



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

January 13, 2006

Kathleen Smith, Treasurer
Fresenius Medical Care North America Political
Action Committee
1875 I Street NW 12th Floor
Washington, DC 20006

**Response Due Date:
February 13, 2006**

Identification Number: C00401299

Reference: Mid-Year Report (1/01/05 – 6/30/05)

Dear Ms. Smith:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule B of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(a) prohibits a non-multicandidate political committee and its affiliates, from making a contribution to a candidate for federal office in excess of \$2,100 per election. Please refer to the Campaign Guide for information on how a committee qualifies for multicandidate status.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If any contribution you made exceeds the limits, you must request a refund of the excessive amount or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund of the excessive amount.

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If your committee has met the criteria for multicandidate status, please file FEC FORM 1M "Notification of Multicandidate Status" with the Commission. The treasurer must file FEC FORM 1M no later than ten (10) calendar days after qualifying for multicandidate committee status. 11 CFR §102.2(a)(3)

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

-Schedule B supporting Line 23 of your report discloses contributions (see attached) to various apparent "leadership" political action committees; however, you have disclosed the names of various federal candidates in the candidate name field. Please clarify whether these were earmarked contributions made by your committee through these committees to these candidates, or if you made these contributions to the political committees exercising no direction or control over how the funds were to be used. If the latter is the case, please only include the name of the apparent leadership PAC(s) on Schedule B. Please amend your report to clarify the ultimate recipient of these contributions.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the

Reports Analysis Division) or my local number (202) 694-1398.

Sincerely,



Michael H. Hartsock
Campaign Finance Analyst
Reports Analysis Division

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Recipient Name	Date	Amount	Election	Report
Friends of Max Baucus	3/21/05	\$5,000	P2008	2005 Mid-Year
Wyden for Senate	4/25/05	\$3,000	G2010	2005 Mid-Year
Santorum 2006	6/23/05	\$4,000	G2006	2005 Mid-Year

Name of Committee	Candidate Name
Secure America's Majority PAC	Sam Johnson
Texas Freedom Fund	Joe Barton
Congressional Majority Cmte	Bill Thomas
Cmte for Preservation of Capitalism	Jim McCrary
Hawkeye PAC	Charles Grassley

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