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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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INDEPENDENT

October 25, 2006

The Honorable Rob Portman  
Administrator  
Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

Dear Mr. Portman:

I am writing to ask you to direct the cabinet to cease the costly practice of chartering private jets and other private aircraft at taxpayer expense.

On June 29, Chairman Tom Davis and I wrote to 15 federal departments and agencies seeking information about their use of private aircraft to transport agency heads and other senior officials. To date, 14 agencies have responded to the Committee's inquiry, and one has failed to respond. Even without a complete response from the agencies, it is apparent that cabinet secretaries and agency heads are using private aircraft for trips that could more economically occur on commercial aircraft.

Federal travel regulations state that "[t]ravel by common carrier is presumed to be the most advantageous method of transportation because it generally results in the most efficient, least costly, most expeditious means of transportation and the most efficient use of energy resources." Yet the responses provided to the Committee indicate that the cabinet has regularly flaunted this principle. Since January 2001, cabinet officials and agency heads at ten departments and agencies traveled aboard leased or chartered private aircraft on at least 125 trips to more than 300 locations, at a cost to the taxpayer of over \$1.5 million.

Often this travel aboard private jets, helicopters, and other aircraft coincided with federal elections. In 2004, the heads of federal departments and agencies traveled on private aircraft at taxpayer expense at least 36 times to 74 locations. Much of this travel was concentrated in electoral battleground states. The number of visits to cities in battleground states in 2004 was over four times higher than in non-election years.

Individual flights illustrate the types of abuses that have occurred. In October 2004, Education Secretary Rodney Paige spent \$50,290 to charter a private jet to travel from

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Philadelphia to Seattle to Kansas City. In each city, Secretary Paige hosted town hall events in which he called the Leave No Child Left Behind Act “the most powerful civil rights act in the last three decades.” In September 2004, Agriculture Secretary Ann Veneman chartered a jet at a cost of \$11,678 to fly to Spencer, Iowa, where she attended the Clay County Fair and gave a speech stating that the “President’s tax cut package let America’s farmers and ranchers keep \$4 billion more of their hard earned money.” Michael Leavitt, who was the Administrator of EPA in 2004 and is now the Secretary of Health and Human Services, took three multi-state tours aboard chartered aircraft between August and October 2004 at a cost of \$41,571. At one stop in Garnerville, Nevada, he awarded an “Outstanding Environmental Achievement Award” to a middle school for its response to a jar of spilled mercury. At another stop, he personally presented the mayor of Springfield, Missouri, with an oversized check worth \$300,000.

According to records provided to the Committee, there were no charter flights taken by the secretaries of Health and Human Service from 1999 to 2005. Yet in the first six months of 2006, Michael Leavitt, who moved to HHS in January 2005, made 19 trips aboard a private jet leased by CDC at a cost of \$726,048 in order to promote Administration policies.

News accounts reveal that cabinet secretaries are currently crisscrossing the nation to make appearances with members of Congress in close races. It would be a misuse of taxpayer dollars if, as in 2004, these officials were traveling on chartered private jets paid for with federal funds. I urge you to impose a moratorium on any additional government-funded travel aboard private aircraft, except when strictly required by mission related activities.

### **Background**

On June 14, 2006, an article in the *Atlanta Journal-Constitution* revealed that HHS Secretary Leavitt used a luxury private jet leased by the Centers for Disease Control and Prevention to take “19 trips to more than 90 cities” between January and June 2006.<sup>1</sup> The total cost of these flights was reported as \$720,000 in hourly charges, which does not include the monthly charge that was paid by CDC.<sup>2</sup>

Following this disclosure, Chairman Tom Davis and I wrote to 15 federal departments and independent agencies requesting information about travel by senior officials aboard chartered private aircraft.<sup>3</sup> To date, the Committee has received responses from 14 recipients of

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<sup>1</sup> *Cabinet Official is Primary User of CDC Jet*, Atlanta Journal-Constitution (June 14, 2006).

<sup>2</sup> *Id.*

<sup>3</sup> Letters from Tom Davis, Chairman and Henry A. Waxman, Ranking Minority Member, House Committee on Government Reform to selected federal departments and independent agencies (June 29, 2006).

the request: the Department of Agriculture, the Department of Commerce, the Department of Education, the Department of Energy, the Department of the Interior, the Department of Justice, the Department of Labor, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Transportation, the Department of Veterans Affairs, the Environmental Protection Agency, the General Services Administration, and the Social Security Administration. Only the Department of Labor, the General Services Administration, and the Social Security Administration reported no travel aboard chartered or leased aircraft by the agency head.

The Department of Homeland Security failed to respond to the request.

Government regulations severely restrict the use of noncommercial aircraft for official travel. The federal travel regulations state: "Travel by common carrier is presumed to be the most advantageous method of transportation because it generally results in the most efficient, least costly, most expeditious means of transportation and the most efficient use of energy resources."<sup>4</sup> The primary document that governs travel aboard private aircraft by federal officials is OMB Circular A-126. According to the OMB Circular, official travel aboard chartered private aircraft is only permitted to for "(i) travel to meet mission requirements, (ii) required use travel, and (iii) other travel for the conduct of agency business."<sup>5</sup>

Travel to meet mission requirements is travel that cannot be conducted on commercial carriers, such as flights for medical evacuations or transportation of prisoners.<sup>6</sup> The OMB circular expressly provides that "official travel to give speeches, to attend conferences or meetings, or to make routine site visits" is not a mission requirement that can justify the use of a private jet.<sup>7</sup> "Required use travel" is travel by government officials who are required to avoid commercial flights for security reasons.<sup>8</sup> Under the OMB circular, "other travel for the conduct of agency business" is permitted on private aircraft only if: (1) commercial travel is unable to "meet the traveler's departure and/or arrival requirements within a 24-hour period," or (2) the cost of the travel aboard the private aircraft is less expensive than travel on a commercial carrier.<sup>9</sup>

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<sup>4</sup> Federal Travel Regulations, Sec. 301-72.1.

<sup>5</sup> Circular No. A-126, Revised, White House Office of Management and Budget (May 22, 1992).

<sup>6</sup> *Id.* at § 5(c).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at § 5(d).

<sup>9</sup> *Id.* at § 8(a).

A review of the information received by the Committee reveals that many departments and agencies do not appear to comply with these limitations when taxpayer-funded travel on private jets and other aircraft is more convenient for the cabinet secretary or agency head.<sup>10</sup>

### **Flights on Private Jets**

The records provided to the Committee indicate that the heads of at least ten federal departments and agencies have used chartered or leased private jets, helicopters, and other aircraft for travel. They are the Department of Agriculture, the Department of Commerce, the Department of Education, the Department of Energy, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of the Interior, the Department of Transportation, the Department of Veterans Affairs, and the Environmental Protection Agency.<sup>11</sup>

In total, cabinet secretaries and agency heads at these departments and agencies have made at least 125 trips aboard private jets and other aircraft at taxpayer expense since 2001. Many of these trips included stops in multiple states and cities. According to the documents received by the Committee, the 125 trips included stops in at least 303 locations. The total cost of this travel to the taxpayer was over \$1.5 million.

Some cabinet officials have chartered jets infrequently or not at all. But other heads of departments and agencies have used private jets and other aircraft routinely. Secretaries of Energy have used private aircraft for travel 21 times at a cost of over \$179,000 since 2001. Secretaries of Transportation have traveled aboard private aircraft 37 times since 2003 at a cost of over \$152,000.

One frequent flier is Michael Leavitt, who was EPA Administrator from November 2003 to January 2005 and is currently the Secretary of HHS. While Mr. Leavitt was EPA Administrator, he took four trips aboard private jets at a cost of \$46,121. After becoming HHS Secretary, Mr. Leavitt took 19 trips aboard a private jet leased by CDC between January and June, 2006, at a cost to the taxpayer of \$726,048.

The Committee's requests to the agencies also asked for records about the use of private aircraft by cabinet secretaries between 1996 and 2000. Four departments provided some or all of

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<sup>10</sup> On several occasions federal officials conducted aerial tours aboard chartered aircraft. For the purposes of this analysis all trips where departure and arrival were in different cities were considered travel.

<sup>11</sup> The Department of Justice reported four flights by the Attorney General. This travel was excluded from the analysis because the Attorney General has been issued a "required use" waiver by the President, which means that the Attorney General is required to travel aboard government or private aircraft for security or communications reasons.

this information: the Department of Commerce, the Department of Energy, the Department of Health and Human Services, and the Department of the Interior. The secretaries of these departments traveled on private aircraft 25 times between 1996 and 2000 at a total cost of \$332,310.

### **Travel During the 2004 Election Cycle**

According to the records provided to the Committee, cabinet secretaries took at least 36 trips stopping in 74 locations aboard private aircraft at taxpayer expense in 2004. The total cost of these trips was \$282,648.

Nine of the departments and agencies that responded to the Committee's request provided flight data for the period from 2001 through 2005.<sup>12</sup> The data from these departments and agencies shows that their heads took 20 trips in 2004, compared to an average of just 12 trips in non-election years. The 20 trips in 2004 stopped included stops in 55 locations, more than twice the average number of locations visited aboard private aircraft in non-election years. The cost of travel by these cabinet secretaries in 2004 was more than twice the average cost in non-election years.

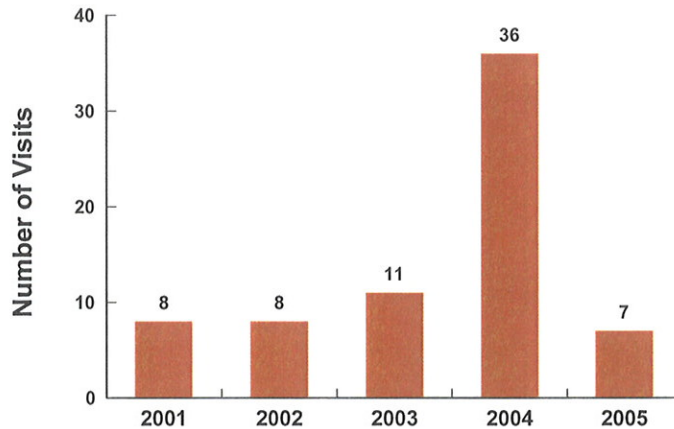
According to data provided to the Committee, many of the trips using private aircraft in 2004 involved travel to and from key electoral states. In 2004, cabinet secretaries from the nine departments and agencies visited 36 locations in battleground states aboard private aircraft.<sup>13</sup> That figure is significantly higher than in other years. Cabinet secretaries from these departments and agencies made visits to only 11 locations in these states in 2003 and only seven locations in these states in 2005. See Figure 1.

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<sup>12</sup> The nine departments and agencies are the Department of Agriculture, the Department of Commerce, the Department of Education, the Department of Energy, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of the Interior, the Department of Veterans Affairs, and the Environmental Protection Agency.

<sup>13</sup> This analysis uses the list of key electoral states from Time Magazine's election analysis in 2004 (online at [www.time.com/time/election2004/battleground/](http://www.time.com/time/election2004/battleground/)). The 18 states identified as battleground states are: Arkansas, Arizona, Colorado, Florida, Iowa, Maine, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Oregon, Pennsylvania, Washington, Wisconsin, and West Virginia.

**Figure 1: Number of Cabinet Secretary Visits to Locations  
in 2004 Battleground States Aboard Private Aircraft**



**Examples of Individual Trips**

Some of the trips aboard chartered aircraft described in the responses would appear to be appropriate. For example, Interior Secretary Gale Norton traveled by chartered aircraft to Bettles, Arctic Village, and Prudhoe Bay, Alaska, in June 2001. These remote locations are unreachable by commercial carriers.

Other trips appear to be suspect. The federal travel regulations and the OMB circular state that traveling to give speeches or attend conferences does not qualify as mission-related travel and prohibit using private aircraft for such travel except in narrow circumstances. Despite these limitations, it appears that cabinet officials and agency heads repeatedly traveled on private aircraft at taxpayer expense to promote Administration policies.

Travel by Education Secretary Rodney Paige

On October 19 and 20, 2004, shortly before the 2004 elections, Education Secretary Rodney Paige and Department of Education staff traveled from Philadelphia to Seattle to Kansas City aboard a private jet at a total cost of \$50,290. According to the Department of Education, these three cities were part of a “multi-city tour of inner-city communities in partnership with the Department of Housing and Urban Development to increase awareness among those cities’ underprivileged families of their new options under the No Child Left Behind Act.”<sup>14</sup>

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<sup>14</sup> Letter from JoAnn Ryan, Executive Officer, Department of Education to Henry A. Waxman, Ranking Minority Member, House Committee on Government Reform (July 19, 2006).

In each city visited, Secretary Paige hosted town hall events in which he touted the No Child Left Behind Act as “the most powerful civil rights act in the last three elections,”<sup>15</sup> telling audiences that “your child is the child that President Bush had in mind when he crafted No Child Left Behind.”<sup>16</sup> In addition to promoting Administration policies in the town hall meetings, Secretary Paige also appeared in a political event in Kansas City with HUD Secretary Jackson that was organized by the Republican National Committee to “expose the divisive tactics of the Kerry/Edwards campaign in Missouri.”<sup>17</sup>

#### Travel by Agriculture Secretary Ann Veneman

On September 15, 2004, shortly before the 2004 elections, Agriculture Secretary Ann Veneman chartered a private aircraft to travel to Spencer, Iowa, as part of a multi-state tour promoting Bush Administration agriculture policies at a cost to taxpayers of \$11,678. On this trip, she made an appearance at the Clay County Fair in Iowa to laud Bush Administration policies such as energy subsidies and tax cuts, stating that the “President’s tax cut package let America’s farmers and ranchers keep \$4 billion more of their hard earned money.”<sup>18</sup> She also announced \$420,000 in new conservation technology grants to recipients in Iowa.<sup>19</sup>

#### Travel by HUD Secretary Martinez

In 2003, Housing and Urban Development Secretary Mel Martinez traveled on multiple occasions on chartered aircraft to address conferences in Florida. On June 16, 2003, Secretary Martinez spoke at the U.S./Spain Forum on Construction Technologies and Transportation, which was held in Miami, and then flew by charter jet to speak at the League of United Latin American Citizens Conference and a homeownership event in Orlando. The cost of the charter flight was \$4,097.

On October 9, 2003, Secretary Martinez flew aboard a chartered jet from Washington to Naples, Florida, to deliver a keynote address at the Florida Bankers Association Dinner. The cost of the charter flight was \$7,593.

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<sup>15</sup> *Bush’s Education Chief Defends No Child Left Behind Law Here*, Chicago Sun-Times (Oct. 23, 2004).

<sup>16</sup> *U.S. Officials Visit, Laud Bush’s Policies*, Philadelphia Inquirer (Oct. 20, 2004).

<sup>17</sup> *Rod Paige, Alfonso Jackson, Sherman Parker, Carson Ross to Discuss Kerry-Edwards Plan to Incite Voter Through Missouri ACT*, U.S. Newswire (Oct. 20, 2004); *Cabinet Secretaries Stump for Bush*, Kansas City Star (Oct. 22, 2004).

<sup>18</sup> *Agriculture Secretary Speaks at Clay County Fair*, U.S. Fed News (Sept. 15, 2004).

<sup>19</sup> *Id.*

Shortly after these speaking engagements in Florida, paid for at taxpayer expense, Secretary Martinez resigned in order to run for Senate from Florida.<sup>20</sup>

#### Travel by Interior Secretary Norton

On October 25, 2004, shortly before the 2004 elections, Interior Secretary Gale Norton chartered a private jet to travel to from Jackson Center, Ohio, to Fond du Lac, Wisconsin, at a cost to the taxpayer of \$1,929.<sup>21</sup> In both locations, Secretary Norton met with local hunters to “highlight the Interior Department’s contributions to hunting and fishing.”<sup>22</sup>

#### Travel by EPA Administrator Leavitt

From June to October 2004, Environmental Protection Agency Administrator Michael Leavitt made at least 45 public appearances in swing states, distributing millions in EPA grants to those states.<sup>23</sup> These public events included three multi-state tours aboard chartered aircraft at a cost to the taxpayer of \$41,571. Administrator Leavitt made stops in 20 locations and nine different battleground states using chartered jet travel in order to hold award ceremonies for federal grants and to stage other publicity events.

From October 4 through October 5, 2004, Administrator Leavitt toured four states in the Midwest by charter aircraft, including stops in Arkansas, Missouri, and Iowa. While in Springfield, Missouri, he presented the mayor with an oversized check of \$300,000 for revitalizing polluted areas.<sup>24</sup> In a Des Moines, Iowa, ceremony, he presented the city with a check for \$250,000 to refit school busses with pollution reduction devices.<sup>25</sup>

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<sup>20</sup> *HUD Secretary Martinez Resigns, Is Expected to Run for Senate in Florida*, Associated Press (Dec. 10, 2004).

<sup>21</sup> *Bush and Kerry Woo Sportsmen in Key States*, Associated Press (Oct. 22, 2004); US Fish and Wildlife Service, Fish and Wildlife Journal, *Secretary of Interior Gale Norton Visits Horicon National Wildlife Refuge* (Oct. 25, 2004) (online at [www.fws.gov/arsnew/regmap.cfm?arskey=14103](http://www.fws.gov/arsnew/regmap.cfm?arskey=14103)).

<sup>22</sup> *Interior Secretary to Meet with Ohio Sportsmen*, US Fed News (Oct. 22, 2004).

<sup>23</sup> The radio program “Living on Earth” reported 38 public appearances in swing states by Oct. 22, 2004. *Political Swing Dance*, Living on Earth (Oct. 22, 2004). EPA itineraries provided to the Committee on Government Reform indicate 8 additional events from Oct. 25 through 28, 2004. *Swing Dance: EPA Chief Mike Leavitt Hits the Swing States*, Grist Magazine (June 22, 2004).

<sup>24</sup> *Jordan Valley Park Gets \$300,000 Check*, Springfield News-Leader (Oct. 5, 2004).

<sup>25</sup> *Iowa Daybook*, Associated Press (Oct. 5, 2004).



From October 25 through October 28, 2004, Administrator Leavitt toured the Southwest by charter aircraft, including stops in Nevada, Arizona, and New Mexico. While in Gardnerville, Nevada, he awarded an "Outstanding Environmental Achievement Award" to a middle school for its response to a spilled jar of mercury.<sup>26</sup> At the Hoover Dam, he presented local resort operators with "National Performance Track" awards for increasing energy efficiency and recycling.<sup>27</sup>

#### Travel by HHS Secretary Leavitt

According to records provided to the Committee, there were no chartered flights taken by HHS secretaries from 1999 to 2005. This changed after Michael Leavitt left EPA to become Secretary of the Department of Health and Human Services in January 2005. From January to June 2006, Secretary Leavitt took 19 trips on private jets leased by the Centers for Disease Control at a cost to the taxpayer of \$726,048.

On these trips, Secretary Leavitt visited 111 locations and held events in 70 cities to promote the new Medicare prescription drug program. On January 20, Secretary Leavitt traveled to Columbus, Ohio, where he said in an appearance with Ohio Governor Bob Taft that "for the vast majority of those who have enrolled, the system is working well."<sup>28</sup> Five days later, Secretary Leavitt flew to Boston where he announced at a news conference at the Massachusetts State House that "things are going increasingly well."<sup>29</sup> On May 12, Secretary Leavitt traveled by private jet to Connecticut, where he made appearances with two Republican members of Congress and told seniors "[t]hree steps are all it takes to save you thousands of dollars on prescription drugs."<sup>30</sup>

HHS has justified this travel by Secretary Leavitt by pointing to language in a 2006 appropriations bill. The conference report accompanying the appropriations bill indicated,

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<sup>26</sup> *EPA Official Commends Pau-Wa-Lu*, Reno Gazette-Journal (Oct. 27, 2004).

<sup>27</sup> *EPA Administrator Visits Hoover Dam*, Las Vegas Review-Journal (Oct. 27, 2004).

<sup>28</sup> *U.S. Working on Medicare Woes; Leavitt Meets with Taft to Lend Assurances*, Dayton Daily News (Jan. 21, 2006).

<sup>29</sup> *US Health Chief Says Drug Plan Woes Easing*, Boston Globe (Jan. 26, 2006).

<sup>30</sup> *Leavitt Touts Medicare D Program to Senior Citizens*, Connecticut Post (May 14, 2006); *Department of Health and Human Services, HHS Secretary Visits New Britain to Raise Awareness About Medicare Prescription Drug Coverage*, (May 12, 2006); *Department of Health and Human Services, HHS Secretary Visits Bridgeport to Raise Awareness About Medicare Prescription Drug Coverage*, (May 12, 2006)

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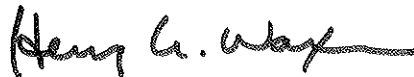
however, that the travel authorization was to enable the Secretary to perform “operational responsibilities in times of emergencies.”<sup>31</sup>

### Conclusion

There appears to be a pattern of routine use of chartered private jets and other aircraft by the heads of federal departments and agencies. This is not a wise use of taxpayer dollars, which should not be squandered on expensive travel arrangements.

If cabinet secretaries are going to continue to travel across the country in the coming weeks, their travel should be economical and comply fully with federal travel regulations. I therefore request that you impose a moratorium on any additional government-funded travel aboard private jets and other aircraft, except where strictly required by mission-related activities.

Sincerely,



Henry A. Waxman  
Ranking Minority Member

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<sup>31</sup> The annual appropriations legislation for the Department of Health and Human Services for the 2006 Fiscal Year provides that aircraft operated by CDC “shall be available for travel by the Secretary of Health and Human Services.” Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2006, § 227, Pub. L. No. 109-149 (2005). The conference report accompanying the legislation explained:

The conference agreement includes a new provision granting authority to the Secretary to use, at his discretion, charter aircraft under contract with the Centers for Disease Control and Prevention (CDC). The Secretary has significant operational responsibilities in times of emergencies and in the days following emergencies. ... Due to the unpredictable nature of such events, the conferees believe the Secretary must be in a posture to respond and communicate as an event is unfolding.

Conference Report on H.R. 3010, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2006 (H. Rept. 109-337). The Senate version of the appropriations bill for 2007 states explicitly that “travel on such aircraft shall be restricted for emergency use only.” S. 3708 § 221.