



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 21, 2016

The Honorable Robert A. Brady  
Ranking Member  
Committee on House Administration  
United States House of Representatives  
Washington, DC 20515-6157

Dear Ranking Member Brady,

We write in response to your August 15, 2016 letter to the Commission concerning the ban on foreign national campaign spending and its implications for domestic subsidiaries of foreign corporations after *Citizens United*.

Thank you for your prudent advice to solicit public comment on the issue. In less than one month, more than 2,000 individuals—members of the general public, attorneys, nonprofit advocacy organizations and academics—submitted comments expressing their concern about the potential for foreign influence in United States elections. At least 99% of the comments urged the Commission to take meaningful action to address it.

Unfortunately, three of our fellow commissioners blocked the Commission from moving forward. They opposed Commissioner Ravel's motion to rescind Advisory Opinion 2006-15 (TransCanada), an advisory opinion which relied upon assumptions about corporate political spending that materially changed after the Supreme Court's decision in *Citizens United*. They also opposed Commissioner Weintraub's motion to open a rulemaking that would allow the Commission to consider every option for reducing the potential for foreign spending in our elections, taking into account the views of all commissioners. Neither proposal gained the necessary majority of votes to advance.

In the alternative, three of our colleagues proposed adopting a new policy that would extend the reasoning of pre-*Citizens United* advisory opinions and expressly permit foreign-owned domestic subsidiaries to spend money in connection with federal elections, including on independent expenditures and contributions to super PACs, under certain circumstances. They also proposed creating out of whole cloth a new "safe harbor" to more easily facilitate this spending. Because substantively their proposal would have moved us in the wrong direction and procedurally would have deprived the public of an opportunity to comment on it, we opposed it.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

As Justice Stevens noted in his dissent in *Citizens United*, “[u]nlike voters in U.S. elections, corporations may be foreign controlled,” and the majority’s decision “would appear to afford the same protection to multinational corporations controlled by foreigners as to individual Americans.”<sup>1</sup> In his State of the Union Address in 2010, President Obama warned about how *Citizens United* could “open the floodgates for special interests—including foreign corporations—to spend without limit in our elections. I don’t think American elections should be bankrolled ... by foreign entities.”

We agree. Unfortunately, three of our colleagues have prohibited the Commission from acting to address these concerns. Consistent with the agency’s mission and purpose, we will continue to urge our colleagues to take appropriate action to best protect the integrity of our elections. Thank you for your support of our efforts.

Sincerely,

A handwritten signature in blue ink that reads "Ann Ravel".

Ann Ravel  
Commissioner

A handwritten signature in blue ink that reads "Ellen L. Weintraub".

Ellen Weintraub  
Commissioner

---

<sup>1</sup> 558 U.S. 310, 424, 465 (2010) (Stevens, J., dissenting).