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2005 SEP 21 P 3:54

July 12, 2005

Silvestre Reyes
The Reyes Committee, Inc.
1011 Montana
El Paso, TX 79901

AOR 2005-18

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COMMISSION
OFFICE OF GENERAL
COUNSEL

Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463
Fax: 202-219-2338

Dear Sir or Madam:

I am requesting an Advisory Opinion for a weekly radio program that will air in my district of El Paso, Texas. I am planning to broadcast weekly 30-minute Spanish-language radio programs over KAMA-AM, a commercial radio station in El Paso. I hope to start this program as soon as possible and plan to air it during the primary season.

The monthly cost for this program is \$1,500, which I will pay with campaign funds. I will not solicit funds from donors specifically for this program, nor will donors give money to my campaign specifically for this program. I will include a disclaimer such as "The preceding program was paid for by The Reyes Committee, Inc., Ron Pate, Treasurer."

The content of the show will include commentary and discussion about congressional, campaign and local issues.

The format for these broadcasts will include two or three programs per month pre-recorded in Washington, DC at the Democratic Congressional Campaign Committee with guest participation and two or three programs per month recorded live at the KAMA studios in El Paso with guest participation and call-ins. The actual number of shows will depend on the number of weeks in the month. Although we do not currently have plans to invite other Members of Congress as guests on the show, we might do so in the future.

Please feel free to contact me or Perry Finney Brody at (202) 246-4340 with any questions.

Sincerely,


Silvestre Reyes
Member of Congress



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 22, 2005

The Honorable Silvestre Reyes
Member of Congress
The Reyes Committee, Inc.
1011 Montana
El Paso, Texas 79901

Dear Representative Reyes:

This refers to your letter dated July 12, 2005, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the Reyes Committee's planned weekly radio program.

Your letter explains that the Reyes Committee, Inc. (the "Committee"), plans to use campaign funds to pay for a weekly radio program that will air in your district. Your letter states that these programs will be either pre-recorded at the Democratic Congressional Campaign Committee or recorded live at the KAMA-AM studios in El Paso, Texas. The monthly cost for this program are identified as \$1,500. Your letter also states that other Members of Congress might be invited to be guests on the show, although you do not currently have plans to do so.

As you know, the Federal Election Campaign Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). Commission regulations explain that a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c). The regulations further explain that this Office shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. 11 CFR 112.1(d).

In view of these requirements, this Office seeks responses to the following questions. Specifically:

- 1) Please provide further detail about what costs of the program are included in the \$1,500 amount identified in your request. Specifically, does that amount

represent KAMA-AM's usual and normal charge for the airtime for the programs and the use of its studios to record the program?

- 2) Please describe the arrangement with the Democratic Congressional Campaign Committee (the "DCCC") concerning the use of its studios. Does the Committee plan to reimburse the DCCC for the usual and normal charge for the use of its studios or will the DCCC use a portion of its coordinated party expenditure limit for these costs?
- 3) Will there be any other production or airtime costs for this program? If so, will Committee funds cover those costs as well?
- 4) May we assume that any other Members of Congress who might be invited to be guests on the program do not represent Congressional districts that are within KAMA-AM's listening area? Would the programs expressly advocate the reelection of the other Members of Congress? Would the program rebroadcast any campaign materials of the other Members of Congress? These questions pertain to 11 CFR 109.21(c).

We have also identified a previous Advisory Opinion that concerns television advertisements that included two Federal candidates. The discussion of the appropriate disclaimer in such situations may be helpful for any programs that include a second Member of Congress. A copy of that Advisory Opinion is enclosed.

Upon receiving your responses to the above questions, this Office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions about the advisory opinion process or this letter, please contact Duane Pugh, a senior attorney in this Office, at 202-694-1650.

Sincerely,



Rosemary C. Smith
Associate General Counsel

Enclosure: AO 2004-1

September 19, 2005

The Reyes Committee, Inc.
1011 Montana
El Paso, Texas 79901

Rosemary C. Smith
Associate General Counsel
Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463
Fax: 202-219-3923


Dear Ms. Smith,

This letter serves to clarify your questions regarding my proposed weekly radio program.

- 1) The \$1,500 charge will pay for all aspects of the radio program – the airtime and the use of KAMA-AM's studios. It is our understanding that this is the normal amount KAMA-AM charges for such programs; however, this is the first show of its kind KAMA is airing.
- 2) Upon further consideration, we will no longer record shows at the Democratic Congressional Campaign Committee in Washington, DC.
- 3) The program is scheduled to air on Mondays. Months with five Mondays will include an additional pro-rated charge of \$375, as the \$1,500 monthly charge only covers four programs per month. All costs – regular and pro-rated – will be paid by The Reyes Committee, Inc.
- 4) You are correct to assume that any other Members of Congress who would potentially be invited as guests do not represent districts within KAMA-AM's listening area. My program will not advocate the reelection of other Members of Congress and will not rebroadcast campaign materials of other Members of Congress.

Please feel free to contact me or Perry Finney Brody at (202) 246-4340 with any other questions.

Sincerely,



Silvestre Reyes
Member of Congress