



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 18, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1982-9

The Honorable Bob Dole
United States Senate
Washington, D.C. 20510

Dear Senator Dole:

This responds to your letter of February 17, 1982, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the receipt of an honorarium.

Your letter asks whether you may accept an invitation for a speaking engagement, for which an honorarium of \$5,000 is offered. You propose to personally "accept" only \$2,000 of the amount offered, and have the \$3,000 balance "paid directly" at your request to a charitable organization selected by the payor from a list of five or more charitable organizations furnished by you. The Commission assumes that the phrase "paid directly" means that the organization paying the honorarium would issue a separate check for the \$3000 balance which check is payable to the charitable organization selected by the payor.

Under the Act, an honorarium is not accepted by a federal officeholder if that officeholder makes a suggestion that the honorarium be given instead to a charitable organization which is selected by the person paying the honorarium from a list of five or more charitable organizations provided by the officeholder. 2 U.S.C. 441i(b) and 11 CFR 110.12(b)(5). The limitation on receipt of an honorarium (i.e. \$2,000 per appearance) is triggered only in the event that an honorarium is in fact "accepted." See Advisory Opinion 1978-73, and see 2 U.S.C. 441i(a).*

* The \$25,000 annual limit on the receipt of honoraria was repealed by P.L. 97-51, Act of October 1, 1981, effective October 1, 1981.

Accordingly, the Commission concludes that because only \$2,000 would be “accepted” (out of a total of \$5,000 offered) the \$2,000 per appearance limitation of Section 441i(a) would not be violated. Thus, the arrangement you have described is permissible under the Act and Commission regulations.

The Commission expresses no opinion regarding the possible application of Senate rules to the described situation, nor as to any tax ramifications, since those issues are outside its jurisdiction.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Frank P. Reiche
Chairman for the
Federal Election Commission

Enclosures (AO 1978-73)