



FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 29, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-59

Mr. Harold F. Fendius
Assistant Treasurer
Container Corporation of America Political Action Committee
One First National Plaza
Chicago, Illinois 60603

Dear Mr. Fendius:

This responds to your letter of October 17, 1979, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the solicitation of contributions to Container Corporation Political Action Committee ("the PAC").

Your letter states that the PAC wishes to solicit approximately 25 executive employees of Container Corporation ("the Corporation") who are United States citizens, but who are living abroad. Each of these individuals holds a senior executive or administrative position with the Corporation and is on assignment to a corporate facility located in a foreign country which is a majority-owned subsidiary of the Corporation. Under these circumstances you ask whether these executive and administrative personnel of the Corporation may be solicited for contributions to the PAC.

Under the Act, a corporation, or a separate segregated fund established by a corporation, is permitted to solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families. 2 U.S.C. 441b(b)(4)(A). See also Commission regulations at 11 CFR 114.1(c) and 114.5(g)(1). Contributions from such individuals are subject, of course, to the applicable limits and prohibitions prescribed by the Act including the prohibition on contributions from foreign nationals. 2 U.S.C. 441e; also see 2 U.S.C. 441a.

While the Act prohibits contributions by foreign nationals, the legislative history of 441e makes clear that individuals who are citizens of the United States are not included in the term "foreign national" even though they may reside in a foreign country. During Senate consideration

of the 1974 amendments to 18 U.S.C. 613 (the predecessor of 2 U.S.C. 441e) the following colloquy occurred:

Mr. Cook: May I ask the Senator a question? I think it is important. In no way is the Senator from Texas excluding an American national who finds himself by reason of his corporate employment living in Japan, Australia, or anywhere else in the world. Is he excluding that individual from writing his individual check and sending it to a political organization of his choice in the United States in any election.

Mr. Bentsen: In no way is he precluded from that. He is an American citizen living overseas and he can participate.

(93 Cong. Rec. S4715, March 28, 1974)

Because the PAC proposes to solicit contributions from executive and administrative personnel of the Corporation who are United States citizens, the Commission concludes that such solicitation would be lawful under the Act.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Robert O. Tiernan
Chairman for the
Federal Election Commission