



FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Pembina Pipeline Corporation)	MUR 7512
Fort Chicago Holdings, II US, LLC)	
Jordan Cove Energy Project L.P.)	
Jordan Cove LNG, LLC)	
Jordan Cove LNG, L.P.)	
Jordan Cove LNG LLC PAC and Allison)	
Murray in her official capacity as treasurer)	
Save Coos Jobs Committee)	

**STATEMENT OF REASONS OF
COMMISSIONER ELLEN L. WEINTRAUB**

In this matter, several U.S. subsidiaries of Pembina Pipeline Corporation (a Canadian corporation) and an associated PAC (collectively, “the Jordan Cove Entities”) spent more than \$850,000 over several election cycles to help defeat a ballot issue that would have blocked construction of a natural-gas terminal and pipeline in Coos Bay, Oregon. The terminal and pipeline were the business focus of several of the subsidiaries.¹

The Jordan Cove Entities contributed \$101,000 to state and local candidate committees, \$158,555 to other state and local committees, and \$596,155 to Save Coos Jobs, the ballot-issue committee organized to oppose the ballot initiative.²

With respect to the Jordan Cove Entities’ contributions to the political committees, the law is well-established. As explained in the First General Counsel’s Report: “[T]he Commission has *consistently* found a violation of the foreign national prohibition where foreign national officers or directors of a U.S. company participated in the company’s decisions to make contributions or in the management of its separate segregated fund, or where foreign funds were used by a U.S. subsidiary of a foreign corporation to make contributions or donations in connection with U.S. elections.”³

¹ First General Counsel’s Report, MUR 7512 (Pembina Pipeline Corporation, *et al.*) at 5-6 (May 6, 2021).

² *Id.* at 6.

³ *Id.* at 11 (emphasis added).

At a minimum (and I believe the bar is higher⁴), the Commission has previously insisted that foreign officers and directors stay out of overt participation in decisionmaking about U.S. political donations of a domestic subsidiary and that the money used be “home-grown,” that is, derived from business activities in the U.S.A. In this matter, the domestic subsidiary did not appear to *have* any domestic revenues, which alone should have merited a reason-to-believe finding and an investigation, as it has in the past.⁵

And we had strong indications before us of foreign participation in the decisionmaking process, as our Office of General Counsel detailed: “These circumstances — Jordan Cove’s apparent lack of a domestic revenue stream, annual reports indicating Canadian primary places of business and mailing addresses, donations disclosed from a Jordan Cove entity at a Canadian address, and Jordan Cove’s lack of a substantive response providing a basis to assess the decision-making process for and funding of the donations — support a reasonable inference that foreign nationals were involved in the decision-making process regarding the donations and the funds Jordan Cove used to make the donations originated from a foreign national source.”⁶ This, too, merited investigation.

The spending directed to the Save Coos Jobs ballot-issue committee raises many of the same very troubling issues as MUR 7523 (Stop I-186, *et al.*). My analysis of that matter — and my alarm at my colleagues’ voting to allow such foreign interference in American political life — applies here as well.⁷ Ballot measures are an exercise of direct democracy, whereby citizens choose the laws that govern us. Whether U.S. citizens are voting to select government officials or voting to adopt the laws and constitutions those officials will administer, we deserve to do so based on American priorities, free of foreign influence.

Given the importance of the foreign-national political-spending ban, the Commission should have pursued this Complaint to ensure that Pembina Pipeline was not using its domestic subsidiaries to funnel foreign money into U.S. elections. Investigating this Complaint would not have shifted the burden of proof to respondents, as some of my colleagues claim. Our failure to investigate ignores information sitting plainly in front of us and deviates from clear and well-established Commission precedents.

Ellen L. Weintraub
 Commissioner

November 3, 2021

⁴ See Ellen L. Weintraub, “Taking On Citizens United,” NY TIMES (March 30, 2016), *found at* <http://nyti.ms/1qhmpKB>.

⁵ See Factual & Legal Analysis at 1, 4, MUR 6093 (Transurban Group); Advisory Op. 1989-20 (Kuilima) at 1; Factual & Legal Analysis at 6 & n.5, MUR 4250 (Republican Nat’l Comm.); Conciliation Agreement ¶ IV.6, MUR 2892 (Royal Hawaiian Country Club and Y.Y. Valley Corp.).

⁶ First General Counsel’s Report, MUR 7512 (Pembina Pipeline Corporation, *et al.*) at 20.

⁷ Statement of Reasons of Commissioner Ellen L. Weintraub, MUR 7523 (Stop I-186, *et al.*) (Oct. 29, 2021).