



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

February 18, 1983

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1983-4

Ned H. Guthrie  
National Legislative Director  
American Federation of Musicians  
1562 Kanawha Boulevard, East  
Charleston, West Virginia 25311

Dear Mr. Guthrie:

This responds to your letter dated January 12, 1983, requesting an advisory opinion on behalf of the American Federation of Musicians ("AFM") and its separate segregated fund, Tempo Club, regarding application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the use of Tempo Club's funds to pay AFM's legislative lobbying expenses.

Your request sets forth the following facts:

AFM is a labor organization with members in the United States and Canada and is affiliated with the AFL-CIO. AFM is headquartered in New York City and you operate from its West Virginia field office. You hold the positions of National Legislative Director of AFM and National Chairman of Tempo Club. In the former position you lobby on behalf of AFM and in the latter position you raise funds for Tempo Club. Your lobbying duties give rise to salary, travelling, and secretarial expenses. You specifically ask whether Tempo Club funds may be used to help defray AFM's legislative lobbying expenses.

In a previous advisory opinion the Commission has answered affirmatively to the query posed. In Advisory Opinion 1978-36, copy enclosed, the Commission specifically held that a separate segregated fund may make expenditures to influence legislative action on legislative issues without reference to any candidate for political office. In that opinion, the political committee sought to spend funds for legislative lobbying and to finance communications to the public urging that letters be sent to State or Federal legislators in support of particular legislative action.

The Commission concluded that nothing in the Act or regulations precluded it from spending funds for those purposes.

In the present case, Tempo Club funds would be used in part to defray lobbying expenses of AFM incurred in connection with your work as AFM's Legislative Director. This use of funds is materially indistinguishable from the situation presented in Advisory Opinion 1978-36. Moreover, a separate segregated fund may expend its funds for any lawful purpose consistent with the Act and regulations. Advisory Opinion 1979-42, copy enclosed. Thus the Commission concludes that the proposed payment of lobbying expenses by Tempo Club is permissible under the Act and regulations.

It should be noted that Tempo Club funds used to pay lobbying expenses are reportable disbursements even though they are not "expenditures" for the purpose of influencing a Federal election as defined in 2 U.S.C. 431(9). 11 CFR 104.3(b)(1) and (b)(3).

The Commission expresses no opinion concerning any possible application of Federal lobbying statutes since those issues are not within its jurisdiction. For the same reason the Commission also expresses no view as to the tax ramifications that the legislative activity might have with respect to the status of Tempo Club as a "political organization" under 26 U.S.C. 527.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth by your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Danny L. McDonald  
Chairman for the Federal Election Commission

Enclosures (AOs 1979-42 and 1978-36)