



**HOLTZMAN
VOGEL
JOSEFIAK
TORCHINSKY PLLC**

2300 N Street, NW, Suite 643A
Washington, DC 20037
202-737-8808

15405 John Marshall Hwy
Haymarket, VA 20169
540-341-8808

April 6, 2021

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463

Re: MUR 7885

Dear Ms. Dennis,

This Response is submitted on behalf of Senate Leadership Fund (SLF) and Caleb Crosby, in his capacity as Treasurer by the undersigned counsel in connection with MUR 7885. The Complaint alleges that “American College of Radiology” is a federal contractor that made an impermissible contribution to SLF on December 21, 2020.¹

SLF reported on its 2020 Year-End Report that “American College of Radiology” made the contribution at issue. Upon further review, and as confirmed by a representative of the contributor, the actual donor was “American College of Radiology Association.” It is our understanding that the last word of the donor’s name (“Association”) was inadvertently omitted during electronic transmission of the funds. SLF amended its 2020 Year-End Report on March 18, 2021 to include the donor’s full name.

The “American College of Radiology” is organized as a Section 501(c)(3) organization. The “American College of Radiology Association” is organized as a Section 501(c)(6) trade and professional association. (Recent IRS Form 990 filings for both entities are available on Guidestar.org.) The American College of Radiology *Association* is legally separate and distinct from the American College of Radiology. The Association’s membership consists of individual radiologists, and the Association did not hold any federal contract during the relevant period, nor was it negotiating any federal contract during such period.

¹ The Complaint, at paragraph 8, alleges that SLF accepted impermissible contributions from five other donors during the 2020 cycle. The contributions from “Marathon Petroleum,” “Amedisys, Inc.,” and “Martin Marietta Materials, Inc.” are the subjects of MURs 7843, 7846, and 7888, respectively.

In the meantime, we note that this Complaint’s stated “cause of action” and “prayer for relief” pertains only to the contribution made by “American College of Radiology.”

As noted in the Complaint, SLF's online donation page requires affirmation that the contributor is *not* a federal government contractor. Complaint at ¶ 4. In addition, the written information that SLF provides to its prospective supporters and the contribution form that contributors fill out and return to SLF collectively include three separate notices that contributions from federal government contractors are prohibited. *See* Attachment A (notices highlighted).

SLF did not solicit any contribution from any federal contractor and the contribution at issue in this matter was made by an entity that does *not* hold any federal contracts. Accordingly, the Commission should dismiss the Complaint and close the file.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Josefiak', with a long horizontal flourish extending to the right.

Thomas J. Josefiak

Michael Bayes

Counsel to Senate Leadership Fund

Attachment

Attachment A



SENATE
LEADERSHIP
FUND

Memorandum

TO: Prospective Supporter
FROM: Senate Leadership Fund
SUBJECT: Contribution Information

Thank you for your interest in supporting the Senate Leadership Fund. This memorandum provides important information to prospective contributors concerning Senate Leadership Fund. It is not intended as an opinion letter regarding your particular circumstances, and you should consult your attorney or accountant on how this information applies specifically to your contemplated donation.

As an independent Super PAC, the Senate Leadership Fund is organized as a Section 527, federal independent expenditure political committee and as such is able to engage in independent political advocacy.

Senate Leadership Fund has one goal: to protect and expand the Republican Senate Majority.

Our communications may directly advocate for or against the election of federal candidates, discuss their policy positions, or may consist of voter mobilization activities.

There are no limits on the amounts that may be contributed to Senate Leadership Fund by an individual, corporation, union, or trade association; however, Senate Leadership Fund is prohibited from accepting contributions from foreign nationals, other than from an individual with permanent residence status ("green card" holder). Contributions from federal government contractors are also prohibited. Contributions to Senate Leadership Fund are not deductible as charitable contributions for federal income tax purposes.

Donations and disbursements of more than \$200 are itemized and disclosed to the Federal Election Commission ("FEC") on periodic reports which are made available to the general public on the FEC's web site. When Senate Leadership Fund engages in express advocacy, it must also disclose those specific disbursements to the Federal Election Commission.

Should you have any questions concerning Senate Leadership Fund or its efforts, please do not hesitate to contact me at [REDACTED] or [REDACTED] [@americancrossroads.org](mailto:[REDACTED]@americancrossroads.org).

Thank you again for your interest and consideration in Senate Leadership Fund. I look forward to following up shortly.

Paid for by Senate Leadership Fund and not authorized by any candidate or candidate's committee.

www.senateleadershipfund.org



MUR788500019
**SENATE
LEADERSHIP
FUND**

Senate Leadership Fund Response Form

Senate Leadership Fund is organized as a Section 527, federal independent expenditure political committee with the purpose of advocating for or against the election of federal candidates, discussing their policy positions, and engaging in voter mobilization activities.

There are no limits on the amount of funds that may be contributed to Senate Leadership Fund by an individual, corporation, union, or trade association; however, Senate Leadership Fund is prohibited from accepting contributions from foreign nationals other than from individuals with permanent residence status ("green card" holders) and from federal government contractors). Contributions and disbursements of more than \$200 are itemized and disclosed to the Federal Election Commission ("FEC") on periodic reports which are made available to the general public on the FEC's' web site. When Senate Leadership Fund engages in express advocacy, it must also disclose those specific disbursements to the Federal Election Commission.

Contributor Type: ☐ Individual ☐ Corporate ☐ Association

I/We will be making a contribution by: ☐ Check ☐ Wire ☐ Credit Card

Contribution Date: _____

I/We will be making a contribution to the Senate Leadership Fund in the amount of: \$ _____

Federal law requires Senate Leadership Fund to use best efforts to obtain and report the name, mailing address, occupation and name of employer of individuals who contribute in excess of \$200 in a calendar year.

Contributor Name _____ Contact Name _____

Address _____

City _____ State _____ Zip _____

Employer _____ Occupation _____

Home Phone _____ Work Phone _____

Mobile Phone _____ E-mail _____

Please fax or email completed form with credit card information to (fax: [REDACTED]) / [REDACTED]@americancrossroads.org; or mail to: Senate Leadership Fund, c/o [REDACTED], 1130 Connecticut Avenue NW, Suite 1201, Washington, DC 20036

Wiring Instructions:

Bank	[REDACTED], VA
Account #	[REDACTED]
Routing #	[REDACTED]
Account Name	Senate Leadership Fund

Credit Card Information: Please charge my contribution of \$ _____ to my credit card.

Circle one: Visa MasterCard AMEX Discover Security Code _____ Exp Date _____

Name on Card _____ Account Number _____

Contributions to Senate Leadership Fund, Inc. are not deductible as charitable contributions for federal income tax purposes. Contributions from foreign nationals and federal government contractors are prohibited.

Signature: _____

Paid for by Senate Leadership Fund and not authorized by any candidate or candidate's committee.

www.senateleadershipfund.org

Senate Leadership Fund | 1130 Connecticut Avenue NW, Suite 1201 | Washington, DC 20036