

October 4, 2017

The Honorable John F. Kelly  
Chief of Staff  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. Kelly:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that you act to curb widespread non-compliance with Office of Management and Budget (“OMB”) guidance on the use of government aircraft by agency officials and consider whether additional guidance is needed. Recent news reports have documented the repeated use by multiple agency heads of non-commercial aircraft at a cost to taxpayers of millions of dollars and under circumstances that raise questions about whether and why such travel was authorized.

As you know, OMB Circular No. A-126, *Improving the Management and Use of Government Aircraft*, issued in revised form in 1992, sets forth government-wide policy guidance on the use and reimbursement of government aircraft. At its core, the government-wide guidance restricts and controls travel on government aircraft, recognizing the significant financial burdens it places on agency budgets. The guidance defines the term “government aircraft” as “any aircraft owned, leased, chartered or rented and operated by an Executive Agency,” thereby excluding commercial aircraft used on scheduled airlines from the covered category of “government aircraft.” Charter flights, however, are treated as government aircraft.

The OMB circular starts from the premise that government aircraft can be used only in two instances: (1) for “official travel,” or (2) on a “space available basis.” From there, the circular breaks down the category of “official travel” into several subcategories. One subcategory is “required use travel,” which the circular defines as those situations where government aircraft is necessary (1) “because of bona fide communications or security needs,” or (2) “exceptional scheduling requirements.”

Another subcategory of “official travel” is travel that is *not* to meet “mission requirements,” which includes travel “to give speeches, to attend conferences or meetings, or to make routine site visits.” The authority to use government aircraft, including charter flights, for these purposes is very limited. Those travelling to give speeches, attend conferences, or make routine site visits cannot use government aircraft unless: (1) no commercial aircraft, including charter service, is “reasonably available,” defined as meeting the traveler’s departure and/or arrival requirements within a 24-hour period; or (2) the actual cost of using a government aircraft does not exceed the cost of a commercial airline or charter.

Widespread press reports describe multiple trips by multiple cabinet heads on government aircraft to give speeches, attend conferences and meetings, and to make site visits, all purposes that fall outside of “mission requirements.” Former HHS Secretary Tom Price, who resigned last Friday amid allegations he spent more than one million dollars on government and charter aircraft to travel domestically and abroad, took a military plane from Berlin to Geneva with his wife and eight staff that alone cost almost \$16,000, all while Lufthansa was running a promotional one-way fare of just over \$60.<sup>1</sup> The publicly available details of Mr. Price’s trips to Europe, Africa and Asia at a cost of \$500,000 describe their purpose as attending meetings and conferences and giving speeches. Because the trips apparently were not to meet “mission requirements,” his use of government aircraft was improper unless its cost did not exceed the cost of a commercial flight or no commercial flights were “reasonably available.” The \$500,000 plus price tag makes clear the cost exception does not apply. Nor is there any reason to believe Mr. Price was unable to find “reasonably available” commercial flights in lieu of taking very pricy military aircraft for domestic and foreign travel.

Journalists also have exposed questionable trips by Interior Secretary Ryan Zinke, including a charter flight he took with his staff from Las Vegas to Montana on a plane owned by oil and gas executives at a cost of \$12,375,<sup>2</sup> after speaking to a political donor’s professional hockey team,<sup>3</sup> among other scheduled events. The events Secretary Zinke attended, which included a private dinner, place his trip outside the scope of one necessary to meet “mission requirements.” Nevertheless, he charged the government for the \$12,000 plus tab, a cost well beyond the fares for the multiple one-way commercial flights he could have taken. *Id.*

EPA Administrator Scott Pruitt reportedly has flown on at least four military and non-commercial flights at a cost of over \$58,000<sup>4</sup> and has still not made public the justifications for incurring costs far exceeding those of available commercial flights. Similarly, Treasury Secretary Steve Mnuchin’s trip to Fort Knox to view the solar eclipse, accompanied by his wife, does not appear to meet “mission requirements,” yet Secretary Mnuchin incurred costs far beyond what a commercial flight would have cost.

These and other reported trips raise serious questions about whether the requirements of OMB Circular A-126 were met. Beyond these apparent violations, the reported travel suggests additional problems that should be addressed in new guidance. Travel to an official’s home

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<sup>1</sup> Rachana Pradhan and Dan Diamond, Price Took Military Jets to Europe, Asia for Over \$500K, *Politico*, Sept. 28, 2017, available at <http://www.politico.com/story/2017/09/28/tom-price-military-jets-europe-asia-hhs-243276>.

<sup>2</sup> Drew Harwell and Lisa Rein, Zinke Took \$12,000 Charter Flight Home in Oil Executive’s Plane, Documents Show, *Washington Post*, Sept. 28, 2017, available at [https://www.washingtonpost.com/investigations/2017/09/28/59533ed8-a4b8-11e7-ade1-76d061d56efa\\_story.html?deferJs=true&outputType=default-article&utm\\_term=.c25e28381f67](https://www.washingtonpost.com/investigations/2017/09/28/59533ed8-a4b8-11e7-ade1-76d061d56efa_story.html?deferJs=true&outputType=default-article&utm_term=.c25e28381f67).

<sup>3</sup> Zack Colman, Zinke Flight Costs \$12K After Event with Pro Hockey Team, *E&E News*, Sept. 29, 2017, available at <https://www.eenews.net/stories/1060062089>.

<sup>4</sup> Brady Dennis and Juliet Eilperin, EPA’s Pruitt Took Charter, Military Flights That Cost Taxpayers More Than \$58,000, *Washington Post*, Sept. 27, 2017, available at [https://www.washingtonpost.com/news/energy-environment/wp/2017/09/27/epas-pruitt-took-charter-military-flights-that-cost-taxpayers-more-than-58000/?tid=a\\_inl&utm\\_term=.669a98366011](https://www.washingtonpost.com/news/energy-environment/wp/2017/09/27/epas-pruitt-took-charter-military-flights-that-cost-taxpayers-more-than-58000/?tid=a_inl&utm_term=.669a98366011).

state, such as that undertaken by Secretary Zinke,<sup>5</sup> and flights on government aircraft scheduled around personal meetings, such as those undertaken by former Secretary Price,<sup>6</sup> should raise red flags about their lawfulness. Even approving such travel should be the rare exception, not the rule. Similarly, spousal travel raises the concern that far from conducting official business, a government official is using taxpayer money to fund discretionary leisure travel.

These excesses cry out for greater oversight and regulation. The recently imposed requirement by OMB Director Mick Mulvaney that all travel not done to meet mission requirements or not on a space-available basis be approved by you in advance<sup>7</sup> is an important first step. But it is only a first step, as the full scope of the problem remains unknown, leaving it unclear how to confidently ensure such abuses are not repeated. Further, the taxpayers have yet to be reimbursed for the grossly excessive travel costs many cabinet officials improperly incurred. And the breathtaking scope of the abuses highlights the need for additional clarification of existing restrictions and the possible imposition of new ones.

We therefore respectfully request that you launch a full, government-wide investigation, publicize the results of that investigation, and propose additional measures to cabin improper use of government aircraft by all agency personnel. In this way, the public can be confident its officials are serving the public's interests, not their personal interests.

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Sincerely,



Noah Bookbinder  
Executive Director

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<sup>5</sup> Harwell & Rein, *Washington Post*, Sept. 28, 2017.

<sup>6</sup> Katie Rogers, Glenn Thrush, and Maggie Haberman, [Chastened, Tom Price Tries to Deflect Anger Over Chartered Flights](https://www.nytimes.com/2017/09/28/us/politics/tom-price-chartered-flights.html), *New York Times*, Sept. 28, 2017, available at <https://www.nytimes.com/2017/09/28/us/politics/tom-price-chartered-flights.html>.

<sup>7</sup> Memorandum for the Heads of Executive Departments and Agencies from Mick Mulvaney, Director, Office of Management and Budget, *Travel on Government-owned, Rented, Leased, or Chartered Aircraft*, Sept. 29, 2017.