



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via Facsimile and First Class Mail
Fax: 540-341-8809

August 29, 2012

Thomas J. Josefiak, Esq.
Michael Bayes, Esq.
Holtzman Vogel PLLC
45 North Hill Drive Suite 100
Warrenton, VA 20186

RE: MUR 6632 (Pre-MUR 532)
(U.S. Chamber of Commerce)

Dear Messrs. Josefiak and Bayes:

On August 23, 2012, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Christine C. Gallagher
Attorney

Enclosure
Conciliation Agreement

12044321442

RECEIVED
SECTION
CLERK

2012 AUG 24 PM 1:34

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

U.S. Chamber of Commerce)

MUR 6632 OFFICE OF FEDERAL
COURT

CONCILIATION AGREEMENT

This matter was initiated by a *sua sponte* submission made to the Federal Election Commission ("the Commission") by U.S. Chamber of Commerce ("the Respondent"). The Commission engaged the Respondent in an expedited Fast-Track Resolution pursuant to its *Sua Sponte* policy, 72 Fed. Reg. 16,695 (Apr. 5, 2007), and thus has not made reason to believe findings in this matter.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to findings of reason to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent is an incorporated trade association.
2. In February 2012, Respondent sponsored two television advertisements focusing on members of Congress' stance on job issues. Each advertisement identified a

12044321443

1 member of Congress from Illinois by name, and was broadcast on television from February 9
2 through February 22 in the members' congressional districts.

3 3. Under the Federal Election Campaign Act of 1971, as amended (the
4 "Act"), an "electioneering communication" is a "broadcast, cable or satellite communication"
5 that: (1) refers to a clearly identified candidate for Federal office; (2) is made within 60 days
6 before a general election or 30 days before a primary election; and (3) is targeted to the relevant
7 electorate. 2 U.S.C. § 434(f)(3)(A)(i); 11 C.F.R. § 100.29(a). A "clearly identified candidate"
8 means that the candidate's name, nickname, photograph or drawing appears or the identity of
9 the candidate is otherwise apparent through an unambiguous reference. 11 C.F.R.
10 § 100.29(b)(2). A communication is "targeted to the relevant electorate" when it can be
11 received by 50,000 or more persons in the district the candidate seeks to represent. 11 C.F.R.
12 § 100.29(b)(5).

13 4. Every person who makes aggregate disbursements exceeding \$10,000 for
14 the cost of producing and airing electioneering communications during any calendar year must,
15 within 24 hours of each disclosure date, disclose information regarding the communication.
16 2 U.S.C. § 434(f); 11 C.F.R. § 104.20. The disclosure date for purposes of Section 434(f)(1)
17 means the first date on which the communication is publicly distributed. *See* 11 C.F.R.
18 § 104.20(a)(1).

19 5. The electioneering communications period in Illinois for the
20 Congressional primary was 30 days prior to March 20, 2012. The two advertisements aired
21 continuously from February 9 through February 22, 2012, but constituted electioneering
22 communications only from February 19 through February 22, 2012.

23 6. Respondent made \$129,458.57 in disbursements for a television

12044321444

1 advertisement entitled "Protect" airing from February 19 through 22, 2012, and referencing
2 2012 primary election candidate Representative Robert Dold, who was running for re-election
3 to represent Illinois' 10th Congressional District. Respondent's 24-Hour Report of
4 electioneering communications for this advertisement was due on February 20, 2012, which
5 was Presidents Day, but was not filed until February 22, 2012.

6 7. Respondent made \$123,806.29 in disbursements for a second television
7 advertisement entitled "Working" airing from February 19 through 22, 2012, and referencing
8 2012 primary election candidate Representative Judy Biggert, who was running for re-election
9 to represent Illinois' 11th Congressional District. Respondent's 24-Hour Report of
10 electioneering communications for this advertisement was due on February 20, 2012, which
11 was Presidents Day, but was not filed until February 22, 2012.

12 V. Respondent failed to timely file two 24-Hour Reports of electioneering
13 communications, in violation of 2 U.S.C. § 434(f).

14 VI. Respondent will take the following actions:

15 1. Respondent will pay a civil penalty to the Federal Election Commission
16 in the amount of Eleven Thousand Dollars (\$11,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

17 2. Respondent will cease and desist from violating 2 U.S.C. § 434(f).

18 VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.
19 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review
20 compliance with this agreement. If the Commission believes that this agreement or any
21 requirement thereof has been violated, it may institute a civil action for relief in the United
22 States District Court for the District of Columbia.

12044321445

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.


IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Anthony Herman
General Counsel

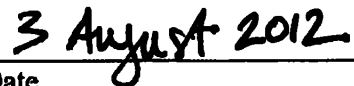
BY:


Daniel A. Petalas
Associate General Counsel
for Enforcement


Date

FOR THE RESPONDENT:


Lily Fu Claffee
SVP, General Counsel & Chief
Legal Officer
U.S. Chamber of Commerce


Date

12044321446