

TITLE 2 - THE CONGRESS**CHAPTER 14 - FEDERAL ELECTION CAMPAIGNS****SUBCHAPTER I - DISCLOSURE OF FEDERAL CAMPAIGN FUNDS****§ 439a. Use of contributed amounts for certain purposes****(a) Permitted uses**

A contribution accepted by a candidate, and any other donation received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

- (1) for otherwise authorized expenditures in connection with the campaign for Federal office of the candidate or individual;
- (2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;
- (3) for contributions to an organization described in section 170 (c) of title 26;
- (4) for transfers, without limitation, to a national, State, or local committee of a political party;
- (5) for donations to State and local candidates subject to the provisions of State law; or
- (6) for any other lawful purpose unless prohibited by subsection (b) of this section.

(b) Prohibited use**(1) In general**

A contribution or donation described in subsection (a) of this section shall not be converted by any person to personal use.

(2) Conversion

For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office, including—

- (A) a home mortgage, rent, or utility payment;
- (B) a clothing purchase;
- (C) a noncampaign-related automobile expense;
- (D) a country club membership;
- (E) a vacation or other noncampaign-related trip;
- (F) a household food item;
- (G) a tuition payment;
- (H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and
- (I) dues, fees, and other payments to a health club or recreational facility.

(c) Restrictions on use of campaign funds for flights on noncommercial aircraft**(1) In general**

Notwithstanding any other provision of this Act, a candidate for election for Federal office (other than a candidate who is subject to paragraph (2)), or any authorized committee of such a candidate, may not make any expenditure for a flight on an aircraft unless—

- (A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

(B) the candidate, the authorized committee, or other political committee pays to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size by the number of candidates on the flight) within a commercially reasonable time frame after the date on which the flight is taken.

(2) House candidates

Notwithstanding any other provision of this Act, in the case of a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an authorized committee and a leadership PAC of the candidate may not make any expenditure for a flight on an aircraft unless—

(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

(B) the aircraft is operated by an entity of the Federal government or the government of any State.

(3) Exception for aircraft owned or leased by candidate

(A) In general

Paragraphs (1) and (2) do not apply to a flight on an aircraft owned or leased by the candidate involved or an immediate family member of the candidate (including an aircraft owned by an entity that is not a public corporation in which the candidate or an immediate family member of the candidate has an ownership interest), so long as the candidate does not use the aircraft more than the candidate's or immediate family member's proportionate share of ownership allows.

(B) Immediate family member defined

In this subparagraph (A), the term “immediate family member” means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.

(4) Leadership PAC defined

In this subsection, the term “leadership PAC” has the meaning given such term in section 434 (i)(8)(B) of this title.

(Pub. L. 92–225, title III, § 313, as added Pub. L. 107–155, title III, § 301, Mar. 27, 2002, 116 Stat. 95; amended Pub. L. 108–447, div. H, title V, § 532, Dec. 8, 2004, 118 Stat. 3272; Pub. L. 110–81, title VI, § 601(a), Sept. 14, 2007, 121 Stat. 774.)

References in Text

This Act, referred to in subsec. (c)(1), (2), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

Prior Provisions

A prior section 439a, Pub. L. 92–225, title III, § 313, formerly § 318, as added Pub. L. 93–443, title II, § 210, Oct. 15, 1974, 88 Stat. 1288; renumbered § 317, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481; renumbered § 313 and amended Pub. L. 96–187, title I, §§ 105(4), 113, Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101–194, title V, § 504(a), Nov. 30, 1989, 103 Stat. 1755, also related to use of contributed amounts for certain purposes, prior to repeal by Pub. L. 107–155, title III, § 301, Mar. 27, 2002, 116 Stat. 95.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

A prior section 313 of Pub. L. 92–225 was renumbered section 309, and is classified to section 437g of this title.

Another prior section 313 of Pub. L. 92–225 was renumbered section 308, and is classified to section 437f of this title.

Amendments

2007—Subsec. (c). Pub. L. 110–81 added subsec. (c).

2004—Subsec. (a)(5), (6). Pub. L. 108–447, which directed the amendment of section 312a(a) of the Federal Election Campaign Act of 1971 by adding pars. (5) and (6), was executed by making the amendments to this section, which is section 313 of the Federal Election Campaign Act of 1971, to reflect the probable intent of Congress.

Effective Date of 2007 Amendment

Pub. L. 110–81, title VI, § 601(b), Sept. 14, 2007, 121 Stat. 775, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to flights taken on or after the date of the enactment of this Act [Sept. 14, 2007].”

Effective Date

Section effective Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.