



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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**DISSENTING OPINION**

**OF**

**CHAIRMAN SCOTT E. THOMAS  
COMMISSIONER DANNY LEE MCDONALD**

**ADVISORY OPINION 1999-28**

In voting against Advisory Opinion 1999-28, we continue to believe that under 2 U.S.C. § 441e, a wholly owned domestic subsidiary and its foreign national parent corporation should be treated as one entity. *See, e.g.*, Dissents in Advisory Opinions 1989-29 and 1992-16 at [1976-1990 Transfer Binder] Fed. Elec. Camp. Fin. Guide (CCH) ¶ 5976, and 1 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 6059, respectively; and Statement for the Record in Advisory Opinion Request 1996-6, 1 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 6994. 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 in order to prevent a parent corporation from making excessive contributions through its subsidiaries’ political committees (*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)), 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.

Bacardi-Martini, USA, Inc. (“Bacardi”) is the wholly owned subsidiary of Bacardi Limited, a Bermuda corporation and thus a “foreign principal” as defined by 22 U.S.C. § 611(b). *See* 2 U.S.C. § 441e(b)(1). As the wholly owned subsidiary of a foreign national corporation, Bacardi should not be allowed to make contributions to candidates for political offices in the United States.

11/19/99

Date

Scott E. Thomas  
Chairman

11/22/99

Date

Danny Lee McDonald  
Commissioner