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FEDERAL ELECTION COMMISSION

[Notice 1991-2]

11 CFR Part 110

**Honoraria: Contribution and
Expenditure Limitations and
Prohibitions**

AGENCY: Federal Election Commission.

ACTION: Final rule; Technical
amendment.

SUMMARY: The Commission is publishing today a technical amendment to its regulations on acceptance of honoraria (11 CFR 110.12) to conform that section to the Ethics Reform Act of 1989. The Ethics Reform Act modified the Federal Election Campaign Act regarding honoraria, by changing the law to apply only to Senators and officers and employees of the Senate. Public Law 101-194 (Nov. 30, 1989). The

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prior law applied to officers and employees of any branch of the Federal Government. The technical amendments to the Ethics Reform Act of 1989 also added a child of an honorarium recipient to the list of persons whose travel and subsistence expenses are exempted from the \$2,000 limit. Public Law 101-280 (May 4, 1990).

EFFECTIVE DATE: March 6, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463, (202) 376-5690 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: The Federal Election Campaign Act of 1971 ["FECA"], at 2 U.S.C. 441i, governs the acceptance of honoraria. The Commission's regulations implementing this section are contained in 11 CFR 110.12. Prior to the Ethics Reform Act of 1989, the Federal Election Campaign Act and the regulations implementing it provided that persons who are elected or appointed officers or employees of the Federal Government could not accept honoraria exceeding \$2,000. Amounts accepted for actual travel and subsistence expenses for the person and his or her spouse or aide were excluded from the \$2,000 limit. The Act and the regulations implementing it also provided that any honorarium paid by or on behalf of the officer or employee to a charitable organization was not "accepted" for the purposes of the Act.

The Ethics Reform Act of 1989 amended FECA in part by limiting the ability to accept honoraria after January 1, 1991 to Senators and officers and employees of the Senate. Public Law 101-194 (November 30, 1989). It also provided that any honorarium paid by or on behalf of a Senator or any officer or employee of the Senate to a charitable organization shall be deemed not "accepted" for the purposes of FECA. In the later technical amendments to the Ethics Reform Act, an honorarium recipient's child was added to the list of persons whose actual travel and subsistence expenses are excluded from the \$2,000 limit. Public Law 101-280 (May 4, 1990).

The technical amendment published in this notice modifies the Commission's regulations governing the acceptance of honoraria at 11 CFR 110.12 (a) and (b) to bring the regulations into conformance with these amendments to the FECA. Because the amendment is merely technical, it is exempt from the notice and comment requirements of the Administrative Procedure Act (see 5 U.S.C. 553(b)(B)) and 2 U.S.C. 438(d) (relating to legislative review of

Commission regulations). It is therefore made effective March 6, 1991.