



**American Orthotic &  
Prosthetic Association**

**FAXED**  
11-24-03

November 24, 2003

Mr. John C. Vergelli  
Acting Assistant General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

2003 NOV 31 A 10:59  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

Dear Mr. Vergelli:

On behalf of the American Orthotic & Prosthetic Association (AOPA), I am writing in support of the petition for rulemaking submitted by America's Community Bankers (ACB). This petition requests that the Federal Election Commission (FEC) revise 11 CFR 114.8(e)(3) implementing the Federal Election Campaign Act (FECA) allowing corporate members of trade associations to use a payroll deduction as a means of facilitating voluntary contributions from their restricted classes to a trade association's separate segregated fund.

AOPA is the largest national trade association for the orthotic and prosthetic industry. It was established in 1917 and is comprised of over 1,650 members, including orthotic and prosthetic patient care facilities, companies, suppliers, and affiliates, who design, fabricate, fit, and supervise the use of orthoses (orthopedic braces) and prostheses (artificial limbs). AOPA maintains the only separate segregated fund designed to represent the interests of orthotists and prosthetists.

Following a careful analysis of the FEC regulations as detailed in ACB's petition, AOPA supports allowing its member corporations to implement an automatic payroll deduction system to support the trade association's separate segregated fund.

We believe that ACB's petition represents a permissible interpretation of the underlying statute because nothing in the language of the Federal Election Campaign Act (FECA), or its legislative history, requires exclusion of payroll deduction as a permissible method of obtaining voluntary contributions.

Furthermore, it has been our experience that the use of electronic methods for making and receiving payments has grown tremendously since the imposition of the prohibition on allowing automatic payroll deductions to a trade association's separate segregated fund. The use of paper checks has been in steady decline and we believe that this trend will continue as consumers continue to request more convenient and efficient ways to pay for goods and services.

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Our member corporations are increasingly turning to electronic financial transactions to reduce costs and take advantage of the efficiencies found by the use of this method. Not only is there a significant increase in the prevalence of the use of electronic payroll deposits, but payroll deductions are now being used for the payment of a wide variety of goods and services such as health insurance premiums, flexible spending accounts, retirement savings plans and other transactions. These efforts have provided a clear benefit to employees and have lowered the costs of such transactions for both employees and their employers.

Moreover, we believe that the use of payroll deductions to facilitate voluntary contributions from a member corporation to its trade association's separate segregated fund would provide significant benefits to employees. Such a change would not only make it easier for these individuals to participate in the political process, but it also would increase the number of those who do indeed participate.

AOPA requests that the FEC look favorably on the ACB's petition and take steps to modify 11 CFR 114.8(e)(3). It is our contention that current regulations should no longer make a distinction between manual solicitation for voluntary contributions to a trade association's separate segregated fund and electronic means through a payroll deduction.

We appreciate your consideration of our views on this issue.

Sincerely,

A handwritten signature in black ink that reads "Tyler Wilson". The signature is written in a cursive style with a long, sweeping underline.

Tyler Wilson  
Executive Director  
American Orthotic & Prosthetic Association