



Order 99-9-4

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 3rd day of September, 1999

Served: September 8, 1999

Blanket Waiver to

**U.S. CERTIFICATED AIR CARRIERS
AND
PRESIDENTIAL CAMPAIGN ORGANIZATIONS**

for Part 212 of the Department's Economic Regulations
to operate charters during the 2000 Election Campaign

ORDER GRANTING WAIVERS

During previous Presidential Election Campaigns, many campaign organizations desired to charter aircraft from commercial airlines. In response to this demand, the Department (and prior to 1985 the Civil Aeronautics Board) granted U.S. certificated carriers waivers from the provisions of 14 CFR Part 212 of the Aviation Economic Regulations to permit them to charter aircraft to the campaign organizations. Waivers were necessary because the charters (on behalf of the campaign organizations) did not meet the regulations governing single entity charters. Specifically, for a charter group to qualify as a single entity, the participants are not permitted to pay either directly or indirectly for the air transportation. However, the campaign organizations wanted to allow Secret Service and news media personnel to travel on the flights and pay a fare. We found this practice reasonable and therefore granted appropriate waivers from the single entity rules.

In order to avoid the burden of handling numerous similar requests for the 2000 campaign on a case-by-case basis, we find again that it would be in the public interest to grant all U.S. certificated carriers a blanket waiver of the provisions of Part 212 of the Economic Regulations, specifically section 212.4, to provide charter service on behalf of the 2000 Presidential Election Campaign Organizations. We will also grant similar waivers to the campaign organizations to the extent that the charters they arrange do not conform to the single entity rules.¹

¹ The relief granted is intended to extend also to charter flights operated on behalf of candidates for the office of the Vice President of the United States.

The Presidential campaign charter service is specialized and tailored to the specific needs of the candidates. The security protection furnished by the Secret Service is provided by law, and the news coverage provided by the news media representatives accompanying the candidates provides a valuable service to the public. The President and Vice President are the only nationally-elected officials, so the need for the instant waiver in order to utilize air transportation in the conduct of the campaign is clear and unique. Therefore, we find that grant of the blanket waiver during the course of the 2000 primary and regular or general elections is in the public interest.

While authorizations for Democratic and Republican candidates are covered in this order, other candidates will be considered on a case-by-case basis if a need is demonstrated. Only campaign organizations registered with the Federal Election Commission will be considered.

We will also at this time waive the requirements of section 212.4 of the Department's Economic Regulations to the extent necessary to permit U.S. certificated air carriers to operate charters to and/or from the 2000 Republican and Democratic National Conventions² carrying State Delegates and alternates, members of state and national Republican and Democratic Committees traveling on official business to the conventions, and their immediate families. Authority will be granted also to permit members of the press to accompany the delegates on these charters.³

The political conventions are unique events of great importance to the American people and the American democratic process. The grant of this waiver will facilitate attendance by the delegates at these events and will permit the news media to give the public the broadest range of coverage of the conventions including the personal views of the delegates, many of whom will be unavailable to the media while the convention is in progress. We therefore believe that there are special and unusual circumstances warranting waiver of section 212.4 of the Department's Economic Regulations, and that such a waiver is in the public interest. Authorizations for conventions other than the Democratic and Republican national conventions will be considered on a case-by-case basis and will be authorized if there is a showing of need.

This order is issued under authority assigned in 14 CFR 385.12(i).

² The Democratic National Convention will be held on August 14-17, 2000 in Los Angeles, California and the Republican National Convention will be held on July 29-August 4, 2000 in Philadelphia, Pennsylvania.

³ For the purpose of this order, "members of the press" is defined as all persons acting on official business for their organizations and representing all the media and agencies that print, broadcast, or gather and transmit news.

ACCORDINGLY,

1. The Department grants all U.S. certificated carriers a waiver of the provisions of section 212.4 of the Department's Economic Regulations to the extent that this section would otherwise prevent the operation of charter flights for the campaign organizations described in paragraph 2 below;
2. The Department grants the campaign organizations of the 2000 Democratic and Republican Presidential and Vice Presidential candidates a waiver of section 212.4 which would otherwise prohibit them from charging and receiving payment for air transportation provided on a single-entity charter to Secret Service personnel, members of the press, and other communications media personal; provided, that the relief granted shall apply only to those campaign organizations registered with the Federal Election Commission;
3. The Department waives the requirements of section 212.4 of the Department's Economic Regulations to the extent necessary to permit U.S. certificated air carriers to operate charters to and/or from the 2000 Republican and Democratic National Conventions carrying State Delegates and alternates, members of state and national Republican and Democratic Committees traveling on official business to the conventions, members of their immediate families, and members of the press;
4. The relief granted by this order to operate Presidential campaign charters will expire on November 10, 2000;
5. This order shall be served on all U.S. certificated carriers; and
6. This order may be amended, modified, or revoked at any time at the discretion of the Department without a hearing.

Persons entitled to petition the Department of Transportation for review of this order under the Department's Regulations, 14 CFR 385.30, must file their petitions within ten days after the date of service of this order.

This order will be effective immediately, and the filing of a petition for review shall not preclude such effectiveness.

By:

JOHN V. COLEMAN
Director
Office of Aviation Analysis

(SEAL)



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Memorandum

Subject: Waiver of Section 212.4 of the
Economic Regulations to Permit
Presidential Campaign Charters

Date:

From: Charles W. McGuire, Chief
Special Authorities Division, X-57

OAA Memo #

Reply to Torlanda Archer
Attn. Of: X-57 Ext. 62396

To: John V. Coleman, Director
Office of Aviation Analysis

REFERENCE: Order 95-9-5, September 12, 1995

RECOMMENDATION

We recommend the Department issue the attached draft order which grants a waiver of section 212.4 to permit all certificated air carriers and authorized Presidential campaign organizations to conduct Presidential campaign charters that do not meet single entity charter requirements.

BASIC FOR RECOMMENDATION

During the last four Presidential campaigns we (the Civil Aeronautics Board in 1984) granted waivers of the DOT Economic regulations to allow U.S. certificated air carriers to conduct charters for the Presidential candidates through their campaign organizations. Waivers of the charter rules for this purpose were necessary since the charters do not meet the requirements for single entity charters. We also granted waivers to the campaign organizations to the extent that the charters did not conform to the single entity rules. We found the granting of waivers for this activity to be in the public interest, as described in the attached draft order. We submit that this practice of supporting Presidential campaigns remains in the public interest and recommend that the attached order be issued.



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Memorandum

Subject: Waiver of Section 212.4 of the
Economic Regulations to Permit
Presidential Campaign Charters

Date:

From: John V. Coleman, Director
Office of Aviation Analysis, X-50

Reply to
Attn. of:

To: Documentary Services Div., SVC-124.1

Please issue the attached order as soon as possible.

Attachment

Prepared by:
Torlanda Archer, X57
Ext. 62396

Please assign a new docket number, issue and post the attached order.