

# Politics, Private Planes and the Press: Know the Private Plane Reimbursement Rules Before You Offer or Accept a Ride

---

November 2011

With the 2012 election cycle in full swing and the presidential primaries nearly upon us, the press has once again started focusing on a longtime favorite topic - federal candidates hitching rides on the private planes of corporations and wealthy individuals. Although federal candidate travel on private planes has significantly decreased since the Honest Leadership and Open Government Act of 2007 overhauled the FEC travel regulations, old habits die hard and corporations and wealthy individuals are still offering - and federal candidates are still accepting - rides on private planes. Now is the time to review your company's compliance framework to ensure that a prohibited corporate in-kind contribution does not occur in the event a representative of a federal campaign, party or committee travels on your company's planes.

Under the Federal Election Commission's (FEC's) travel regulations, if a representative of a federal campaign, party or committee travels in connection with committee business on a privately owned plane, the committee must reimburse the plane owner at a specified rate or else an in-kind contribution occurs, which could be either prohibited or excessive. Reimbursement must be made within seven days of departure, so it is essential that a compliance framework is established to handle political trips on private planes in a timely manner.

## Presidential/Senate Campaigns

## Authors

---

Caleb P. Burns  
Partner  
202.719.7451  
cburns@wiley.law

Presidential and Senate campaigns must pay the full charter rate for a comparable plane of comparable size when a private plane is used for travel on behalf of the campaign.

### **Leadership PACs of Presidential/Senate Candidates**

The leadership PACs of presidential/Senate candidates must pay the full charter rate for a comparable plane of comparable size when a private plane is used for travel on behalf of the leadership PAC.

### **House Campaigns**

House candidates and anyone traveling on behalf of a House campaign are prohibited from using privately owned aircraft. However, a private plane may be used if it is owned by the candidate, a member of the candidate's immediate family, a state government or the federal government. For a more detailed discussion of the FEC travel regulations affecting House candidates, please see the January 2010 edition of *Election Law News*.

### **Leadership PACs of House Candidates**

House candidates and anyone traveling on behalf of a House candidate's leadership PAC are prohibited from using privately owned aircraft. However, a private plane may be used if it is owned by the candidate, a member of the candidate's immediate family, a state government or the federal government.

### **National/State Political Parties and Other Federal PACs**

All other federal committees, including the national and state party committees and other federal PACs, must pay either the full charter rate (if no regularly scheduled commercial service is available), the lowest unrestricted first-class airfare rate (if regularly scheduled first-class commercial service is available), or the lowest unrestricted coach rate (if regularly scheduled coach, but not first-class, commercial service is available). (*Note: House Ethics Rules generally prohibit a House Member from traveling on private planes.*)

### **Other Considerations**

Special reimbursement rules apply when: the itinerary involves multiple stops (some of which are for campaign purposes, some of which are not), more than one federal campaign is traveling on the private plane, members of the news media are traveling with the candidate, government-issued security is traveling with the candidate, and the candidate or the candidate's immediate family own the private plane.

The FEC's travel regulations are sometimes difficult to navigate and, as recent news articles indicate, are easy to inadvertently break. Wiley Rein's Election Law Group has extensive experience counseling both corporations and federal candidates regarding the FEC travel regulations and is available to assist you in establishing or reassessing your private plane travel compliance framework.