

91 NOV 18 AM 11:46

November 12, 1991

**Federal Election Commission**  
999 E Street N.W.  
Washington, D.C. 20463

Dear Sirs:

Re: Request for Advisory Opinion on Corporate Payment  
of Travel and Subsistence Expenses to Attend an  
Out-of-town Fundraiser

Attached is an invitation from the Democratic  
Congressional Campaign Committee dated October 17, 1991 to  
a Colorado ski weekend. Registration cost is \$2000 per  
invitee, which includes meals and lift tickets, but not  
air transportation and lodging.

In our view, a corporate-sponsored political action  
committee (PAC) could pay such registration as well as the  
travel and lodging costs under applicable Federal Election  
Commission (FEC) regulations. However, the corporate PAC  
sponsor could not itself pay such costs. The  
registration, if paid by a corporation, would be a  
prohibited corporate political contribution. (11 C.F.R.  
114.2(b)) Payment of the invitee's travel and lodging  
costs, although not made to a political committee, would  
likewise be prohibited in our view because they are  
impliedly covered by subsection 301 (8)(B)(iv) of the FEC  
Act of 1971 (2 U.S.C. 431 (8)(B)(iv)) and do not fall  
within any FEC exception.

Subsection (iv) referred to above provides that prohibited  
political "contributions" do not include the  
"unreimbursed" payment of travel expenses made by an  
individual on behalf of a political committee, within  
certain limits. By implication, therefore, the  
"reimbursed" payment of such travel expenses would be  
prohibited, as when a corporate employee obtained  
reimbursement of such expenses from his or her corporate  
employer in connection with attending such a fundraiser.

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Furthermore, no FEC regulation, such as 11 C.F.R. 114.1(b) permitting corporate payment of PAC administrative costs, would seem applicable.

In accordance with section 2 U.S.C. 437 f., please provide your advisory opinion on this issue of corporate payment or reimbursement of travel and lodging expenses of an individual who attends a fundraiser such as that described in the enclosure.

***BOEING***

Very truly yours,



John E. Impert  
Assistant General Counsel

Enclosure



DEMOCRATIC  
CONGRESSIONAL  
CAMPAIGN COMMITTEE

Vic Fazio CA  
Chairman

October 17, 1991

Mr. Edward N. Bond  
Director, Government Affairs  
Boeing Company  
1700 North Moore Street  
Rosslyn, VA 22209-1989

Dear Ed:

The 5th Annual Speaker's Club Ski Weekend is just around the corner! We have scheduled our event in Snowmass, Colorado (15 minutes from Aspen) from Thursday, January 9 through Sunday, January 12, 1992. I am pleased to announce that my colleague, Dennis Eckart, has once again agreed to host this terrific weekend.

As many of you can attest, the weekend is always enjoyable with the opportunity to develop friendships with DCCC friends, get to know my colleagues, and at the same time ski with qualified instructors, participate in a ski race and explore Aspen. In the past, Majority Leader Richard Gephardt, Caucus Chairman Steny Hoyer, and several more of my colleagues joined Dennis for a successful trip. I expect this year to be even better.

All DCCC guests will stay at the Snowmass Lodge and Club. In addition to skiing, the resort offers two indoor tennis courts, racquet ball courts, a squash court, Nautilus and daily aerobics. So, you need not be a skier to attend. All Speaker's Club members, in good standing, are invited to attend. Registration is \$2,000 per member. The DCCC package includes meals, small group instruction, lift tickets, videotape of your skiing, and prizes. You are responsible for air transportation, lodging (although reservations will be made for you), and incidentals.

This ski weekend is always a highlight and a sell-out. Please return your registration form and check by Wednesday, November 6. Any questions, please call Barbara Jackier at 202/485-3417 immediately.

Sincerely,

VIC FAZIO

430 SOUTH CAPITOL STREET • WASHINGTON DC 20003 • (202) 863 1500

Contributions to the DCCC are not tax deductible.

Printed and authorized by the Democratic Congressional Campaign Committee





**FEDERAL ELECTION COMMISSION**

WASHINGTON D C 20463

November 20, 1991

**John E. Impert  
Assistant General Counsel  
The Boeing Company  
P.O. Box 3707, MS 13-08  
Seattle, WA 98124-2207**

**Dear Mr. Impert:**

Upon receiving your letter dated November 12, 1991, regarding corporate payment of travel expenses to attend a national political party fundraising event, Mr. Litchfield called your office on November 18, 1991. He was advised that you were out of the office and not expected to return until November 22.

The purpose of the call was to discuss a procedural issue with respect to handling your inquiry as an advisory opinion request under Commission regulations at Part 112. The regulations require that an advisory opinion request set forth a specific activity of the requesting person that is either entirely prospective, or already underway and expected to continue. Inquiries that present only general questions of interpretation or hypothetical situations do not qualify for an advisory opinion. 11 CFR 112.1(b). A qualified advisory opinion request also needs to include a complete description of all relevant facts. 11 CFR 112.1(c).

Your letter offers an interpretation of several relevant provisions of law as applied to the issue presented. It is not clear, however, whether you seek confirmation that your interpretation is the general rule derived from existing Commission precedent. Such an inquiry would be merely hypothetical or would present only a general question of interpretation. In either case it would not qualify for an advisory opinion.

On the other hand, your inquiry may be read to imply that the Boeing Company actually proposes to pay for the travel expenses of one (or more) of its employees to attend the event in question if the Commission were to issue an opinion concluding that such payments are permitted under the

Letter to John E. Impert  
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Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations. Please clarify your letter of November 12, 1991, in this respect.

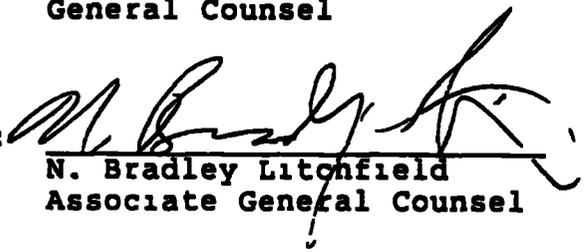
In addition, you should indicate whether the Boeing PAC, or its separate segregated fund established pursuant to 2 U.S.C. §441b, has already purchased a registration for the event in question. (The materials you enclosed indicate that the \$2,000 registration fee was payable by November 6, 1991.)

Upon receiving your response to the foregoing requests for clarification and further information, this office and the Commission will give further consideration to your inquiry. If you have any questions about the advisory opinion process or this letter, please contact Mr. Litchfield.

Sincerely,

Lawrence M. Noble  
General Counsel

BY:

  
N. Bradley Litchfield  
Associate General Counsel

OGC3510

THE BOEING COMPANY  
OFFICE OF THE GENERAL COUNSEL  
FACSIMILE

DATE: November 25, 1991 TIME: 09:13

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TO: N. B. Litchfield PHONE: 202/219-5690

COMPANY: Fed. Elect. Comm. FAX NO.: 202/219-3923

FROM: JOHN E. IMPERT PHONE: 206-655-1527

FAX NO: 206-544-2020

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NUMBER OF PAGES: 2 (INCLUDING THIS SHEET)

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If you do not receive all of the pages,  
please contact Sibyl at 206-544-6846.

MESSAGE: PLEASE ADVISE ADDRESSEE IMMEDIATELY UPON ARRIVAL.

John E. Impert  
Assistant General Counsel  
Office of the General Counsel

The Boeing Company  
P.O. Box 3707, M8 13-08  
Seattle, WA 98124-2807

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F.E.C.  
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November 25, 1991

VIA FACSIMILE

**BOEING**

N. B. Litchfield  
Associate General Counsel  
Federal Election Commission  
Office of the General Counsel  
999 E Street N.W.  
Washington, D.C. 20463

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91 NOV 25 PM 1:54

Dear Mr. Litchfield:

AOR  
1991-36

Re: Request for Advisory Opinion -- Your letter of  
November 20, 1991

In response to your letter of November 20, I would like to confirm that The Boeing Company is actively considering sending a representative to attend the 5th Annual Speaker's Club Ski Weekend in Colorado in January. Subject to our normal internal approvals, the Boeing PAC would pay the registration fee, and corporate treasury funds would reimburse travel and lodging costs for the representative.

Please issue an advisory opinion as soon as possible in order to enable us to make a decision in this matter, i.e., whether or not it is permissible to expend corporate funds to reimburse travel and lodging expenses for whoever attends the fundraiser.

Very truly yours,

John E. Impert  
Assistant General Counsel