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NAME OF COMMITTEE (In Full)  
LOCAL 32BJ SERVICE EMPLOYEES INTERNATIONAL UNION  
AMERICAN DREAM POLITICAL ACTION FUND

FEC IDENTIFICATION NUMBER  
C00355289

Mailing Address 25 WEST 18TH STREET

City State ZIP Code  
NEW YORK NY 10011

We are responding to your letter dated April 17, 2019 (?RFAI?) regarding the Committee?s 2018 October Quarterly Report. Our numeration matches that in your letter.

1. You first ask about two \$500,000 Committee disbursements each disclosed as ?[m]embership political mobilization? on Lines 21(b) and 29 of the report. We provide clarifying information in this response and, as we explain, we do not believe that amendment of the report is warranted.

We first note that the Reports Analysis Division (?RAD?) three times since 2015 has sent letters to the Committee with respect to the same kinds of disbursements, the Committee has responded, and RAD has not inquired further. Specifically, RAD sent an RFAI to the Committee on April 7, 2015 regarding the Committee?s 2014 30-day Post-General Report, and we responded on June 18, 2015; RAD sent an RFAI to the Committee on June 21, 2016 regard regarding the Committee?s 2015 Year-End Report, and we responded on July 25, 2016; and RAD sent an RFAI to the Committee on February 9, 2017, regarding the Committee?s 2016 30-Day Post General Report, and we responded on March 16, 2017. Each RAD letter asked the same question, concerning possible membership communications and Advisory Opinion 2000-03, and each of our responses provided essentially the same answer.

Now, however, for the first time RAD is asking a different question -- ?whether [the Committee?s] payment to [its] connected organization was intended to influence federal elections? -- and RAD requests that we ?provide the dates of the activity conducted by [the] connected organization,? and that we ?clarify whether [the Committee] made advance payment for these services to [the] connected organization.? The RFAI advises that a labor organization is prohibited from making contributions or facilitating the making of contributions to candidates or political committees other than the organization?s separate segregated fund.

In our March 16, 2017 RFAI response referred to above, we requested that, in the event the Committee subsequently reported similar disbursements in the future, RAD refrain from sending the same RFAI and instead either send no RFAI or acknowledge that RAD has raised the same inquiry before and ask the Committee only to explain whether or not the newly reported disbursements differ in substance from the disbursements that were the subject of the previous correspondence. We do appreciate that RAD has not raised the same inquiry as before, but it appears that RAD is instead guessing both that the Committee?s most recent membership political mobilization disbursements do differ and how they differ.

In fact, the Committee has not made contributions and it has not facilitated the making of contributions to candidates or political committees. Rather, the two payments at issue were made for the same purposes that the Committee has termed ?membership political mobilization? for years now, without objection by RAD in response to our explanations. As before, all of the payments were made to the Committee?s connected organization, akin to grants, in order generally to defray expenses incurred by that organization for its member-focused political program, and for its preparations for subsequent elections, which were neither contributions nor independent expenditures under the Federal Election Campaign Act (?the Act?) but were instead permissible spending otherwise by the Committee and the connected organization. These included expenses for organizational staff salaries; administration of the Committee and the organization?s other separate segregated funds; administration of the political department; staff and membership political training and development; membership communications regarding federal and nonfederal elections, registration, voting and related matters; and professional fees.

The Committee accurately described the purpose of its disbursements at issue in the

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very limited space that Form 3X provides for doing so. We note that the Commission's publicly available informal guidance about adequate purposes provides a variety of recommended purpose descriptions, none of which relevantly refers to membership communications. And, as we have done previously, the payments were reported evenly between Lines 21(b) and 29 because that is a fair approximation of the apportionment of the reimbursement between operating expenses (21(b)) and other disbursements?

(29), insofar as the meanings of those reporting categories are discernible from the Form 3X instructions and the Commission's explications of them elsewhere.

And, the connected organization's overall membership mobilization political program costs exceeded the amounts disbursed to it by the Committee.

The RFAI does not seek information that the Committee must disclose on Form 3X, as the payments were not intended to influence federal elections within the meaning of the Act and accordingly there are no dates of [such] activity to disclose. See generally Final Audit Report of the Commission on SEIU COPE (Service Employees International Union Committee on Political Education) (2011).

The Committee relied upon the Commission's longstanding rules and forms in filing its report, as well as on our previous exchanges of correspondence with RAD since 2015. If there has been a change of reporting policy with respect to such matters, then we submit that the Commission must inform the regulated community at large, or, as seems more appropriate, either undertake a rulemaking or issue a policy statement, in either case with appropriate public notice and opportunity to comment. None of that has occurred.

2. The referenced independent expenditures were timely and accurately reported on the 24-hour reports listed on the attachment to the RFAI. The Committee's omission of these independent expenditures from the October Quarterly Report was inadvertent and unintentional. The Committee is filing an amended report in order to include them. The Committee regrets this oversight, and points out that this omission did not delay the actual notification to the public through Committee filings with the Commission that these independent expenditures were made.

Thank you for your consideration.