

# NORPAC

Promoting the US-Israel Relationship  
P.O. Box 5595, Englewood, NJ 07631

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Tom Wuliger

December 28, 2002

Ms. Rosemary C. Smith  
Acting Associate General Counsel  
Federal Election Commission  
Commission's Office of General Counsel  
999 E. Street, N.W.  
Washington, D.C. 20463

AOR 2003-1

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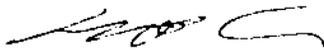
Dear Ms. Smith:

Pursuant to your letter dated December 13, 2002, ( copy enclosed), I am responding to the questions you have set forth. My responses are keyed to the corresponding number as set forth in your aforementioned letter.

- 1) A non-federal bank account was established in December , 2001.
- 2) The annual mission to Washington was paid for by NORPAC's federal account. As such, the expenditures were reported to the FEC.
- 3) As our trip to Washington does not relate to elections or campaigns I was not anticipating allocating these expenditures between Federal and non-Federal funds. If there are Commission regulations which require an allocation, we would comply with such regulations.
- 4) Participants act solely as individuals who are members of NORPAC. They act in no other capacity.
- 5) During the mission no campaign contributions are delivered to anyone at anytime.
- 6) During the mission no receptions or similar events are held for any Member of Congress or candidates for public office.
- 7) NORPAC seeks no assistance from Members of Congress or candidates for Federal office, for fundraising activities
- 8) Participants do not meet with political party officials as part of the mission. Participants, do meet with Members of Congress and personnel from the State department.
- 9) I am not aware of any Member of Congress or candidate for Federal office ever sign a fundraising letter for NORPAC, or otherwise participate in fundraising for NORPAC.
- 10) I am not aware of any political party official ever raising funds for NORPAC.
- 11) No contributions of any sort, to political party committees or PACs, are made as part of the annual mission.
- 12) At this point in time, the attendance fee is based in large part on the prior year's fee, with an upward adjustment if mission costs have risen. At the outset, the fee was intended to allow NORPAC recover its direct costs of the mission. These would be: busses to Washington, food, and room rentals.
- 13) No corporation, labor union, or PAC provides funding for the annual mission.

If you have any further questions regarding this Advisory Opinion request, please contact the undersigned at (212) 605 3132.

Sincerely,



Mitchell Eichen

2003 JAN 27 A 11:46

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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

December 13, 2002

Mitchell Eichen  
Treasurer  
NORPAC  
P.O. Box 5595  
Englewood, N.J. 07631

Dear Mr. Eichen:

This refers to your letter dated November 18, 2002, which was received in this Office on November 26, 2002, concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the use of NORPAC's funds to pay for certain expenses. As you recall, on December 6<sup>th</sup> we discussed a number of questions relating to your request by telephone. This letter is intended to memorialize the questions we presented in that conversation, and to invite NORPAC's written response.

The Statement of Organization, as amended, filed by NORPAC indicates that it is a nonconnected committee which qualifies as a multicandidate committee.

Your request sets forth the following facts: NORPAC makes disbursements for an annual mission to Washington, where NORPAC members meet with Members of Congress to discuss issues in support of Israel. These issues can include bills that have been introduced or that NORPAC would like to have introduced. No discussions of support for any Member are held at these meetings. However, as a result of these meetings, subsequent decisions about support may be made. The following expenditures are anticipated: bus travel; food; rental of meeting space; supplies for participants (pens, folders, pads, etc.); informational packets regarding issues to be discussed; and Congressional directories. The payments made by participants are in the form of an attendance fee to participate in the mission.

You ask: (1) for guidance regarding the appropriate use of a bank account that NORPAC has set up and designated for non-Federal use; (2) whether deposits made into this account may be made by supporters without regard to contribution limitations under the Act; (3) whether the aforementioned disbursements constitute "non-Federal activities" and are therefore exempt from reporting under the Act; (4) whether the payments that participants in the annual mission to Washington make to NORPAC can be deposited into the bank account designated for non-Federal use by NORPAC; and (5) whether payments by participants in the annual mission to Washington are exempt from the general contribution limitations to a political committee.

As you know, the Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. 437f(a). Commission regulations explain that a request must set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. The regulations state that a request presenting a general question of interpretation or posing a hypothetical situation does not qualify as an advisory opinion request. 11 CFR 112.1(b).

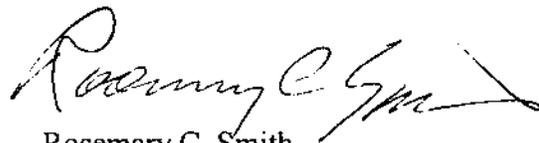
Further information will be needed for your request to include a complete description of the relevant facts. Please provide responses to the following questions and requests for documents:

- 1) When was the non-Federal bank account described in your letter established?
- 2) How was the annual mission to Washington paid for in the past?
- 3) Does NORPAC intend to allocate annual mission expenses between Federal and non-Federal funds pursuant to Commission regulations?
- 4) What are the roles of the participants on the annual mission? For example, do participants act solely as individuals, or do some participants act as agents for corporations, labor unions, entities associated with corporations or labor unions, or political parties?
- 5) During the annual mission, are any contributions delivered to Members of Congress or candidates for Federal office on behalf of NORPAC or any participant in the mission?
- 6) During the annual mission, are receptions or similar events held for Members of Congress or candidates for Federal office?
- 7) Does NORPAC seek assistance from Members of Congress or candidates for Federal office for fundraising activities for NORPAC?

- 8) Do participants meet with any political party officials as part of the annual mission?
- 9) Do Members of Congress or candidates for Federal office sign fundraising letters for NORPAC, or otherwise participate in fundraising for NORPAC?
- 10) Do political party officials do raise funds for NORPAC?
- 11) Will NORPAC or any participant in the annual mission make any contributions or donations to political party committees or PACs as part of the annual mission?
- 12) Describe in detail how the attendance fee charged to annual mission participants is determined. In particular, does the attendance fee only cover the participant's direct costs of a particular mission? Alternatively, does the fee also cover NORPAC's administrative costs?
- 13) Do any corporations or labor unions or PACs connected with such organizations provide funding for the annual mission?

Please send your responses to the questions presented above to the Commission's Office of General Counsel. Upon receipt of your responses and the documents, this Office will give further consideration to your inquiry. If you have any questions about the advisory opinion process or this letter, please contact Albert Kiss at 202-694-1650.

Sincerely,



Rosemary C. Smith  
Acting Associate General Counsel

Ben Chouake / President

Robert Gottesman / VP  
Dov Kahane / VP  
Jason Muss / VP  
Drew Parker / VP  
Denise Setton / VP  
Mich Eichen / Treasurer

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Zell/Helene Feldman  
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Ced/Sylvia Freyer  
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Daniel/Thalia Federbusch  
David/Abby Flammholtz  
Amy Friedkin  
Allen/Rachel Friedman  
R' Menachem Genack  
R' Shmuel/Barbara Goldin  
Paula Gottesman  
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Tim Wulger

# NORPAC

Promoting the US-Israel Relationship  
P.O. Box 5595, Englewood, NJ 07631

David Schlusael, Chairman

R.M. Genack, Founding Chairman  
David Raab, Chmn Emeritus

November 18, 2002

Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

Re: Request for Advisory Opinion

We request an advisory opinion for guidance regarding the appropriate use of a bank account that we have set up and designated for non federal use. The funds in this account are not disbursed for activities directly or indirectly connected to any federal election. As such, our understanding is that, deposits made into this account may be made by contributors without regard to FEC contribution limits to a PAC.

Specifically, we are requesting an opinion as to:

- 1) whether the following expenditures constitute non federal activities, and therefore are exempt from the PAC reporting requirements;
- 2) whether the payments that participants make to the PAC related thereto can be deposited into said non federal account, and therefore be exempt from the general contributor limitations to a PAC:

Expenditures are in relation to an annual mission to Washington, where our members meet with Members of Congress to discuss issues in support of Israel. These issues can include bills that have been introduced or that we would like to have introduced. No discussions of support for any Member are held at these meetings. However, as a result of these meetings, subsequent decisions about support may be made.

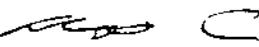
The following expenditures are anticipated:

- 1) Bus travel
- 2) Food
- 3) Rental of meeting space
- 4) Supplies for participants (pens, folders, pads, etc)
- 5) Informational packets regarding issues to be discussed
- 6) Congressional directories.

The payments made by contributors, related to the aforementioned expenditures, are in the form of an attendance fee to participate in the mission

Your prompt response to this request is greatly appreciated. If clarity as to either the nature of the advice requested or the related facts are needed, please contact the undersigned at (212) 605-3132.

Respectfully submitted,

  
Mitchell Eichen, Treasurer

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2002 NOV 26 A 10:32