



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 16, 2022

VIA ELECTRONIC MAIL

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awoodson@wiley.law

Carol Laham, Esq.
Andrew Woodson, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

RE: MUR 7569
3M Company

Dear Ms. Laham and Mr. Woodson:

On February 14, 2022, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30119(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1616 or drigsby@fec.gov.

Sincerely,

Delbert K. Rigsby

Delbert K. Rigsby
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)	
)	
3M Company)	MUR 7569
)	

CONCILIATION AGREEMENT

This matter was initiated by a complaint filed with the Federal Election Commission. The Commission found reason to believe that 3M Company (“3M” or “Respondent”) violated 52 U.S.C. § 30119(a)(1) by making a contribution as a federal contractor.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:
 1. 3M is a federal government contractor and has been the recipient of government contracts and grants.
 2. On November 1, 2018, while 3M was in federal contractor status, it made a \$50,000 contribution to Congressional Leadership Fund (the “Committee”), an independent-expenditure-only political committee.

3. Respondent contends that at the time it made the corporate contribution to an independent expenditure-only political committee or Super PAC, it was acting in good faith and on the advice of counsel who at the time he reviewed and approved the proposed contribution, believed that *Citizens United v. FEC*, 558 U.S. 310 (2010) permitted such contributions. Resp. of 3M Company (Apr. 8, 2019).

4. On March 22, 2019, the Committee refunded 3M's \$50,000 contribution.

V. The pertinent law in this matter is as follows:

1. Under the Act, a federal contractor may not make contributions to political committees. 52 U.S.C. § 30119(a)(1); 11 C.F.R. § 115.2. Specifically, the Act prohibits “any person . . . [w]ho enters into any contract with the United States . . . for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof” from making a contribution “if payment for the performance of such contract . . . is to be made in whole or in part from funds appropriated by the Congress.” 52 U.S.C. § 30119(a)(1); *see also* 11 C.F.R. part 115.

2. These prohibitions begin to run at the beginning of negotiations or when proposal requests are sent out, whichever occurs first, and end upon the completion of performance of the contract or the termination of negotiations, whichever occurs last. 52 U.S.C. § 30119(a)(1); 11 C.F.R. § 115.1(b).

3. These prohibitions apply to a federal contractor who makes contributions to any political party, political committee, federal candidate, or “any person for any political purpose or use.” 52 U.S.C. § 30119(a)(1); 11 C.F.R. §§ 115.1, 115.2.

VI. Respondent violated 52 U.S.C. § 30119(a)(1) by making a federal contractor contribution.

VII. Respondent will take the following actions.

1. Respondent will pay a civil penalty to the Commission in the amount of Four Thousand Five Hundred Dollars (\$4,500), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from committing violations of 52 U.S.C. § 30119(a)(1).

VIII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

X. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

MUR 7569 (3M Company)
Conciliation Agreement
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oral, made by either party or by agents of either party, that is not contained within this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

BY: Charles Kitcher
Charles Kitcher
Associate General Counsel
for Enforcement

2-16-22
Date

FOR THE RESPONDENT:

Carol A. Laham
Carol A. Laham
Counsel for Respondent

1/25/22
January 25, 2022