



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

June 10, 2014

DAVID BLACK, TREASURER  
THE BABCOCK & WILCOX COMPANY POLITICAL  
ACTION COMMITTEE (B&W PAC)  
2016 MT. ATHOS ROAD  
LYNCHBURG, VA 24504

**Response Due Date**  
**07/15/2014**

IDENTIFICATION NUMBER: C00365502

REFERENCE: MAY MONTHLY REPORT (04/01/2014 - 04/30/2014)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report 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 item(s):

**1.** Schedule B of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. Please be advised that 2 U.S.C. §441a(a) prohibits a multicandidate committee and its affiliates from making a contribution to a candidate for federal office in excess of \$5,000 per election.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If any contribution you made exceeds the limits, you must request a refund of the excessive amount 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 of the excessive amount.

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of the refund or redesignation request sent to the

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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 the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration. (11 CFR §103.3(b)(1) and (3))

2. Schedule B supporting Line 23 discloses one or more contributions to a candidate(s) for the 2014 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. (11 CFR §§110.1(b)(3) and 110.2(b)(3))

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. (11 CFR §103.3(b) (1) and (3))

Please inform the Commission of your corrective action promptly 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))

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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.

**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) 694-1133.

Sincerely,



Christopher Morse  
Senior Campaign Finance Analyst  
Reports Analysis Division

**Excessive, Prohibited, and Impermissible Contributions**  
**The Babcock Wilcox Company Political Action Committee (C00365502)**

**Excessive Contributions to a Candidate Committee**

<b>Recipient Name</b>	<b>Date</b>	<b>Amount</b>	<b>Election</b>	<b>Report</b>
Chuck Fleischmann for Congress Committee, Inc.	1/9/13	\$1,000.00	P2014	2013 February Monthly
Chuck Fleischmann for Congress Committee, Inc.	6/24/13	\$1,000.00	P2014	2013 July Monthly
Chuck Fleischmann for Congress Committee, Inc.	9/24/13	\$2,000.00	P2014	2013 October Monthly
Chuck Fleischmann for Congress Committee, Inc.	12/11/13	\$1,000.00	P2014	2013 Year End
Chuck Fleischmann for Congress Committee, Inc.	4/1/14	\$1,000.00	P2014	2014 May Monthly
Dan Coats for Indiana	4/5/11	\$1,000.00	P2016	2011 May Monthly
Dan Coats for Indiana	4/10/12	\$1,000.00	*P2016	2012 May Monthly
Dan Coats for Indiana	1/28/13	\$1,000.00	P2016	2013 February Monthly
Dan Coats for Indiana	1/28/13	\$1,000.00	P2016	2013 February Monthly
Dan Coats for Indiana	7/11/13	\$1,000.00	P2016	2013 August Monthly
Dan Coats for Indiana	4/28/14	\$1,000.00	**P2016	2014 May Monthly

**Contributions Made After Election Date**

<b>Recipient Name</b>	<b>Date</b>	<b>Amount</b>	<b>Election</b>	<b>Election (State-Date)</b>
Hall for Congress Committee (Ralph Hall - Rockwall	4/28/14	\$1,000.00	P2014	TX - 3/4/14

\*Schedule B of your report discloses this contribution as designated to the 2012 primary election; however, this candidate did not participate in a primary election in 2012. Therefore, this contribution has been attributed to the next scheduled Federal election for this candidate, the 2016 primary (11 CFR §110.2(b)(ii)).

\*\*Schedule B of your report discloses this contribution as designated to the 2014 primary election; however, this candidate did not participate in a primary election in 2014. Therefore, this contribution has been attributed to the next scheduled Federal election for this candidate, the 2016 primary (11 CFR §110.2(b)(ii)).