



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DISSENTING OPINION

OF

VICE CHAIRMAN SCOTT E. THOMAS
COMMISSIONER DANNY LEE MCDONALD

ADVISORY OPINION 1992-16

Adhering to our view that under 2 U.S.C. §441e, a wholly owned domestic subsidiary and its foreign national parent corporation should be treated as one entity, we dissent. See Advisory Opinion 1989-29, 2 Fed. Elec. Camp. Fin. Guide, (CCH) §5976. Section 441e broadly prohibits a foreign national (which includes a foreign corporation) from making a political contribution "through any other person." 2 U.S.C. §441e (emphasis added). Just as a domestic corporation and its subsidiaries are seen as one entity* to prevent a parent corporation from making excessive contributions through its subsidiaries' political committees, so too a foreign national parent corporation and its subsidiaries should be seen as one entity to prevent the foreign national corporation from making prohibited contributions through its subsidiaries. As the wholly owned subsidiary of a foreign national parent corporation, Nansay Hawaii should not be allowed to make contributions to candidates for political offices.

5 November 1992
Date

Scott E. Thomas
Vice Chairman

5 - 10
Date

Danny Lee McDonald
Commissioner

*See, e.g., 2 U.S.C. §441a(a)(5); 2 U.S.C. §441b(b)(4)(A)(i); 11 C.F.R. 114.5(g)(1).