

April 9, 2021

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Jeff S. Jordan  
Assistant General Counsel  
Federal Election Commission  
1050 First Street NE  
Washington, DC 20463

Re: MUR 7885 – Response of American College of Radiology

Dear Mr. Jordan:

We represent the American College of Radiology (“ACR”) with respect to the complaint filed in MUR 7885. The complaint alleges that ACR made a prohibited contribution to the Senate Leadership Fund (“SLF”), a federal independent expenditure-only political committee. Simply put, ACR did not make the alleged contribution. Rather, the contribution came from the American College of Radiology Association (“ACRA”), which is a related organization separate and distinct from ACR. SLF inadvertently disclosed the contribution as having been made by ACR, but has since filed an amended report correctly showing ACRA as the donor. ACRA is not a federal government contractor, and as such, there was no violation of the Federal Election Campaign Act (the “Act”). Accordingly, the Commission should find no reason to believe that ACR violated the Act and dismiss the complaint.

#### **I. ACR and ACRA**

ACR is a public charity exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (the “Code”). It was incorporated in California in 1924, was granted tax-exempt status in 1944, and boasts a continued legacy of education and research in furtherance of its tax-exempt purpose. ACR holds a number of federal government contracts.

ACRA is a distinct organization from ACR. ACRA is a trade association exempt from federal income taxation under section 501(c)(6) of the Code. It was incorporated in Illinois in 1997 and promotes the interests of practitioners and researchers in the radiology discipline. ACRA does not hold any government contracts.

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The two organizations are related—each serves a particular purpose for the membership—but are distinct legal entities with separate tax identification numbers, bank accounts, and tax-exemptions. ACRA and ACR have distinct revenue streams as well.

## **II. Because ACR did not make the alleged contribution, it did not violate the Act**

The Act and the Commission’s regulations prohibit a federal contractor from making certain contributions, either directly or indirectly, to a federal political committee.<sup>1</sup> In this case, ACRA—which does not hold any government contracts—made the contribution; ACR did not. A copy of the transaction record, which clearly shows “ACR Association” as the donor, is attached as Exhibit 1 to this letter. As such, there was no violation of the Act. SLF reported the wrong donor, but has since corrected that information on amended FEC reports.

ACRA understands that the full name of the organization did not clearly transmit through the bank payment system, which is why SLF reported the incorrect name of the donor. ACRA has taken steps to remedy this situation to avoid future reporting issues.

## **III. Conclusion**

The Commission should find “no reason to believe” that a respondent has violated the Act or Commission regulations if “the complaint, any response filed by the respondent, and any publicly available information, when taken together, fail to give rise to a reasonable inference that a violation has occurred.”<sup>2</sup> Here, as demonstrated above, ACR did not make the contribution alleged in the complaint, so no violation of the Act has occurred. The Commission should find no reason to believe that ACR violated the Act and dismiss the complaint promptly.

Respectfully submitted,



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Attachment

<sup>1</sup> 52 U.S.C. § 30119(a)(1); 11 C.F.R. § 115.2.

<sup>2</sup> Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 72 Fed. Reg. 12545, 12546 (Mar. 16, 2007).

# **EXHIBIT 1**

ACR ASSOCIATION  
1891 PRESTON WHITE DRIVE  
RESTON, VA 20191

MUR788500023  
Bank of America  
68-738/560

Check Number FT000000006297  
Check Date Dec 18, 2020

Non-Negotiable: Amount transferred Via Electronic Funds Transfer

AMOUNT

Pay \*\*\* \$ 0.00

To the Order of:

SENATE LEADERSHIP FUND  
1130 CONNECTICUT AVE NW  
SUITE 1201  
WASHINGTON, DC 20036

VOID

Non-Negotiable  
Void After 180 Days

ACR ASSOCIATION  
To: SENATE LEADERSHIP FUND

SENA01

Check Number: EFT000000006297  
Date: 12/18/2020

Invoice Number	Date	Description	Amount	Paid Amount
12/16/2020	12/16/2020	SOFT MONEY CONTRIBUTION	\$ 10,000.00	\$ 10,000.00

<u>\$ 10,000.00</u>	<u>\$ 10,000.00</u>
TOTALS:	

ACR ASSOCIATION  
To: SENATE LEADERSHIP FUND

SENA01

Check Number: EFT000000006297  
Date: 12/18/2020

Invoice Number	Date	Description	Amount	Paid Amount
12/16/2020	12/16/2020	SOFT MONEY CONTRIBUTION	\$ 10,000.00	\$ 10,000.00

<u>\$ 10,000.00</u>	<u>\$ 10,000.00</u>
TOTALS:	

\*\$C%2%2%00000000000016418\*