



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 11, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 2004-04

John C. Keeney, Jr.
Hogan & Hartson L.L.P.
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004-1109

Dear Mr. Keeney:

This responds to your letter dated January 23, 2004, on behalf of the Air Transport Association of America Political Action Committee (“the Committee”), requesting an advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended (“the Act”), and Commission regulations to the Committee’s selection of a shortened name for common uses such as on checks and stationery.

Background

You state that The Air Transport Association of America, Inc. (“ATA”) is a District of Columbia non-profit corporation that is the only trade association representing the principal U.S. airlines. The successor organization to an unincorporated association formed by a group of fourteen airlines in 1936, ATA’s current membership includes, for example, American, Continental, Northwest, and United Airlines, as well as UPS Airlines and the FedEx Corporation. ATA maintains the Committee as a separate segregated fund (“SSF”), which registered with the Commission as such on October 19, 1979.

Question Presented

May the Committee use the abbreviation “AirPAC” on stationery, checks, and similar common usages?

Legal Analysis and Conclusion

Under the Act and Commission regulations, the name of any separate segregated fund must include the full name of its connected organization. 2 U.S.C. 432(e)(5); 11 CFR 102.14(c); see also Advisory Opinions 1993-7, 1989-8, and 1988-42. The regulations also permit the use of a “clearly recognized abbreviation or acronym by which the connected organization is commonly known,” provided that the SSF uses both the abbreviation (or acronym) and the full name in the Committee’s Statement of Organization, in all reports filed with the Commission, and in all disclaimer notices required by 11 CFR 109.11 and 110.11. 11 CFR 102.14(c). The SSF may make contributions using the abbreviation or acronym. Id.; Explanation and Justification at 45 Fed. Reg. 15080, 15085 (Mar. 7, 1980); see also Advisory Opinions 2000-34, 1999-20, and 1987-26.

You explain that the Committee proposes to use the name “AirPAC” for common uses such as on checks and stationery. As indicated above, the use of “AirPAC” is permissible if it is a clearly recognized abbreviation or acronym by which the connected organization is commonly known. 11 CFR 102.14(c). In determining whether specific terms or names meet this requirement, the Commission has examined whether they give adequate notice to the public as to the identity and sponsorship of the SSF. See Advisory Opinions 2000-34 n.4, 1987-26, and 1980-23.

The Commission concludes that, as used by the separate segregated fund of the only trade association representing the American airline industry, the name “AirPAC” would give adequate notice to the public as to the identity and sponsorship of this particular committee, provided that the Committee publicly identifies itself as “AirPAC” in the future so that “AirPAC” becomes the name by which the committee is commonly known. “AirPAC” not only incorporates the first and most important word in the connected organization’s full name, but in doing so provides the public sufficient information as to the identity of the industry trade association that sponsors the Committee.¹

Based on the foregoing, the SSF of the Air Transport Association of America, Inc. may be identified in common uses such as on checks and stationery as “AirPAC.” The Committee must, however, use its full name, “The Air Transport Association of America Political Action Committee,” in its Statement of Organization, in all of the Committee’s reports filed with the Commission, and on all disclaimer notices required by 11 CFR 109.11 and 110.11.

¹ The Commission notes the existence of two entities whose names are similar to the Committee’s proposed abbreviated name: Airpac Airlines, a Seattle, Washington based cargo airline that operates twelve planes in Washington, Oregon, and Idaho, and Air Pacific, a foreign carrier partly owned by the government of Fiji and based there. The former is a small, regional carrier that does not have an SSF and the latter a foreign carrier that cannot operate a federal political committee. The existence of these two carriers does not alter the Commission’s conclusion as to the Committee’s use of “AirPAC.”

This response constitutes an advisory opinion concerning the application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f. The Commission emphasizes that, if there is a change in any of the facts or assumptions presented, and such facts or assumptions are material to a conclusion presented in this advisory opinion, then the requestor may not rely on that conclusion as support for its proposed activity.

Sincerely,

(signed)

Bradley A. Smith
Chairman

Enclosures (AOs 2000-34, 1999-20, 1993-7, 1989-8, 1988-42, 1987-26, 1980-23)