

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

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

April 16, 2021

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Trace Keeys, Paralegal
1050 First Street, NE
Washington, DC 20463

Re: MUR 7890

Dear Mr. Keeys,

This response is submitted by the undersigned counsel on behalf of Senate Leadership Fund ("SLF") in connection with MUR 7890. SLF is registered with the Federal Election Commission ("Commission") as an independent expenditure-only committee. The Complaint alleges that Service Tire Truck Center, Inc. is a "federal contractor" under the Federal Election Campaign Act of 1971, as amended ("the Act"), and made an impermissible contribution to SLF on November 20, 2020. The Complaint does not name SLF as a respondent or allege any violation of the Act by SLF, nor does it present any evidence suggesting that SLF violated any provision of the Act or Commission regulations. Nonetheless, the Office of General Counsel notified SLF that it received a complaint "which indicates" that SLF "may have violated" the Act.

While the application of the federal contractor prohibition to contributions made to independent expenditure-only committees is likely unconstitutional, the Commission has taken the position that the prohibition remains enforceable. Accordingly, it is the policy of SLF to comply with the Commission's current view of the prohibition, and SLF does not knowingly solicit or accept contributions from federal government contractors. 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).

¹ The Complaint, at paragraph 8, alleges that SLF accepted impermissible contributions from five other donors during the 2020 cycle.

After receiving this Complaint and conferring with representatives of Service Tire Truck Center, Inc., we do not believe that the contributor qualifies as a federal contractor under the Act. It is our understanding that representatives of the General Services Administration (GSA) purchased tires, automotive parts, and related servicing from the contributor's store in Bethlehem, Pennsylvania. On each occasion, a GSA representative paid using a credit card. The purchases were not the result of the federal contracting process. There was not "[a] sole source, negotiated, or advertised procurement conducted by the United States or any of its agencies," there was no "written contract," and there was no "modification of a contract." See 11 C.F.R. § 115.1(c); see also Explanation and Justification of Part 115, Jan. 12, 1977 at 120 ("The Commission has used the term 'Federal contractor' rather than the term 'Government contractor' used in the caption of § 441c to make clear that the Part applies only to persons who are negotiating with or have contracts with the Federal government.") (emphasis added). The federal government did not request proposals, the contributor did not submit a bid, there was no negotiation period, and there was no contract award. Rather, the contributor's transactions with the GSA were unsolicited, storefront purchases. See Attachment B. Neither the Act nor Commission regulations treat such transactions as "contracts" for purposes of 52 U.S.C. § 30119, and these GSA purchases do not transform the contributor into a federal contractor. However, if the Commission determines otherwise, SLF will refund the contribution at issue.

For the reasons set forth above, we do not believe the contributor is a federal contractor. In addition, the Complaint does not allege a violation by SLF, and there is no evidence to suggest that SLF knowingly solicited a contribution from a federal contractor. Accordingly, the Commission should find no reason to believe that SLF violated the Act and close the file in this matter.

Sincerely,

Thomas J. Josefiak

Michael Bayes

Counsel to Senate Leadership Fund

Attachments

Attachment A



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 que	estions concern	ing Senate Leadership Fund or its efforts, please do not hesitate to
contact me at	or	@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



Senate Leadership Fu	nd Re	esponse Form				
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Signature:						
Paid for b	y Senat	e Leadership Fund	and not author	rized by any ca	andidate or candid	late's committee.

Attachment B



MICHELIN RETREADING *24 HOUR ROAD SERVICE

2255 Avenue A Bethlehem, PA 18017

Phone: 610-954-8473 610-954-5985

SERVICE TIRE TRUCK CENTERS

FED EIN # 23-1689591

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1246 MID VALLEY DRIVE JESSUP, PA 18434

Phone: 570-383-8473

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Page 1 of 1

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Visit any of our locations in: PA, NJ, NY, MD, DE, VA, MA, CT Nationwide Service with STTC Road Assist 800-584-8473

Corporate Office: FED EIN # 23-1689591

2255 Avenue A Bethlehem, PA 18017

610-954-8473 Fax: 610-954-5985

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SUB-TOTAL: \$3,608.50 \$0.00

INVOICE TOTAL

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MICHELIN RETREADING *24 HOUR ROAD SERVICE

2255 Avenue A Bethlehem, PA 18017

Phone: 610-954-8473

Fax:

SERVICE TIRE TRUCK CENTERS

FED EIN # 23-1689591

19-BALTIMORE - S.T.T.C.

4771 HOLLINS FERRY ROAD BALTIMORE, MD 21227

Phone: 410-247-4464

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Page 1 of 1

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Attn: DAVE HANSEL Phone: 301-247-4731 Fax: 301-688-1407

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NOTICE - PER VEHICLE SPECS, RETIGHTEN LUG NUTS AFTER 50-100 MILES.

SERVICE TIRE TRUCK CENTERS REMIT 2255 AVENUE A BETHLEHEM, PA 18017-2165 TO

Subtotal: 0% Sales Tax: \$892.58 \$0.00

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ALL RETURNED GOOD MUST BE ACCOMPANIED BYINVOICES AND ARE SUBJECT TO A 10% HANDLING CHARGE. WE ASSUME NO RESPONSIBILITY FOR LOSS OF MERCHANDISE AFTER 30 DAYS,



SERVICE TIRE TRUCK CENTERS, INC.

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610-954-8473 Fax: 610-954-5985

INVOICE DATE PAGE INVOICE NUMBER CUST. NO. HARRISBURG, PA 4000 FENTON AVENUE 11/20/2020 301099 819377-02 HARRISBURG, PA 17109 Phone: 717-561-8473 Page 1 of 1 **GSA-FLEET MANAGEMENT GSA-FLEET MANAGEMENT** P D VENDOR #VI9420160 VENDOR #VI9420160 819 TAYLOR STREET ROOM 6A00 819 TAYLOR STREET ROOM 6A JOB FORT WORTH, TX 76102 FORT WORTH, TX 76102 Phone: 866-400-0411 Phone: 866-400-0411 CUSTOMER P.O. TECH I.D. ORDERED BY WORK ORDER # SALES I.D. INVOICE T0200 C0544608 ED BECHDEL 195 SHIP VIA TERMS VEHICLE/FLEET NO. LICENSE MILEAGE CUSTOMER PICK UP Net 10th 135121 G82 0663V PA **EXCISE** UNIT NET EXTENSI QTY. ITEM NO. DESCRIPTION PRICE TAX \$195.00 N \$19.50 DIMDM DISMOUNT/MOUNT ON/OFF WHEEL & VEHICLE 10 \$39.50 N \$3.95 MV VALVE STEM STEEL MEDIUM TRUCK 10 \$130,00 N 10 \$13.00 MS SCRAP TIRE DISPOSAL MEDIUM TRUCK TIRE \$666.00 N 90000026377 **RIB23** 2 \$303.61 \$29.39 M11R225 ROADMASTER 234 H \$2,578,00 N 90000007270 LUG26 8 \$292.86 \$29.39 M11R225 ROADMASTER 254 H THANK YOU FOR YOUR BUSINESS! 032545608753 10:53:48 (YC.)! REF# 00000003 \$ } \$3,608.50 ASRÉMENT IT CREDIT VOSCHÉR) HIS COPI SAR STRÉHERI VERIFICATION Term I ASSEE TO PAY LOURS TOTAL ANGUE TH ACCORDANCE WITH CARD ISSUER'S ASSERBENT MERCHALIT ASSEED IT CREDIT VOUCHER STTC #02 HARRISBURG 4000 FENTON AVE HARRISBURG, PA **46**56 **APPROVED** SALE 99999 Store: # 81937702 APPR CODE: 0 MASTERCARD AMOUNT (HERCEUL) 38 Ġ **IIVOICE** rans Batch ê MISC **EXCISE TAX MERCHANDISE** LABOR TAXABLE TOTAL **NON-TAX TOTAL** \$3,608,50 \$0.00 \$3,283.50 \$325.00 \$0.00 \$293.90 \$3,608.50 SERVICE TIRE TRUCK CENTERS SUB-TOTAL: REMIT NOTICE - PER VEHICLE SPECS, RETIGHTEN 2255 AVENUE A BETHLEHEM, PA 18017-2165 PA 0% \$0.00 LUG NUTS AFTER 50 - 100 MILES. SALES TAX: \$3,608.50 MCPaid: SAGNATURE PRINT NAME INVOICE TOTAL \$0.00



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INVOICE NUMBER INVOICE DATE CUST. NO. PAGE HARRISBURG, PA 4000 FENTON AVENUE 2/2/2020 301099 829846-02 HARRISBURG, PA 17109 Phone: 717-561-8473 Page 1 of 1 GSA-FLEET MANAGEMENT HGSA-FLEET MANAGEMENT DVENDOR #VI9420160 VENDOR #VI9420160 TAID MC 7819 TAYLOR STREET ROOM 6A00 OF ORT WORTH, TX 76102 819 TAYLOR STREET ROOM 6AP JOB FORT WORTH, TX 76102 CUSTOMER P.O. TECH I.D. ORDERED BY SALES I.D. **WORK ORDER #** INVOICE C0545052 T0200 195 TERMS VEHICLE/FLEET NO. LICENSE SHIP VIA MILEAGE 1068 SALES Net 10th **BLUE FRTL** G82 0252U PA 60122 **EXCISE** UNIT **NET EXTENSION** ITEM NO. DESCRIPTION QTY. PRICE TAX 2 \$315.41 \$34.59 \$700,00 N 90000029726 M29575R225 ROADMASTER 234 H RIB23 10 \$195.00N \$19.50 DIMDM DISMOUNT/MOUNT ON/OFF WHEEL & VEHICLE \$39 50 N MV 10 S3 95 VALVE STEM STEEL MEDIUM TRUCK \$130.00 N 10 MS SCRAP TIRE DISPOSAL MEDIUM TRUCK TIRE \$13 00 \$25.23 52.544 00 N 90000007271 M29575R225 ROADMASTER 254 G \$292 77 LUG26 THANK YOU FOR YOUR BUSINESS! \$ \$3,608.50 RRN 03372040240 Term 220 MERCHANT ASSEMENT IF CREAT VOICHER RETAIN THIS CAST FOR STATEMENT VERIFICATION Marrial AEREE 19 PAY ABOVE TOTAL AMEGNE NA AECURDANCE ALTH CLAD ISSUEL'S AEREEVENT STTC #02 HA PRISBURG 4000 FENTON AVE . HARRISBURG, PA 17109 **46**56 MERCHANT Store AMOUNT ž - Noice rans Batch MISC LABOR TAXABLE TOTAL **NON-TAX TOTAL EXCISE TAX MERCHANDISE** \$3,608,50 \$0.00 \$271.02 \$3,283,50 \$325 00 \$0.00 SERVICE TIRE TRUCK CENTERS 2255 AVENUE A BETHLEHEM, PA 18017-2165 MI SUB-TOTAL: 3,608.50 REMIT NOTICE - PER VEHICLE SPECS, RETIGHTEN LUG NUTS AFTER 50 - 100 MILES. SALES TAX: \$0.00 3,608 50 VIPaid: SIGNATURE PRINT NAME INVOICE TOTAL

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