

**BEFORE THE
FEDERAL ELECTION COMMISSION**

In the matter of:

FF PAC

fka **Future Forward USA PAC**
Chauncey McLean, Treasurer

MUR _____

Future Forward USA Action
Chauncey McLean, President

“Vice President Biden does not welcome assistance from super PACs,” Biden communications director and deputy campaign manager Kate Bedingfield told The Hill.¹

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“President Biden and his advisers are elevating a new outside group [FF PAC] as the leading super PAC to help re-elect him in 2024, making it the top destination for large sums of cash from supportive billionaires and multimillionaires.”²

**COMPLAINT FOR VIOLATING DISCLOSURE PROVISIONS OF THE FEDERAL
ELECTION CAMPAIGN ACT, INCLUDING 52 U.S.C. § 30122, BY KNOWINGLY
ACCEPTING CONTRIBUTIONS IN THE NAME OF ANOTHER, AND 52 U.S.C. §
30104(B)(3)(A), BY FAILING TO ACCURATELY REPORT CONTRIBUTIONS**

INTRODUCTION

The **NATIONAL LEGAL AND POLICY CENTER** (“NLPC”), the complainant herein, through its undersigned counsel, hereby files this complaint against respondents FF PAC, Chauncey McLean, its Treasurer, Future Forward USA Action (FF Action), and Chauncey McLean, its President.

NLPC calls upon the Federal Election Commission (FEC) to find it has “reason to believe” respondents have violated disclosure provisions of the Federal Election Campaign Act by failing to report and disclose the identity of donors to FF PAC by using a dark money group

¹ Amy Barnes & Jonathan Easley “*Biden allies launch super PAC,*” The Hill (Apr. 26, 2019). <https://thehill.com/homenews/campaign/440920-biden-allies-launch-super-pac/>

² Shane Goldmacher and Reid J. Epstein, “*Biden Switches Up His Big-Money Operation Ahead of 2024,*” New York Times (July 14, 2023) <https://www.nytimes.com/2023/07/14/us/politics/biden-future-forward-super-pac.html>

FF Action to funnel large contributions to FF PAC and for FF PAC failing to report and account for the receipt of approximately \$12 million from FF Action.

The facts supporting these allegations were first reported by investigative reporter Andrew Kerr of *The Washington Free Beacon* in a pair of two recent articles.³ The FEC must promptly and fully investigate this complaint, issue subpoenas to the respondents, conduct an audit, and assess appropriate penalties and fines.

COMPLAINANT

Founded in 1991, NLPC is a national nonprofit organization based in Falls Church, VA, dedicated to promoting ethics in government as well as corporate integrity. With respect to ethics in government, NLPC's Government Integrity Project has filed numerous ethics complaints against government officials, office holders, nonprofit policy groups, and political candidates with the Federal Election Commission, Congressional Ethics Committees, the IRS, and the Department of Justice.⁴

RESPONDENTS

FF PAC is a registered super PAC or hybrid PAC with the FEC (Identification Number C00669259), which President Biden and his advisors had designated as the "leading super PAC to help re-elect him in 2024, making it the top destination for large sums of cash from supportive billionaires and multimillionaires."⁵

FF PAC was originally registered with the FEC on February 5, 2018 as **Future Forward USA PAC** and changed its name to **FF PAC** on September 20, 2020. Its mailing address is 611 Pennsylvania Ave., SE, #143, Washington, D.C. 20003, which is a UPS Store. **Chauncey McLean** is the Treasurer of **FF PAC** and lists his mailing address at the same UPS Store.

³ Andrew Kerr, "Biden's Favorite Super PAC Used Illegal Scheme to Conceal Its Donors, Experts Say," *Washington Free Beacon* (Aug. 14, 2023) <https://freebeacon.com/elections/bidens-favorite-super-pac-used-illegal-scheme-to-conceal-its-donors-experts-say/>; Andrew Kerr, "Legal Experts Call For Investigation Into Biden's Favorite Super PAC Over 'Serious' Financial Discrepancies," *Washington Free Beacon* (Aug. 21, 2023) <https://freebeacon.com/elections/legal-experts-call-for-investigation-into-bidens-favorite-super-pac-over-serious-financial-discrepancies/>

⁴<https://www.nlpc.org/government-integrity-project/>

⁵ See fn. 2, *supra*. See also FactCheck.org "Future Forward USA PAC (FF PAC)" (Sept. 27, 2022) <https://www.factcheck.org/2022/03/future-forward-usa-pac-ff-pac/#:~:text=Future%20Forward%20USA%20PAC%2C%20legally%20known%20as%20FF,known%20as%20a%20hybrid%20PAC%20or%20%E2%80%9CCarey%20committee.%E2%80%9D>

Future Forward USA Action (FF Action) is FF PAC's closely affiliated nonprofit 501(c)(4) dark money group that raises campaign contributions for FF PAC. **Chauncey McLean** is the President of FF Action. The address of both FF Action and **Chauncey McLean** is 3458 Kenneth Dr. Palo Alto, CA 94303, which is a private home valued at \$3.2 million.⁶

According to the New York Times, "*Future Forward, which is led by Chauncey McLean, a former official on Barack Obama's presidential campaigns, has kept a remarkably low profile for a super PAC that, along with an affiliated nonprofit arm [FF Action], has raised nearly \$400 million in the last five years.*"⁷

ALLEGATIONS

I. FF PAC FAILED TO DISCLOSE THE IDENTITY OF DONORS FOR CONTRIBUTIONS IT RECEIVED FROM FF ACTION

Normally, a 501(c)(4) organization like FF Action does not have to disclose its donors in its annual Form 990 filed with the IRS. However, if it is acting as a conduit or pass-through of those donations to a political committee, it has to report the identity of donors to the PAC and the PAC in turn has to disclose the identity of those donors.

In this case, however, FF Action turned over \$3.4 million of contributions it received to FF PAC, which only reported receiving the aggregate amount from FF Action, but failed to disclose the identity of the individual donors to FF Action. According to the press account by reporter Andrew Kerr:

*Future Forward USA Action in its 2021 tax filings acknowledged that it "promptly and directly delivered" \$3.4 million in donations to Future Forward—a designation that would require the super PAC to reveal donor identities, according to former Federal Election Commission chairman Bradley Smith. However, Future Forward declined to disclose who contributed the cash. *****

Future Forward USA Action admitted to making over \$3 million in earmarked political contributions, where they apparently obscured the true super PAC donor's identity by routing the money through the nonprofit,"[Election lawyer Charlie] Spies told the Free Beacon. "The U.S. DOJ has sent people to prison for this sort of illegal activity, and the FEC has imposed major fines on conservative organizations accused of less blatant earmarking."⁸

⁶ <https://www.trulia.com/p/ca/palo-alto/3458-kenneth-dr-palo-alto-ca-94303--2083124042>

⁷ See fn. 2, *supra*.

⁸ See fn. 3, *supra*.

In this case, it is clear that FF PAC knew the identity of the donors to FF Action because they are closely related organizations with Chauncey McLean as the head of both organizations. Indeed, it appears that FF Action is the alter ego of FF PAC.⁹

The FEC and Justice Department has brought enforcement actions against individuals and PACs for circumventing FEC's disclosure rules for failing to disclose earmarked contributions. For example, the FEC brought an enforcement action against the American Conservative Union and fined it \$350,000 in 2017 for engaging in this exact behavior.

ACU reported in its [2012 Form 990 receiving](#) \$1,710,000 and "promptly and directly" delivering the funds to a separate political organization. The New or Never PAC then reported to the FEC that it received a \$1.71 million contribution from ACU on Oct. 31, 2012 without disclosing the identity of the original donor. The FEC ruled that ACU, the donor (Government Integrity LLC) and Now or Never PAC violated federal election laws for using ACU as a pass-through to evade donor disclosure.¹⁰

As Andrew Kerr further reported:

The Department of Justice has a history of prosecuting political activists for using dark money groups to launder funds to super PACs. Federal authorities sentenced Joseph

⁹ According to reporter Andrew Kerr:

"The Super PAC appears to have no dedicated staff, as it has never reported making a payroll expenditure, according to its FEC [filings](#). Instead, the super PAC uses the services of its affiliated dark money group's staff. Such arrangements are legal and common, but in Future Forward's case, the two groups disclosed radically different amounts of in-kind staff donations every year between 2018 and 2020.

For example, Future Forward [reported](#) to the FEC it received \$467,204 worth of in-kind staff contributions from the dark money group in 2020. But the dark money group [claimed](#) to the IRS it only provided \$67,479 worth of in-kind staff time to the super PAC that same year. The numbers should be an exact match, but instead, they're off by a factor of nearly seven."

Andrew Kerr, "Legal Experts Call For Investigation Into Biden's Favorite Super PAC Over 'Serious' Financial Discrepancies," Washington Free Beacon (Aug. 21, 2023) <https://freebeacon.com/elections/legal-experts-call-for-investigation-into-bidens-favorite-super-pac-over-serious-financial-discrepancies/>

¹⁰ Lydia Wheeler, "American Conservative Union agrees to pay fine for passing donation to super PAC," The Hill (Nov. 20, 2017), <https://thehill.com/regulation/361206-american-conservative-union-agrees-to-pay-fine-for-illegally-passing-donation-to/>

Fuentes-Fernandez, the leader of a Puerto Rico-based super PAC, to 14 months in prison in 2022 for laundering political contributions to the entity through two affiliated nonprofits.

"The purpose of routing these donor funds through the nonprofit entities was exclusively to conceal the true identities of the donors," the Department of Justice said in a [statement](#) announcing the sentence. "Fuentes ... deprived the people of the Commonwealth of Puerto Rico and the FEC of information about the true source of hundreds of thousands of dollars flowing into Puerto Rico's political system."¹¹

Accordingly, the FEC should find "reason to believe" that FF PAC, FF Action, and Chauncey McLean have violated the reporting and disclosure provisions of FECA, namely, 52 U.S.C. § 30122 by knowingly accepting contributions in the name of another, and 52 U.S.C. § 30104(B)(3)(A) by failing to disclose the identity of the donors of \$3.4 million to FF PAC.

II. FF PAC HAS FAILED TO DISCLOSE THE RECEIPT OF APPROXIMATELY \$12 MILLION FROM FF ACTION IN 2021.

In addition to failing to disclose the identity of its donors, FF PAC has failed to disclose the receipt of approximately \$12 million from FF Action.

As Andrew Kerr reported:

In 2021, Future Forward USA Action reported in its IRS [tax return](#) that it provided \$15.3 million to the super PAC that year. Future Forward should have reported the same number in its reports to the FEC. But instead, the super PAC [claimed](#) it received just \$3.4 million from its sister dark money group in 2021.¹²

Further investigation by the FEC will determine whether the identity of the donors to FF Action should also have been disclosed as earmarked contributions to FF PAC as well as failing to report that it received approximately \$12 million from FF Action in addition to the \$3.4 million it did disclose.

CONCLUSION

For the foregoing reasons, the FEC should find "reason to believe" that respondents have committed one or more reporting and disclosure violations, including 52 U.S.C. § 30122 by knowingly accepting contributions in the name of another, and 52 U.S.C. § 30104(B)(3)(A) by failing to accurately report contributions; launch a full investigation of this complaint by issuing subpoenas for documents and testimony; conduct an audit of FF PAC and FF Action; determine whether "probable cause" exists that one or more FECA violations has occurred; assess appropriate sanctions and fines; and take further enforcement action as appropriate.

¹¹ See fn 3, *supra*.

¹² See fn 9 *supra*.

NLPC reserves the right to supplement this Complaint with additional facts that it may discover.

Date: August 22, 2023

Respectfully submitted,



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VERIFICATION

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge and belief.

Date: August 22, 2023



Paul D. Kamenar, Esq.