



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 13, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1984-29

The Honorable Ted Stevens
United States Senate
Washington, D.C. 20510

Dear Senator Stevens:

This responds to your letter of May 22, 1984, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the payment of certain travel and subsistence expenses in connection with a speaking engagement.

You state that you have been invited by an organization to speak at a meeting later this year, and that the organization has offered to pay you an honorarium and to pay the travel expenses for either your wife or an aide. You add that if your wife will be unable to attend, you are considering asking your daughter, who is in her late 20s, to accompany you as an aide. You state that if she accompanied you to this speaking appearance, she would serve as a volunteer assistant but would perform all of the duties that would be expected of one of your Senate staff aides.

You also state that if, alternatively, your wife accompanies you to this speaking engagement, you will be required to take your two-and-a-half-year-old daughter with you, at your expense. You add that the sponsoring organization has offered to pay the expenses of both your wife and your minor daughter, to enable them to accompany you.

You ask whether, in these circumstances, the sponsoring organization may pay the travel and subsistence expenses of either (1) your older daughter serving as an aide or (2) your two-and-a-half-year-old daughter as a dependent.

Under 2 U.S.C. 441i and 11 CFR 110.12(a) and (b), a Federal officeholder may accept an honorarium of up to \$2,000 for a speech or appearance, excluding amounts accepted for actual travel and subsistence expenses for the officeholder and his spouse or an aide. With respect to your first question, the Commission concludes that assuming your adult daughter performs the duties that would be expected of an aide from your official Senate staff, payments by the

sponsoring organization for actual travel and subsistence for her would fall within the exception to the honorarium limit noted above.

With regard to your second question, the Commission concludes that the specific, unambiguous term "spouse" does not contemplate the inclusion of very young children within its scope. Accordingly, any payments by the sponsoring organization for your minor child's travel and subsistence expenses would not fall within the exception contained in the honorarium provisions noted above. Thus payments for such expenses would have to be counted as part of the honorarium paid to you for the appearance.

Since your request contains no indication that your appearance before the sponsoring organization is related to your re-election campaign, the Commission does not address the possible application of 2 U.S.C. 441b and Commission regulations at Part 114 to the situation you have presented. See 11 CFR 114.3 and 114.4 and Advisory Opinion 1978-32, copy enclosed. Furthermore, 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)

Lee Ann Elliott
Chairman for the
Federal Election Commission

Enclosure (AO 1978-32)