collecting-agent regulations do not require a written agreement between a collecting agent and a recipient committee. See *generally* 11 C.F.R. § 102.6. Therefore, there is no statutory or regulatory requirement that the two SSFs either enter into a written agreement to govern their arrangement (let alone that they agree on a formula to allocate contributions between them, which neither the Audit Division nor OGC suggests is required.) Moreover, the Draft Report concedes that the underlying payroll check-off authorization cards of CWA/AFL-CIO members and AFT/AFL-CIO members authorize contributions to *both* the CWA or AFT SSF *and* AFL-CIO COPE PCC. *Id.* And, as

the Draft Report also notes, see *id.*, the parties' practice has been that CWA and AFL-CIO officials confer and agree, on a periodic basis, as to the amount and timing of transfers, as do AFT and AFL-CIO officials.

As described above, the transferor SSF and transferee AFL-CIO COPE PCC each routinely reports the transfers between them as a lump sum payment that is not attributed to particular individual member-contributors to the transferor. That is legally sufficient. Member-contributors authorize the actual *remittance* of their contributions *only* to their union's SSF, and there is no basis *at the time of receipt* for the SSF to do otherwise. That is, the contributors themselves authorize that their contributions be remitted *solely* to their SSF, and their employers, of course, must comply with that instruction. And, the member-contributors delegate to their union's SSF and AFL-CIO COPE PCC the decision as to the ultimate distribution of their contributions between their own union's SSF and AFL-CIO COPE PCC. The timing and amounts of the transfers occur without regard to which particular *individual* contributions were received – the contributions are, in fact, fungible for purposes of making the joint fundraising transfers. Only when a transfer from the CWA or AFT SSF to AFL-CIO COPE PCC later occurs might a *prior* receipt be even theoretically considered to be part of the transferred sum – but that occurs *after* the CWA or AFT SSF has received the contribution, logged it into its recordkeeping and reporting system, and deposited it into its own account when it does not necessarily know when the next transfer to AFL-CIO COPE PCC will occur. Nothing in the Act or the Commission's regulations compels them to decide that in advance so as to attribute particular incoming contributions to the transfer.

Accordingly, transfers are most accurately viewed as comprised of funds that are not attributable to any particular individual contributor, but are comprised of an unitemized aggregate of a portion of all of them. It is perfectly accurate, then, for the SSF that directly receives the individual contributions to treat *all* of them as *its* contributions, and then if and when it decides to transfer sums to AFL-CIO COPE PCC, to treat that transfer as a conventional transfer from one joint fundraising partner to the other that does not require disaggregation into prior individual contributors for attribution to the transferee, but requires only the reporting of its date and amount, just as is the case with transfers in other circumstances. See *generally* 11 C.F.R. §§ 104.3(a)(2)(v), 104.3(a)(4)(iii), 104.3(b)(1)(ii), 104.3(b)(3)(ii).

OGC asserts that the practice of CWA COPE PCC reporting all contributions received by it, “regardless of whether it keeps them or transmits them to AFL[-CIO COPE] PCC, would be permissible [only] if both organizations were ‘affiliated,’ sharing a single contribution limitation. See 2 U.S.C. § 441a(a)(1)(C); 11 C.F.R. §§ 100.5(g)(3), 110.3(a).” OGC Mem. at 3 n.2. However, *none* of these cited provisions states that a transfer between affiliated committees must be reported in any particular manner; indeed, none pertain to reporting at all. Indeed, the collecting agent rules that the Draft Report and the OGC Memorandum contend apply in every respect to these arrangements themselves can be read to require only date and amount reporting by AFL-CIO COPE PCC of the transfers it receives. 11 C.F.R. § 102.6(c)(7) requires an SSF to itemize contributions received from a collecting agent only “to the extent required under 11 CFR 104.3(a),” and that section in turn requires the recipient committee of a “transfer” from another organization to report only its “date and amount,” *not* information about the original contributors of the transferred funds. See 11 C.F.R. § 104.3(a)(4)(iii)(B). (OGC does not acknowledge the reference in 11 C.F.R. § 102.6(c)(7) to 11 C.F.R. § 104.3. See OGC Mem. at 4.) These regulations, then, do *not* require a shift to AFL-CIO COPE PCC of the responsibility either to

report a share of individual contribution receipts as itemized or unitemized contributions, or to keep records as to individual contributors so long as the CWA and AFT SSFs do so.

**Each SSF Is Also a Collecting Agent for AFL-CIO PCC, But That Relationship Does Not Trigger the Full Application of 11 C.F.R. § 102.6**

Under their arrangements, CWA and CWA COPE PCC, and AFT and AFT COPE, are, respectively, not only joint fundraising partners but also collecting agents for AFL-CIO COPE PCC. CWA and AFT each is an “international union collecting contributions on behalf of the separate segregated fund of [a] federation with which the international union is affiliated.” 11 C.F.R. § 102.6(b)(1)(iv). As such, each union is an “unregistered organization” within the meaning of 11 C.F.R. § 102.6(b)(2). And, because the CWA and AFT SSFs are separate segregated funds, each may act as a collecting agent under 11 C.F.R. § 102.6(b). See 11 C.F.R. § 102.17(a)(3).<sup>7</sup>

As just described, however, unlike the ordinary collecting agent contemplated in 11 C.F.R. §102.6(c), the CWA and AFT SSFs do not transmit all of the contributions that they collect to AFL-CIO COPE PCC; rather, each SSF is, principally, also a committee that *receives* contributions *to itself*, pursuant to its joint fundraising arrangement with AFL-CIO COPE PCC. The collecting-agent regulations themselves explicitly acknowledge the possibility of such a dual capacity: “Nothing in [them] shall preclude a separate segregated fund from soliciting and collecting contributions *on its own behalf*.” 11 C.F.R. § 102.6(b)(4) (emphasis added). OGC accuses AFL-CIO COPE PCC and the CWA and AFT SSFs of trying to “create their own exception and make their own rules. Either they fit into one of the specifically described exceptions [to the \$5,000/yr. contribution limit], or their transactions with each other are subject to contribution limits.” OGC Mem. at 5. But, again, nothing in 11 C.F.R. § 102.6 or the Commission’s other regulations imposes any such specific requirements on a committee when it performs the dual role of raising contributions for itself in joint fundraising with another SSF with which it shares a restricted class. Generally, if an activity is not clearly addressed by the Act or a Commission regulation, then it is simply not regulated, let alone subject to some “default rule,” in OGC’s term, see *id.*, that, as far as our research shows, the Commission has never asserted as such.

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<sup>7</sup> OGC concurs that CWA COPE PCC may be a collecting agent, but cites instead Advisory Opinion 2000-03 as authority. See OGC Mem. at 3. It should be noted that the course of dealing here has revealed a failure of internal communication and consistency within the Commission. Following its audit fieldwork, the Audit Division’s Exit Conference Outline given to AFL-CIO COPE PCC placed the burden on that committee to demonstrate why it did not have to refund \$1.1 million to CWA COPE PCC and AFT COPE. And, Interim Report Finding 2 asserted that “[u]nless it is shown that AFT and CWA COPE can act as collecting agents for AFL-CIO COPE, these committees are limited to making contributions up to \$5,000 annually to AFL-CIO COPE.” However, *RAD itself had previously explicitly and repeatedly informed AFL-CIO COPE PCC and the CWA and AFT SSFs that those SSFs could act as collecting agents for AFL-CIO COPE PCC.* In an RFAI to CWA COPE PCC on July 12, 2006 – based on submissions by AFL-CIO COPE PCC and CWA COPE PCC that we have both echo and amplify – RAD stated that “CWA COPE PCC could legally function as a collecting agent” for AFL-CIO COPE PCC. RAD reiterated that conclusion in RFAIs to AFL-CIO COPE PCC on July 19, 2006, and in another RFAI to CWA COPE PCC on September 13, 2006. And, RAD stated the identical conclusion with respect to AFT COPE’s collecting agent capacity for AFL-CIO COPE PCC in RFAIs to AFT COPE on September 13, 2006, March 12, 2008, and July 18, 2008, and an RFAI to AFL-CIO COPE PCC on September 28, 2007. AFL-CIO COPE PCC (and, we submit, the CWA and AFT SSFs) justifiably relied upon those conclusions, and it was surprising, inconsistent and unfair for the Audit Division in 2008 to impose a burden on any of them to prove that this was the case.

Finding 2, however, asserts that the Commission's various collecting-agent rules must be followed here without regard to the joint fundraising -- namely, that the CWA and AFT SSFs must operate a separate transmittal account solely for AFL-CIO COPE contributions; transfer funds within 10 or 30 days, depending on the amounts involved<sup>8</sup>; and "[f]orward all recordkeeping information relating to the transfers to AFL-CIO COPE...." Draft Report at 8. It is true that the CWA and AFT SSFs do not use a transmittal account solely for AFL-CIO COPE PCC contributions, keep separate records of contributors attributable to their respective transfers to AFL-CIO COPE PCC, or report that information to AFL-CIO COPE PCC. But, again, the key difference between this collecting-agent arrangement and that contemplated by 11 C.F.R. § 102.6 is that CWA COPE PCC and AFT COPE each is *both* a collecting agent for AFL-CIO COPE PCC *and* a separate segregated fund soliciting and receiving *for itself* contributions from the same members in its own right. From our research, it appears that the Commission has never addressed the relative reporting obligations of two SSFs undertaking such an arrangement, let alone one where all incoming contributions were fully and accurately reported by one of them. *Cf.* AO 1980-74 (approving local union's solicitation of members for two SSFs *without* specifically requiring such reporting).

Nor is the AFL-CIO COPE PCC's assumption of individual contributor recordkeeping and reporting "necessary... to monitor itemization and limitation requirement," as the Draft Report, at 9, contends. First, the CWA and AFT SSFs itemize *all* joint contributions under the \$200.01/yr. threshold as is required. Second, of course, neither SSF accepts more than \$5,000/yr from any member as a matter of legal compliance policy, and in any event, as is common among union-connected SSFs, no member ever comes close to contributing \$5,000 per year anyway. And third, CWA/AFL-CIO and AFT/AFL-CIO members who contribute to their union's SSF *never* contribute separately to AFL-CIO COPE PCC. Accordingly, there is no need for distinct AFL-CIO COPE PCC itemization in order to monitor compliance with limitation requirements.

In any event, insofar as the Commission might have discretion to interpret and apply the Act and its regulations, no public purpose would be served by shifting this recordkeeping and reporting obligation to AFL-CIO COPE PCC. For, doing so would *not* add any information to the public domain; in fact, the most likely consequence would be, ironically, a *reduction* of public information, for surely some individual contributors who would reach the \$200.01 annual aggregate reporting threshold if they were recorded and reported solely by the CWA or AFT SSF would *not* reach that threshold if a portion of their contributions instead were attributed solely to AFL-CIO COPE PCC. It is difficult to discern how the disclosure goals of the Act would be served by imposing such requirements.

### **The Commission's Lengthy History of Acceptance of the Openly Reported Joint Fundraising Arrangements and the Burdens That Would Result If Changes Were Compelled Counsel Heavily Against Adoption of the Draft Report's Recommendations**

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<sup>8</sup> The Draft Report concedes that the transfers during the audit period satisfied the timeliness requirements in light of their amounts and the routine frequency and volume of the member contributions received by the CWA and AFT SSFs. See Draft Report at 8-9. Even so, AFL-CIO COPE PCC asserted in its response to the Interim Audit Report that it "would commit that it will accept transfers only if the transferring SSF itself also received at least the transferred amount within the previous 30 days (as both SSFs at issue did during 2005 and 2006)." The Draft Report fails to acknowledge that commitment, which we reiterate here.



As described above, for over 20 years before RAD's inquiries began AFL-CIO COPE PCC and the SSFs of many of its constitutionally affiliated national labor organizations entered into and implemented the joint fundraising/collecting agent arrangements described above, and reported hundreds of times to the Commission transfers that exceeded the \$5,000/yr committee-to-committee limit, without, as far as we are aware, eliciting a single objection or inquiry from the Commission, let alone from any member-contributor or anyone else. While we acknowledge that, as far as we are aware, the Commission did not explicitly approve these arrangements (with the exception of RAD's numerous RFAs confirming that various union SSFs could act as collecting agents for AFL-CIO COPE PCC), it is clear that the Commission at least tacitly accepted and approved them, year in and year out. Otherwise, why would it never raise a question about openly reported transfers, repeatedly termed "joint fundraising transfers," that far exceeded \$5,000 between committees whose Form 1 Statements of Organization reflected no affiliation between them, and that were part of a national labor federation structure with which the Commission has been well conversant at least since the post-*Buckley* amendments in 1976?

The AFL-CIO, AFL-CIO COPE PCC, the AFL-CIO's numerous affiliated national unions and their SSFs have justifiably relied upon the Commission's tacit acceptance for many years. The SSFs have devised increasingly complex computer and accounting systems and transmittal relationships with innumerable employers that administer employee payroll deduction systems for contributions to the SSFs (the means by which virtually all member contributions to union SSFs are made). Those systems treat all incoming contributions as contributions to the SSFs, and they receive, deposit, process, track and aggregate contributions from individual members so that they are fully and accurately recorded and reported by the SSFs in compliance with the Act. The Draft Report effectively demands the disruption and revamping of all of these systems in order to recharacterize these contributions, impose new recordkeeping and reporting requirements on AFL-CIO COPE PCC, and require the SSFs in advance to arbitrarily designate particular contributions as the corpus of their transfers to AFL-CIO COPE PCC.

This history and those burdens counsel heavily against a belated determination by the Commission that everyone has been doing this wrong for all these years and systems and relationships suddenly have to be changed. That is especially the case where there has been no intervening change of law; all of the participants, including the contributing members themselves, are evidently satisfied with it; everything is accurately recorded and reported; and the changes sought would result in *less* itemization of contributors. It is telling that neither the Draft Report nor the OGC Memorandum deigns to acknowledge or explain this history, which we spelled out during the audit process, and that only the Draft Report even acknowledges the fact of our showing that that its recommendations would impose severe burdens.

**The Draft Report's Recommendation That AFL-CIO COPE PCC Amend Its 2005-06 Reports to Itemize Individual Contributors Is Unfair and Burdensome**

The Draft Report appears to stand by the Interim Report's recommendations that AFL-CIO COPE PCC amend its reports during the audit period to list the transfers from the CWA and AFT SSFs on Line 11, rather than Line 12, and itemize individual contributors. See Draft Report at 10-11. AFL-CIO COPE PCC is agnostic as to the appropriate reporting line, and over the years it has variously reported them on Line 11(c) and more recently, Line 12 in response to informal RAD advice. But even if the Draft Report were correct about which SSF must itemize,

it would be unfair and overly burdensome at this point to require AFL-CIO COPE PCC to reconstruct the originating contributors to the funds transferred from the CWA and AFT SSFs during 2005 and 2006. OGC itself acknowledges that "it may be impossible for the SSFs to fully correct their reports because of the long-standing failure to keep separate records for AFL[-CIO COPE] PCC contributors. Accordingly, it may be impossible to recreate past reports correctly." OGC Mem. at 7.

Meanwhile, [REDACTED] identify and transmit contributor information to AFL-CIO COPE PCC for the audit years, yet AFL-CIO COPE PCC would be completely reliant on CWA COPE PCC to do so in order to amend its 2005-06 reports as the Draft Report suggests. [REDACTED] to require it to reconstruct, or, more accurately, create records about the contributors that could be deemed to underlie its transfers to AFL-CIO COPE PCC. Meanwhile, there has been no audit or, as far as we are aware, other Commission action with respect to AFT COPE's participation in these arrangements other than the RAD inquiries described above. Surely, then, even if the Commission accepts the Draft Report's conclusions about recordkeeping and reporting obligations, those requirements should be enforced only prospectively.

### Conclusion

There is no sound reason to disturb the longstanding respective recordkeeping and reporting arrangements among AFL-CIO COPE PCC and the SSFs of AFL-CIO-affiliated unions to which hundreds of thousands of individual member-contributors have acceded for more than a generation. Absent clear and compelling statutory or regulatory support for a legal theory that would disrupt these open and fully reported practices, the Commission should decline to adopt the Draft Report insofar as it recommends that the various committees discontinue them and instead adopt new and burdensome requirements that do not advance the disclosure goals of the Act.

Thank you for your consideration.

Yours truly,



Laurence E. Gold  
Associate General Counsel, AFL-CIO

LEG:sjb  
Attachments

cc: Elizabeth H. Shuler, AFL-CIO COPE PCC Treasurer  
Karen Ackerman, AFL-CIO Political Director

# Attachment 1

Created by: Henry Miller  
 Date: 3/31/06

**AFL-CIO COPE Political Contribution Committee (C00003806)**  
**Line 12 Transfers From Affiliated Committees**  
**Transfers for 2001 through 2004**

Year	Contributor Name	Y E	Dec or	Nov or	Oct	Sept	Aug	Jul	Jun	May	Apr	Mar	Feb	Calc Total	Reported Total	
			Post Gen	Pre Gen												
2004	UFCW Int'l Union Active Ballot Club	10,475.06			110,540.19									121,016.15		
	Transportation Trades Department AFL-CIO PAC		15,000.00											15,000.00		
	UFCW Int'l Union Active Ballot Club		21,059.89			10,550.98	10,590.12		21,299.46				10,794.60	74,294.85		
	CWA-COPE POLITICAL CONTRIBUTIONS COMMITTEE				250,000.00	250,000.00								500,000.00		
	AFL-CIO MI COPE PCC									5,101.73				5,101.73		
	IBEW - COPE												3,000.00	3,000.00		
														718,412.73	718,412.73	0.00
2003	UFCW Int'l Union Active Ballot Club	21,638.70		21,697.76			21,711.33		10,905.44	10,939.05	11,009.77	11,018.62	10,999.73	119,920.40		
	IBEW - COPE		6,000.00				3,000.00		1,500.00	4,500.00			1,500.00	18,500.00		
	American Fed Of Teachers			200,000.00										200,000.00		
	Service Employees Int'l Union-COPE			2,457.63										2,457.63		
														338,878.03	338,878.03	0.00
2002	IBEW - COPE	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	9,000.00							16,500.00		
	UFCW Int'l Union Active Ballot Club	10,941.22	21,904.07		60,970.36	10,988.22	11,023.57	11,028.12	11,064.33	11,101.70	11,159.54	11,151.19	11,140.74	182,473.06		
	American Fed Of Teachers		100,000.00											100,000.00		
	Service Employees Int'l Union-COPE			175,000.00										175,000.00		
														473,973.06	473,973.06	0.00
2001	IBEW - COPE	1,500.00	4,500.00		225,000.00	101,500.00		3,000.00		3,000.00		3,000.00		341,500.00		
	UFCW Int'l Union Active Ballot Club	11,121.84	11,206.08	11,220.31	11,215.83	11,241.30	11,303.61	11,333.85	36,364.82	11,394.61	11,363.90	11,336.58		149,102.53		
	American Fed Of Teachers								200,000.00					200,000.00		
	UNITE Campaign Committee										4,148.00		12,444.00	16,592.00		
	United Food & Commercial												11,264.77	11,264.77		
														718,459.30	718,459.30	0.00

Total Line 12 Amount Transferred for 2001 through 2004 2,249,723.12

Note: There were no reported Line 12 Transfers for years 1995 through 2000

# Attachment 2

MONTH	NAME & ADDRESS	LINE NUMBER	TYPE OF TRANSACTION	AMOUNT	DATE
December	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	11/29/1993
December	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$5,000.00 \$1,500.00	11/1/93 11/12/93
December	Campaign Fund of the Allied Industrial Workers 3520 W Oklahoma Ave Milwaukee, WI 53215	11c	Joint Fundraising Transfer	11,631.00	11/22/1993
December	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$5,200.00 \$2,600.00	11/8/93 11/9/93
November	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	10/27/1993
November	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00	10/12/1993
October	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	9/16/1993
October	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$1,500.00	9/1/93 9/13/93
September	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	8/24/1993
September	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,600.00	8/18/1993
September	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00	8/20/1993
August	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	7/26/1993
August	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	7/8/1993
August	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,600.00	7/15/1993
August	AFT COPE S & L 555 New Jersey Ave NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$25,000.00	7/4/1993

July	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	6/28/1993
July	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	6/17/1993
July	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,600.00	6/18/1993
July	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00 \$25,000.00	6/1/93 6/25/93
July	AFT COPE S & L 555 New Jersey Ave NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$25,000.00	6/3/1993
June	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$5,000.00	5/13/1993 5/18/1993
June	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$30.54 \$10,000.00	5/4/1993 5/25/1993
June	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,600.00	5/20/1993
May	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	4/8/1993
May	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	4/19/1993
May	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$5,300.00 \$2,600.00	4/12/1993 4/19/1993
May	AFT COPE 555 New Jersey Ave NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$25,000.00	4/26/1993
April	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	3/19/1993
April	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	3/29/1993
April	AFT COPE 555 New Jersey Ave NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$25,000.00	3/25/1993
March	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$1,500.00	2/3/1993 2/9/1993

March	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$20,000.00	2/22/1993
February	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,600.00 \$2,600.00	1/11/1993 1/26/1993
	January Report 1993 - No Receipts				
	December Report 1994 - No Receipts				
November	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$5,000.00 \$2,000.00	10/20/1994 10/27/1994
November	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	10/25/1994
November	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$50,000.00 \$10,000.00	10/20/1994 10/20/1994
November	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$50,000.00 \$10,000.00	10/24/1994 10/26/1994
October	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$2,500.00	9/12/1994
October	ILGWU Campaign Committee 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	9/29/1994
October	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00 \$50,000.00	9/19/1994 9/29/1994
October	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,650.00	9/2/1994
September	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	8/3/1994
September	ILGWU Campaign Committee 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,600.00	8/29/1994
September	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00	8/2/1994



August	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00 \$10,000.00	7/13/1994 7/28/1994
August	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	7/13/1994
August	ILGWU Campaign Committee 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	7/20/1994
August	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00	7/5/1994
July	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	6/8/1994
July	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$2,000.00	6/6/1994 6/28/1994
July	AFT COPE 555 New Jersey Ave NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$25,000.00	6/9/1994
July	ILGWU Campaign Committee 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	6/23/1994
June	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	5/2/1994
June	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$2,500.00	5/5/1994 5/27/1994
June	AFT COPE 555 New Jersey Ave NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$25,000.00	5/23/1994
June	ILGWU Campaign Committee 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	5/16/1994
June	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00	5/23/1994
May	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	4/7/1994
May	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$1,500.00	4/6/1994 4/22/1994

May	AFT COPE 555 New Jersey Ave NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$25,000.00	4/11/1994
April	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$349.76	3/14/1994 3/16/1994
April	AFT COPE 555 New Jersey Ave NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$25,000.00	3/21/1994
April	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	3/22/1994
March	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	2/23/1994
March	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	2/7/1994
March	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00 \$2,400.00	2/3/1994 2/22/1994
February	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,000.00	1/31/1994
February	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	1/2/1994
	January Report 1994 - No Receipts				
December	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$5,000.00 \$1,500.00	11/1/1995 11/14/1995
December	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,376.85	11/9/1995
December	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,900.00	11/25/1995
November	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$5,000.00	10/12/1995 10/12/1995
November	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,900.00	10/25/1995
October	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	9/15/1995

October	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,382.77	9/27/1995
October	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,900.00	9/20/1995
October	CWA COPE PCC 501 3rd St NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$10,000.00	9/26/1995
September	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	8/10/1995
September	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,402.10 \$9,392.96	8/1/1995 8/24/1995
September	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00	8/15/1995
August	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$7,000.00	7/13/1995 7/26/1995
August	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,408.03	7/5/1995
August	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00	7/26/1995
July	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$5,000.00	6/12/1995 6/26/1995
July	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,408.49	6/14/1995
July	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	6/26/1995
July	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00	6/12/1995
June	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	5/10/1995
June	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,403.68	5/18/1995
June	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Contribution	\$2,400.00	5/18/1995

June	UAW-V CAP 8000 E Jefferson Ave Detroit, MI 48214	11c	Joint Fundraising Transfer	\$25,000.00	5/9/1995
May	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	4/12/1995
May	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,353.01	4/13/1995
May	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	4/20/1995
April	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	3/8/1995
April	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,351.86	3/24/1995
April	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	3/24/1995
March	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$5,000.00	2/13/1995 2/13/1995
March	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,650.00	2/21/1995
March	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	2/27/1995
February	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	1/9/1995
February	Active Ballot Club (UFCW) 1775 K Street, N.W. Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,650.00	1/25/1995
February	ILGWU Campaign Fund 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$2,400.00	1/23/1995
	January Report 1995 - No Receipts				
	December Report 1996 - No Receipts				
	November Report 1996 - No Receipts				

October	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$5,000.00	9/9/1996
October	U.F.C.W. Int'l Union 1775 K St NW Washington, DC 20006	11c	nothing listed	\$9,594.30	9/3/1996
October	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,500.00	9/10/1996
October	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$1,500.00	9/6/1996
October	United Auto Workers Int'l Union, CAP 8000 East Jefferson Detroit, MI 48214	11c	nothing listed	\$25,000.00	9/3/1996
October	American Federation of Teachers 555 New Jersey Ave NW Washington, DC 20001	11c	nothing listed	\$240,000.00	9/20/1996
September	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	8/29/1996
September	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,500.00 \$50,000.00	8/12/1996 8/20/1996
September	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$1,500.00	8/2/1996
September	United Auto Workers Int'l Union, CAP 8000 East Jefferson Detroit, MI 48214	11c	nothing listed	\$125,000.00 \$50,000.00 \$50,000.00	8/1/1996 8/8/1996 8/19/1996
August	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$3,000.00 \$7,000.00	7/3/1996 7/26/1996
August	U.F.C.W. Active Ballot Club 1775 K St NW Washington, DC 20006	11c	nothing listed	\$9,574.74	7/25/1996
August	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,900.00	7/9/1996
August	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$1,500.00	7/1/1996
August	American Federation of Teachers COPE 555 New Jersey Ave NW Washington, DC 20001	11c	nothing listed	\$75,000.00	7/25/1996

August	United Auto Workers Int'l Union, CAP 8000 East Jefferson Detroit, MI 48214	11c	nothing listed	\$50,000.00	7/3/1996
July	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$3,000.00	6/7/1996
July	U.F.C.W. Active Ballot Club 1775 K St NW Washington, DC 20006	11c	nothing listed	\$9,530.19	6/4/1996
July	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,900.00	6/14/1996
July	Communications Workers of America COPE 501 Third St NW Washington, DC 20001	11c	nothing listed	\$30,000.00	6/24/1996
July	American Federation of Teachers COPE 555 New Jersey Ave NW Washington, DC 20001	11c	nothing listed	\$25,000.00	6/28/1996
July	Service Employees International Union COPE PCC 1313 L Street NW Washington, DC 20005	11c	nothing listed	\$40,000.00	6/28/1996
June	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	5/14/1996
June	U.F.C.W. Active Ballot Club 1775 K St NW Washington, DC 20006	11c	nothing listed	\$9,150.09	5/6/1996
June	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,900.00	5/14/1996
May	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$2,500.00 \$1,500.00	4/8/1996 4/8/1996
May	U.F.C.W. Active Ballot Club 1775 K St NW Washington, DC 20006	11c	nothing listed	\$9,489.69	4/2/1996
May	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,900.00	4/24/1996
April	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	3/13/1996

April	U.F.C.W. Active Ballot Club 1775 K St NW Washington, DC 20006	11c	nothing listed	\$9,461.25	3/4/1996
April	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,900.00 \$4,900.00	3/4/1996 3/26/1996
March	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	2/9/1996
March	U.F.C.W. Active Ballot Club 1775 K St NW Washington, DC 20006	11c	nothing listed	\$9,437.19	2/20/1996
March	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,900.00	2/12/1996
February	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	1/26/1996
February	U.F.C.W. Active Ballot Club 1775 K St NW Washington, DC 20006	11c	Joint Fundraising Transfer	\$9,431.33	1/18/1996
	January Report 1996 - No Receipts				
December	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	11/17/1997
December	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,108.06	11/21/1997
December	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,500.00	11/13/1997
November	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$3,000.00	10/10/1997 10/29/1997
November	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,102.21	10/23/1997
November	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,500.00	10/15/1997
November	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00	10/23/1997

October	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	9/9/1997
October	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,092.28	9/19/1997
October	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,500.00	9/11/1997
October	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00	9/30/1997
September	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	8/21/1997
September	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,087.86	8/25/1997
September	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,500.00	8/7/1997
September	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00	8/13/1997
August	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	7/7/1997
August	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,070.45 \$10,075.64	7/2/1997 7/25/1997
August	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,500.00	7/14/1997
August	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00	7/17/1997
July	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$1,500.00	6/20/1997
July	U.F.C.W. Int'l Union 1775 K St NW Washington, DC 20006	11c	nothing listed	\$10,055.23	6/10/1997
July	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,500.00	6/17/1997



July	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	6/16/1997
June	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$1,500.00	5/23/1997
June	U.F.C.W. Int'l Union 1775 K St NW Washington, DC 20006	11c	nothing listed	\$10,048.72	5/7/1997
June	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,500.00	5/7/1997
June	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	5/2/1997
May	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$1,500.00	4/7/1997
May	U.F.C.W. Int'l Union 1775 K St NW Washington, DC 20006	11c	nothing listed	\$9,980.53	4/7/1997
May	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,500.00	4/9/1997
May	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	4/11/1997
April	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$1,500.00	3/13/1997
April	U.F.C.W. Int'l Union 1775 K St NW Washington, DC 20006	11c	nothing listed	\$9,898.85	3/13/1997
April	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,500.00	3/7/1997
April	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$3,000.00	3/13/1997
April	United Auto Workers-V CAP 8000 East Jefferson Detroit, MI 48214	11c	nothing listed	\$25,000.00	3/21/1997
March	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$1,500.00	2/5/1997
March	U.F.C.W. Int'l Union 1775 K St NW Washington, DC 20006	11c	nothing listed	\$9,910.49	2/11/1997

March	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,500.00	2/19/1997
March	S.E.I.U. COPE - PEA Fund International 1313 L St NW Washington, DC 20005	11c	nothing listed	\$10,000.00	2/20/1997
February	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	1/7/1997
February	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	nothing listed	\$9,917.88	1/10/1997
February	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,500.00	1/16/1997
	January Report 1997 - No Receipts				
	December Report 1998 - No Receipts				
	November Report 1998 - No Receipts				
October	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,118.79	9/23/1998
October	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	9/23/1998
October	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00	9/30/1998
October	United Auto Workers-V CAP 8000 East Jefferson Detroit, MI 48214	11c	Joint Fundraising Transfer	\$30,000.00	9/9/1998
October	American Federation of Teachers 555 New Jersey Ave NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$50,000.00	9/14/1998
October	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$20,000.00	9/30/1998
September	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$10,000.00	8/19/1998
September	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$3,000.00	8/19/1998
September	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,118.73	8/27/1998

September	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	8/14/1998
September	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$3,000.00	8/14/1998
August	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,118.85	7/15/1998
July	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	6/26/1998
July	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,119.00	6/17/1998
July	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	6/9/1998
July	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00 \$1,500.00	6/4/1998 6/24/1998
July	United Auto Workers-V CAP 8000 East Jefferson Detroit, MI 48214	11c	Joint Fundraising Transfer	\$50,000.00	6/8/1998
June	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	5/29/1998
June	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,119.14 \$200,000.00	5/27/1998 5/28/1998
June	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	5/6/1998
May	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	4/17/1998
May	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,119.44 \$10,119.26	4/17/1998 4/23/1998
May	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	4/17/1998
May	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00	4/17/1998

April	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	3/9/1998
April	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,119.61	3/3/1998
April	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	3/16/1998
April	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00 \$1,500.00	3/3/1998 3/25/1998
March	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00 \$1,500.00	2/2/1998 2/18/1998
March	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	2/12/1998
February	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,119.74	1/22/1998
February	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,500.00	1/21/1998
	January Report 1998 - No Receipts				
December	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	11/17/1999
December	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	nothing listed	\$11,192.36	11/19/1999
December	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$70,000.00 \$4,100.00	11/10/1999 11/29/1999
November	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	10/14/1999
November	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	nothing listed	\$11,186.75	10/6/1999
November	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$70,000.00	10/27/1999

October	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00 \$10,000.00	9/3/1999 9/21/1999
October	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$12,300.00	9/29/1999
September	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	nothing listed	\$1,500.00	8/11/1999
September	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	nothing listed	\$11,184.34	8/19/1999
September	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	nothing listed	\$4,100.00	8/19/1999
September	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$3,000.00	8/25/1999
August	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	7/9/1999
August	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$11,177.97	7/15/1999
August	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	7/29/1999
July	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	6/1/1999
July	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,932.15	6/17/1999
July	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	6/11/1999
July	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00	6/1/1999
June	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	5/5/1999
June	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,840.86	5/13/1999

June	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	5/19/1999
May	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	4/9/1999
May	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,752.66	4/21/1999
May	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00 \$4,100.00	4/21/1999 4/21/1999
May	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00	4/28/1999
April	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	3/5/1999
April	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,662.04	3/15/1999
April	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$3,000.00	3/18/1999
March	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$3,000.00	2/4/1999
March	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,571.62	2/22/1999
March	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	Joint Fundraising Transfer	\$1,500.00	2/4/1999
February	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$10,485.58	1/21/1999
February	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	1/4/1999
	January Report 1999 - No Receipts				
	December Report 2000 - No Receipts				

October	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,148.00	9/5/2000
October	Service Employees International Union COPE PCC 1313 L Street NW Washington, DC 20005	11c	Joint Fundraising Transfer	\$100,000.00	9/7/2000
September	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$3,000.00	8/2/2000
September	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$11,319.29	8/15/2000
September	UNITE Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,148.00 \$4,148.00	8/1/2000 8/8/2000
September	American Fed of Teachers 555 New Jersey Ave NW Washington, DC 20001	11c	Joint Fundraising Transfer	\$100,000.00	8/29/2000
August	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$11,438.37 \$11,363.89	7/17/2000 7/25/2000
July	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	6/12/2000
June	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	5/12/2000
June	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$11,445.44	5/17/2000
June	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,148.00	5/25/2000
May	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	4/7/2000
May	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$11,468.68 \$11,472.72 \$11,524.59	4/4/2000 4/10/2000 4/25/2000
May	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00 \$70,000.00	4/14/2000 4/19/2000

April	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	3/7/2000
April	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	3/14/2000
April	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$1,500.00	3/29/2000
March	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	2/9/2000
March	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$65,000.00	2/7/2000
March	O.P.E.I.U. Vote 815 16th St NW Ste 606 Washington, DC 20006	11c	nothing listed	\$3,000.00	2/16/2000
February	IBEW COPE 1125 15th Street, N.W. Washington, DC 20005	11c	Joint Fundraising Transfer	\$1,500.00	1/13/2000
February	United Food & Commercial Workers Int'l Union Active Ballot Club Washington, DC 20006	11c	Joint Fundraising Transfer	\$11,206.08	1/28/2000
February	Unite Campaign Comm. 1710 Broadway New York, NY 10019	11c	Joint Fundraising Transfer	\$4,100.00	1/7/2000



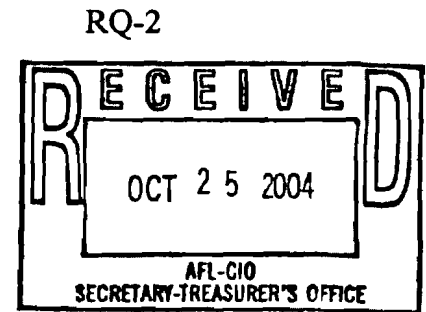
# Attachment 3



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 20, 2004

Richard L. Trumka, Treasurer  
AFL-CIO Cope  
Political Contributions Committee  
815 16th Street N.W.  
Washington, DC 20006



Response Due Date:  
November 19, 2004

Identification Number: C00003806

Reference: September Monthly Report (8/1/04-8/31/04)

Dear Mr. Trumka:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A of your report (pertinent portion(s) attached) discloses receipts which appears to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §110.1(d) preclude a committee and its affiliates from receiving contributions from another political committee or person in excess of \$5,000 per calendar year. Your report, however, indicates that your committee may actually be affiliated with CWA-Cope Political Contributions Committee. As provided for in 11 CFR §100.5(g)(2), affiliated committees are those political committees established, financed, maintained, or controlled by the same group of persons including any parent, subsidiary, branch, division, department, or local unit thereof. Affiliated political committees may make and receive unlimited transfers amongst themselves which are not considered to be contributions. 11 CFR §102.6(a)

If the contribution(s) you received exceeded the limits, you must transfer-out the amount in excess of \$5,000 to an account not used to influence federal elections or refund the excessive amount. In the best

interest of your committee, all transfers-out and refunds should be made within sixty days of the receipt of the contribution(s). In order to protect the donor committee's interests, the Commission recommends that you inform the donor in writing of your actions.

Please inform the Commission of your corrective action immediately in writing. In addition, any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28(c) of the report during which the transaction was made.

If, on the other hand, CWA-Cope Political Contributions Committee is affiliated with your committee, please clarify this relationship in writing and amend Line 6 of your Statement of Organization to identify it as an affiliated committee. 11 CFR §102.2

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to refund or transfer-out the excessive amount, or further clarification of your relationship, if any, with CWA-Cope Political Contributions Committee will be taken into consideration.

**Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1137.

Sincerely,



Katrina Senger  
Campaign Finance Analyst  
Reports Analysis Division

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<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
CWA-Cope Political Contributions Committee	08/12/2004	\$250,000.00	2004 September Monthly

**TEXT ATTACHMENT**

[BeginText]

November 19, 2004

Ms. Katrina Senger  
Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
Washington, D.C. 20463

via e-filing

RE: AFL-CIO COPE, FEC ID C00003806  
September 2004 Monthly Report

Dear Ms. Senger:

I am responding to your October 20, 2004 letter regarding the September Monthly Report of AFL-CIO COPE PCC. Please be advised that AFL-CIO COPE PCC and CWA COPE PCC are not affiliated political committees. Rather, CWA, the sponsoring connected organization of the CWA COPE PCC separate segregated fund, is an international union affiliated with the AFL-CIO, a federation of national and international unions and the sponsoring connected organization of the AFL-CIO COPE PCC separate segregated fund. Pursuant to 11 C.F.R. 102.6(b)(iv), CWA acts as a collecting agent for AFL-CIO COPE PCC, and in accordance with that provision and 11 C.F.R. 102.17 and 114.1(e)(4), AFL-CIO COPE PCC and CWA COPE PCC are parties to a joint fundraising agreement with respect to members of CWA and the AFL-CIO who voluntarily contribute via payroll deduction authorizations that specify that their contributions are directed to both separate segregated funds. The \$250,000 receipt on the AFL-CIO COPE PCC September 2003 Form 3X reflects this arrangement. Accordingly, we intend to retain this payment. Please let me know if you have any further questions about this matter.

Laurence E. Gold  
Associate General Counsel  
AFL-CIO  
815 16th Street, NW  
Washington, DC 20006  
202-637-5130 (tel.)  
202-637-5323 (fax)

[EndText]

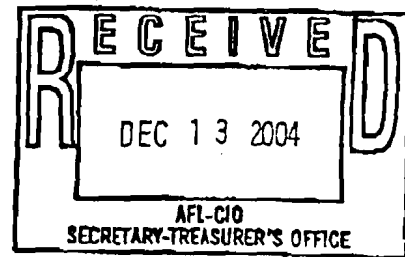
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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 10, 2004

RQ-2



Richard L. Trumka, Treasurer  
AFL-CIO Cope  
Political Contributions Committee  
815 16th Street N.W.  
Washington, DC 20006

Response Due Date:  
January 10, 2005

Identification Number: C00003806

Reference: September Monthly Report (8/1/04-8/31/04)

Dear Mr. Trumka:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Your report discloses receipts totaling \$260,550.98 from CWA-Cope Political Contributions Committee and UFCW Int'l Union Active Ballot Club, which are joint fundraising committees affiliated with your committee. Please be advised that a memo Schedule A must be provided to itemize your committee's share of the gross contributions received through the joint fundraiser(s). The memo schedule should itemize each individual who has contributed an aggregate in excess of \$200 during the calendar year, and provide the amount of unitemized contributions received. In addition, the memo schedule should itemize your committee's share of all contributions from political committees, regardless of amount. Please amend your report by providing the omitted memo schedule(s). 11 CFR §102.17(c)(8)(i)(B)

**Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee.

Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1137.

Sincerely,



Katrina Senger  
Campaign Finance Analyst  
Reports Analysis Division



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

December 15, 2004

Richard L. Trumka, Treasurer  
AFL-CIO Cope  
Political Contributions Committee  
815 16th Street N.W.  
Washington, DC 20006

**Response Due Date:**  
**January 14, 2005**

Identification Number: C00003806

Reference: Amended October Monthly Report (9/1/04-9/30/04), received 10/21/04

Dear Mr. Trumka:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A of your report (pertinent portion(s) attached) discloses receipts which appears to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §110.1(d) preclude a committee and its affiliates from receiving contributions from another political committee or person in excess of \$5,000 per calendar year. Your report, however, indicates that your committee may actually be affiliated with CWA-Cope Political Contributions Committee. As provided for in 11 CFR §100.5(g)(2), affiliated committees are those political committees established, financed, maintained, or controlled by the same group of persons including any parent, subsidiary, branch, division, department, or local unit thereof. Affiliated political committees may make and receive unlimited transfers amongst themselves which are not considered to be contributions. 11 CFR §102.6(a)

If the contribution(s) you received exceeded the limits, you must transfer-out the amount in excess of \$5,000 to an account not used to influence federal elections or refund the excessive amount. In the best



AFL-CIO COPE POLITICAL CONTRIBUTIONS COMMITTEE

Page 2

interest of your committee, all transfers-out and refunds should be made within sixty days of the receipt of the contribution(s). In order to protect the donor committee's interests, the Commission recommends that you inform the donor in writing of your actions.

Please inform the Commission of your corrective action immediately in writing. In addition, any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28(c) of the report during which the transaction was made.

If, on the other hand, CWA-Cope Political Contributions Committee is affiliated with your committee, please clarify this relationship in writing and amend Line 6 of your Statement of Organization to identify it as an affiliated committee. 11 CFR §102.2

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to refund or transfer-out the excessive amount, or further clarification of your relationship, if any, with CWA-Cope Political Contributions Committee will be taken into consideration.

**Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1137.

Sincerely,



Katrina Senger  
Campaign Finance Analyst  
Reports Analysis Division

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
CWA-Cope Political Action Committee	8/6/04	\$250,000	2004 September Monthly
CWA-Cope Political Action Committee	9/22/04	\$250,000	2004 October Monthly



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 22, 2004

RQ-2

Barbara J. Easterling, Treasurer  
CWA-COPE Political Contributions Committee  
501 Third Street NW  
Washington, DC 20001

**Response Due Date:**  
**January 21, 2005**

Identification Number: C00002089

Reference: August Monthly Report (7/1/04-7/31/04)

Dear Ms. Easterling:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule B of your report (pertinent portion(s) attached) discloses disbursement which appears to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §110.1(d) preclude a committee and its affiliates from making contributions to another political committee or person in excess of \$5,000 per calendar year. Your report, however, indicates that your committee may actually be affiliated with AFL-CIO Cope Political Contributions Committee. As provided for in 11 CFR §100.5(g)(2), affiliated committees are those political committees established, financed, maintained, or controlled by the same group of persons including any parent, subsidiary, branch, division, department, or local unit thereof. Affiliated political committees may make and receive unlimited transfers amongst themselves which are not considered to be contributions. 11 CFR §102.6(a)

If the contribution(s) you made exceeded the limits, you must seek reattribution of the contribution pursuant to 11 CFR §110.1(k), requesting the transfer-out of the amount in excess of \$5,000 to an account not used to influence federal elections or refund of the excessive amount. In the best

## CWA-COPE POLITICAL CONTRIBUTIONS COMMITTEE

Page 2

interest of your committee, all reattributions, transfers-out, and refunds should be made within sixty days of the receipt of the contribution(s). In order to protect the recipient committee's interests, the Commission recommends that you inform the recipient in writing of your actions.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund request sent to the recipient committee. In addition, any reattributions should be reported as memo entries on Schedule B of the report covering the period during which the communication of the reattribution is made. Any transfers-out or refunds should be disclosed on Schedule A supporting Line 12 or 16 of the report during which the transaction was made.

If, on the other hand, AFL-CIO Cope Political Contributions Committee is affiliated with your committee, please clarify this relationship in writing and amend Line 6 of your Statement of Organization to identify it as an affiliated committee. 11 CFR §102.2

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution or request a refund of the excessive amount, or further clarification of your relationship, if any, with AFL-CIO Cope Political Contributions Committee will be taken into consideration.

-Schedule B supporting Line 23 of your report discloses one or more contributions to a candidate(s) for the 2004 Primary election; however, the funds were disbursed after the election date(s) (see attached). Please note that contributions may not be designated for an election which has already occurred unless the funds are to be used to reduce a candidate committee's debts incurred during that election campaign.

If any apparently impermissible contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. If the contribution(s) in question should have been designated for debt retirement, you should amend your report to indicate "debt retirement," along with the year of election.

If you have made an impermissible contribution, you must request a refund or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund.

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CWA-COPE POLITICAL CONTRIBUTIONS COMMITTEE

Page 3

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed

on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

Although the Commission may take further legal action regarding this impermissible activity, your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

**Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1137.

Sincerely,  


Katrina Senger  
Campaign Finance Analyst  
Reports Analysis Division

CWA-COPE POLITICAL CONTRIBUTIONS COMMITTEE

Page 4

Excessive Contributions to a Committee/Candidate

Recipient Name	Date	Amount	Election	Report
AFL-CIO Cope Political Contributions Committee	7/23/04	\$250,000	N/A	2004 August Monthly

Contribution After Election Date

Recipient Name	Date	Amount	Election	Election State - Date
Friends of Barbara Boxer	7/1/04	\$2,500	2004 Primary	CA - 3/20/04
Marion Berry for Congress	7/15/04	\$1,500	2004 Primary	AR - 5/18/04
Snyder for Congress Campaign Committee	7/15/04	\$5,000	2004 Primary	AR - 5/18/04
Cynthia McKinney for Congress	7/21/04	\$2,500	2004 Primary	GA - 7/20/04

January 10, 2005

Katrina Senger, Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re : AFL-CIO COPE PCC, FEC ID C00003806  
September Monthly Report

October Monthly Report  
Amended October Monthly

Report

Dear Ms. Senger:

I have reviewed your substantively identical December 10, 2004 letters to AFL-CIO COPE PCC Treasurer Richard L. Trumka concerning the September and October Monthly Reports of AFL-CIO COPE PCC, and your December 15 letter regarding its Amended October Monthly Report.

The December 10 letters ask that AFL-CIO COPE PCC provide the Commission with a memo Schedule A for each report "itemiz[ing its] share of the gross contributions received" through what you refer to as the "joint fundraiser(s)" with two "joint fundraising committees," naming CWA-COPE Political Contributions Committee ("CWA-COPE PCC") and UFCW International Active Ballot Club ("UFCW ABC"). In fact, all three committees are separate segregated funds, the respective connected sponsoring organizations of CWA COPE PCC and UFCW ABC separately act as collecting agents for AFL-CIO COPE PCC, and AFL-CIO COPE PCC has joint fundraising arrangements with those connected organizations and committees that are not subject to the particular requirements of 11 C.F.R. § 102.17, "Joint fundraising by committees other than separate segregated funds" (emphasis added). Those joint fundraising arrangements allow CWA COPE PCC and UFCW ABC to make joint fundraising transfers to AFL-CIO COPE PCC. See 11 C.F.R. § 102.6(a)(iii).

As described in AFL-CIO COPE PCC's letter to your office on November 19, 2004, members of CWA are also members of the AFL-CIO (see 11 C.F.R. § 114.1(e) (4) and (j)), so the two organizations' restricted classes overlap to the full extent of CWA's membership. CWA/AFL-CIO members authorize joint contributions to CWA's separate segregated fund, CWA COPE PCC, and the AFL-CIO's separate segregated fund, AFL-CIO COPE PCC, via payroll deductions. These contributions are collected by participating employers signatory to CWA collective bargaining agreements in accordance with 11 C.F.R. § 114.5 and remitted to CWA COPE PCC, which then transfers a portion of the contributions to AFL-CIO COPE PCC.

AFL-CIO COPE PCC thus operates under a combined collecting agent/joint fundraising arrangement with CWA through its separate segregated fund, CWA-COPE PCC. CWA, acting through CWA COPE PCC, is a collecting agent for AFL-CIO COPE PCC in accordance with 11 C.F.R. § 102.6(b)(1)(iv), as it is an "international union collecting contributions on behalf of the separate segregated fund of [a] federation with which the international

union is affiliated." As such, CWA is an "unregistered organization" within the meaning of 11 C.F.R. § 102.6(b)(2).

In turn, 11 C.F.R. § 102.17(a)(3) provides that "[i]f a separate segregated fund or an unregistered organization qualifies and acts as a collecting agent under 11 CFR 102.6(b), the provisions of 11 CFR 102.17 will not apply to that fundraising activity." Indeed, only "unregistered organizations which do not qualify as collecting agents under 11 CFR 102.6(b)" participate in joint fundraising activities within the meaning of that section. See 11 C.F.R. § 102.17(a)(2). Accordingly, this arrangement itself does not compel either CWA or CWA COPE PCC "to register and report as a political committee under 11 C.F.R. parts 102 and 104," 11 C.F.R. § 102.6(b)(2), although CWA COPE PCC of course does so because it is a political committee otherwise.

This arrangement contrasts with the event-based and other ad hoc fundraising appeals that typify a "joint fundraising activity" regulated by 11 C.F.R. § 102.17. Our reference to that regulation in our earlier letter was intended to illustrate the analogous nature of this arrangement, not to suggest that § 102.6(b), which we identified as the provision governing the collecting agent relationship, did not exempt AFL-CIO COPE PCC from the particular requirements in 11 C.F.R. § 102.17 that the December 10 letters suggest that AFL-CIO COPE PCC must follow in filing its reports.

Moreover, the itemized reporting your letter requests from AFL-CIO COPE PCC would be both superfluous and contradictory to the itemized reporting by CWA COPE PCC, which records and reports all contributions in accordance with 11 C.F.R. Part 104, and which makes periodic joint fundraising transfers to AFL-CIO COPE PCC that are fully reported by both AFL-CIO COPE PCC and CWA COPE PCC. Those transfers contain funds that are not attributable to any particular individual payroll-deducted contribution, but are comprised of an unitemized aggregate of a portion of them, all of which, as described above, were authorized by CWA/AFL-CIO members at the point of payroll deduction.

You have specifically suggested that AFL-CIO COPE PCC submit a memo Schedule A itemizing its share of the gross contributions received through the "joint fundraiser(s)" by itemizing contributions of the amounts of unitemized contributions received, as well as its "share" of political committee contributions, citing 11 C.F.R. § 102.17(c)(8)(i)(B). AFL-CIO COPE PCC's reporting actually satisfies the spirit of what this provision requires of the committees to which it actually pertains. Thus, AFL-CIO COPE PCC reports the full "transfer-in" of joint fundraising proceeds from CWA COPE PCC. (Please note that AFL-CIO COPE PCC, upon the informal advice of the Reports Analysis Division, has reported the joint fundraising transfers that it receives on Line 12 as the most closely analogous category.) This provision also requires a "participating political committee" (to which, again, AFL-CIO COPE PCC is the analog) to itemize contributions "to the extent required under 11 CFR 104.3(a)." That section, in turn, allows for the reporting of "transfers" from other organizations. 11 C.F.R. § 104.3(a)(4)(iii).

In further response to the December 10 letters, the United Food and Commercial Workers International Union and its separate segregated fund, UFCW ABC, participate in a substantively identical arrangement



with AFL-CIO COPE PCC as that described above regarding CWA and CWA COPE PCC, so this letter is fully applicable to that arrangement as well.

Finally, your December 15 letter regarding the Amended October Monthly Report is substantively identical to your October 20, 2004 letter regarding the September Monthly Report. As our November 19 response to that letter advised, and as more fully explained above, AFL-CIO COPE PCC and CWA COPE PCC are not affiliated committees within the meaning of 11 C.F.R. § 100.5(g)(2), but rather are parties to a collecting agent/joint fundraising arrangement, so AFL-CIO COPE PCC did not receive a contribution from CWA COPE PCC in violation of 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.1(d).

If your office has further questions or concerns, I suggest that we explore them through a meeting or other conference.

Thank you for your attention to this matter.  
Yours truly,

Laurence E. Gold  
Associate General Counsel  
AFL-CIO  
815 16th Street, NW  
Washington, DC 20006

LEG:ab

## ETEXT ATTACHMENT

[BeginText]

01/21/2005 12:00

January 21, 2005

Katrina Senger, Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: August Monthly Report  
October Monthly Report  
CWA COPE PCC  
FEC No. C00002089

Dear Ms. Senger:

I have reviewed your substantively identical December 22, 2004 letters to CWA COPE PCC Treasurer Barbara J. Easterling concerning the August and October Monthly Reports of CWA COPE PCC.

Each letter points out that CWA COPE PCC reported a disbursement on the respective reports in excess of \$5,000 to AFL-CIO COPE PCC, suggests that these violate 2 U.S.C. 441(a)(f) and 11 C.F.R. 110.01(d), and asks whether CWA COPE PCC is affiliated with AFL-CIO COPE PCC pursuant to 11 C.F.R. 100.5(g)(2). In fact, these two committees are not affiliated, but there has been no excess contribution because they participate in a collecting agent/joint fundraising arrangement.

Both CWA COPE PCC and AFL-CIO COPE PCC are separate segregated funds, the connected sponsoring organization of CWA COPE PCC, the Communications Workers of America (CWA), acts as a collecting agent for AFL-CIO COPE PCC, and AFL-CIO COPE PCC has a joint fundraising arrangement with CWA and CWA COPE PCC that is not subject to the particular requirements of 11 C.F.R. 102.17, Joint fundraising by committees other than separate segregated funds (emphasis added). This joint fundraising arrangement allows CWA COPE PCC to make joint fundraising transfers to AFL-CIO COPE PCC. See 11 C.F.R. 102.6(a)(iii).

Members of CWA are also members of the AFL-CIO (see 11 C.F.R. 114.1(e)(4) and (j)), so the two organizations' restricted classes overlap to the full extent of CWA's membership. CWA/AFL-CIO members authorize joint contributions to CWA's separate segregated fund, CWA COPE PCC, and the AFL-CIO's separate segregated fund, AFL-CIO COPE PCC, via payroll deductions. These contributions are collected by participating employers signatory to CWA collective bargaining agreements in accordance with 11 C.F.R. 114.5 and remitted to CWA COPE PCC, which then transfers a portion of the contributions to AFL-CIO COPE PCC.

CWA through its separate segregated fund, CWA COPE PCC, thus operates under a combined collecting agent/joint fundraising arrangement with AFL-CIO COPE PCC. And, CWA, acting through CWA COPE PCC, is a collecting agent for AFL-CIO COPE PCC in accordance with 11 C.F.R. 102.6(b)(1)(iv), as it is an international union collecting contributions on behalf of the separate segregated fund of [a] federation with which the international union is affiliated. As such, CWA is an unregistered organization within the meaning of 11 C.F.R. 102.6(b)(2).

In turn, 11 C.F.R. 102.17(a)(3) provides that [i]f a separate segregated fund or an unregistered organization qualifies and acts as a collecting agent under 11 CFR 102.6(b), the provisions of 11 CFR 102.17 will not apply to that fundraising activity. Indeed, only unregistered organizations which do not qualify as collecting agents under 11 CFR 102.6(b) participate in joint fundraising activities within the meaning of that section. See 11 C.F.R. 102.17(a)(2). And, this arrangement contrasts with the event-based and other ad hoc fundraising appeals that typify a joint

## ETEXT ATTACHMENT

fundraising activity regulated by 11 C.F.R. 102.17. Accordingly, we note, this arrangement itself does not compel either CWA or CWA COPE PCC to register and report as a political committee under 11 C.F.R. parts 102 and 104, 11 C.F.R. 102.6(b)(2), although CWA COPE PCC of course does so register and report because it is a political committee otherwise.

For these reasons, then, CWA COPE PCC and AFL-CIO COPE PCC are not affiliated committees within the meaning of 11 C.F.R. 100.5(p)(2), but rather are parties to a collecting agent/joint fundraising arrangement, so CWA COPE PCC did not make contributions to AFL-CIO COPE PCC in violation of 2 U.S.C. 441a(f) and 11 C.F.R. 110.1(d).

Also, please note that the portion of Schedule B attached to your letter regarding the October report erroneously attributes the disbursement to the August report.

If your office has further questions or concerns about this matter, I suggest that we explore them through a meeting or other conference.

Your letter concerning the August report also asks about four contributions listed in Schedule B. Please be advised that the contribution to Friends of Barbara Boxer should have been designated as primary debt reduction, and a redesignation to that effect will be included on CWA COPE PCC's next report, due January 31; the contribution to Marion Berry for Congress should have been designated as general election, and a redesignation to that effect will be included on the next report; the contribution to Snyder for Congress Campaign Committee should have been designated as general election, and a redesignation to that effect will be included on the next report; and the contribution to Cynthia McKinney for Congress should have been designated as general election and a redesignation to that effect will be included on the next report.

Thank you for your attention to this matter.  
Yours truly,

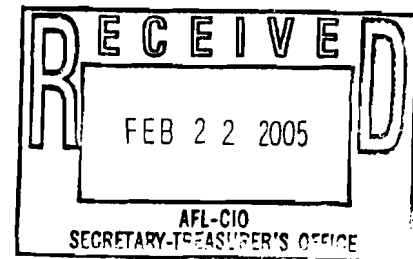
Laurence E. Gold  
Lichtman, Trieter & Ross, PLLC  
Counsel to CWA COPE PCC  
(202) 328-1666 Ext. 1352  
[EndText]



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 18, 2005

Richard L. Trumka, Treasurer  
AFL-CIO COPE Political Contributions Committee  
815 16th Street N.W.  
Washington, DC 20006



**Response Due Date:  
March 21, 2005**

Identification Number: C00003806

Reference: September Monthly Report (8/1/04-8/31/04) and Amended October Monthly Report (9/1/04-9/30/04), received 10/21/04

Dear Mr. Trumka:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Your response dated 01/10/2005 states that (1) "CWA/AFL-CIO members authorize joint contributions to CWA a separate segregated fund, CWA COPE PCC, and the AFL-CIO a separate segregated fund," (2) "AFL-CIO COPE PCC thus operates under a combined collecting agent/joint fundraising arrangement with CWA through its separate segregated fund, CWA-COPE PCC. CWA, acting through CWA-COPE PCC, is a collecting agent for AFL-CIO COPE PCC in accordance with 11 C.F.R. 102.6(b)((1)(iv)," and (3) "the itemized reporting your letter requests from AFL-CIO COPE PCC would be both superfluous and contradictory to the itemized reporting by CWA COPE PCC, which records and reports all contributions in accordance with 11 C.F.R. Part 104, and which makes periodic joint fundraising transfers to AFL-CIO COPE PCC that are fully reported by both AFL-CIO COPE PCC and CWA COPE PCC."

-As per 11 CFR §102.6(b)(7), "a separate segregated fund receiving contributions collected by a collecting agent shall report the full amount of each contribution received as a contribution for the original contributor to the extent required by 11 CFR 104.3(a)." If the amounts in question were contributed by individuals and transmitted to your committee by a collecting

AFL-CIO COPE POLITICAL CONTRIBUTIONS COMMITTEE

Page 2

agent, the activity should be included on Line 11(a)(i) of the Detailed Summary Page. Any contribution from an individual exceeding \$200 in the aggregate during the calendar year should be itemized on a supporting Schedule A. Collecting agents need not be identified on your report. Please amend your report by providing the omitted memo schedule(s).

**Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1137.

Sincerely,



Katrina Senger  
Campaign Finance Analyst  
Reports Analysis Division

March 21, 2005

Ms. Katrina Senger  
Federal Election Commission  
999 E St., NW  
Washington, DC 20463

Re: September Monthly Report (8/1/04-8/31/2004) and Amended October  
Monthly Report (9/1/2004-9/30/2004), received 10/21/04

Dear Ms. Senger:

I am responding to your letter dated February 18, 2005. You cite 11 C.F.R. §102.6(c)(7) and request that AFL-CIO COPE PCC itemize on Schedule A "[a]ny contribution from an individual exceeding \$200 in the aggregate during any calendar year" as "a separate segregated fund receiving contributions collected by a collecting agent." We do not believe this regulation applies to this circumstance, because CWA COPE PCC is not simply a collecting agent but also a joint fundraising partner of AFL-CIO COPE PCC.

As explained in my January 10, 2005 letter, AFL-CIO COPE PCC operates under a combined collecting agent/joint fundraising arrangement with CWA through its separate segregated fund, CWA COPE PCC. All payroll-deducted contributions by CWA members, made pursuant to authorizations designating both CWA COPE PCC and AFL-CIO COPE PCC, are remitted by the employers to CWA COPE PCC, which duly reports all such contributions received, including itemization on Schedule A of every contribution of more than \$200. CWA COPE PCC makes periodic joint fundraising transfers to AFL-CIO COPE PCC, and each committee reports that transfer - CWA COPE PCC on its Schedule B, and AFL-CIO COPE PCC on its Schedule A. Unlike the ordinary collecting agent contemplated in 11 C.F.R. §102.6(c), CWA COPE PCC is not simply a collecting agent transmitting all contributions it collects to the applicable committee, but also a committee that receives contributions to itself as a joint fundraiser (albeit not subject to 11 C.F.R. §102.17, pursuant to §102.17(a)(3)), so the reporting requirements of the Act regarding individual contributions are fully satisfied by CWA COPE PCC's Schedule A.

If your office believes that AFL-CIO COPE PCC has an individual contribution reporting obligation under these circumstances, we believe your office should advise what that requirement involves and its source in the law, because we cannot discern what is "the extent required by 11 C.F.R. 104.3(a)" under 11 C.F.R. §102.6(c)(7) under these circumstances.

We have considered that one approach might be a pro rata attribution of the transfers to all individual contributors to CWA COPE PCC, but, even if so, which contributors and over what span of time would have to be determined. Both committees operate year in and year out, with healthy cash balances from year to year, so a transfer could properly occur, for example, in January in an amount exceeding contributions that month to CWA COPE PCC itself. And, even if some arbitrary attribution parameters were established, it would be extremely burdensome to require the committees to determine if the percentage of CWA COPE PCC receipts from contributors that were transferred to AFL-CIO COPE PCC

produced any over-\$200 contributors to AFL-CIO COPE PCC. Moreover, as to all such contributors, and, indeed, contributors who never cross the \$200 threshold, CWA COPE PCC would have to adjust its records and, likely, amend its FEC reports in order to reduce accordingly the individual contributions attributed to CWA COPE PCC.

We submit, then, that the reporting you request is not required by the regulations, would produce no additional information to the public, and would be highly burdensome to both committees to administer and to the Commission to monitor. If your office disagrees with our analysis, we would appreciate an opportunity to meet with you to discuss this matter. Thank you for your consideration.

Yours truly,

Laurence E. Gold  
Associate General Counsel



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

July 12, 2006

Barbara J. Easterling, Treasurer  
CWA-COPE Political Contributions Committee  
501 Third Street NW  
Washington, DC 20001

**Response Due Date:**  
**August 11, 2006**

Identification Number: C00002089

Reference: Amended August Monthly Report (7/1/05-7/31/05), received 12/1/05  
and February Monthly Report (1/1/06-1/31/06)

Dear Ms. Easterling:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-In response to previous inquiries made by the Commission regarding the relationship between CWA COPE PCC and AFL-CIO COPE PCC, your responses demonstrate that CWA COPE PCC could legally function as a collecting agent. However, CWA COPE PCC has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill the requirements, CWA COPE PCC must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, CWA COPE PCC would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1).

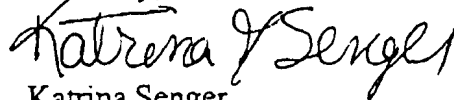


Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1137.

Sincerely,



Katrina Senger  
Senior Campaign Finance Analyst  
Reports Analysis Division



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

July 12, 2006

Barbara J. Easterling, Treasurer  
CWA-COPE Political Contributions Committee  
501 Third Street NW  
Washington, DC 20001

**Response Due Date:  
August 11, 2006**

Identification Number: C00002089

Reference: August Monthly Report (7/1/04-7/31/04) and October Monthly Report (9/1/04-9/30/04)

Dear Ms. Easterling:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-In response to previous inquiries made by the Commission regarding the relationship between CWA COPE PCC and AFL-CIO COPE PCC, your responses demonstrate that CWA COPE PCC could legally function as a collecting agent. However, CWA COPE PCC has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill the requirements, CWA COPE PCC must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, CWA COPE PCC would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

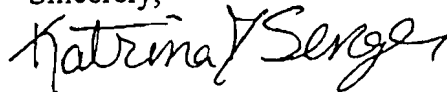
You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1).

Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1137.

Sincerely,



Katrina Senger  
Senior Campaign Finance Analyst  
Reports Analysis Division

## ETEXT ATTACHMENT

[BeginText]

08/14/2006 09 : 36

August 11, 2006

Katrina Senger, Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: August 2004, October 2004, Amended August 2005  
and February 2006 Monthly Reports

Dear Ms. Senger:

I am responding to your identical July 12, 2006 letters concerning the above-referenced reports. These letters comprise the Commission's first communication to CWA COPE PCC concerning its transactions with AFL-CIO COPE PCC since my letter to your office on January 21, 2005, and a subsequent meeting in March 2005 with the Reports Analysis Division. In the interim, CWA COPE PCC has conducted its affairs in conformance with its understanding of the applicable law, as set forth in that letter.

Your current letters acknowledge that CWA COPE PCC could legally function as a collecting agent for AFL-CIO COPE PCC. However, the letter asserts that CWA COPE PCC has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations [under Part 102] for the amounts transferred to AFL-CIO COPE PCC. We believe that CWA COPE PCC in fact has acted in compliance with these regulations, as explained below, and in a manner that serves the Act's purposes with respect to the individual, payroll-deducted contributions whose treatment by CWA COPE PCC (and then by AFL-CIO COPE PCC) are at issue. We would appreciate an opportunity to meet on these matters after AFL-CIO COPE PCC responds to the similar letters it has received from your office, which are due on August 18.

First, as we have previously explained, and as we understand that your office implicitly acknowledges, the 102.17 joint fundraising rules do not apply to the joint fundraising between CWA COPE PCC and AFL-CIO COPE PCC because each is a separate segregated fund of a labor organization. See 11 C.F.R. 102.6(a)(iii), 102.17(a)(ii).

Second, unlike joint fundraising efforts that are governed by 102.17, the CWA COPE PCC/AFL-CIO COPE PCC arrangement involves separate segregated funds whose connected organizations share a 100% restricted class overlap among the affected members, inasmuch as every member of CWA, the connected organization of CWA COPE PCC, is also a member of the AFL-CIO, the connected organization of AFL-CIO COPE PCC. See 11 C.F.R. 114.1(e)(4) and (j). Accordingly, either committee and either connected organization on its own may lawfully solicit all of the contributors to CWA COPE PCC. Virtually all of CWA COPE PCC's receipts are derived from payroll-deducted contributions by these CWA/AFL-CIO members, which are remitted to CWA COPE PCC by the employers of these members. And, the amounts transferred by CWA COPE PCC to AFL-CIO COPE PCC historically and routinely have reflected only a fraction of the sums that were eligible for transfer.

Your letters assert that CWA COPE PCC has not demonstrated its compliance with the collecting agent regulations in three respects. First CWA COPE PCC must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days pursuant to 11 C.F.R. 102.6(c)(4). But no CWA COPE PCC transfer to AFL-CIO COPE PCC is identified that fails to comply with this requirement. In fact, given the volume, timing and amounts of the contributions and transfers, it is extremely unlikely that this provision has not been honored. CWA COPE PCC receives over \$3 million per year, virtually all in employer transmittals of payroll-deducted contributions, and these are received on a virtually daily basis. Specifically, during 2005, CWA COPE PCC received \$3,280,678.48 in individual contributions, or an average of \$8,988.16 every day, \$89,881.16 every 10 days and \$269,645.76 every 30 days. In 2004, CWA COPE PCC received \$3,197,277.99 in individual contributions, yielding comparable average figures over these three intervals. And, CWA COPE PCC's 2006 receipts are at a record pace,

**ETEXT ATTACHMENT**

with individual contributions of \$1,695,355.92 over the first six months, yielding even higher averages during these intervals. Moreover, virtually every sum attributable to any particular individual contributor in a particular employer remittance are less than the \$50.01 threshold that triggers the 10-day rather than the 30-day, transmittal requirement, under 11 C.F.R. 102.8. We submit, then, that 102.6(c)(4) has been followed. Nonetheless, CWA COPE PCC will take additional steps in the future to ensure that any amounts transferred to AFL-CIO COPE PCC do not exceed the sum of individual contributions received by CWA COPE PCC during the previous 30 days.

Second, the letters assert the related requirements that CWA COPE PCC must either have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, [and] report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor, pursuant to 11 C.F.R. 102.6(c)(4)(ii), 102.6(c)(5), 102.6(c)(7) and 102.8. These regulations afford several transmittal options for a collecting agent, and the options you suggest would require CWA COPE PCC either to deposit particular employer remittances in a new separate transmittal account or otherwise to identify and record particular receipts that are subsequently transferred to AFL-CIO COPE PCC.

If CWA COPE PCC were to establish a transmittal account and send receipts through that account to AFL-CIO COPE PCC, or otherwise record the particular receipts transferred, and if AFL-CIO COPE PCC were then responsible for itemizing these contributions, reporting them to the Commission individually as either itemized or unitemized contribution receipts, as appropriate, and keeping the appropriate records as to the individual contributors, this would shift to AFL-CIO COPE PCC tasks that are now performed fully and accurately by CWA COPE PCC, the original recipient of all of the payroll-deducted contributions at issue. The administrative burden on CWA COPE PCC either maintaining a separate account or separately accounting for the AFL-CIO COPE PCC-bound receipts would be greater, than now, as would be even more so the burden on AFL-CIO COPE PCC, which would have to maintain records concerning the individual member contributions that are attributed to CWA COPE PCC's transmittal. Indeed, for CWA COPE PCC to undertake this change would require considerable reprogramming of its systems.

In turn, this division of recordkeeping with respect to the same members is likely to generate additional ongoing administrative confusion. We understand your letters to suggest that these changes be prospective, but that does not, of course, alleviate the significant prospective burdens. Moreover, the consequent burdens and expense would not add any information to the public domain; in fact, the ironic impact of such a change in procedure might be a reduction of public information, for surely some individual contributors who reach the \$200.01 annual aggregate reporting threshold if they were recorded solely as CWA COPE PCC contributors would not reach that threshold if some of their contributions were attributed solely to AFL-CIO COPE PCC. It is difficult to discern how the goals of the Act would be served by such requirements. Under the current arrangement, recording such distinctions among the individual contributions would serve no purpose and would be a highly artificial enterprise.

Nor is such a procedure plainly required by the Commission's regulations. The key difference between this collecting agent arrangement and that contemplated by 102.6 is that CWA COPE PCC is both a collecting agent for AFL-CIO COPE PCC and a separate segregated fund soliciting and receiving for itself contributions from the same members in its own right. (Alternatively, CWA may be viewed as the collecting agent acting via CWA COPE PCC. See 11 C.F.R. 102.6(b)(1)(iv) and (b)(2).) So, CWA COPE PCC is not acting solely as a collecting agent of AFL-CIO COPE PCC. This arrangement does not really fit the pure collecting agent model contemplated by 102.6, which assumes that the collecting agent is not a political committee simultaneously collecting contributions for itself from the same restricted class as a joint fundraiser. In our research the Commission has never addressed the relative reporting obligations of two separate segregated funds undertaking such an arrangement, again, where all transactions already are being fully and accurately reported. Cf. Advisory Opinion 1980-74 (approving local union's solicitation of members for two separate segregated funds without specifically requiring such reporting).

Under these circumstances, the sums transferred by CWA COPE PCC to AFL-CIO COPE PCC are more analogously viewed as a

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## ETEXT ATTACHMENT

transfer that Part 104 otherwise requires be reported simply as a total amount, and not as an amount to be disaggregated for reporting purposes. See 11 C.F.R. 104.3(a)(2)(v), 104.3(a)(4)(iii), 104.3(b)(1)(ii), 104.3(b)(3)(ii). In fact, both CWA COPE PCC and AFL-CIO COPE PCC have been informally advised by the Reports Analysis Division to report these joint fundraising transfers as transfers on Form 3X, Lines 12 and 22 respectively, as the most closely analogous category, and they have done so for some time. But your letters would require both committees to change those methods of reporting upon which both they and the Commission have relied.

Finally, your letters assert that CWA COPE PCC must retain the required records for three years of the transactions with AFL-CIO COPE PCC, pursuant to 11 C.F.R. 102.6(c)(6). But the letters cite no instance of inadequate recordkeeping by CWA COPE PCC. In fact, CWA COPE PCC fully complies with this requirement with respect to both this arrangement and all of its other transactions.

Accordingly, we request that your office reconsider its position. Meanwhile, CWA COPE PCC and AFL-CIO COPE PCC are conferring with respect to their respective obligations, and we suggest, again, that a meeting would be useful after AFL-CIO COPE PCC separately responds on or before August 18.

Thank you for your consideration.  
Yours truly,

Laurence E. Gold  
Lichtman, Trister & Ross PLLC  
1666 Connecticut Avenue, N.W.  
Suite 500  
Washington, D.C. 20009  
(202) 328-1666  
Counsel to CWA COPE PCC

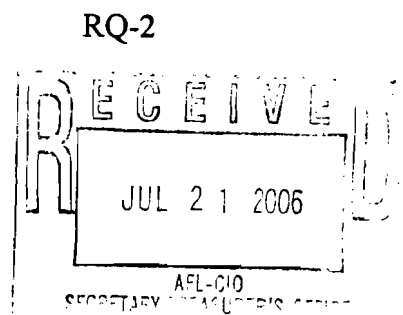
Cc: Alfonso Pollard, CWA Political Director  
Krystal Dehaba, CWA COPE Administrator  
[EndText]



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 19, 2006

Richard L. Trumka, Treasurer  
AFL-CIO Cope Political Contributions Committee  
815 16th Street N.W.  
Washington, DC 20006



**Response Due Date:**  
**August 18, 2006**

Identification Number: C00003806

Reference: September Monthly Report (8/1/04-8/31/04) and Amended October Monthly Report (9/1/04-9/30/04), received 5/20/05

Dear Mr. Trumka:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-In response to previous inquiries made by the Commission regarding the relationship between CWA COPE PCC and AFL-CIO COPE PCC, your responses demonstrate that CWA COPE PCC could legally function as a collecting agent. However, CWA COPE PCC has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill the requirements, CWA COPE PCC must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, CWA COPE PCC would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

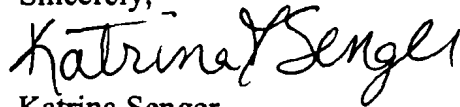
You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1).

Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1137.

Sincerely,



Katrina Senger

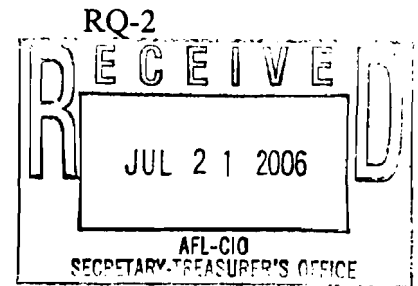
Senior Campaign Finance Analyst  
Reports Analysis Division





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 19, 2006



Richard L. Trumka, Treasurer  
AFL-CIO Cope Political Contributions Committee  
815 16th Street N.W.  
Washington, DC 20006

**Response Due Date:**  
**August 18, 2006**

Identification Number: C00003806

Reference: Amended September Monthly Report (8/1/05-8/31/05), received 11/1/05  
and Amended February Monthly Report (1/1/06-1/31/06), received  
3/13/06

Dear Mr. Trumka:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-In response to previous inquiries made by the Commission regarding the relationship between CWA COPE PCC and AFL-CIO COPE PCC, your responses demonstrate that CWA COPE PCC could legally function as a collecting agent. However, CWA COPE PCC has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill the requirements, CWA COPE PCC must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, CWA COPE PCC would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

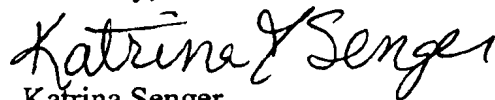
You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1).

Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1137.

Sincerely,



Katrina Senger

Senior Campaign Finance Analyst  
Reports Analysis Division

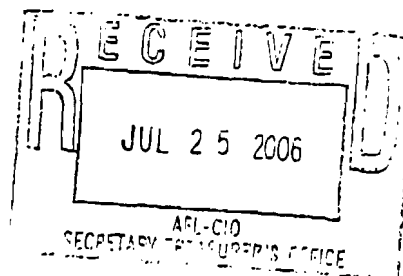


FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

July 21, 2006

Richard L. Trumka, Treasurer  
AFL-CIO Cope Political Contributions Committee  
815 16th Street N.W.  
Washington, DC 20006



**Response Due Date:**  
**August 21, 2006**

Identification Number: C00003806

Reference: Amended April Monthly Report (3/1/05-3/31/05), received 10/31/05

Dear Mr. Trumka:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-A review of your reports discloses transfers between your committee and American Federation of Teachers AFL-CIO Committee. However, you have not listed this organization(s) as an affiliated committee(s). All committees (including a separate segregated fund) established, financed, maintained or controlled by the same corporation, labor organization, person, or group of persons including any parent, subsidiary, branch division, department, or local unit thereof, are affiliated. For further guidance on affiliated committees, please refer to 11 CFR §100.5(g) and §110.3.

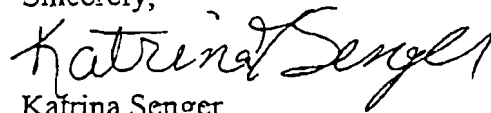
If your committee is affiliated with the above referenced committee(s), please file an amended Statement of Organization listing said committee(s) on Line 6. Additionally, if your committee has a new connected organization it should also be listed on Line 6. 11 CFR §102.2

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply

with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1137.

Sincerely,



Katrina Senger

Senior Campaign Finance Analyst

Reports Analysis Division

## ETEXT ATTACHMENT

[BeginText]

08/18/2006 16 : 56

August 18, 2006

Katrina Senger, Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: September 2004, Amended October 2004, Amended September 2005  
and Amended February 2006 Monthly Reports

Dear Ms. Senger:

I am responding to your identical July 19, 2006 letters concerning the above-referenced reports. These letters comprise the Commission's first communication to AFL-CIO COPE PCC concerning its transactions with CWA COPE PCC since my letter to your office on March 21, 2005, and a subsequent meeting later that month with the Reports Analysis Division. In the interim, AFL-CIO COPE PCC has conducted its affairs in conformance with its understanding of the applicable law, as set forth in that letter and in my previous letter dated January 10, 2005.

Your current letters acknowledge that CWA COPE PCC could legally function as a collecting agent for AFL-CIO COPE PCC. However, the letters assert that CWA COPE PCC has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations [under Part 102] for the amounts transferred to AFL-CIO COPE PCC, and advise that CWA COPE PCC and AFL-CIO COPE PCC modify their arrangements in numerous respects, including by shifting some reporting obligations now handled by CWA COPE PCC to AFL-CIO COPE PCC. We believe that CWA COPE PCC in fact has acted in compliance with these regulations, and that the requested modifications neither are required by the Act or the regulations nor serve its purposes.

On these matters AFL-CIO COPE PCC concurs with the substance of my August 11, 2006 letter to you in my capacity as counsel to CWA COPE PCC. I would add on behalf of AFL-CIO COPE PCC that for it to undertake the reporting you have advised concerning individual contributors whose payroll-deducted contributions are remitted by CWA employers to CWA COPE PCC would unwarrantedly require substantial and burdensome modifications in AFL-CIO's PCC's compliance processes.

Accordingly, AFL-CIO COPE PCC joins CWA COPE PCC in requesting that your office reconsider its position, and in requesting a meeting with your office to discuss this matter.

Thank you for your consideration.

Yours truly,

Laurence E. Gold  
Associate General Counsel

cc:  
Karen Ackerman, AFL-CIO Political Director  
Muthoni Wambu, AFL-CIO PAC Coordinator

[EndText]

## ETEXT ATTACHMENT

[BeginText]

08/18/2006 17:02

August 21, 2006

Katrina Senger, Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: Amended April 2005 Monthly Report

Dear Ms. Senger:

I am responding to your July 21, 2006, letter regarding the Amended April 2005 Monthly report concerning a transfer from the American Federation of Teachers AFL-CIO Committee on Political education (AFT COPE). You have asked whether or not AFT COPE is an affiliated committee of AFL-CIO COPE PCC.

Please be advised that these two committees are not affiliated; rather, they participate in a collecting agent/joint fundraising arrangement.

Both AFT COPE and AFL-CIO COPE PCC are separate segregated funds. AFT COPE and its connected sponsoring organization, the American Federation of Teachers, act as collecting agents for AFL-CIO COPE PCC, and AFL-CIO COPE PCC has a joint fundraising arrangement with AFT COPE that is not subject to the particular requirements of 11 C.F.R. 102.17. This joint fundraising arrangement allows AFT COPE to make joint fundraising transfers to AFL-CIO COPE PCC. See 11 C.F.R. 102.5(a)(iii).

Members of AFT are also members of the AFL-CIO (see 11 C.F.R. 114.1(e) (4) and (j)), so the two organizations' restricted classes overlap to the full extent of AFT's membership. AFT/AFL-CIO members authorize joint contributions to AFT's separate segregated fund, AFT COPE, and the AFL-CIO's separate segregated fund, AFL-CIO COPE PCC, via payroll deductions. These contributions are collected by participating employers signatory to AFT collective bargaining agreements in accordance with 11 C.F.R. 114.5 and remitted to AFT COPE, which then transfers a portion of the contributions to AFL-CIO COPE PCC.

For these reasons, then, AFT COPE and AFL-CIO COPE PCC are not affiliated committees within the meaning of 11 C.F.R. 100.5(g)(2), but rather are parties to a collecting agent/joint fundraising arrangement. As you know, AFL-CIO COPE PCC is a party to similar longstanding arrangements with other separate segregated funds and their connected labor organizations, the transactions of which have been duly reported to the Commission by the separate segregated funds involved for many years, as have those between AFL-CIO COPE and AFT COPE.

Thank you for your consideration.

Thank you for your attention to this matter.

Yours truly,

Laurence E. Gold  
Associate General Counsel  
[EndText]



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

September 13, 2006

Nathaniel Lacour, Treasurer  
American Federation of Teachers AFL-CIO  
Committee on Political Education  
555 New Jersey Avenue NW  
Washington, DC 20001

**Response Due Date:  
October 16, 2006**

Identification Number: C00028860

Reference: Amended Mid-Year Report (1/1/05-6/30/05), received 7/14/06, April  
Monthly Report (3/1/06-3/31/06), and July Monthly Report (6/1/06-  
6/30/06)

Dear Mr. Lacour:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above. An itemization of the information needed follows:**

-In response to an inquiry made by the Commission regarding the relationship between American Federation of Teachers AFL-CIO Committee on Political education (AFT COPE) and AFL-CIO COPE PCC, AFL-CIO COPE PCC stated in a miscellaneous electronic submission, received 8/18/06 that "these two committees are not affiliated" and that "AFT COPE and its connected sponsoring organization, the American Federation of Teachers, act as collecting agents for AFL-CIO COPE PCC." It is further explained that "AFT/AFL-CIO members authorize joint contributions to AFT's separate segregated fund, AFT COPE, and the AFL-CIO's separate segregated fund, AFL-CIO COPE PCC, via payroll deductions. These contributions are collected by participating employers signatory to AFT collective bargaining agreements in accordance with 11 C.F.R. § 114.5 and remitted to AFT COPE, which then transfers a portion of the contributions to AFL-CIO COPE PCC." The response appears to demonstrate that AFT COPE could legally function as a collecting agent. However, AFT COPE has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill

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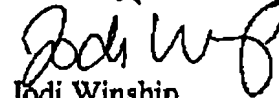
the requirements, AFT COPE must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, AFT COPE would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1). Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1136.

Sincerely,



Jodi Winship  
Senior Campaign Finance Analyst  
Reports Analysis Division





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

September 13, 2006

Barbara J. Easterling, Treasurer  
CWA-COPE Political Contributions Committee  
501 Third Street NW  
Washington, DC 20001

**Response Due Date:**  
**October 16, 2006**

Identification Number: C00002089

Reference: August Monthly Report (7/1/06-7/31/06)

Dear Ms. Easterling:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

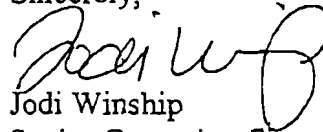
-In response to previous inquiries made by the Commission regarding the relationship between CWA COPE PCC and AFL-CIO COPE PCC, your responses demonstrate that CWA COPE PCC could legally function as a collecting agent. However, CWA COPE PCC has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill the requirements, CWA COPE PCC must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, CWA COPE PCC would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1). Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1136.

Sincerely,



Jodi Winship  
Senior Campaign Finance Analyst  
Reports Analysis Division

**ETEXT ATTACHMENT**

[BeginText]

10/16/2006 15 : 39

October 16, 2006

Jodi Winship, Senior Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: August 2006 Monthly Report

Dear Ms. Winship:

I am responding to your September 13, 2006, letter concerning the above-referenced report. Please consider my August 11 letter responding to an identical inquiry regarding the August 2004 and three other Monthly Reports of CWA COPE PCC to comprise our substantive response to the points made in your letter. As you also know, we have been in communication with your office about our respective positions and I look forward to our continuing efforts to resolve the issues that your office has raised.

Yours truly,

Laurence E. Gold  
Lichtman, Trister & Ross, PLLC  
Suite 500  
1666 Connecticut Avenue, NW  
Washington, DC 20009  
(202) 328-1666, ext. 1352 (tel)  
(202) 328-9162 (fax)  
lgold@ltsrlaw.com

cc: Barbara J. Easterling  
Alfonso Pollard  
Laura Archer  
Krystal Dehaba  
[EndText]

# Oldaker, Biden & Belair, LLP

Attorneys At Law  
818 Connecticut Avenue, NW  
Suite 1100  
Washington, D.C. 20006  
(202) 728-1010  
fax: (202) 728-4044

October 16, 2006

Jodi Winship, Senior Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

FEC ID: C00028860

Subject: RAD letter dated September 13, 2006, citing Amended Mid-Year Report (1/1/05—6/30/05), received 7/14/06; April Monthly Report (3/1/06—3/31/06); July Monthly Report (6/1/06—6/30/06)

Dear Ms. Winship:

This law firm represents the American Federation of Teachers ("AFT"), AFL-CIO, Committee on Political Education ("AFT PAC") and, as counsel to AFT PAC, we submit this response in reference to your September 13 letter and the AFT PAC reports cited therein. In general, your inquiry poses questions regarding the status of AFT PAC as a collecting agent for AFL-CIO COPE PCC, and whether AFT PAC has performed its collecting agent functions in a lawful manner.

The American Federation of Teachers, AFL-CIO, is a labor organization, and is the connected organization of AFT PAC, which is a qualified multi-candidate committee with a long history of filing periodic reports with the Commission. AFL-CIO COPE PCC is also a FEC-registered political committee with the connected organization, American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"). The AFL-CIO is a federation comprised of international and national labor organizations, and AFT is one of several national labor organizations holding affiliation with the AFL-CIO.

Commission regulations are quite explicit that AFT may function as the collecting agent for AFT PAC since it is the connected organization of AFT PAC. 11 C.F.R. §§ 102.6(b)(1)(i), 102.6(b)(1)(ii). The regulations are equally explicit that AFT PAC may function as a collecting agent for AFL-CIO COPE PCC. In part, they provide that a

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“collecting agent may be...a national...union collecting contributions on behalf of the separate segregated fund of any federation with which the...national...union is affiliated.” 11 C.F.R. § 102.6(b)(1)(iv). Moreover, the regulations also make clear that a collecting agent “is an organization or committee that *collects and transmits contributions to one or more separate segregated funds to which the collecting agent is related.*” 11 C.F.R. § 102.6(b)(1) [emphasis added].

Given the cited collecting agent regulations and the described relationships between AFT and AFL-CIO as well as their respective political committees, which are both separate segregated funds under 11 C.F.R. § 114.5, it is clear that the contribution collection and transmittal process and procedures used by AFT PAC are in full compliance with FEC rules and the underlying Federal statutes. Similarly, the procedures followed by AFL-CIO COPE PCC when it receives periodic transmittals of collected contribution funds from AFT-PAC are also in full compliance with FEC rules. Indeed, AFT PAC has utilized virtually the same procedures for collecting and transmitting contribution funds to COPE PCC for over 23 years, since the Commission’s current collecting agent rules were promulgated in 1983. It is further our belief that very similar, if not identical, procedures have been used since 1972, when the FECA of 1971 became effective. To the best of our knowledge neither the Reports Analysis Division, the General Counsel of the Commission, nor the Commission itself, have ever interposed any legal objections or made negative insinuations about the AFT PAC collecting agent process, until the subject inquiry.

In short, AFT acting through AFT PAC is a dual collecting agent that receives and transmits combined contributions made by the solicitable class of AFT to both AFT PAC and AFL-CIO COPE PCC. Furthermore, unlike the collecting agent fact pattern wherein the collecting agent does not register and report as a political committee with the FEC (as permitted under 11 C.F.R. § 102.6(b)(2)), AFT PAC files reports with the FEC on a monthly basis in federal election years and semi-annual reports in other years. Thus, all contributions it collects, whether retained for itself or transmitted forward to AFL-CIO COPE PCC, are deposited in its campaign depository and disclosed fully to the Commission, including the itemization of donors who have contributed over \$200 in a calendar year.

To demonstrate that AFT PAC has acted in a lawful manner that complies with Commission regulations governing collecting agents, we now turn to an analysis and explanation of the collecting agent transactions included on the subject AFT PAC reports cited in your inquiry.

Your inquiry specifically focuses on contribution proceeds (\$200,000) that were transmitted by AFT PAC, as a collecting agent, to AFL-CIO COPE PCC on March 28, 2005. It also cites contribution proceeds, obtained as a collecting agent, that were transmitted by and to the same committees respectively, on two other dates: \$200,000 on March 22, 2006, and \$100,000 on June 23, 2006. In each of these transactions, the funds collected by AFT PAC in the form of unitemized contributions from thousands of its members were in vastly larger sums than the transmittals to COPE PCC. For example, in

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March 2006 when AFT PAC transmitted \$200,000 of collecting agent, contribution proceeds to COPE PCC, it had also received in that same month, over \$421,000 of unitemized contributions from its solicitees. Similarly with respect to its June 2006 transmittal of collecting agent contribution proceeds in the amount of \$100,000, AFT PAC had received over \$344,000 of unitemized contributions in that same month. (See chart enclosed.) As already indicated, as a reporting federal political committee, AFT PAC had fully disclosed all of those contributions in accordance with Commission regulations at 11 C.F.R. § 104.3(a) [requiring separate line entries for itemized and unitemized contributions, and contributor identification when any individual's annual aggregate of contributions exceeds \$200].

The collecting agent regulations require no more disclosure of contributions made via the collecting agent process than the disclosure required by 11 C.F.R. § 104.3(a). The relevant regulation is 11 C.F.R. § 102.6(c)(7) which requires the committee (separate segregated fund) receiving collecting agent contribution proceeds to "report the full amount of each contribution received as a contribution from the original contributor *to the extent required by 11 CFR 104.3(a).*" (emphasis added) In the circumstances presented here, where AFT PAC is a dual collecting agent receiving combined contributions for both itself and COPE PCC, and where AFT PAC reports such contributions in full compliance with 11 C.F.R. § 104.3(a), there is no legal basis for your office to expect that AFT PAC or COPE PCC should replicate the same contributor disclosure information with respect to some lesser portion of the same contribution proceeds. That is not required by Commission regulations, and those regulations obviously are binding on your office.

Finally, it may be useful to the further consideration of the subject inquiry by your office, if we summarize the history and purpose of the collecting agent process in the special context of labor organizations and federations of labor organizations, as it was first recognized by Congress and then implemented by the Commission in carrying out Congressional intent going back to 1976 and 1979.

In 1976, when Congress substantially amended the Federal Election Campaign Act of 1971, as amended in 1974, it enacted additional contribution limits that apply when one PAC makes contributions to another unaffiliated PAC. It also adopted the so-called "anti-proliferation" provisions, which assured that political committees affiliated with each other could not make proliferated contributions to the same federal candidates. Instead, such committees had to share a single set of limits when they made contributions to the same federal candidate. Political committees with sponsorship by corporations and labor unions, and by federations of those entities, were particularly identified in the 1976 legislative history. The application of the "anti-proliferation" provisions to them was explained by Congress in the legislative history, and then Commission regulations implemented that intent. Page 58, U.S. House of Representatives, Conference Report No. 94-1057 [FECA Amendments of 1976].

Most relevant to this matter, the relevant legislative history indicates that all the PACs sponsored by AFT and its state or local affiliates are affiliated with each other and

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share a single set of contribution limits. *Id.* Further, all the PACs sponsored by the AFL-CIO and any of its state central bodies or local affiliates are affiliated with each other and share a single set of contribution limits. These anti-proliferation rules are codified in Commission regulations at 11 C.F.R. §100.5(g)(3) [affiliated committees sharing a single limit include a single national union and its locals; another single limit is shared by an organization of national unions and all its state and local central bodies].

Even though, by application of these rules, AFT PAC and AFL-CIO COPE PCC are *per se* not affiliated, there is another provision in the same section of FECA that gives an explicit exception to the general contribution limits that usually apply when one PAC contributes to another PAC. That exception provides that the PAC-to-PAC contribution limits do not apply "to transfers between political committees of funds raised through joint fundraising efforts." 2 U.S.C. § 441a(a)(5)(A). As explained in the legislative history, the cited contribution limit rules "permit political committees which solicit contributions in their joint names, and on the understanding that the money collected through that joint fundraising effort will be divided among the participating committees, to make such a division." Page 58, U.S. House of Representatives, Conference Report No. 94-1057 [FECA Amendments of 1976].

Some three years later, in the 1979 Amendments to the FECA, Congress through legislative history further clarified the process for receiving and reporting such jointly raised contributions, referring to it as political fundraising by collecting agents. The primary concern addressed by Congress was to assure that local entities with national or parent organizations could raise otherwise legal contributions from their local members for federal election purposes, and then send those proceeds up to the national organization which entity had formed and maintained a registered federal PAC. Local affiliates of national or international labor organizations were explicitly mentioned by Congress in this history, with particular emphasis on allowing those local entities to solicit, receive and forward lawful contributions to their national PAC, without requiring the local entity to register and report to the Commission as a political committee. *See* 125 Cong. Rec. S19099 (daily ed. December 18, 1979) and 125 Cong. Rec. H12365 (daily ed. December 20, 1979) [floor statements by committee chairmen in Senate and House, respectively].

FEC rulemaking to implement the 1979 legislation was initiated in 1981 and final rules were promulgated in 1983. These collecting agent regulations give primary focus to insulating the local collecting agents from FEC reporting, if certain conditions and procedures are satisfied. Indeed, the entire framework of those regulations presumes that a collecting agent will seek to avoid FEC registration and reporting in most cases. As explained, however, the regulations also permit a collecting agent to be a registered and reporting political committee. They further allow a collecting agent to function as such when soliciting and receiving contributions for more than one PAC or separate segregated fund.

The AFT PAC has performed its collecting agent functions for itself and for COPE PCC as a registered political committee that files regular reports with the

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Commission. As such a dual collecting agent, AFT PAC has received combined contributions and has processed those contributions through its federal account depository, and has reported them to the Commission, with full itemization of those very few contributors whose aggregate annual contributions exceeded \$200. (Less than 1.4% of total contributions thru 6/30/2005 and less than 0.70% in March and June 2006.) It maintains all required records for all contributions it receives and keeps those records for the requisite three-year period. Given its status as a reporting political committee and its compliance with the collecting agent regulations as regards the activity cited in your inquiry, AFT PAC has lawfully made transfers of collecting agent proceeds to AFL-CIO COPE PCC, and those proceeds have been reported by both committees to the extent required by Commission regulations.

Accordingly, we have advised our client, AFT PAC, that no changes or revisions are needed to the collecting agent process and procedures it has followed since at least 1983, without objection by the Commission. Furthermore, it is our belief that these procedures or others materially the same have been followed by AFT PAC since 1972, when the FECA of 1971 became effective.

Thank you for your further consideration.

Yours truly,

Oldaker, Biden and Belair, LLP

By:                     /sig/                      
William C. Oldaker

                    /sig/                      
N. Bradley Litchfield

Enclosure

Cc: Nathaniel Lacour, Treasurer  
AFT, AFL-CIO, Committee on  
Political Education



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American Federation of Teachers  
AFT's Itemized and Unitemized Contributions and Transfer to AFL-CIO COPE

Reports	Itemized Contributions	Unitemized Contributions	Itemized Contributions Percentage	Transfer to AFL-CIO COPE	Date of Transfer
Amended Mid-Year Report (1/1/05 - 6/30/05)	\$25,521.50	\$1,840,681.68	1.37%	\$200,000.00	3/28/2005
April Monthly Report (3/1/06 - 3/31/06)	\$680.00	\$421,567.54	0.16%	\$200,000.00	3/22/2006
July Monthly Report (6/1/06 - 6/30/06)	\$2,370.00	\$344,343.46	0.68%	\$100,000.00	6/23/2006
Amended Year-End Report (7/1/05 - 12/31/05)	\$48,996.50	\$1,847,992.98	2.58%	None	None
February Monthly (1/1/06 - 1/31/06)	\$0.00	\$218,248.31			
March Monthly (2/1/06 - 2/28/06)	\$0.00	\$497,838.72			
April Monthly (3/1/06 - 3/31/06)	\$680.00	\$421,567.54			
May Monthly (4/1/06 - 4/30/06)	\$1,030.00	\$371,613.84			
June Monthly (5/1/06 - 5/31/06)	\$1,430.00	\$338,879.85			
July Monthly (6/1/06 - 6/30/06)	\$2,370.00	\$344,343.46			
Total Unitemized Contributions (Jan - June '06)		\$2,192,491.72			
Estimated monthly rate of unitemized for 2006		\$365,415.29			



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

July 31, 2007

Richard L. Trumka, Treasurer  
AFL-CIO COPE Political Contributions Committee  
815 16th Street N.W.  
Washington, DC 20006

**Response Due Date:**  
**August 30, 2007**

Identification Number: C00003806

Reference: May Monthly Report (4/1/07-4/30/07)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 2 items:

1. A review of your reports discloses transfers between your committee and Committee for Good Government International Union UAW. However, you have not listed this organization(s) as an affiliated committee(s). All committees (including a separate segregated fund) established, financed, maintained or controlled by the same corporation, labor organization, person, or group of persons including any parent, subsidiary, branch division, department, or local unit thereof, are affiliated. For further guidance on affiliated committees, please refer to 11 CFR §100.5(g) and §110.3.

If your committee is affiliated with the above referenced committee(s), please file an amended Statement of Organization listing said committee(s) on Line 6. Additionally, if your committee has a new connected organization it should also be listed on Line 6. 11 CFR §102.2

2. Schedule B discloses an expenditure(s) for "Flyers" and "Media Consulting." If a portion or all of these expenditures were for public communications (as defined by 11 CFR §100.26) or voter drive activity (under 11 CFR §106.6(b)(2)(i)) containing express advocacy as defined under 11 CFR §100.22, this would constitute an in-kind contribution or an independent expenditure and should be properly disclosed on a Schedule B

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or E supporting Line 23 or 24 as appropriate. Public communications and voter drive activity that refer to a clearly identified Federal candidate, but that do not expressly advocate the election or defeat of that candidate should be reported on Schedule B for Line 21(b) of the Detailed Summary Page. Please clarify whether this activity contained express advocacy and amend your report to properly disclose this activity, if necessary.

**Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1136.

Sincerely,



Jodi Winship

Senior Campaign Finance Analyst  
Reports Analysis Division

## ETEXT ATTACHMENT

08/30/2007 17:05

[BeginText]

I am responding to your July 31, 2007 letter regarding the AFL-CIO COPE PCC May Monthly Report (covering April 1-30, 2007). First, please be advised that the relationship between AFL-CIO COPE PCC and Committee for Good Government International Union UAW (CGG UAW) is identical to that between AFL-CIO COPE PCC and Communications Workers of America Committee on Political Education Political Contributions Committee (CWA COPE PCC) as described in my letters to your office regarding the latter relationship dated January 10 and March 21, 2005, and August 18, 2006. Accordingly, AFL-CIO COPE PCC and CGG UAW are not affiliated committees and operate under a combined collecting agent/joint fundraising arrangement. Second, the disbursement to Kelly Press at page 23, Item A, paid an old bill for printing two flyers that were distributed to AFL-CIO-affiliated-union delegates and possibly others at the Democratic National Convention in July 2004. Neither contained express advocacy of the election or defeat of any candidate. Third, the disbursement to Kelly Press at page 23, Item B, paid an old bill dating from March 2006 for the printing of a brochure that was distributed to the general public in 2006 and described the record of an incumbent Member of Congress who was also a candidate for reelection. The brochure did not contain express advocacy. Fourth, the disbursement to Optima Design, Inc. at page 23, Item C, paid for the content and posting on the AFL-CIO website of material that, if printed out, would be best characterized as flyers and that compared the records of competing candidates for the U.S. House of Representatives in various districts. These contained express advocacy. As with other website material that has been the subject of previous correspondence to your office, no disbursement with respect to any particular candidate reached the \$200.01 threshold for itemization on a report to the Commission of independent expenditure spending.

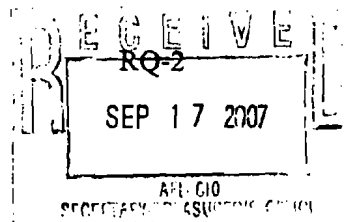
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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 12, 2007



Richard L. Trumka, Treasurer  
AFL-CIO COPE Political Contributions Committee  
815 16th Street NW  
Washington, DC 20006

**Response Due Date:**  
**October 15, 2007**

Identification Number: C00003806

Reference: May Monthly Report (4/1/07-4/30/07)

Dear Treasurer:

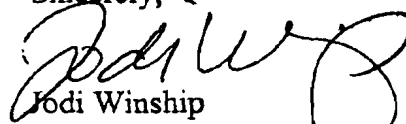
This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following item:

-Schedule A of your report indicates that your committee received a \$100,000 transfer from "Committee for Good Government International Union UAW" on 4/20/07 which has not been disclosed on their report(s) of receipts and disbursements. Furthermore, a review of the reports filed by "UAW-V-CAP (UAW Voluntary Community Action Program)" indicates that this committee made a \$100,000 transfer to your committee on 4/10/07 which has not been disclosed on your report(s) of receipts and disbursements. Please provide clarifying information regarding the source of the transfer received by your committee and amend your report(s) to clarify this apparent discrepancy.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1136.

Sincerely,



Jodi Winship  
Senior Campaign Finance Analyst  
Reports Analysis Division

## **ETEXT ATTACHMENT**

[BeginText]

**10/15/2007 16 : 61**

I am responding to your September 12, 2007 letter regarding the AFL-CIO COPE PCC May Monthly Report (covering April 1-30, 2007). Please be advised that the AFL-CIO COPE PCC incorrectly reported the joint fund raising transfer received to the wrong committee identification number (Committee for Good Government International Union UAW (CGG UAW)). The correct committee UAW V CAP has been reported on an amended return filed today 10/15/07.

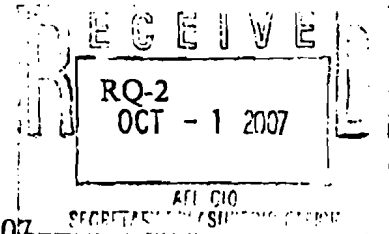
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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463



September 28, 2007

Richard L. Trumka, Treasurer  
AFL-CIO COPE Political Contributions Committee  
815 16th Street NW  
Washington, DC 20006

**Response Due Date:**  
**October 29, 2007**

Identification Number: C00003806

Reference: September Monthly Report (8/1/07-8/31/07)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following items:

-In response to an inquiry made by the Commission regarding the relationship between American Federation of Teachers AFL-CIO Committee on Political education (AFT COPE) and AFL-CIO COPE PCC, you state that "these two committees are not affiliated" and that "AFT COPE and its connected sponsoring organization, the American Federation of Teachers, act as collecting agents for AFL-CIO COPE PCC." You further explain that "AFT/AFL-CIO members authorize joint contributions to AFT's separate segregated fund, AFT COPE, and the AFL-CIO's separate segregated fund, AFL-CIO COPE PCC, via payroll deductions. These contributions are collected by participating employers signatory to AFT collective bargaining agreements in accordance with 11 C.F.R. § 114.5 and remitted to AFT COPE, which then transfers a portion of the contributions to AFL-CIO COPE PCC." Your response appears to demonstrate that AFT COPE could legally function as a collecting agent. However, AFT COPE has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill the requirements, AFT COPE must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain



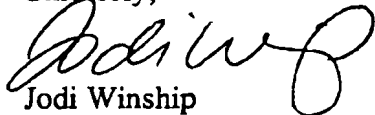
the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, AFT COPE would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1). Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

~~Please note, you will not receive an additional notice from the Commission on this matter.~~ Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1136.

Sincerely,



Jodi Winship  
Campaign Finance Analyst  
Reports Analysis Division

211

## ETEXT ATTACHMENT

10/29/2007 15:16

[BeginText]

I am responding to your letter dated September 28, 2007, regarding the relationship between AFL-CIO COPE PCC and American Federation of Teachers AFL-CIO Committee on Political Education (AFT COPE). I refer you to my letter on behalf of AFL-CIO COPE PCC to your office dated August 21, 2006, regarding AFT COPE. I also refer you to my letter to your office dated August 18, 2006, regarding the relationship between AFL-CIO COPE and Communications Workers of America Committee on Political Education Political Contributions Committee (CWA COPE PCC). Please be advised that the description in that letter applies as well to the relationship between AFL-CIO COPE PCC and AFT COPE. We also concur with the October 16, 2006, letter to your office by AFT COPE counsel Oldaker, Biden & Belair. We suggest that these issues be resolved through further direct discussion between the affected labor organizations and your office and other appropriate offices at the Commission. Thank you for your consideration. Larry Gold, Associate General Counsel, AFL-CIO, 202-637-5130

[EndText]



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

October 31, 2007

NOV - 2 2007

Richard L. Trumka, Treasurer  
AFL-CIO COPE Political Contributions Committee  
815 16th Street N.W.  
Washington, DC 20006

**Response Due Date:  
December 3, 2007**

Identification Number: C00003806

Reference: Amended May Monthly Report (4/1/07-4/30/07), received 10/15/07

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following item:

-A review of your reports discloses transfers between your committee and UAW - V - CAP (UAW VOLUNTARY COMMUNITY ACTION PROGRAM). However, you have not listed this organization(s) as an affiliated committee(s). All committees (including a separate segregated fund) established, financed, maintained or controlled by the same corporation, labor organization, person, or group of persons including any parent, subsidiary, branch division, department, or local unit thereof, are affiliated. For further guidance on affiliated committees, please refer to 11 CFR §100.5(g) and §110.3.

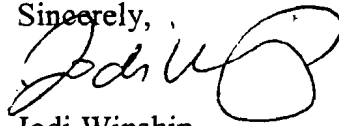
If your committee is affiliated with the above referenced committee(s), please file an amended Statement of Organization listing said committee(s) on Line 6. Additionally, if your committee has a new connected organization it should also be listed on Line 6. 11 CFR §102.2

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to

taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1136.

Sincerely,



Jodi Winship

Senior Campaign Finance Analyst  
Reports Analysis Division

## ETEXT ATTACHMENT

12/03/2007 17:00

[BeginText]

We are responding to your letter dated October 31, 2007 regarding the Amended May Monthly Report (April 1-30). Please be advised that UAW-V-CAP is not an affiliated committee of AFL-CIO COPE PCC. Rather, the relationship between these two committees is as we described in our letters dated August 30 and October 15, 2007. Please note that the latter letter corrected the reference in the previous letter, and on our report, to Committee for Good Government International Union UAW, as intended instead to refer to UAW-Y-CAP. Thank you.

[EndText]

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

December 12, 2007

Elizabeth Bunn, Treasurer  
UAW - V - CAP (UAW Voluntary Community Action Program)  
8000 East Jefferson  
Detroit, MI 48214

**Response Due Date:**  
**January 14, 2008**

Identification Number: C00002840

Reference: Mid-Year Report (1/1/07-6/30/07)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following item:

-In response to an inquiry made by the Commission regarding the relationship between UAW-V-CAP (UAW Voluntary Community Action Program) and AFL-CIO COPE PCC, AFL-CIO COPE PCC stated in miscellaneous electronic submissions, received 8/30/07 and 12/3/07 that "AFL-CIO COPE PCC and UAW-V-CAP are not affiliated committees" and that they "operate under a combined collecting agent/joint fundraising arrangement." The response appears to demonstrate that UAW-V-CAP could legally function as a collecting agent. However, UAW-V-CAP has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill the requirements, UAW-V-CAP must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, UAW-V-CAP would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

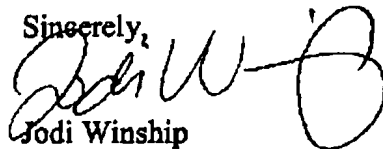
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You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1). Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1136.

Sincerely,



Jodi Winship  
Senior Campaign Finance Analyst  
Reports Analysis Division



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

December 18, 2007

Richard L. Trumka, Treasurer  
AFL-CIO Cope Political Contributions Committee  
815 16th Street NW  
Washington, DC 20006

Response Due Date:  
January 21, 2007

Identification Number: C00003806

Reference: Amended May Monthly Report (4/1/07-4/30/07), received 10/15/07

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following item:

-In response to an inquiry made by the Commission regarding the relationship between UAW-V-CAP (UAW VOLUNTARY COMMUNITY ACTION PROGRAM) and AFL-CIO COPE PCC, you state that these "are not affiliated committees" and that they "operate under a combined collecting agent/joint fundraising arrangement." Your response appears to demonstrate that UAW-V-CAP could legally function as a collecting agent. However, UAW-V-CAP has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill the requirements, UAW-V-CAP must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, UAW-V-CAP would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1).

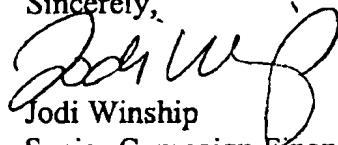


Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1136.

Sincerely,



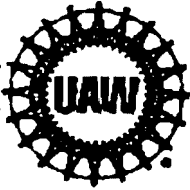
Jodi Winship  
Senior Campaign Finance Analyst  
Reports Analysis Division

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Legal Department Phone (313) 926-5216  
Legal Department Fax (313) 926-5240

*Solidarity House*

6000 EAST JEFFERSON AVE.  
DETROIT, MICHIGAN 48214  
PHONE (313) 926-5000  
FAX (313) 923-6016



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW

RON GETTELFINGER, *PRESIDENT*

ELIZABETH BLINN, *SECRETARY/TREASURER*

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Niral R. Ganatra

Phillip L. Gilliam  
Michael P. Saggau  
Blair K. Simmons

Jeffrey D. Sadka  
Catherine J. Traflet  
Stephen A. Yotich

January 18, 2008

Jodi Winship  
Senior Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
Washington, DC 20463

**RE: FEC Mid-Year Report (1/1/07 - 6/30/07)**

Dear Ms. Winship:

UAW Voluntary Community Action Program ("UAW V-CAP") hereby responds to your December 12, 2007 letter concerning our Mid-Year Report (1/1/07 - 6/30/07). Your letter suggests that UAW V-CAP operated under a combined collecting agent/joint fundraising arrangement with AFL-CIO COPE PCC but failed to act in a manner consistent with collecting agent duties, as outlined in Part 102.6 of the Commission's regulations, for amounts transferred to AFL-CIO COPE PCC and reported in the Mid-Year Report for 1/1/07-6/30/07. For the reasons discussed below, we believe that these regulations are ill-suited and do not plainly apply to the UAW V-CAP/AFL-CIO COPE PCC joint fundraising arrangement. Even if the Commission determined the regulations do apply, UAW V-CAP substantially satisfied its obligation. Consequently, our Mid-term Report is accurate and complete, consistent with the letter and the spirit of the law.

The International Union, United Automobile Aerospace and Agricultural Implement Workers of America ("UAW"), the connected sponsoring organization of its separate segregated fund UAW V-CAP, is an international union affiliated with the AFL-CIO, a federation of national and international unions. These two organizations have a complete "restricted class" overlap as UAW members are concurrently AFL-CIO members by virtue of their UAW membership and FEC regulations. See 11 C.F.R. 114(e)(4) and (j). Consequently, nothing in the

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Commission's regulations prevents either organization or their respective connected separate segregated fund from independently soliciting and receiving contributions from UAW members.

As such, the UAW, through UAW V-CAP, and the AFL-CIO, through its separate segregated fund AFL-CIO COPE PCC, are engaged in a joint fundraising arrangement with respect to these co-extensive restricted class members. UAW solicits members giving specific notice of the joint fundraising. Contributions are made directly to UAW V-CAP. UAW V-CAP funds are composed almost entirely of authorized, payroll-deducted contributions from UAW/AFL-CIO members, which are remitted to UAW V-CAP by the members' employers pursuant to the joint fundraising arrangement.

To the extent it (or the UAW for that matter) can be considered a collecting agent for AFL-CIO COPE PCC, UAW V-CAP is simultaneously a political committee collecting contributions itself from the same restricted class via the same solicitation and authorization. As such, both UAW V-CAP and AFL-CIO COPE PCC have title to the joint fundraising contributions. UAW V-CAP's claim is superior in that it has possession and full use of the money. AFL-CIO COPE PCC, on the other hand, has a contingent title subject to a condition precedent. That is to say, AFL-CIO COPE PCC has an equitable claim to the money that is triggered by a request, existence of sufficient funds, and approval by UAW V-CAP.

As a multi-candidate committee that has full use and possession of the above discussed contributions, UAW V-CAP is obligated to fully report them pursuant to 11 C.F.R. 104.1, 104.3(a). Here, UAW V-CAP fulfilled this obligation in the Mid-Year Report (1/1/07 - 6/30/07), by reporting all receipts and disbursements as outlined in Part 104.3, including contributions received from the original source. Moreover, UAW V-CAP reported the disbursement to AFL-CIO COPE PCC fully and accurately once AFL-CIO COPE PCC's claim in these jointly raised funds was triggered.

Just as Part 104.3(a) mandates UAW V-CAP to report contributions from the original contributor, Part 102.6 would require UAW V-CAP as a pure "collecting agent" to do something entirely different. Part 102.6 compels a pure collecting agent to segregate or separately account for a specific allocation to a separate segregated fund, transmit those funds within a set time frame and forward the original contributor's information so that the separate segregated fund can report the original source. That is to say, Part 102.6 requires UAW V-CAP to segregate a contribution in which UAW V-CAP has title, transmit a contribution to AFL-CIO COPE PCC possibly prior to its contingent interest being triggered, and to not report the original contributor although Part 104.3(a) requires reporting of this information. The first two requirements disregard the fact that both separate segregated funds have an interest in the contributions and the third is inconsistent with the specific reporting requirements of 104.3(a). This

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conundrum exists because Part 102.6 is based on a pure "collecting agent" model premised on a fee simple property concept, not a collecting agent/joint fundraising model in which two separate segregated funds have joint title as exists here.

Part 102.6 fails to accurately capture the nature of the relationship between UAW V-CAP and AFL-CIO COPE or any parallel property relationship that may exist between other parties. Joint title renders Part 102.6 inapplicable and ill-suited to a joint fundraising arrangement between two separate segregated funds. The Commission is silent, and has yet to address the reporting requirements of two separate segregated funds engaged in the type of permissible joint fundraising arrangement that exists between UAW V-CAP and AFL-CIO COPE PCC. Based on the above, it is our belief that the transmittal and reporting requirements of Part 102.6 do not apply to UAW V-CAP.

It is important to acknowledge that transparency and accuracy of reporting is presently achieved in our Mid-Year report. Part 102.6(c)(7) requires a separate segregated fund receiving funds from a collecting agent to report the contribution to the extent required by 11 C.F.R. 104.3(a). Here, UAW V-CAP already reports the contribution pursuant to Part 104.3(a). Further, sums transferred by UAW V-CAP to AFL-CIO COPE PCC are most analogous to a transfer that Part 104 requires to be reported as total amounts as UAW V-CAP reported here. Such reporting allows full disclosure to the public and more accurately reflects the nature of the joint fundraising arrangement.

Furthermore, UAW V-CAP substantially complies with the Part 102.6 requirements. If UAW V-CAP were considered a pure collecting agent, the regulations would require it to transmit contributions to the AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC or keep separate records of all receipts and deposits, forward all contributor identification information and retain the required records for three years.

During the Mid-Year Report (1/1/07 - 6/30/07) term, UAW V-CAP received \$3,474,004 almost entirely from voluntary payroll deducted contributions received on a constant basis. These contributions were specifically authorized as part of the joint fund raising arrangement. Moreover, almost all sums attributable to any individual contributor in a given employer remittance is less than the \$50.01 trigger that requires the shorter 10 day transmittal period, instead of the 30 day period. So the relevant transmittal time is likely 30 days. UAW V-CAP averaged eligible joint fundraised receipts of approximately \$575,000 in any given 30 day period.

The second requirement that UAW V-CAP maintain a transmittal account or keep separate records of receipts and deposits for AFL-CIO COPE PCC and transmit original contributor information is neither required nor possible in light of the simultaneous interest each entity has in the contributions and considering the

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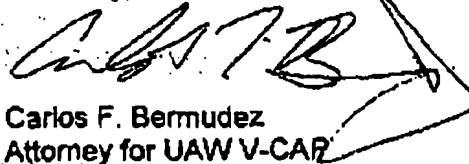
extraordinary administrative burden such a task would create. However, the current reporting conveys the exact same information clearly and more accurately reflects the joint fundraising/collecting agent relationship between UAW V-CAP and AFL-CIO COPE PCC.

The final requirement is that UAW V-CAP retain required records of the transactions with AFL-CIO COPE PCC for three years. See 11 C.F.R. 102(c)(6). Your letter fails to identify any specific violation of this provision. Even so, UAW V-CAP retains all of its records for the required amount of time.

For the reasons discussed above, we request that your office reconsider its position. To the extent that the Commission is dissatisfied with our compliance, the UAW V-CAP would require further consultation to determine how best to comply.

Thank you for your consideration.

Sincerely,

  
Carlos F. Bermudez  
Attorney for UAW V-CAP

CFB/lp  
opeiu494

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## ETEXT ATTACHMENT

01/28/2008 13:29

January 18, 2008

Jodi Winship  
Senior Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
Washington, DC 20463

RE: FEC Mid-Year Report (1/1/07 - 6/30/07)

Dear Ms. Winship:

UAW Voluntary Community Action Program (UAW V-CAP) hereby responds to your December 12, 2007 letter concerning our Mid-Year Report (1/1/07 - 6/30/07). Your letter suggests that UAW V-CAP operated under a combined collecting agent/joint fundraising arrangement with AFL-CIO COPE PCC but failed to act in a manner consistent with collecting agent duties, as outlined in Part 102.5 of the Commission's regulations, for amounts transferred to AFL-CIO COPE PCC and reported in the Mid-Year Report for 1/1/07-6/30/07. For the reasons discussed below, we believe that these regulations are ill-suited and do not plainly apply to the UAW V-CAP/AFL-CIO COPE PCC joint fundraising arrangement. Even if the Commission determined the regulations do apply, UAW V-CAP substantially satisfied its obligation. Consequently, our Mid-term Report is accurate and complete, consistent with the letter and the spirit of the law.

The International Union, United Automobile Aerospace and Agricultural Implement Workers of America (UAW), the connected sponsoring organization of its separate segregated fund UAW V-CAP, is an international union affiliated with the AFL-CIO, a federation of national and international unions. These two organizations have a complete restricted class overlap as UAW members are concurrently AFL-CIO members by virtue of their UAW membership and FEC regulations. See 11 C.F.R. 114(e)(4) and (j). Consequently, nothing in the Commission's regulations prevents either organization or their respective connected separate segregated fund from independently soliciting and receiving contributions from UAW members.

As such, the UAW, through UAW V-CAP, and the AFL-CIO, through its separate segregated fund AFL-CIO COPE PCC, are engaged in a joint fundraising arrangement with respect to these co-extensive restricted class members. UAW solicits members giving specific notice of the joint fundraising. Contributions are made directly to UAW V-CAP. UAW V-CAP funds are composed almost entirely of authorized, payroll-deducted contributions from UAW/AFL-CIO members, which are remitted to UAW V-CAP by the members' employers pursuant to the joint fundraising arrangement.

To the extent it (or the UAW for that matter) can be considered a collecting agent for AFL-CIO COPE PCC, UAW V-CAP is simultaneously a political committee collecting contributions itself from the same restricted class via the same solicitation and authorization. As such, both UAW V-CAP and AFL-CIO COPE PCC have title to the joint fundraising contributions. UAW V-CAP's claim is superior in that it has possession and full use of the money. AFL-CIO COPE PCC, on the other hand, has a contingent title subject to a condition precedent. That is to say, AFL-CIO COPE PCC has an equitable claim to the money that is triggered by a request, existence of sufficient funds, and approval by UAW V-CAP.

As a multi-candidate committee that has full use and possession of the above discussed contributions, UAW V-CAP is obligated to fully report them pursuant to 11 C.F.R. 104.1, 104.3(a). Here, UAW V-CAP fulfilled this obligation in the Mid-Year Report (1/1/07 - 6/30/07), by reporting all receipts and disbursements as outlined in Part 104.3, including contributions received from the original source. Moreover, UAW V-CAP reported the disbursement to AFL-CIO COPE PCC fully and accurately once AFL-CIO COPE PCC's claim in these jointly raised funds was triggered.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

March 12, 2008

Nathaniel LaCour, Treasurer  
American Federation of Teachers AFL-CIO  
Committee on Political Education  
555 New Jersey Avenue NW  
Washington, DC 20001

**Response Due Date:**  
**April 11, 2008**

Identification Number: C00028860

Reference: Year End Report (7/1/07-12/31/07)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following item:

-Schedule B, supporting Line 23 of your report discloses a disbursement totaling \$300,000 to "AFL-CIO COPE PCC ACCOUNT." In response to an inquiry made by the Commission regarding the relationship between American Federation of Teachers AFL-CIO Committee on Political education (AFT COPE) and AFL-CIO COPE PCC, AFL-CIO COPE PCC stated in a miscellaneous electronic submission, received 8/18/06 that "these two committees are not affiliated" and that "AFT COPE and its connected sponsoring organization, the American Federation of Teachers, act as collecting agents for AFL-CIO COPE PCC." It is further explained that "AFT/AFL-CIO members authorize joint contributions to AFT's separate segregated fund, AFT COPE, and the AFL-CIO's separate segregated fund, AFL-CIO COPE PCC, via payroll deductions. These contributions are collected by participating employers signatory to AFT collective bargaining agreements in accordance with 11 C.F.R. § 114.5 and remitted to AFT COPE, which then transfers a portion of the contributions to AFL-CIO COPE PCC." The response appears to demonstrate that AFT COPE could legally function as a collecting agent. However, AFT COPE has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill the requirements, AFT

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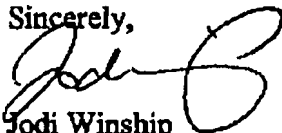
COPE must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, AFT COPE would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1). Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1136.

Sincerely,

  
Jodi Winship  
Senior Campaign Finance Analyst  
Reports Analysis Division



This responds to the notice dated March 12, 2008, from Jodi Winship of Reports Analysis Division of the FEC regarding a disbursement of \$300,000 that was included in the 2007 year end report filed by AFT Committee on Political Education ("AFT COPE"). The disbursement was made to AFL-CIO COPE PCC ACCOUNT ("AFL PCC").

AFT is a collecting agent for both AFT COPE and AFL PCC. AFT COPE is also a collecting agent for AFL PCC. AFT COPE and AFL PCC have longstanding, joint fundraising policy and procedural agreements that rely upon the FEC rules governing collecting agent activity and the underlying legislative and regulatory history of those rules.

(See AFT COPE response of October 16, 2006, to a similar inquiry made by FEC:  
<http://query.nictusa.com/cgi-bin/dcdev/forms/C00028860/244992/> )

This combined joint fundraising and collecting agent activity occurs within time periods that are agreed upon by the above entities and according to a mutually agreed distribution schedule for the transmittal of collecting agent proceeds by AFT COPE to AFL PCC. Each such transmittal consists of contributions that are fully reported by AFT COPE and that were received via employer-administered, voluntary payroll deduction systems from AFT members and others, who may be lawfully solicited by AFT and its state/local affiliates.

Each contribution within the transfer cited in this FEC inquiry was received by AFT COPE within 30 days before the date of the transmittal, and if traced to the original donors using a uniform accounting method would, with only trifling exceptions, not exceed \$200 for the calendar year from each such donor. This is because during the last six months of 2007, AFT COPE received and reported approximately \$2,263,802 of unitemized contributions and \$9,130 of itemized contributions. As of August 13, 2007, the date of the collecting agent transfer to AFL PCC, only 27 contributors donating a total of approximately \$2700 (after July 1) had reached the \$200 annual threshold, and were identified as itemized contributors on the AFT COPE reports. The \$2700 amount represents approximately 0.12% of the total contributions received by AFT COPE in the last six months of 2007, and thus could represent, at most, a niggling \$360 of the \$300,000 transfer to AFL PCC.

Lastly, as an FEC filer and collecting agent for AFL PCC, AFT COPE obtains all contributor records that are required by FEC rules and retains them for the time period specified in FEC rules.

This response is made pursuant to advice of our election law counsel: Oldaker, Biden & Belair, LLP, by Bradley Litchfield



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

July 18, 2008

Nathaniel LaCour, Treasurer  
American Federation of Teachers AFL-CIO  
Committee on Political Education  
555 New Jersey Avenue NW  
Washington, DC 20001

**Response Due Date:**  
**August 18, 2008**

Identification Number: C00028860

Reference: May Monthly Report (4/1/08-4/30/08)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following item:

-Schedule B, supporting Line 23 of your report discloses a disbursement totaling \$200,000 to "AFL-CIO COPE PCC ACCOUNT." In response to an inquiry made by the Commission regarding the relationship between American Federation of Teachers AFL-CIO Committee on Political education (AFT COPE) and AFL-CIO COPE PCC, AFL-CIO COPE PCC stated in a miscellaneous electronic submission, received 8/18/06 that "these two committees are not affiliated" and that "AFT COPE and its connected sponsoring organization, the American Federation of Teachers, act as collecting agents for AFL-CIO COPE PCC." It is further explained that "AFT/AFL-CIO members authorize joint contributions to AFT's separate segregated fund, AFT COPE, and the AFL-CIO's separate segregated fund, AFL-CIO COPE PCC, via payroll deductions. These contributions are collected by participating employers signatory to AFT collective bargaining agreements in accordance with 11 C.F.R. § 114.5 and remitted to AFT COPE, which then transfers a portion of the contributions to AFL-CIO COPE PCC." The response appears to demonstrate that AFT COPE could legally function as a collecting agent. However, AFT COPE has not demonstrated that it has acted in a manner consistent with being a collecting agent under the Commission's regulations for the amounts transferred to AFL-CIO COPE PCC. To fulfill the requirements, AFT

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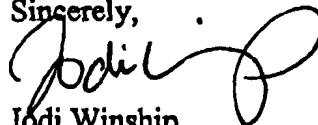
COPE must transmit contributions to AFL-CIO COPE PCC within 10 or 30 days, have a transmittal account solely for AFL-CIO COPE PCC contributions or keep separate records of all receipts and deposits, forward all contributor identification information, and retain the required records for three years. 11 CFR §§102.6(c)(4), 102.6(c)(5), 102.6(c)(6), 102.8 Further, AFT COPE would need to report the transfer of funds to AFL-CIO COPE PCC, which would in turn be required to report the full amount of each contribution received from the original contributor. 11 CFR §102.6(c)(7)

You are advised to implement changes in your procedures in order to comply with the provisions of 11 CFR §§102.6(c) and 102.6(b)(1). Although the Commission may take further legal action regarding the failure to adhere to the requirements of a collecting agent, your prompt action in changing your procedures will be taken into consideration.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1136.

Sincerely,



Jodi Winship  
Senior Campaign Finance Analyst  
Reports Analysis Division

This responds to the notice dated July 18, 2008, from Jodi Winship of Reports Analysis Division of the FEC regarding a disbursement of \$200,000 that was included in the May Monthly Report filed by AFT Committee on Political Education ("AFT COPE"). The disbursement was made to AFL-CIO COPE PCC ACCOUNT ("AFL PCC").

AFT is a collecting agent for both AFT COPE and AFL PCC. AFT COPE is also a collecting agent for AFL PCC. AFT COPE and AFL PCC have longstanding, joint fundraising policy and procedural agreements that rely upon the FEC rules governing collecting agent activity and the underlying legislative and regulatory history of those rules.

(See AFT COPE response of October 16, 2006, to a similar inquiry made by FEC which sets forth the relevant legislative and regulatory history of the rules for joint fundraising by collecting agents of separate segregated funds:

<http://query.nictusa.com/cgi-bin/dcdev/forms/C00028860/244992/> )

This combined joint fundraising and collecting agent activity occurs within time periods that are agreed upon by the above entities and according to a mutually agreed distribution schedule for the transmittal of collecting agent proceeds by AFT COPE to AFL PCC. Each such transmittal consists of contributions that are fully reported by AFT COPE and that were received via employer-administered, voluntary payroll deduction systems from AFT members and others, who may be lawfully solicited by AFT and its state/local affiliates.

Each contribution within the April 14, 2008, transfer (\$200,000) cited in the FEC inquiry was \$50 (or less) and was received by AFT COPE within 30 days of that date; total contribution receipts from AFT COPE collecting agents in this period were \$310,299. Furthermore, if traced to the original donors using a uniform accounting method, no contribution within the transfer would exceed \$200 for the calendar year from each such donor. This is because during the 30 day period before the April 14 transfer, AFT COPE received approximately \$870 itemized contributions from nine donors which were received on March 20, 2008. All of these contributors are AFT headquarters officials, and their itemized contributions thru March 20 represented approximately 0.28% of the total contributions received by AFT COPE thru April 14. Thus, such contributions could represent, at most, an infinitesimal \$560 of the \$200,000 transfer to AFL PCC, for an average of \$62 per contributor, far below the \$200 itemization threshold.

Lastly, as an FEC filer and collecting agent for AFL PCC, AFT COPE obtains all contributor records that are required by FEC rules and retains them for the time period specified in FEC rules. This response is made pursuant to advice of AFT COPE election law counsel: Oldaker, Biden & Belair, LLP, by Bradley Litchfield

This responds to the notice dated January 23, 2009, from Jodi Winship of Reports Analysis Division of the FEC regarding a disbursement of \$100,000 that was included in the October Monthly Report filed by AFT Committee on Political Education ("AFT COPE"). The disbursement was made to AFL-CIO COPE PCC ACCOUNT ("AFL PCC") on September 29, 2008.

AFT is a collecting agent for both AFT COPE and AFL PCC. AFT COPE is also a collecting agent for AFL PCC. AFT COPE and AFL PCC have longstanding, joint fundraising policy and procedural agreements that rely upon the FEC rules governing collecting agent activity and the underlying legislative and regulatory history of those rules.

(See AFT COPE response of October 16, 2006, to a similar inquiry made by FEC which sets forth the relevant legislative and regulatory history of the rules for joint fundraising by collecting agents of separate segregated funds:  
<http://query.nictusa.com/cgi-bin/dcdev/forms/C00028860/244992/> )

This combined joint fundraising and collecting agent activity occurs within time periods that are agreed upon by the above entities and according to a mutually agreed distribution schedule for the transmittal of collecting agent proceeds by AFT COPE to AFL PCC. Each such transmittal consists of contributions that are fully reported by AFT COPE and that were received via employer-administered, voluntary payroll deduction systems from AFT members and others, who may be lawfully solicited by AFT and its state/local affiliates.

With only minimal exceptions, each contribution within the September 29, 2008, transfer (\$100,000) cited in the FEC inquiry was \$50 (or less), and was received by AFT COPE within 30 days of that date. (Eight donors made total contributions of \$760 on September 19 and thus within 10 days of the transfer date.) Total contribution receipts of AFT COPE, acting as collecting agent, in this period were \$429,050. Furthermore, if traced to the original donors using a uniform accounting method, no contribution within the transfer to AFL PCC would exceed \$200 for the calendar year from each such donor. This is because during the period between September 1 and 29, AFT COPE received \$2190 of itemized contributions from 41 donors. These contributors are AFT officials, and their itemized contributions in that period represented approximately 0.51% of the total contributions received by AFT COPE between September 1 and 30, 2008. Thus, such contributions could represent only a very minute \$510 of the \$100,000 transfer to AFL PCC, or an average of \$12.44 per contributor and far below the \$200 itemization threshold for contributor reporting by AFL PCC.

Lastly, as an FEC filer and collecting agent for AFL PCC, AFT COPE obtains all contributor records that are required by FEC rules and retains them for the time period specified in FEC rules. This response is made pursuant to advice of AFT COPE election law counsel: Oldaker, Belair & Wittie, LLP, by Bradley Litchfield, Attorney Partner.

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