

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Molly White
867 Boylston St.
5th Floor #1549
Boston, MA 02116

and

Rick Claypool
Public Citizen
1600 20th St. NW
Washington, D.C. 20009

Complainants,

v.

Coinbase, Inc.
248 3rd St. #434
Oakland, CA 94607

and

Fairshake
2740 SW Martin Downs Blvd. #51
Palm City, FL 34990

and

Congressional Leadership Fund
1747 Pennsylvania Avenue, NW
5th Floor
Washington, DC 20006

Respondents.

SUPPLEMENT TO COMPLAINT FILED AUGUST 1, 2024

On August 1, 2024, Molly White submitted this complaint, pursuant to 52 U.S.C. § 30109(a)(1), alleging that Coinbase violated the Federal Election Campaign Act of 1971 (“FECA”). That day, Coinbase’s General Counsel Paul Grewal posted on social media that “Coinbase is not a federal contractor under the plain language of 11 CFR 115.1. USMS isn’t paying us with appropriated

funds....”, pointing to the fact that Coinbase’s contract is being paid from funds from the Department of Justice’s Assets Forfeiture Fund.¹

Mr. Grewal is incorrect. As the Supreme Court has recently explained, “an appropriation is simply a law that authorizes expenditures from a specified source of public money for designated purposes.” *Consumer Fin. Protection Bureau v. Cmty. Fin. Servs. Ass'n of Am.*, 601 U.S. 416, 424 (2024). Under this definition, Congress’s enactment 28 U.S.C. § 524(c)(1), creating the Assets Forfeiture Fund and authorizing the Attorney General to make expenditures from that fund for specific purposes, was an appropriation. *See also Perri v. United States*, 340 F.3d 1337, 1341 (Fed. Cir. 2003) (recognizing that section 524(c)(1) is “a money-authorizing statute”). Indeed, over the past five decades, both courts and the Department of Justice have considered the statutory creation of the fund to be an appropriation. *San Antonio Hous. Auth. v. United States*, 143 Fed. Cl. 425, 480 (2019) (discussing *Perri*, 340 F.3d at 1341 (Fed. Cir. 2003)); Attorney General’s Guidelines on Seized and Forfeited Property, 50 Fed. Reg. 24052, 24052 (June 7, 1985). The Congressional Research Service has similarly described the statute as a “permanent appropriation.” Cong. Res. Serv., No. 97-139, Crime and Forfeiture 24 (updated 2015), available at <https://crsreports.congress.gov/product/pdf/RL/97-139/13>.

To the extent Mr. Grewal is asserting that the given contract is not funded by an *annual* appropriation, that may be correct. But the plain language of the 11 C.F.R. § 115 does not limit the definition of federal contractors to those paid out of annual appropriations. Rather, the definition of federal contractor under 11 C.F.R. § 115 applies where a “payment for the performance of a contract... is to be made in whole or in part from funds appropriated by the Congress,” with no qualification as to the kind of appropriation.

Since the Assets Forfeiture Fund is a Congressional appropriation, Coinbase was paid for the performance of a contract from funds appropriated by the Congress, and is thus a federal contractor.

¹ <https://x.com/iampaulgrewal/status/1819135485262156235>, archived at <https://perma.cc/D8T2-AVY8>

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and beliefs, true.

Sworn pursuant to 18 U.S.C. 1001.

For Complainant:

Molly White
867 Boylston St.
5th Floor #1549
Boston, MA 02116

Molly A White

Sworn and subscribed before me
This 5th day of August, 2024

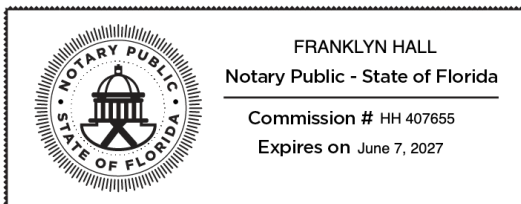
State of Florida

County of Broward

Sworn to (or affirmed) and subscribed before me by means of online notarization,
this 08/05/2024 by Molly A White.

Franklyn Hall

Franklyn Hall



Personally Known OR Produced Identification

Type of Identification Produced DRIVER LICENSE

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and beliefs, true.

Sworn pursuant to 18 U.S.C. 1001.

For Complainant:

Rick Claypool
Public Citizen
1600 20th St. NW
Washington, D.C. 20009

Sworn and subscribed before me
This _____ day of August, 2024