



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 14, 1985

HAND DELIVERED

ADVISORY OPINION 1985-4

Honorable Charles McC. Mathias
United States Senate
Washington, D.C. 20510

Dear Senator Mathias:

This responds to your letter of January 11, 1985, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to compensation you received for teaching a series of undergraduate seminars.

You state that under an oral agreement with Northeastern University in Boston ("the university"), you conduct a series of public affairs seminars for undergraduate students three times a year. You state that during the course of a year you teach six classes in governmental and public affairs. You add that you have been carrying out these professorial duties for the past ten years, and you imply that your teaching responsibilities are continuing. You also note that the agreement to teach these classes has been made on an annual basis, and that the compensation you receive is based on the number of seminars you conduct.

In light of these facts, you ask whether the compensation you have received during the past year for each of the six courses, as well as the compensation you received in each of the previous nine years, constitutes an honorarium as defined under 11 CRF 110.12(b), or whether it qualifies as a stipend under 11 CRF 110.12(c)(3) and is therefore not subject to the honoraria limits of the Act.

Under 2 U.S.C. 441i, no person while an elected or appointed officer or employee of any branch of the Federal Government shall accept any honorarium of more than \$2,000 for any appearance, speech, or article. The Commission's regulations exclude from the definition of honorarium any payment qualifying as a "stipend," which is defined as a payment for services on a continuing basis. 11 CRF 110.12(c)(3).

The Commission concludes, based on the factual situation presented, that any funds you receive as compensation for your teaching duties at the university would not be considered honoraria and would therefore not be covered by the honoraria limits. Because the arrangement described in your request indicates a continuing compensatory relationship between you and the university, it appears that a stipend is contemplated rather than an honorarium. See Advisory Opinions 1980-76 and 1980-140, copies enclosed. Accordingly, any compensation paid to you for teaching the described classes need not be counted as honoraria for purposes of 2 U.S.C. 441i.

The Commission expresses no opinion as to possible application of Senate rules to the described transaction, 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. 2 U.S.C. 437f.

Sincerely yours,

(signed)

John Warren McGarry
Chairman of the Federal Election Commission

Enclosures (AOs 1980-76 and 1980-140)