



March 4, 2026

Sarah E. Lake  
Assistant Inspector General and Head of the Investigations Division  
U.S. Department of Justice Office of the Inspector General  
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*Sent via fax ((202) 353-0472)*

Dear Assistant Inspector General Lake:

Campaign Legal Center writes to request that the Department of Justice (“DOJ”) Office of the Inspector General (“OIG”) investigate whether the Federal Bureau of Investigation (“FBI”) director Kash Patel violated federal travel regulations and the Standards of Ethical Conduct for Employees of the Executive Branch (“Standards of Conduct”) by failing to reimburse the government for at least 10 trips that involved personal travel using government resources.

According to media reports, Patel has used government aircraft to take trips that appear personal in nature, including trips to resorts, sporting events, and visits with his girlfriend.<sup>1</sup> If Patel failed to reimburse the federal government for the personal portions of these trips, he may have violated federal regulations.

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<sup>1</sup> Sadie Gurman et al., *Kash Patel’s ‘Effin Wild’ Ride as FBI Director*, Wall St. J. (Nov. 11, 2025), [https://www.wsj.com/politics/policy/kash-patel-private-jet-flights-fbi-197da8fd?gaa\\_at=eafs&gaa\\_n=AWetsqf8KCAmNgwOHogyzr\\_jYU1gpMACHXK-X9UjL1RRJtFVsSLhPE1HPcbv44YEohg%3D&gaa\\_ts=699f647c&gaa\\_sig=t-5PjJdG92\\_DJm1lxT3cmrYu8\\_ZdrsPPZqgsHaHfK3BFsWZ8MqUEfpvc1-xh23dNZkoOoz09-QjC3GtPibqakw%3D%3D](https://www.wsj.com/politics/policy/kash-patel-private-jet-flights-fbi-197da8fd?gaa_at=eafs&gaa_n=AWetsqf8KCAmNgwOHogyzr_jYU1gpMACHXK-X9UjL1RRJtFVsSLhPE1HPcbv44YEohg%3D&gaa_ts=699f647c&gaa_sig=t-5PjJdG92_DJm1lxT3cmrYu8_ZdrsPPZqgsHaHfK3BFsWZ8MqUEfpvc1-xh23dNZkoOoz09-QjC3GtPibqakw%3D%3D); Glenn Thrush, *Kash Patel’s Olympics Schedule Left Plenty of Time for Leisure*, N.Y. Times (Feb. 24, 2026), <https://www.nytimes.com/2026/02/24/us/politics/kash-patel-fbi-olympics-milan.html>; Aidan McLaughlin, *FBI Jets, Her Own Security Detail, and Honky Tonk Love: Alexis Wilkins Talks Life as Kash Patel’s Girlfriend*, Vanity Fair (Jan. 22, 2026), <https://www.vanityfair.com/news/story/alexis-wilkins-first-lady-kash-patel-fb?srsltid=AfmBOorAqN52siWEp7zdSfzaKIO91yu2z6OKBuKPrMlbKitkcuuppVCh>.

While FBI Directors are required to use government aircraft for both official travel and personal travel, there is precedent for investigating and removing FBI Directors who fail to use taxpayer-funded government aircraft responsibly and reimburse taxpayers for any such personal use.<sup>2</sup> The potential ethics issues surrounding Patel’s travel demand a wide-ranging OIG fact finding. The public has a right to know that government resources are being used in service of the public’s best interest and not to indulge private travel for individual government workers. OIG should investigate and determine whether a violation occurred.

**Kash Patel’s Potential Misuse of Government Aircraft**

<b>Travel Appearing Personal</b>	<b>Apparent Official Purpose</b>	<b>Public Evidence of Patel Repayments</b>
<b>Trip to hockey match in Milan</b>	20-minute security briefing in Milan two days before hockey match	None
<b>Trip to hunting resort in Texas</b>	None	None
<b>Trip to wrestling tournament in Pennsylvania</b>	None	None
<b>Trip to golf resort in Scotland</b>	None	None
<b>Trip to UFC match in Nevada</b>	None	None
<b>5 Trips to visit girlfriend in Tennessee</b>	None	None

**I. Federal Law Requires the FBI Director to Reimburse the Government for Personal Trips Using Government Resources**

Certain executive branch employees have been designated by the president as “required use” travelers.<sup>3</sup> Required use travelers are authorized to travel aboard government aircraft regardless of their trip purpose.<sup>4</sup> This includes “travel for nonmission purposes, such as personal travel, because of their need for special

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<sup>2</sup> See David Johnston, *Defiant FBI Chief Removed From Job By President*, N.Y. Times (July 20, 1993), <https://www.nytimes.com/1993/07/20/us/defiant-fbi-chief-removed-from-job-by-the-president.html>.

<sup>3</sup> Travel by the FBI Director is governed by several authorities, including the Federal Travel Regulation issued by the General Services Administration, and the Office of Management and Budget Circular A-126, issued by the Office of Management and Budget. Off. of Mgmt. and Budget, Circular No. A-126 Revised (May 22, 1992), available at <https://whitehouse.gov/wp-content/uploads/2017/11/Circular-a-126.pdf> (OMB Circular A-126) (attached as Exhibit A). The OMB circular is legally binding guidance for executive branch agencies.

<sup>4</sup> See OMB Circular A-126(5)(d); 41 C.F.R. 300-1.1 “Required use travel”

protective security measures and secure communications while in flight.”<sup>5</sup> The FBI Director is one of these required use travelers.<sup>6</sup>

However, federal guidance mandates that required use travelers, including the FBI Director, reimburse the government for any portion of the travel that is for personal reasons.<sup>7</sup> The FBI flight categories are “business”, “wholly personal,” and “combination of business and personal or political.”<sup>8</sup> Wholly personal is “[t]ravel for personal reasons, such as a vacation or travel to [the traveler’s] home.”<sup>9</sup>

The government shall be reimbursed as follows . . . for required use travel: (i) [f]or a wholly personal or political trip, the full coach fare for the trip; . . . [and] [f]or an official trip during which the employee flies to one or more locations for personal reasons, the excess of the full coach fare of all flights taken by the employee on the trip over the full coach fare of the flights that would have been taken by the employee had there been no personal activities on the trip.<sup>10</sup>

Trips for personal reasons cannot be disguised as official trips to avoid reimbursements. A U.S. Department of Justice investigation concluded that an FBI Director “used the FBI plane to make personal trips and then sought to characterize these trips as ‘official’ to avoid reimbursing the government.”<sup>11</sup> Specifically, it was found that planning a trip, then arranging “isolated functions of trivial, if any, value to the government,” is not permissible conduct.<sup>12</sup> The President terminated the FBI Director who engaged in this conduct.<sup>13</sup>

The FBI should maintain and report details of the travel to the GSA. Pursuant to the federal guidance “[a]gencies that use government aircraft shall report semi-annually to GSA each use of such aircraft for non-mission travel by senior Federal officials, members of the families of such officials, and any non-

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<sup>5</sup> U.S. Gov’t Accountability Off., GAO-13-235, Department of Justice: Executive’s Use of DOJ Aircraft for Nonmission Purposes, at 3 (Feb. 2013), available at <https://www.gao.gov/assets/gao-13-235.pdf> (GAO Report) (attached as Exhibit B).

<sup>6</sup> *Id.*

<sup>7</sup> OMB Circular A-126(9)(b)(i)-(iii).

<sup>8</sup> OMB Circular A-126(9)(b); GAO Report, *supra* note 5, at 13.

<sup>9</sup> GAO Report at 13.

<sup>10</sup> GAO report at 13

<sup>11</sup> U.S. Dep’t of Just. Off. of Pro. Resp., Results of Investigation into Allegations of Misconduct against FBI Director William S. Sessions, at 3 (Jan. 12, 1993), available at [https://www.governmentattic.org/3docs/DOJ-OPR-WlliamSessions\\_1992-1993.pdf](https://www.governmentattic.org/3docs/DOJ-OPR-WlliamSessions_1992-1993.pdf).

<sup>12</sup> *Id.*

<sup>13</sup> Johnston, *supra* note 2.

Federal travelers.”<sup>14</sup> This report shall include “the official purpose of the trip.”<sup>15</sup> Such reports provide evidence needed to determine violations of the travel regulations.

The Standards of Conduct state that government employees “have a duty to protect and conserve Government property.”<sup>16</sup> They may not use their public office for their own private gain, or for the private gain of “friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.”<sup>17</sup>

## **II. Patel Used Government Aircraft for at Least Ten Trips that Were Apparently Personal Travel**

According to publicly available information, Director Patel used federal aircraft for travel on at least ten trips over a nearly 12-month period that appear chiefly personal in nature. As described in detail below, the primary purpose of the travel was to attend recreational events or to visit Patel’s girlfriend. There is no apparent legitimate business reason for any of the trips. At least two of the trips were taken during the government shutdown. Even when specific business reasons have been provided, they do not justify the extent of the travel or change that the trips are primarily recreational. For each of these trips, Patel has demonstrated the unofficial aspects of the travel through social media posts or public comments.

### **A. Travel to Olympic Hockey Match (Italy)**

On February 20, 2026, Patel used government aircraft to fly to Milan, Italy, to attend an Olympic hockey match. This trip appears to have been planned for personal recreational purposes. Prior to this travel, in July 2025, Patel expressed his intent to attend the 2026 Winter Olympics to watch the U.S. men’s hockey team compete, stating “NHL agreed to let the boys play in the next Olympics this coming winter – first time in over a decade . . . Team USA, I’ll see you there.”<sup>18</sup>

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<sup>14</sup> OMB Circular A-126(10)(c).

<sup>15</sup> *Id.*

<sup>16</sup> 5 C.F.R. 2635.704.

<sup>17</sup> 5 C.F.R. 2635.702.

<sup>18</sup> Kash Patel (@Kash\_Patel), X (July 3, 2025), [https://x.com/Kash\\_Patel/status/1940689160656114026](https://x.com/Kash_Patel/status/1940689160656114026).



Before arriving in Milan, Patel traveled to Rome on Thursday, February 19.<sup>19</sup> He had dinner with the U.S. Ambassador to Italy and met with Italian authorities the following day.<sup>20</sup> On Friday, February 20, he flew to Milan, the site of the men’s Olympic hockey medal games. On Saturday, February 21, Patel took a half-hour tour of the Olympics joint security operations center and attended a 20-minute briefing with the Games’ security team.<sup>21</sup>

On Sunday, February 22, Patel attended the gold medal game between the U.S. and Canada in what appeared to be box seats, and he joined the team in the locker room afterward.<sup>22</sup> Videos of Patel celebrating with the victors proliferated online, some of them showing him in his non-official capacity yelling, drinking and spraying beer in the locker room.

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<sup>19</sup> Thrush, *supra* note 1.

<sup>20</sup> *Id.*

<sup>21</sup> Thrush, *supra* note 1.

<sup>22</sup> Alan Feuer, et al., *F.B.I. Director Celebrates Hockey Victory as Bureau Stares Down Crises*, N.Y. Times (Feb. 22, 2026), <https://www.nytimes.com/2026/02/22/us/politics/fbi-director-patel-olympics-mar-a-lago.html>.



Despite Patel himself expressing clear interest in attending the Olympics as a fan of the U.S. hockey team, the FBI has maintained that this was an official trip, justified by the few security briefings and diplomatic meetings that occurred two days before Patel's attendance at the game. One spokesperson stated: "No, it's not a personal trip. Director Patel is on a trip that was planned months ago. It includes: partner meetings with Italian law enforcement and security officials (they invited the Director last July), meeting with Ambassador Fertitta (as a follow up to our law enforcement roundtable he hosted in January), meetings with Legat staff, and more."<sup>23</sup>

The rationale provided by the spokesperson is not a reasonable explanation for the three-day visit in Milan because there was only one 20-minute briefing with the Olympics security team listed on his reported schedule during the weekend he

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<sup>23</sup> Ben Williamson (@\_WilliamsonBen), X (Feb. 19, 2026), <https://x.com/WilliamsonBen/status/2024605212858630465>.

was in Milan. Additionally, there is no public evidence available of official meetings occurring during the weekend following the 20-minute briefing.

Further, Patel flew in two days before the Games ended, unlike previous FBI Directors who went to the Olympics to coordinate security concerns prior to the event.<sup>24</sup> For example, in 2003, then-Director Robert Mueller visited Greece to discuss security and counterterrorism with Greek authorities a year before the first post-9/11 Olympic games.<sup>25</sup> He also met with Georgian officials in the year leading up to the 2014 Winter Olympics in Sochi to consult on antiterrorism measures.<sup>26</sup> Then-Director Christopher Wray coordinated with various countries ahead of the Paris 2024 to ensure operational security.<sup>27</sup>

An investigation can determine if there is evidence to refute the public record that Patel used government aircraft for personal travel without reimbursing the government.

#### B. Travel to “Boondoggle Ranch” Hunting Resort (Texas)

On Sunday, October 27, 2025, Patel used government aircraft to visit “Boondoggle Ranch,” a private hunting resort owned by Republican donor C.R. “Bubba” Saulsbury Jr.<sup>28</sup> The ranch is described on its now defunct website as a scenic hunting resort that provides a luxury hunting experience.<sup>29</sup> The travel occurred during the government shutdown and no official purpose for the trip has been publicly provided by Patel or the FBI.

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<sup>24</sup> Thrush, *supra* note 1.

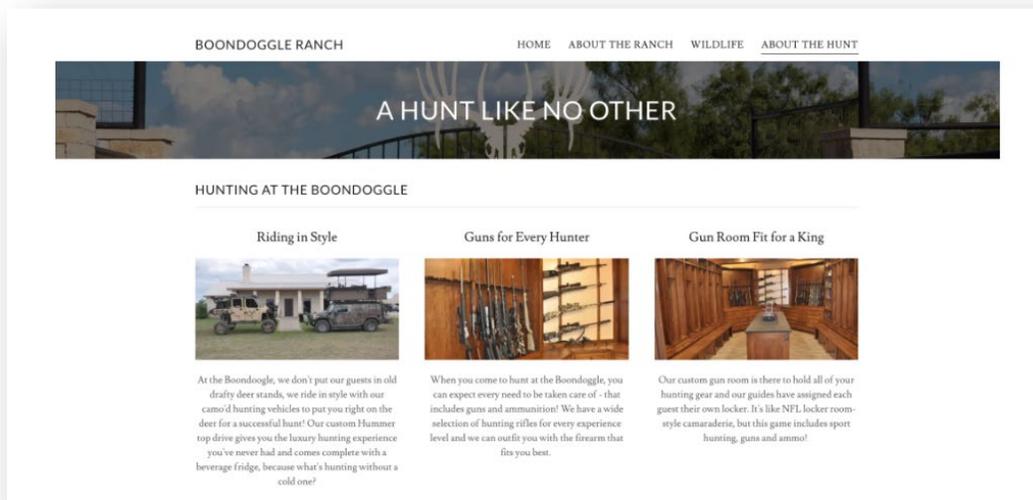
<sup>25</sup> Associated Press, *FBI Director to review Greek Security for Olympics*, Fox News (Jan. 13, 2015), <https://www.foxnews.com/story/fbi-director-to-review-greek-security-for-olympics>.

<sup>26</sup> Giorgi Menabde, *FBI Director Mueller’s Visit to Georgia Highlights Bilateral Counter-Terrorism Cooperation*, Jamestown.org (May 15, 2013), <https://jamestown.org/fbi-director-muellers-visit-to-georgia-highlights-bilateral-counter-terrorism-cooperation/>.

<sup>27</sup> See e.g., Jan Pejsek, Minister Jana Černočová met with FBI Director Christopher Wray, Ministry of Defence of the Czech Republic (Feb. 26, 2024), <https://mocr.mo.gov.cz/en/ministry-of-defence/newsroom/news/minister-jana-cernochova-met-with-fbi-director-christopher-wray-249565/#:~:text=We%20are%20up%20to%20three,parties%2C%E2%80%9D%20Minister%20C4%8Cernočov%C3%A1%20said;>

<sup>28</sup> Gurman, et al., *supra* note 1.

<sup>29</sup> *Id.*



C. Travel to Real American Freestyle Wrestling Tournament (Pennsylvania)

On October 26, 2025, Patel used government aircraft to fly to Pennsylvania to attend the Real American Freestyle wrestling tournament in State College, PA, where his girlfriend, country music singer Alexis Wilkins performed.<sup>30</sup> Records show that the FBI jet landed in State College at 5:40 pm and departed at 8:03 pm for Nashville, where Wilkins resides.<sup>31</sup> This trip happened during the government shutdown and no official purpose for the trip was provided by Patel or the FBI.<sup>32</sup>

<sup>30</sup> Real American Freestyle Schedule, Bryce Jordan Ctr., <https://bjc.psu.edu/raf02> (last visited Mar. 4, 2026).

<sup>31</sup> James Russell, *FBI Director Kash Patel Stops By Bryce Jordan Center For Real American Freestyle*, Onward State (Oct. 31, 2025), <https://onwardstate.com/2025/10/31/fbi-director-kash-patel-accused-of-using-60m-government-jet-for-personal-trip-to-penn-state/>.

<sup>32</sup> Lisa Mascaro & Mary Clare Jalonick, *Trump pressures GOP senators to end the government shutdown, now the longest ever*, AP (Nov. 5, 2025), <https://apnews.com/article/government-shutdown-longest-trump-republican-senators-democrats-9712df6c11ef19c5df8f18c8a4f7b341>.



#### D. Travel Carnegie Club Golf Resort (Scotland)

In August 2025, Patel used government aircraft to shuttle himself and friends to the Carnegie Club, an exclusive golf resort in Inverness, Scotland.<sup>33</sup> The security preparations were allegedly extensive and expensive, including the deployment of a team in advance of Patel's arrival and around-the-clock security personnel to guard the government aircraft.<sup>34</sup> No official purpose for the trip has been publicly provided by Patel or the FBI.

#### E. Travel to Ultimate Fighting Championship Event (Nevada)

In March 2025, Patel used federal aircraft to travel to Las Vegas for an Ultimate Fighting Championship ("UFC") event on March 8 in Las Vegas. Patel posted photographs of his attendance on social media. His attendance at the UFC event itself appeared personal in nature based on the social media posts. No official purpose for the trip has been publicly provided by Patel or the FBI.

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<sup>33</sup> Alan Feuer, Adam Goldman & Glenn Thrush, *Patel Under Scrutiny for Use of SWAT Teams to Protect His Girlfriend*, N.Y. Times (Nov. 24, 2025), <https://www.nytimes.com/2025/11/23/us/politics/kash-patel-girlfriend-fbi-protection.html>.

<sup>34</sup> *Id.*



#### F. Five Trips to Visit His Girlfriend (Tennessee)

In a public interview, Patel’s girlfriend “confirmed that Patel has taken a jet to visit her in Nashville, but said the trips have occurred only ‘five times since he was sworn in.’”<sup>35</sup> Patel has also confirmed that he takes trips with her and is required to use the government aircraft.<sup>36</sup> The personal nature of this travel is not disputed. The only question is whether Patel complied with the requirement that he reimburse the government for this personal travel.

### III. **Patel May Have Violated Federal Law if He Failed to Reimburse the Government for His Private Travel**

The trips outlined above clearly appear personal in nature. Patel is required by federal travel regulations to reimburse the government for non-mission portions

<sup>35</sup> McLaughlin, *supra* note 1.

<sup>36</sup> Ingraham Angle, *Kash Patel: ‘Not going to leave any stone unturned’ in investigation of National Guardsmen attack*, Fox News (Dec. 2, 2025), <https://www.foxnews.com/video/6385873267112>.

of his trips. In addition, Patel has made at least ten, but perhaps as many as twenty, trips on government aircraft that appear either wholly or partially personal in nature, including the trips outlined above and more than a dozen other trips to Las Vegas and Nashville.<sup>37</sup> Several of Patel's trips, like those to Boondoggle Ranch and the Carnegie Club, raise the possibility that Patel was gifted hospitality and lodging.

Absent a thorough investigation and determination as to whether Patel reimbursed the government for the personal portions of his federal travel, there is a strong appearance of ethical misconduct.<sup>38</sup>

#### IV. Conclusion

The foregoing facts establish a possible violation of the federal travel regulations and the Standards of Conduct. An OIG investigation is needed to determine whether these and additional trips were taken without reimbursement and whether Patel violated other ethics laws by using government resources for personal reasons.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Kedric L. Payne  
General Counsel, Vice President, and Sr.  
Director, Ethics

\_\_\_\_\_/s/\_\_\_\_\_  
Delaney Marsco  
Director, Ethics

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<sup>37</sup> Gurman, et al., *supra* note 1.

<sup>38</sup> Publicly available data suggests that Patel's travel is excessive compared to past FBI directors. FBI data analyzed by the Government Accountability Office shows that the FBI director from 2007-2011, Robert Mueller, only took 7 flights that were wholly personal and 2 flights that were combined business and personal in those four years. GAO Report, *supra* note 5, at 16. Patel has only been the FBI director since February 2025.

# Exhibit A

# Circular No. A-126 Revised

May 22, 1992

## TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

**SUBJECT:** Improving the Management and Use of Government Aircraft

1. Purpose
2. Authority
3. Background
4. Scope and Coverage
5. Definitions
6. Acquisition and Management
7. Use of Government Aircraft
8. Travel on Government Aircraft
9. Reimbursement for Use of Government Aircraft
10. Approving the Use of Government Aircraft
11. Approving Travel on Government Aircraft
12. Documenting the Use of Government Aircraft
13. Responsibilities
14. Accounting for Aircraft Costs
15. Effective Date
16. Information Contact

1. **Purpose.** This Circular is being issued to minimize cost and improve the management and use of government aviation resources. It prescribes policies to be followed by Executive Agencies in acquiring, managing, using, accounting for the costs of, and disposing of aircraft.

2. **Authority.** This Circular is issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; Executive Order 11541; and 31 U.S.C. 1344.

3. **Background.** The Office of Management and Budget has concluded that the government-wide policy guidance with respect to the use of government aircraft should be clarified to restrict the operation of government aircraft to defined official purposes; restrict travel on such aircraft; require special review of such travel on government aircraft by senior officials or non-Federal travelers in circumstances described hereafter; and codify policies for reimbursement for the use of government aircraft.

4. **Scope and Coverage.** This Circular applies to all government-owned, leased, chartered and rental aircraft and related services operated by Executive Agencies except for aircraft while in use by or in support of the President or Vice President.

5. **Definitions.** For purposes of this Circular, the following definitions apply.

- a. **Government aircraft** means any aircraft owned, leased, chartered or rented and operated by an Executive Agency.
- b. **Mission requirements** means activities that constitute the discharge of an agency's official responsibilities. Such activities include, but are not limited to, the transport of troops and/or equipment, training, evacuation (including medical evacuation), intelligence and counter-narcotics activities, search and rescue, transportation of prisoners, use of defense attache-controlled aircraft, aeronautical research and space and science applications, and other such activities. For purposes of this Circular, mission requirements do not include official travel to give speeches, to attend conferences or meetings, or to make routine site visits.
- c. **Official travel** means (i) travel to meet mission requirements, (ii) required use travel, and (iii) other travel for the conduct of agency business.
- d. **Required use** means use of a government aircraft for the travel of an Executive Agency officer or employee, where the use of the government aircraft is required because of bona fide communications or security needs of the agency or exceptional scheduling requirements.
- e. **Senior Federal officials** are persons:
  - (i) employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5 of the U.S. Code;
  - (ii) employed in a position in an Executive Agency, including any independent agency, at a rate of pay payable for level I of the Executive Schedule or employed in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule;
  - (iii) employed in a position in an Executive Agency that is not referred to in clause (i) (other than a position that is subject to pay adjustment under Section 1009 of Title 37 of the U.S. Code) and for which the basic rate of pay, exclusive of any locality-based pay adjustment under section 5304 of title 5 of the U.S. Code (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the rate of basic pay payable for the Senior Executive Service under Section 5382 of

title 5 of the U.S. Code; or

(iv) appointed by the President to a position under section 105(a)(2)(A), (B), or (C) of title 3 of the U.S. Code or by the Vice President to a position under section 106(a) (1) (A), (B), or (C) of title 3 of the U.S. Code.

Generally, these are persons employed by the White House and executive agencies, including independent agencies, at a rate of pay equal to or greater than the minimum rate of basic pay for the Senior Executive Service. Exempted from this definition, for purposes of this Circular, are active duty military officers.

- f. **Full coach fare** means a coach fare available to the general public between the day that the travel was planned and the day the travel occurred.
- g. **Actual cost** means all costs associated with the use and operation of an aircraft. (See Attachment A for detailed definition.)

#### 6. Acquisition and Management.

- a. The number and size of aircraft acquired by an agency and the capacity of those aircraft to carry passengers and cargo shall not exceed the level necessary to meet the agency's mission requirements.
- b. Agencies must comply with OMB Circular No. A-76 before purchasing, leasing or otherwise acquiring aircraft and related services to assure that these services cannot be obtained from and operated by the private sector more cost effectively.
- c. Agencies shall review periodically the continuing need for all of their aircraft and the cost effectiveness of their aircraft operations in accordance with the requirements of OMB Circular No. A-76. A copy of each agency review shall be submitted to GSA when completed and to OMB with the agency's next budget submission. Agencies shall report any excess aircraft and release all aircraft that are not fully justified by these reviews.
- d. Agencies shall use their aircraft in the most cost effective way to meet their requirements.

**7. Use of Government Aircraft.** Agencies shall operate government aircraft only for official purposes. Official purposes include the operation of government aircraft for (i) mission requirements, and (ii) other official travel.

**8. Travel on Government Aircraft.** Government aircraft shall only be used for (i) official travel; or (ii) on a space available basis subject to the following policies:

a. Official travel that is not also required use travel or to meet mission requirements shall be authorized only when:

(i) no commercial airline or aircraft (including charter) service is reasonably available (i.e., able to meet the traveler's departure and/or arrival requirements within a 24 hour period, unless the traveler demonstrates that extraordinary circumstances require a shorter period) to fulfill effectively the agency requirement; or

(ii) the actual cost of using a government aircraft is not more than the cost of using commercial airline or aircraft (including charter) service. When a flight is being made to meet mission requirements or for required use travel (and is certified as such in writing by the agency which is conducting the mission as required in Section 10.b.), secondary use of the aircraft for other travel for the conduct of agency business may be presumed to result in cost savings (i.e., cost comparisons are not required).

b. Travelers may not use government aircraft on a "space available" basis unless:

(i) the aircraft is already scheduled for use for an official purpose;

(ii) such "space available" use does not require a larger aircraft than needed for the official purpose;

(iii) such "space available" use results only in minor additional cost to the government; and

(iv) reimbursement is provided as set forth in Section 9.

**9. Reimbursement for Use of Government Aircraft.**

a. **For travel that is not required use travel:**

(i) Any incidental private activities (personal or political) of an employee undertaken on an employee's own time while on official travel shall not result in any increase in the actual costs to the government of operating the aircraft.

(ii) The government shall be reimbursed the appropriate share of the full coach fare for any portion of the time on the trip spent on political activities (except as provided in subsection (d) below).

b. **For required use travel.** The government shall be reimbursed as follows (except as may otherwise be required by subsection (d)) for required use travel:

(i) For a wholly personal or political trip, the full coach fare for the trip;

(ii) For an official trip during which the employee engages in political activities, the appropriate share of the full coach fare for the entire trip;

(iii) For an official trip during which the employee flies to one or more locations for personal reasons, the excess of the full coach fare of all flights taken by the employee on the trip over the full coach fare of the flights that would have been taken by the employee had there been no personal activities on the trip.

c. **"Space available" travel.** For "space available" travel other than for the conduct of agency business, whether on mission or other flights, the government shall be reimbursed at the full coach fare except (i) as authorized under 10 U.S.C. 4744 and regulations implementing the statute; and (ii) by civilian personnel and their dependents in remote locations (i.e., locations not reasonably accessible to regularly scheduled commercial airline service).

d. In any case of political travel, reimbursement shall be made in the amount required by law or regulation (e.g., 11 C.F.R. 106.3) if greater than the amount otherwise required by the foregoing reimbursement rules.

**10. Approving the Use of Government Aircraft.** The following policies apply to the procedures under which the use of government aircraft for official travel may be approved by the agency which owns or operates the aircraft:

- a. Only an agency head, or officials designated by the agency head, may approve the use of agency aircraft for official travel.
- b. Whenever a government aircraft used to fulfill a mission requirement is used also to transport senior Federal officials, members of their families or other non-Federal travelers on a "space available" basis (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), the agency that is conducting the mission shall certify in writing prior to the flight that the aircraft is scheduled to perform a bona fide mission activity, and that the minimum mission requirements have not been exceeded in order to transport such "space available" travelers. In special emergency situations, an after-the-fact written certification by an agency is permitted.
- c. Agencies that use government aircraft shall report semi-annually to GSA each use of such aircraft for non-mission travel by senior Federal officials, members of the families of such officials, and any non-Federal travelers (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute). Such reports shall be in a format specified by GSA and shall list all such travel conducted during the preceding six month period. The report shall include: (i) the name of each such traveler, (ii) the official purpose of the trip, (iii) destination(s), and (iv) for travel to which Section 8.a.(ii) applies, the appropriate allocated share of the full operating cost of each trip and the corresponding commercial cost for the trip. In addition, agencies shall report a summary of these data to OMB semi-annually in a format specified by GSA. (Reports on classified trips shall not be reported to GSA but must be maintained by the agency using the aircraft and available for review as authorized.)

**11. Approving Travel on Government Aircraft.** The following policies apply to the procedures under which travel on government aircraft may be approved by the agency which sponsors the travel:

- a. **General approval requirements** - All travel on government aircraft must be authorized by the sponsoring agency in accordance with its travel policies and this Circular and, when applicable, documented on an official travel authorization. Where possible, such travel must be approved by at least one organizational level above the person(s) traveling. If review by a higher organizational level is not possible, another appropriate approval is required.
- b. **Special approval requirements for required use travel** - Use of government aircraft for required use travel must be approved in advance and in writing. A Federal officer or employee must obtain written

approval for all required use travel on a trip-by-trip basis from the agency's senior legal official or his/her principal deputy, unless (1) in the case of an officer or employee who is not an agency head, the agency head has determined that all travel by the officer or employee or travel in specified categories qualifies as required use travel, or (2) in the case of an agency head, the President has determined that all travel, or travel in specified categories, by the agency head qualifies as required use travel. Any determination by an agency head that travel by an officer or employee of that agency qualifies as required use travel must be in writing and set forth the basis for that determination. In special emergency situations, an after-the-fact written certification by an agency is permitted.

Any agency head opting to determine that travel by an officer or employee may be required use travel shall establish written standards for determining when required use travel is permitted. Such travel is not permitted unless in conformance with such written standards.

- c. **Special approval requirements for travel that is not to meet mission requirements or required use travel** - Use of government aircraft for such travel by the following categories of people must be authorized in advance and in writing:

(i) senior Federal officials;

(ii) members of families of such senior Federal officials; and

(iii) non-Federal travelers.

Such authorizations must be approved on a trip-by-trip basis and be signed by the agency's senior legal official or his/her principal deputy; or be in conformance with an agency review and approval system that has been approved by OMB. In special emergency situations, an after-the-fact written certification by an agency is permitted.

Travel by such individuals that is deemed to be official travel shall be subject to the same rules and conditions as any other official travel. Travel by such individuals that is not official travel is subject to the reimbursement requirements in Section 9.c. for "space available" travel.

**12. Documenting the Use of Government Aircraft.** All uses of government aircraft must be documented and this documentation must be retained for at least two years. At a minimum, the documentation of each use of government aircraft must include:

- the tail number of the plane used
- the date(s) used
- the name(s) of the pilot(s) and flight crew
- the purpose(s) of the flight
- the route(s) flown
- the names of all passengers

When government aircraft are used to support official travel, the documentation must also include evidence that the applicable provisions of this Circular have been satisfied.

### **13. Responsibilities.**

a. All Executive Agency officials with statutory authority to procure aircraft will assure that:

(i) Their agency's internal policies and procedures for procuring aircraft and related services are consistent with the requirements of OMB Circular No. A-76.

(ii) Their agency's aircraft programs comply with the internal control requirements of OMB Circular No. A-123 and that they are included in the agency's Management Control Plan. Any material weaknesses in these programs are to be reported in the annual internal control reports to the President and the Congress.

(iii) Their agency cooperates with the General Services Administration in the development of aircraft management policies and standards and in the collection of aircraft information.

(iv) Their agency has an aircraft information system that conforms to the generic data and reporting standards developed by GSA. Agencies that do not already have systems that conform to these standards are required to implement such systems within one year from the issuance of the GSA standards.

b. The Secretaries of Defense and "the uniformed serv-ices," the Secretary of State, and the Administrator of General Services shall incorporate the applicable policies in this Circular into the travel regulations which they promulgate for uniformed service, foreign service, and civilian employees, respectively. The

necessary changes to these regulations should be issued no later than 180 days from the date of this Circular.

c. The Administrator of General Services shall maintain a single coordinating office for agency aircraft management. The responsibilities of this office shall include, but not be limited to, the following:

(i) coordination of the development of effectiveness measures and standards, policy recommendations, and guidance for the procurement, operation, safety, and disposal of civilian agency aircraft;

(ii) operation of a government-wide aircraft management information system;

(iii) identification, for agencies and OMB, of opportunities: to share, transfer, or dispose of underutilized aircraft; to reduce excessive aircraft operations and maintenance costs; and to replace obsolete aircraft;

(iv) development of generic aircraft information system standards and software;

(v) other technical assistance to agencies in establishing automated aircraft information and cost accounting systems and conducting the cost analyses required by this Circular;

(vi) review of proposed agency internal aircraft policies for compliance with OMB guidance and notification to OMB of any discrepancies; and

(vii) conduct of an annual study of the variable and fixed costs of operating the different categories of government aircraft and dissemination of the results for use in making the cost comparisons required in Section 8.a.(ii) and reporting the trip costs as required in Section 10.c.

In order to carry out these responsibilities, the Administrator of General Services shall maintain an interagency aviation policy working group to advise him in developing or changing aircraft policies and information requirements.

d. Except for provisions of this Circular which specify their own implementation dates, each agency head shall issue internal agency directives to implement this Circular no later than 180 days from the date of the Circular. These internal agency directives must include all policies contained in this Circular, but may

also contain additional policies unique to the agency. Responsibility for these policies shall be assigned to a senior management official who has the agency-wide authority and resources to implement them.

14. **Accounting for Aircraft Costs.** Agencies must maintain systems for their aircraft operations which will permit them to: (i) justify the use of government aircraft in lieu of commercially available aircraft, and the use of one government aircraft in lieu of another; (ii) recover the costs of operating government aircraft when appropriate; (iii) determine the cost effectiveness of various aspects of their aircraft programs; and (iv) conduct the cost comparisons required by OMB Circular A-76 to justify in-house operation of government aircraft versus procurement of commercially available aircraft services. Although agency accounting systems do not have to be uniform in their design or operation to comply with this Circular, they must accumulate costs which can be summarized into the standard Aircraft Program Cost Elements defined in Attachment B. The use of these elements to account for aircraft costs is discussed in Attachment A.

15. **Effective Date.** This Circular is effective on publication.

16. **Information Contact.** All inquiries should be addressed to the General Management Division, Office of Management and Budget, telephone number (202) 395-5090.

**Richard Darman**

*Director*

Attachments

**ATTACHMENT A**  
**Circular No. A-126**

**Accounting for Aircraft Costs**

The costs associated with agency aircraft programs must be accumulated to: (1) justify the use of government aircraft in lieu of commercially available aircraft, and the use of one government aircraft in lieu of another; (2) recover the costs of operating government aircraft when appropriate; (3) determine the cost effectiveness of various aspects of agency aircraft programs; and (4) conduct the cost comparisons required by OMB Circular No. A-76 to justify in-house operation of government aircraft versus procurement of commercially available aircraft services. To accomplish these purposes, agencies must accumulate their aircraft program costs into the Standard Aircraft Program Cost Elements defined in Attachment B. The remainder of this Attachment presents guidance for accomplishing each of these purposes.

**Justify Use of Aircraft**

The cost comparison to justify the use of a government aircraft for a proposed trip under Section 8.a.(ii) of this Circular should be made prior to authorizing the use of the aircraft for that trip. Agencies that propose to use their aircraft to support recurring travel between locations are encouraged to develop standard trip cost justification schedules. These schedules would summarize the projected costs of using one or more specific types of agency aircraft to travel between selected locations as compared to using commercial aircraft (including charter) or airline service between those locations. Comparative costs for varying passenger loads would also be shown. Agencies that chose to use this approach would be able to see at a glance the minimum number of official travelers needed to justify the use of a particular aircraft or aircraft type for a trip between locations on the schedule. Agencies that are not able to use such schedules are required to do a cost justification on a case by case basis.

To make the cost comparisons necessary to justify the use of a government aircraft, the agency must compare the actual cost of using a government aircraft to the cost of using a commercial aircraft (including charter) or airline service. The actual cost of using a government aircraft is either: (a) the amount that the agency will be charged by the organization that provides the aircraft, (b), if the agency operates its own aircraft, the variable cost of using the aircraft; or (c), if the agency is not charged for the use of an aircraft owned by another agency, the variable cost of using the aircraft as reported to it by the owning agency.

Agencies should develop a variable cost rate for each aircraft or aircraft type (i.e., make and model) in their inventories before the beginning of each fiscal year. These rates should be developed as follows:

1. Accumulate or allocate to the aircraft or aircraft type all historical costs (for the previous 12 months) grouped under the variable cost category defined in Attachment B. These costs should be obtained from the agency's accounting system.
2. Adjust the historical variable costs from Step 1 for inflation and for any known upcoming cost changes to project the new variable cost total. The inflation and escalation factors used must conform to OMB Circular No. A-76.
3. Divide the total projected variable costs of the aircraft or aircraft type by the projected annual flying hours for the aircraft or aircraft type to compute the projected variable cost or usage rate (per flying hour).

To compute the variable cost of using an agency's own aircraft for a proposed trip, multiply the variable cost rate computed in Step 3 (above) by the estimated number of flying hours for the trip. The number of flying hours should include all time required to position the aircraft to begin the trip and to return the aircraft to its normal base of operations, if no follow-on trip is scheduled. If a follow-on trip requires any repositioning time, it should be charged with that time. If one aircraft mission (i.e., a series of flights scheduled sequentially) supports multiple trips, the use of the aircraft for the total mission may be

justified by comparing the actual cost of the entire mission to the commercial aircraft (including charter) or airline costs for all the component trips.

The cost of using commercial airline or aircraft services for the purpose of justifying the use of government aircraft must:

1. be the current government contract fare or price or the lowest fare or price known to be available for the trip(s) in question;
2. include, as appropriate, any differences in the costs of any additional ground or air travel, per diem and miscellaneous travel (e.g., taxis, parking, etc.), and lost employees' work time (computed at gross hourly costs to the government, including benefits) between the two options; and
3. only include costs associated with passengers on official business. Costs associated with passengers traveling "space available" may not be used in the cost comparison.

### **Recover Cost of Operation**

Under the Economy Act of 1932, as amended, (31 U.S.C.S. 1535), and various acts appropriating funds or establishing working funds to operate aircraft, agencies are required to recover the costs of operating their aircraft for use by other agencies, other governments (e.g., state, local, or foreign), or non-official travelers. Depending on the statutory authorities under which its aircraft were obtained or are operated, an agency may use either of two methods for establishing the rates charged for using its aircraft: (1) the full cost recovery rate or (2), the variable cost recovery rate.

The **full cost recovery rate** for an aircraft is the sum of the variable and fixed cost rates for that aircraft. The computation of the variable cost rate for an aircraft or aircraft type is described under the previous paragraph "Justify Use of Aircraft." The fixed cost rate for an aircraft or aircraft type is computed as follows:

1. Accumulate from the agency's accounting system the fixed costs listed in Attachment B that are directly attributable to the aircraft or aircraft type (e.g. crew costs-fixed, maintenance costs-fixed, and aircraft lease-fixed).
2. Adjust the historical fixed costs from Step 1 for inflation and for any known upcoming cost changes to project the new fixed cost total. The inflation and escalation factors used must conform to OMB Circular No. A-76.

3. Add to the adjusted historical fixed costs amounts representing self insurance costs and the annual depreciation or replacement costs, as described in Attachment B.
4. Allocate operations and administrative overhead costs to the aircraft or aircraft type based on the percentage of total aircraft program flying hours attributable to that aircraft or aircraft type.
5. Compute a fixed cost recovery rate for the aircraft or aircraft type by dividing the sum of the projected directly attributable fixed costs (from Step 3) and the allocated fixed costs (from Step 4) by the annual flying hours projected for the aircraft or aircraft type.

To compute the full cost of using a government aircraft for a trip, add the variable cost rate for the aircraft or aircraft type to the corresponding fixed cost rate (computed in Step 5 above) and multiply the result by the estimated number of flying hours for the trip using the proposed aircraft.

The **variable cost recovery rate** for an aircraft or aircraft type is the same as the variable cost or usage rate described under the previous paragraph "Justify Use of Aircraft." If an agency decides to base the charge for using its aircraft solely on this rate, it must recover the fixed costs of those aircraft separately from the appropriation which supports the mission for which the procurement of the aircraft was justified. In such cases, the fixed cost recovery rate may be expressed on an annual, monthly or flying hour basis.

### **Determine Aircraft Program Cost Effectiveness**

Although cost data are not the only measures of the effectiveness of an agency's aircraft program, they can be very useful in identifying opportunities to reduce aircraft operational costs. These opportunities might include changing maintenance practices, purchasing fuel at lower costs, and the replacement of old, inefficient aircraft with aircraft that are more fuel efficient and have lower operations and maintenance costs.

The most common measures used to evaluate the cost effectiveness of various aspects of an aircraft program are expressed as the cost per flying hour or per passenger mile for certain types of aircraft costs. These measures may be developed using the Standard Aircraft Cost Elements and include, but are not limited to: maintenance costs/flying hour, fuel and other fluids cost/flying hour, accident repair costs/flying hour (or per aircraft), and variable cost/passenger mile.

The Administrator of General Services should coordinate the development of specific cost effectiveness measures with an interagency aircraft policy working group.

### **Justify In-House Operation**

OMB Circular No. A-76, "Performance of Commercial Activities," requires Federal agencies to conduct cost comparisons of commercial activities they operate and, where appropriate, to determine the most economical way to perform the work -- whether by private commercial source or using in-house government resources. The guidelines for conducting these cost comparisons are presented in the Supplement to the Circular.

## **ATTACHMENT B**

### **Circular No. A-126**

#### **Standard Aircraft Program Cost Element Definitions**

##### **VARIABLE COSTS**

The variable costs of operating aircraft are those costs that vary depending on how much the aircraft are used. The specific variable cost elements include:

**Crew costs - variable** - The crew costs which vary according to aircraft usage consist of travel expenses (particularly reimbursement of subsistence (i.e., per diem and miscellaneous expenses), overtime charges, and wages of crew members hired on an hourly or part-time basis.

**Maintenance costs - variable** - Unscheduled maintenance and maintenance scheduled on the basis of flying time vary with aircraft usage and, therefore, the associated costs are considered variable costs. In addition to the costs of normal maintenance activities, variable maintenance costs shall include aircraft refurbishment, such as painting and interior restoration, and costs of or allowances for performing overhauls and modifications required by service bulletins and airworthiness directives. If they wish, agencies may consider all of their maintenance costs as variable costs and account for them accordingly. Otherwise, certain maintenance costs will be considered fixed as described in a subsequent paragraph. Variable maintenance costs include the costs of:

**Maintenance labor - variable** - This includes all labor (i.e., salaries and wages, benefits, travel, and training) expended by mechanics, technicians, and inspectors, exclusive of labor for engine overhaul, aircraft refurbishment, and/or repair of major components.

**Maintenance parts - variable** - This includes cost of materials and parts consumed in aircraft maintenance and inspections, exclusive of materials and parts for engine overhaul, aircraft refurbishment, and/or repair of major components.

**Maintenance contracts - variable** - This includes all contracted costs for unscheduled maintenance and for maintenance scheduled on a flying hour basis or based on the condition of the part or component.

**Engine overhaul, aircraft refurbishment, and major component repairs** - These are the materials and labor costs of overhauling engines, refurbishing aircraft, and/or repairing major aircraft components.

NOTE 1: In general, the flight hour cost is computed by dividing the costs for a period by the projected hours flown during the period. However, when computing the flight hour cost factor for this cost category, divide the total estimated cost for the activities in this category (e.g., overhaul, refurbishment and major repairs) by the number of flight hours **between** these activities.

NOTE 2: Separate cost or reserve accounts for engine overhaul, aircraft refurbishment, major component repairs, and other maintenance cost elements, may, at the agency's discretion, be identified and quantified separately for mission-pertinent information purposes. Reserve accounts are generally used when the aircraft program is funded through a working capital or revolving fund.

**Fuel and other fluids** - The costs of the aviation gasoline, jet fuel, and other fluids (eg. engine oil, hydraulic fluids and water-methanol) consumed by aircraft.

**Lease costs - variable** - When the cost of leasing an aircraft is based on flight hours , the associated lease or rental costs are considered variable costs.

**Landing and tie down fees** - Landing fees and tie down fees associated with aircraft usage are considered variable costs. Tie down fees for storing an aircraft at its base of operations should be considered part of operations overhead, a fixed cost.

## FIXED COSTS

The fixed costs of operating aircraft are those that result from owning and support the aircraft and that do not vary according to aircraft usage. The specific fixed cost elements include:

**Crew costs - fixed** - The crew costs which do not vary according to aircraft usage consist of salaries, benefits, and training costs. This includes the salaries, benefits, and training costs of crew members who also perform minimal aircraft maintenance. Also included in fixed crew costs are the costs of their charts, personal protective equipment, uniforms, and other personal equipment.

**Maintenance costs - fixed** - This cost category includes certain maintenance and inspection activities which are scheduled on a calendar interval basis and take place regardless of whether or how much the aircraft are flown. Agencies are encouraged to simplify their accounting systems and account for all maintenance costs as variable costs. However, if they wish, agencies may account for the following costs as fixed costs:

**Maintenance labor - fixed** - This includes all projected labor expended by mechanics and inspectors associated with maintenance scheduled on a calendar interval basis. This does not include variable maintenance labor or work on items having a TBO or retirement life.

This category also includes costs associated with unallocated maintenance labor expenses, i.e., associated salaries, benefits, travel expenses and training costs. These costs should be evenly allocated over the number of the aircraft in the fleet.

**Maintenance parts - fixed** - This includes all parts and consumables used for maintenance scheduled on a calendar basis.

**Maintenance contracts - fixed** - This includes all contracted costs for maintenance or inspections scheduled on a calendar basis.

**Lease costs - fixed** - When the cost of leasing an aircraft is based on a length of time (e.g., days, weeks, months, or years) and does not vary according to aircraft usage, the associated leased costs are considered fixed costs.

**Operations overhead** - These include all costs, not accounted for elsewhere, associated with direct management and support of the aircraft program. Examples of such costs include: personnel costs (salaries, benefits, travel, uniform allowances, training, etc.) for management and administrative personnel directly responsible for the aircraft program; building and ground maintenance; janitorial services; lease or rent costs for hangars and administrative buildings and office space; communications and utilities costs; office supplies and equipment; maintenance and depreciation of support equipment; tie down fees for aircraft located on base; and miscellaneous operational support costs.

**Administrative overhead** - These costs represent a pro-rated share of salaries, office supplies and other expenses of fiscal, accounting, personnel, management, and similar common services performed outside and the aircraft program but which support this program. For purposes of recovering the costs of operations, agencies should exercise their own judgement as to the extent to which aircraft users should bear the administrative overhead costs. Agencies may, for example, decide to charge non-agency users a higher proportion of administrative overhead than agency users. For purposes of A-76 cost comparisons, agencies should compute the actual administrative costs that would be avoided if a decision is made to contract out the operation under study.

**Self-insurance costs** - Aviation activity involves risks and potential casualty losses and liability claims. These risks are normally covered in the private sector by purchasing an insurance policy. The government is self-insuring; the Treasury's General Fund is charged for casualty losses and/or liability claims resulting from accidents. For the purposes of analyses, government managers will recognize a cost for "self-insurance" by developing a cost based on rates published in OMB Circular No. A-76.

**Depreciation** - Depreciation represents the cost or value of ownership. Aircraft have a finite useful economic or service life. Depreciation is the method used to spread the cost of the purchase price, less residual value, over an asset's useful life. A-76 provides guidance on computing depreciation charges to be used in computing the fixed costs of an aircraft or aircraft program. Although these costs are not direct outlays in the sense of most other aircraft costs, it is important to recognize them for A-76 cost comparison purposes and when replenishing a working capital fund by recovering the full cost of aircraft operations. Depreciation costs depend on aircraft acquisition or replacement costs, useful life, and residual or salvage value. To calculate the cost of depreciation that shall be allocated to each year, subtract the residual value from the total of the acquisition cost plus any capital improvements and, then, divide by the estimated useful life of the asset.

## OTHER COSTS

There are certain other costs of the aircraft program which should be recorded but are not appropriate for inclusion in either the variable or fixed cost categories for the purposes of justifying aircraft use or recovering the cost of aircraft operations. These costs include:

**Accident repair costs** - These costs include all parts, materials, equipment and maintenance labor related to repairing accidental damage to airframes or aircraft equipment. Also included are all accident investigation costs.

**Aircraft costs** - This is the basic aircraft inventory or asset account used as the basis for determining aircraft depreciation charges. These costs include the cost of acquiring aircraft and accessories, including transportation and initial installation. Also included are all costs required to bring aircraft and capitalized accessories up to fleet standards.

**Cost of Capital** - The cost of capital is the cost to the Government of acquiring the funds necessary for capital investments. The agency shall use the borrowing rate announced by the Department of Treasury for bonds or notes whose maturities correspond to the useful life of the asset.

[Return to Top](#)

# Exhibit B

February 2013

DEPARTMENT OF  
JUSTICE

Executives' Use of  
Aircraft for  
Nonmission Purposes



G A O

Accountability \* Integrity \* Reliability

## Why GAO Did This Study

DOJ components including the FBI, Drug Enforcement Administration (DEA), and United States Marshals Service (USMS) own, lease, and operate a fleet of aircraft primarily to conduct DOJ mission flights, including counterterrorism and criminal surveillance and prevention of illicit drug trafficking into and within the United States. DOJ components also use these aircraft to transport DOJ executives, such as the Attorney General and the FBI Director, for official but nonmission purposes, and conduct flights to position aircraft for security reasons to transport these executives from Washington, D.C. The Office of Management and Budget (OMB) and the General Services Administration (GSA) have established requirements for federal agencies regarding the use of government aircraft, including executive travel.

GAO was asked to review nonmission-related travel by DOJ executives. GAO determined, for fiscal years 2007 through 2011, which DOJ executives used DOJ aircraft for nonmission travel and the frequency, purposes, and costs of such travel. GAO analyzed executive flight data from each DOJ component for fiscal years 2007 through 2011, and interviewed officials to identify the reasons that DOJ aircraft were used to transport DOJ executives for nonmission purposes and the frequency and costs of such flights, including flights taken specifically to position aircraft to transport executives. For purposes of this report, and consistent with executive branch policy, GAO defines nonmission travel as any travel conducted by executives that is not directly related to mission operations.

View [GAO-13-235](#). For more information, contact David C. Maurer at (202) 512-9627 or [maurerd@gao.gov](mailto:maurerd@gao.gov).

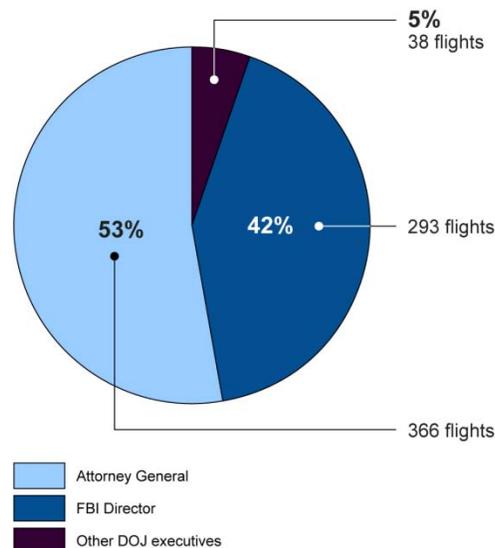
## DEPARTMENT OF JUSTICE

### Executives' Use of Aircraft for Nonmission Purposes

## What GAO Found

From fiscal years 2007 through 2011, three individuals who served as Attorney General (AG) and the Director of the Federal Bureau of Investigation (FBI) accounted for 95 percent (659 out of 697 flights) of all Department of Justice (DOJ) executive nonmission flights using DOJ aircraft at a total cost of \$11.4 million. Specifically, the AG and FBI Director collectively took 74 percent (490 out of 659) of all of their flights for business purposes, such as conferences, meetings, and field office visits; 24 percent (158 out of 659) for personal reasons; and 2 percent (11 out of 659) for a combination of business and personal reasons. All AGs and FBI Directors are "required use" travelers who are required by executive branch policy to use government aircraft for all their travel, including travel for personal reasons, because of security and communications needs. However, according to DOJ officials, while the AG has historically been required to use government aircraft for all types of travel, including personal travel, the FBI Director had, until 2011, the discretion to use commercial air service for his personal travel. DOJ officials told us this explains the AG's greater use of DOJ aircraft for personal reasons than the FBI Director. According to DOJ and FBI flight data we reviewed, all AGs and the FBI Director provided reimbursements for their personal travel in accordance with federal requirements. The FBI also conducts flights from a covert facility to Ronald Reagan National Airport to position aircraft to transport the AG and the FBI Director. Specifically, \$1.5 million of the \$11.4 million for 659 AG and FBI Director flights from fiscal years 2007 through 2011 was used to fly aircraft from this facility to Ronald Reagan National Airport prior to transporting these officials to their destinations. According to the FBI, these positioning flights are necessary because, among other things, the location where the FBI maintains the aircraft is an unmarked covert facility, and at times, the FBI initiates sensitive flight operations from this site.

Nonmission Flights by DOJ Executives, Fiscal Years 2007 through 2011



Source: GAO analysis of Department of Justice data.

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# Contents

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Letter		1
	Background	5
	The Attorneys General and the FBI Director Were the Primary Users of DOJ Aircraft for Nonmission Purposes from Fiscal Years 2007 through 2011 at a Cost of \$11.4 Million	11
	Agency Comments and Our Evaluation	24
Appendix I	Objectives, Scope, and Methodology	25
Appendix II	Comments from the Department of Justice	29
Appendix III	GAO Contact and Staff Acknowledgments	30
Figures		
	Figure 1: United States Marshals Service (USMS) Prisoner Transport Plane	7
	Figure 2: FBI Gulfstream V Aircraft.	7
	Figure 3: Example of a Long-Distance Flight a Gulfstream V Aircraft Can Take without Refueling	8
	Figure 4: FBI Flight Categories	13
	Figure 5: Nonmission Flights by DOJ Executives, Fiscal Years 2007 through 2011	14
	Figure 6: Combined Purposes of All Attorney General and FBI Director Flights, Fiscal Years 2007 Through 2011	15
	Figure 7: Individual Purposes for Attorney General and FBI Director Flights, Fiscal Years 2007 through 2011	16
	Figure 8: Aircraft Used to Transport the Attorneys General and FBI Director from Fiscal Years 2007 through 2011	18
	Figure 9: Flight Hour Breakouts for FBI's Two Gulfstream Vs, a de Havilland Dash 8 100, and a Citation from Fiscal Years 2007 through 2011	20
	Figure 10: Aircraft Costs for Attorney General and FBI Director Flights from Fiscal Years 2007 through 2011	22

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### **Abbreviations**

AAMS	Alliance Aviation Management System
AG	Attorney General
APSS	Automated Prisoner Scheduling System
ASO	Air Surveillance Operation
BOP	Bureau of Prisons
DEA	Drug Enforcement Administration
DOD	Department of Defense
DOJ	Department of Justice
FAA	Federal Aviation Administration
FMR	Federal Management Regulation
FTR	Federal Travel Regulation
GSA	General Services Administration
JMD	Justice Management Division
JPATS	Justice Prisoner and Alien Transportation System
MOU	memorandum of understanding
NASA	National Aeronautics and Space Administration
OMB	Office of Management and Budget
PFM	Professional Flight Management
SFT	Senior Federal Travel
USMS	United States Marshals Service

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**G A O**

Accountability \* Integrity \* Reliability

**United States Government Accountability Office**  
Washington, DC 20548

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February 26, 2013

The Honorable Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate

The Honorable Jim Sensenbrenner  
Chairman  
Subcommittee on Crime, Terrorism,  
Homeland Security, and Investigations  
Committee on the Judiciary  
House of Representatives

Department of Justice (DOJ) components, including the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and United States Marshals Service (USMS) own, lease, and operate a fleet of aviation assets, including fixed-wing aircraft and helicopters, that play a critical role in supporting DOJ's mission-related responsibilities and operations. These responsibilities include conducting counterterrorism and criminal surveillance, preventing illicit drug trafficking into and within the United States, and transporting prisoners. In addition to operations that support their missions, DOJ components use these aircraft to transport certain DOJ executives for travel other than for mission purposes.

The Office of Management and Budget (OMB) and the General Services Administration (GSA) established requirements for federal agencies regarding the use of government aircraft, including executive travel on these aircraft. OMB Circular A-126 sets forth requirements for agencies' use of government aircraft, including the types of travel that are appropriate and requirements that travelers reimburse the government for use of these aircraft for nonmission purposes.<sup>1</sup> According to the circular,

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<sup>1</sup>Government aircraft means any aircraft owned, leased, chartered, or rented and operated by an executive agency.

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agencies may use their aircraft only for official purposes<sup>2</sup> and must report semiannually to GSA each use of such aircraft for nonmission travel by senior executives.<sup>3</sup> GSA issued the Federal Travel Regulation (FTR), which also requires federal agencies to report on the use of their aviation assets, including executive travel. These provisions include the presumption that travel by common air carrier is the most advantageous method of transportation and must be used when reasonably available.<sup>4</sup> GSA regulations provide that taxpayers should pay no more than necessary for the transportation and that travel on government aircraft may be authorized only when a government aircraft is the most cost-effective mode of travel.<sup>5</sup> In addition, agencies may not determine that another mode of transportation is more advantageous on the basis of personal preference or inconvenience to the traveler.<sup>6</sup>

The circular and related regulations allow for nonmission use of government aircraft by government officials when no commercial airline or aircraft is reasonably available to fulfill the agency requirement or the actual cost of using a government aircraft is not more than the cost of using commercial airline or aircraft service.<sup>7</sup> In addition, government

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<sup>2</sup>OMB Circular No. A-126(7), *Improving the Management and Use of Government Aircraft* (May 22, 1992). In addition, 31 U.S.C. § 1344 provides that agency funds may be expended only for the maintenance, operation, or repair of any passenger carrier to the extent that the carrier is used to provide transportation for official purposes. According to OMB Circular A-126, official travel means (1) travel to meet mission requirements, (2) required use travel, and (3) other travel for the conduct of agency business.

<sup>3</sup>OMB Circular A-126 (10)(c). In response to a February 10, 1993, presidential memorandum, "Restricted Use of Government Aircraft," OMB Bulletin No. 93-11, *Fiscal Responsibility and Reducing Perquisites* (Apr. 19, 1993), directed agencies to report all uses of government aircraft by senior executive branch officials, including mission travel, and directed GSA to modify the current guidance on agency reports on nonmission uses of government aircraft to incorporate this requirement. Federal agencies are also required to report information on members of the families of senior federal officials and any nonfederal travelers, with certain exceptions.

<sup>4</sup>FTR §§ 301-10.5(a), 301-70.101(b). The GSA regulations also pertain to common carrier travel by rail and bus as the most advantageous modes of transportation.

<sup>5</sup>FTR § 301-10.260; see also FTR § 301-70.800. This includes common carrier travel by air, rail, or bus.

<sup>6</sup>FTR § 301-70.101(b).

<sup>7</sup>OMB Circular A-126(8)(a); FTR § 301-10.261. In addition, "space available" travel is authorized when an aircraft is already scheduled for use for official travel and a traveler's use of the aircraft does not require a larger aircraft or result in more than minor additional cost to the government, among other things.

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aircraft are available for required use travel, which is travel that requires the use of government aircraft to meet bona fide communications needs, security requirements, or exceptional scheduling requirements of an executive agency.<sup>8</sup> Certain executives have been designated by the President as “required use” travelers. Specifically, two executives within DOJ—the U.S. Attorney General and the FBI Director—have been designated as required use travelers, meaning they are authorized to travel aboard DOJ or other government aircraft regardless of their trip purpose. This includes travel for nonmission purposes, such as personal travel, because of their need for special protective security measures and secure communications while in flight. However, federal guidance requires that required use travelers, including the U.S. Attorney General and the FBI Director, reimburse the government for any travel that is for political or personal reasons.<sup>9</sup> However, under departmental policy, DOJ noncareer appointees are generally prohibited from engaging in political activities, and DOJ officials stated that departmental policy prohibits travel for political purposes. We did not identify any trips taken by DOJ executives for political purposes, as discussed later in this report.

While DOJ executive travel aboard component aircraft may be approved as required use travel on a trip-by-trip basis in accordance with federal guidance, the Attorney General and the FBI Director, as designated required use travelers, account for a significant number of all nonmission flights within DOJ and approval for these types of flights for DOJ executives other than the Attorney General or FBI Director is rare.

You asked us to review the circumstances in which DOJ aircraft are being used to transport executives for nonmission purposes, including the costs of these flights. Specifically, for fiscal years 2007 through 2011, we determined which DOJ executives used DOJ aircraft for nonmission travel and the frequency, purposes, and costs associated with such travel.

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<sup>8</sup>OMB Circular A-126(5)(d); FTR § 300-3.1. Under FTR § 300-3.1, examples include a need for 24-hour secure communication, highly unusual circumstances that present a clear and present danger, or a national emergency or another compelling operational consideration.

<sup>9</sup>Under OMB Circular A-126 and GSA regulations, required use travel may include travel for official, personal, or political reasons, and required use travelers must reimburse the government the full coach fare for a wholly personal or political trip, the appropriate share of the full coach fare for an official trip during which the traveler engages in political activities, or the excess of the full coach fare for an official trip during which the traveler flies to more than one location for personal reasons.

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While travel aboard government aircraft must be for official purposes, and may be mission or nonmission related,<sup>10</sup> for the purposes of this report, consistent with executive branch policy, we define nonmission flights as those that do not constitute the discharge of any agency's official responsibilities; in other words, flights that are not directly related to mission operations.<sup>11</sup> These nonmission flights could include travel to participate in coordination meetings with other U.S. government entities and foreign organizations, field office site visits, and any personal travel by executives required to use government aircraft.<sup>12</sup> We discuss the definition of nonmission flights in more detail later in this report. We did not review DOJ mission flight information as part of this review. We also did not review any DOJ executive travel aboard other U.S. government aircraft, such as executive flights aboard Department of Defense (DOD) or Federal Aviation Administration (FAA) aircraft. In addition, because three different individuals served as U.S. Attorneys General within the time frames of our review and this report covers the tenure of all three; we report the percentage of nonmission flights taken by the Attorneys General in the aggregate.<sup>13</sup>

To identify which DOJ executives used DOJ aircraft for nonmission travel and the frequency, purposes, and costs of this travel, we determined which components owned, operated, or leased aircraft, and interviewed officials from these components to determine how they categorize and track executive travel, and which executives traveled on their aircraft. We then obtained and analyzed flight data records for fiscal years 2007 through 2011 from the FBI, DEA, USMS, and Senior Federal Travel (SFT) data that each of these components previously reported to GSA. We also obtained flight data records from DOJ's Justice Management Division for Attorney General travel for the same time period. To assess the reliability of DOJ executive flight data, we spoke with DOJ officials to gain an understanding of the processes and systems used to collect and record flight data and to understand any known limitations. We also verified the

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<sup>10</sup>31 U.S.C. § 1344(a)(1).

<sup>11</sup>See OMB Circular A-126.

<sup>12</sup>See OMB Circular A-126 for additional examples of mission and nonmission purposes.

<sup>13</sup>The following three individuals served as U.S. Attorney General for fiscal years 2007 through 2011: Alberto Gonzales (February 2005 through September, 2007), Michael Mukasey (November 2007 through January 2009), and Eric Holder (February 2009 to the present).

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flight data estimated costs provided to us by multiplying aircraft flight hours by estimated variable costs per flight hour. Furthermore, we compared data provided to us by DOJ with executive flight data it had previously reported to GSA from fiscal years 2007 through 2011. However, because the FBI stopped reporting executive flight data to GSA at the end of fiscal year 2008, we were only able to make comparisons of the FBI's data for fiscal years 2007 and 2008. To assess the reliability of FBI flight data not reported to GSA, we reviewed all available flight source documents for Attorney General and FBI Director flights taken in fiscal years 2010 and 2011. We found that the FBI flight data provided to us were sufficiently reliable for the purposes of our report. For additional information on our scope and methodology, see appendix I.

We conducted this performance audit from March 2012 through February 2013 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

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### DOJ Component Aircraft

Within DOJ, USMS, DEA, and the FBI own, lease, and operate government aircraft primarily to accomplish and provide support for their various mission operations, such as transporting prisoners; preventing illicit drug trafficking into and within the United States; and conducting a variety of counterterrorism, intelligence, and criminal surveillance activities. For example, USMS operates 12 aircraft primarily for air surveillance and prisoner transport.<sup>14</sup> DEA and the FBI also own and

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<sup>14</sup>USMS has two aviation operations divisions, the Air Surveillance Operation (ASO) and the Justice Prisoner and Alien Transportation System (JPATS). ASO's primary mission is to provide air surveillance capabilities to the Investigative Operations Divisions and the USMS District Field Offices in their efforts to pursue and apprehend fugitives. JPATS's mission is to transport federal detainees, deportable aliens and prisoners, and sentenced individuals, whether in the custody of USMS or the Bureau of Prisons (BOP). JPATS also provides prisoner transportation for DOD, state, and local law enforcement agencies on a reimbursable, space-available basis. Of the aircraft that USMS operates, it owns 10 and leases 2. Specifically, JPATS leases 2 McDonnell Douglas MD-83s and owns 2 Hawker 800As and a SABB 2000, and ASO owns 6 Cessna T206s and a Cessna 208.

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operate aircraft, including fixed-wing aircraft and helicopters, to prevent, among other things, illicit drug trafficking into and within the United States; to conduct counterterrorism and criminal surveillance operations; to conduct aerial photography; and to transport personnel, evidence, and equipment during a crisis or in support of time-sensitive investigations.

The FBI primarily uses its aircraft for mission operations, but also operates a small fleet of large-cabin, long-range business jets, including two Gulfstream Vs, for both mission and nonmission travel. These aircraft possess long-range capabilities that enable FBI to conduct long-distance domestic and international flights without the need to stop for refueling—which is vital to support certain missions related to counterterrorism and other sensitive FBI investigations. FBI also authorizes the use of these aircraft for executives, including DOJ executives who travel for nonmission purposes, such as required use travel or other official travel visits to FBI field offices and coordination meetings with other U.S. government entities or organizations.<sup>15</sup> These aircraft provide secure communication capabilities allowing officials aboard to remain in constant contact with government officials and various organizations on the ground. While DOJ may authorize executives' use of these aircraft for nonmission purposes, a significant portion of this travel comprises required use travel by the Attorney General and the FBI Director, who must use government aircraft for all of their travel because of the secure communications onboard. According to FBI officials, DOJ rarely approves nonmission travel aboard these aircraft for DOJ executives other than the Attorney General and the FBI Director. In addition, because the Attorney General and the FBI Director are based in Washington, D.C., aircraft are often moved, or “positioned,” from other locations to Ronald Reagan National Airport to transport them. Figures 1 and 2 provide examples of DOJ component aircraft, and figure 3 provides an example of the type of long-distance flights these aircraft can take without stopping to refuel.

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<sup>15</sup> Under departmental policy, DOJ noncareer appointees are generally prohibited from engaging in political activities, Office of the Attorney General, *Restrictions on Political Activities*, (Aug. 8, 2000), and DOJ officials stated the departmental policy prohibits travel for political purposes. We did not identify any trips taken by DOJ executives for political purposes.

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**Figure 1: United States Marshals Service (USMS) Prisoner Transport Plane**



Source: USMS.

**Figure 2: FBI Gulfstream V Aircraft.**



Source: FBI.

**Figure 3: Example of a Long-Distance Flight a Gulfstream V Aircraft Can Take without Refueling**



Source: GAO; Map Resources (map).

## Federal Requirements for Executive Travel aboard Government Aircraft

OMB Circular A-126 and related GSA implementing regulations require that federal agencies operate government aircraft only for official purposes, and also define the categories of official use.<sup>16</sup> These categories include travel that is (1) mission required (i.e., to meet mission requirements), (2) required use, and (3) other travel for the conduct of agency business.

<sup>16</sup>See OMB Circular A-126(5), (7), and (8).

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### Presidentially Designated Required Use Travelers

The President of the United States has determined that within DOJ all Attorney General and FBI Director travel qualifies as required use regardless of whether it is for official, personal, or political purposes. According to a July 1993 and a March 2004 White House memorandum, the responsibilities of these individuals are such that they require instantaneous secure communications capability with the White House, their departments, and other agencies. In addition, in an emergency, they must return to Washington, D.C., or to other destinations on an expedited basis. These individuals have a heightened need for security because of their official duties and public visibility, a fact that substantially increases the likelihood of threats to their personal safety. Accordingly, government aircraft have been made available to these officials for both official and unofficial travel. According to DOJ officials, the AG has historically been required to use government aircraft for all types of travel, including personal travel, and the FBI Director had, until 2011, the discretion to use commercial air service for his personal travel, but is now also required by DOJ to use government aircraft for all travel.

- **Mission required** is travel that constitutes the discharge of an agency's official responsibilities, such as intelligence and counternarcotic activities, transportation of prisoners, training, and other such travel.
- **Required use** is travel by an executive agency officer or employee, where the use of government aircraft is required for bona fide communications or security needs of the agency or exceptional scheduling requirements. Agencies may designate officials as required use travelers on a trip-by-trip basis. However, certain high-level government officials, such as the Attorney General and the FBI Director, are presidentially designated as required use travelers for all of their travel and travel aboard DOJ or other government aircraft, including for personal purposes, even though it may be more costly than the price of comparable common carrier flights.
- **Other official travel** is defined as official travel that is not required use or mission travel. It shall be authorized only when there is no commercial airline or aircraft service that is reasonably available to effectively fulfill the agency requirement or the actual cost of using a government aircraft is not more than the cost of using commercial airline or aircraft service.

OMB Circular A-126 does not specifically define the category of nonmission travel aboard government aircraft; however, it does provide examples of activities that should not be categorized as mission required, such as travel to give speeches, attend conferences or meetings, and make routine site visits. Furthermore, OMB Circular A-126 provides requirements for senior federal officials traveling on government aircraft, and reimbursement required for such travel, including required use travel.<sup>17</sup> Specifically, the circular provides that required use travelers must reimburse the government the full coach fare for travel that is for wholly personal or political purposes, and the appropriate share of the full coach fare for trips that include only a portion of travel for personal or political

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<sup>17</sup>Senior federal officials are persons employed at the Executive Service level or above, and include presidential appointees.

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reasons.<sup>18</sup> However, under departmental policy, DOJ noncareer appointees are generally prohibited from engaging in political activities, and DOJ officials stated that departmental policy prohibits travel for political purposes. We did not identify any trips taken by DOJ executives for political purposes.

In addition, GSA issued the FTR, which applies to federal agencies that authorize travel on government aircraft, and also requires that these agencies report on a semiannual basis to GSA information about senior federal officials and nonfederal travelers who fly aboard the agency's aircraft.<sup>19</sup> Specifically, the FTR provides that agencies must report the person's name, whether the person is a senior federal official or a nonfederal traveler, and the official purpose of the trip and destination. For official travel, agencies must also report the comparable commercial fare for the flight taken,<sup>20</sup> and for personal or political travel, the amount the traveler must reimburse the government (i.e., the full coach fare or appropriate share of that fare), among other information. DOJ and component officials said that components, specifically the FBI, DEA, and USMS, were responsible for tracking DOJ executives' use of component

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<sup>18</sup>According to OMB Circular A-126, for required use travel in which an employee engages in political activities, the government shall be reimbursed for the appropriate share of the full coach fare of the entire trip. Full coach fare is the coach fare available to the general public between the day that the travel was planned and the day the travel occurred. In addition, for required use travel in which an employee flies to one or more locations for personal reasons, the government shall be reimbursed the excess of the full coach fare of all flights taken by the employee on the trip over the full coach fare of the flights that would have been taken by the employee had there been no personal activities on the trip.

<sup>19</sup>The FTR is found at 41 C.F.R. chs. 300-304. According to the FTR, its purpose is to implement statutory requirements and executive branch policy for travel by federal civilian employees and others authorized to travel at the government's expense. The Federal Management Regulation (FMR) states that it is applicable to all federally funded aviation activities that use government aircraft to accomplish official business, with certain exceptions. Additionally, GSA issued the FMR, which requires that federal agencies report to GSA inventory, cost, and utilization data on government aircraft on a quarterly basis as well as information on the senior federal officials and others who travel on government aircraft. The portion of the FMR dealing with government aircraft is found at 41 C.F.R. pt 102-33.

<sup>20</sup>This includes the comparable city-pair fare (if available to the traveler) or the full coach fare if the city-pair fare is not available. The City Pair Program is a program established by GSA and the airline industry to provide lower rates to federal and military employees on official travel. Federal and military travelers on official business are required to use the contract carrier unless a specific exception applies. City-pair fares may not be used by contractors.

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aircraft and reporting this information to GSA. However, in 2009, FBI officials determined that as an intelligence agency, the bureau was exempt from reporting to GSA on senior federal officials who travel on government aircraft, and therefore, stopped reporting this information to GSA.<sup>21</sup>

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## The Attorneys General and the FBI Director Were the Primary Users of DOJ Aircraft for Nonmission Purposes from Fiscal Years 2007 through 2011 at a Cost of \$11.4 Million

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### Mission versus Nonmission Travel

DOJ does not have aviation assets assigned to the department's headquarters; however, DEA, USMS, and the FBI, which are the only DOJ components with aviation assets, each house, maintain, and operate aircraft to support their respective missions. DOJ components apply guidance from OMB circulars and travel categories differently depending primarily on the purposes for which they use their aircraft, and no DOJ component categorizes travel as nonmission. For example, DEA officials stated that they use only two travel categories—mission required and required use—and that they did not have a separate category for nonmission or other official travel because they do not approve flights for purposes that are not relevant to the mission of their agency. DEA's flight data for fiscal years 2007 through 2011 showed a total of 114 executive flights on DEA aircraft categorized as either mission required or required use for which DEA provided all available records. According to DEA officials, while they did not have a category or definition for nonmission

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<sup>21</sup>We are currently following up with GSA on the FTR reporting requirements, including how GSA has determined which federal aviation travel activities are exempt from these requirements.

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travel, they used their professional judgment to identify a small percentage of these flights as executive travel that they said could be considered as being for nonmission purposes. We analyzed the list of flights that DEA provided to us and reviewed the source documents for those flights but were unable to independently determine the purpose of these flights. As a result, we did not include data from DEA in our analysis. DEA officials told us they are in the process of updating their *Aviation Operation Handbook* to ensure they are better categorizing and documenting the purpose of all DEA flights, including flights that could be categorized as nonmission.

USMS officials also told us that they did not have a category for nonmission travel and stated they use USMS aircraft only for mission purposes. According to USMS officials, if an executive or nonfederal traveler flies aboard a USMS aircraft, that person does so aboard USMS prisoner transport flights.<sup>22</sup> According to USMS flight data for fiscal years 2007 through 2011, there were a total of 10 flights in which an executive was on board USMS aircraft, but all of these flights were for the purposes of prisoner transport. For example, on May 18, 2009, a DOJ executive official traveled aboard a prisoner transport flight from Oklahoma City, Oklahoma; to Harrisburg, Pennsylvania; to Atlanta, Georgia; and back to Oklahoma City to observe prisoner drop-off and pickup operations and procedures. However, USMS officials told us this flight is considered a mission flight because they are transporting prisoners, which is part of their official mission responsibilities.

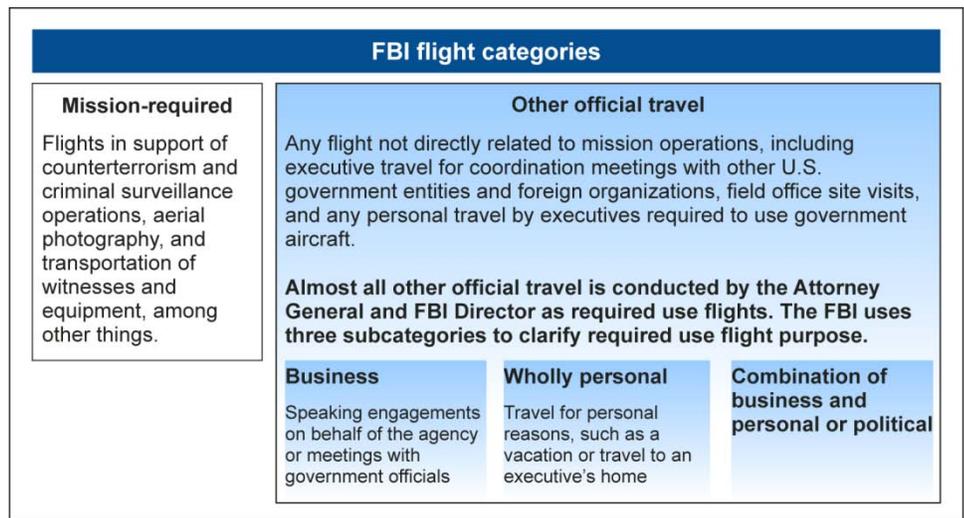
As shown in figure 4, the FBI also does not have a category for nonmission travel. Instead it uses two travel categories: (1) mission required and (2) other official travel. FBI officials explained that the other official travel category includes all flights that are not directly related to mission operations, such as flights to transport executives for purposes of attending meetings and making field office visits. FBI officials also told us that almost all of the other official travel aboard FBI aircraft is travel conducted by the Attorney General and the FBI Director. For these required use flights, FBI uses subcategories to define trip purpose: (1) business, such as speaking engagements on behalf of the agency or meetings with government officials; (2) wholly personal, such as travel to

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<sup>22</sup>According to USMS officials, DOJ and component executives typically travel aboard agency aircraft to observe how the prisoner transport system works.

an executive's home; and (3) a combination of business and personal or political.<sup>23</sup> For purposes of our analysis, we are using the term "nonmission travel" to refer to all required use or other official travel on DOJ aircraft.

**Figure 4: FBI Flight Categories**



Source: GAO.

## DOJ Executive Nonmission Travel

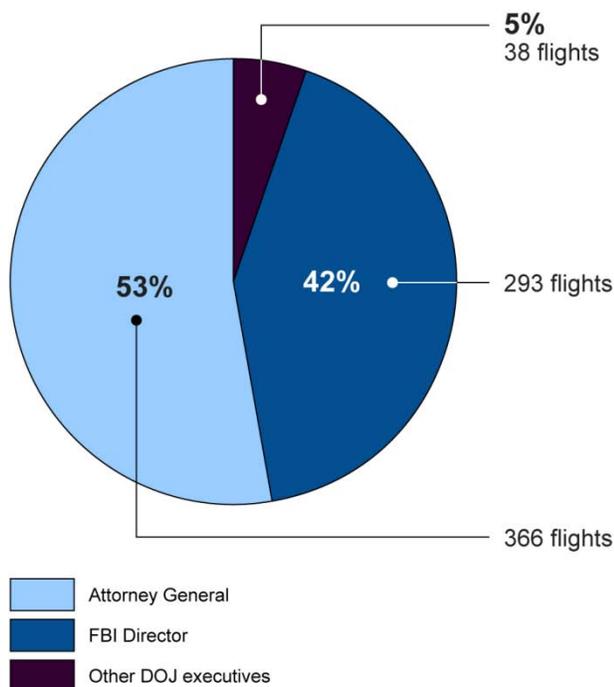
From fiscal years 2007 through 2011, three individuals who served as Attorneys General and the FBI Director were the primary users of DOJ aircraft for other official travel purposes (i.e., nonmission).<sup>24</sup> Specifically, as figure 5 illustrates, our analysis of DOJ and component executive travel data showed that Attorneys General and the FBI Director's travel constituted 95 percent (659 out of 697 flights) of all DOJ executive flights

<sup>23</sup>According to DOJ and FBI officials we spoke with, the Attorney General and the FBI Director are prohibited from traveling for political purposes and, as such, do not use DOJ aircraft for political travel purposes.

<sup>24</sup>While flights for other official travel purposes (i.e., nonmission) are approved for the Attorney General and the FBI Director, FBI officials told us these individuals often travel with several other officials who are traveling in support of DOJ and FBI official business, such as protective security details and operational support personnel.

categorized as other official travel.<sup>25</sup> The total cost of these 659 Attorney General and FBI Director flights was \$11.4 million.<sup>26</sup> Travel by the Attorney General composed 53 percent of the flights (366 out of 697), while the FBI Director's composed 42 percent (293 out of 697). The remaining 5 percent of flights (38 out of 697) were taken by other DOJ executives, such as the FBI's Deputy Director, at a total cost of \$1 million.

**Figure 5: Nonmission Flights by DOJ Executives, Fiscal Years 2007 through 2011**



Source: GAO analysis of Department of Justice data.

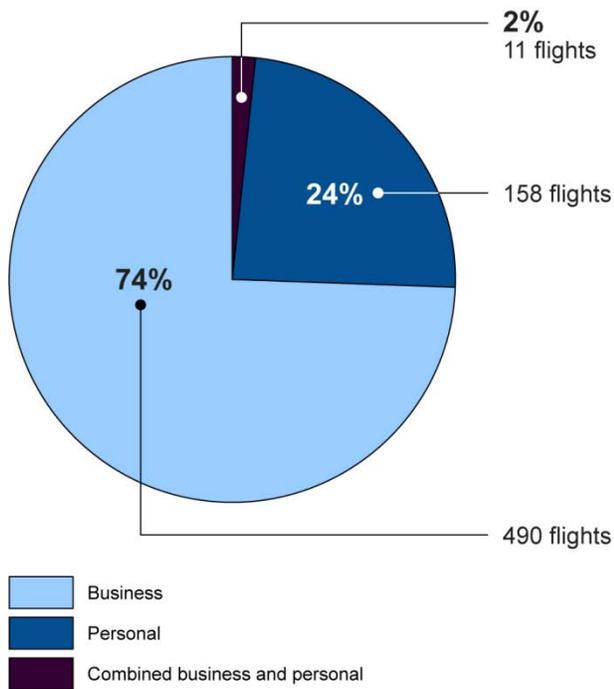
<sup>25</sup>An individual flight is counted per calendar day. As a result, each flight occurrence represented could include one or more flight legs if the flight occurred on the same calendar day.

<sup>26</sup>FBI officials told us that other official travel (i.e., nonmission travel) by senior executives other than the FBI Director or Attorney General is highly discouraged by the department, and only on very rare occasions will FBI executives request the use of government aircraft to engage in other travel for the conduct of agency business. When such a request is made, the FBI's Office of General Counsel reviews the request and, if appropriate, sends it to the Associate Deputy Attorney General for approval. In addition, all costs are estimated costs consisting of total flight hours multiplied by estimated variable costs per hour.

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As shown in figure 6, the Attorneys General and the FBI Director collectively took 74 percent (490 out of 659) of all of their flights for business purposes, such as conferences, meetings, and field office visits; 24 percent (158 out of 659) of all flights for personal reasons; and 2 percent (11 out of 659) for a combination of business purposes and personal reasons.<sup>27</sup>

**Figure 6: Combined Purposes of All Attorney General and FBI Director Flights, Fiscal Years 2007 Through 2011**



Source: GAO analysis of Department of Justice data.

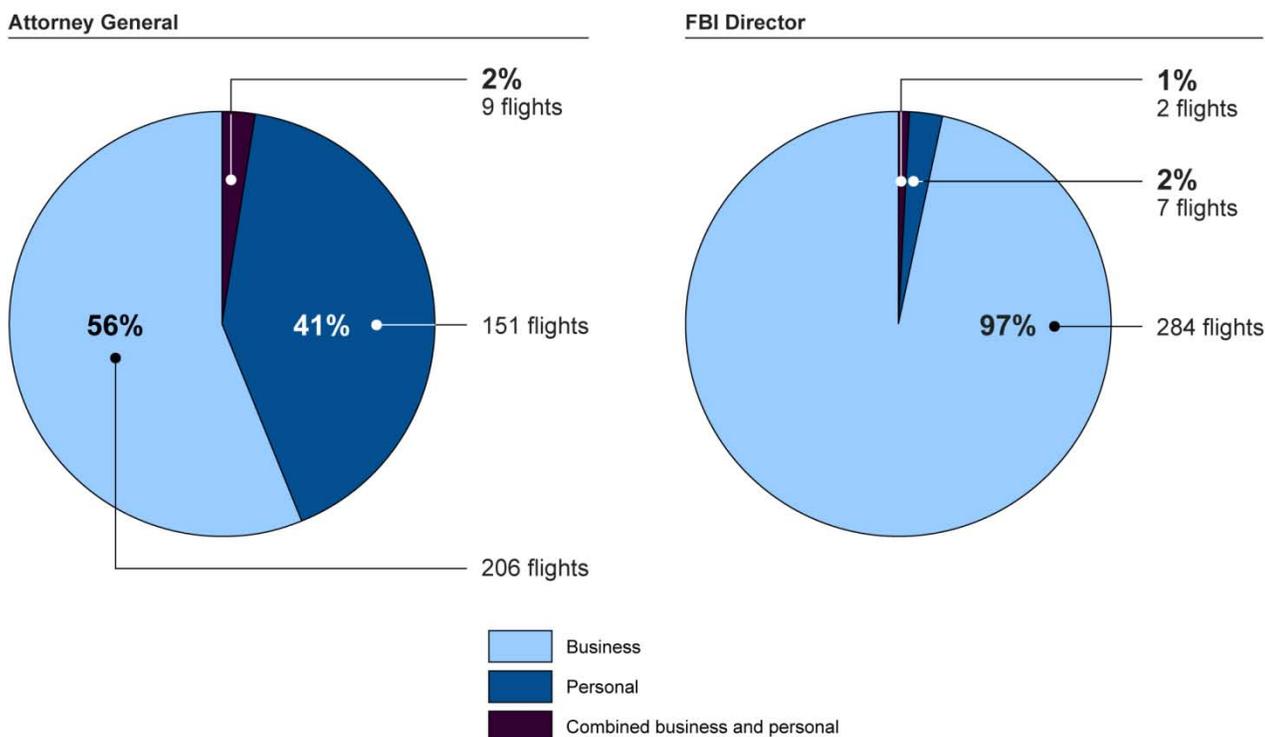
On an individual basis, Attorneys General took 56 percent (206 out of 366) of flights for business reasons and 41 percent (151 out of 366) for

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<sup>27</sup>From fiscal years 2007 through 2011, the Attorneys General took 9 flights that were categorized as a combination of business and personal, while the FBI Director took 2 flights that were categorized as a combination of business and personal.

personal reasons,<sup>28</sup> while the FBI Director took 97 percent (284 out of 293) for business reasons and 2 percent (7 out of 293) for personal reasons, as shown in figure 7.<sup>29</sup> According to FBI flight data we reviewed, the Attorneys General and the FBI Director provided reimbursements of the applicable full coach fare for their personal travel, which are transferred to the Department of the Treasury.<sup>30</sup>

**Figure 7: Individual Purposes for Attorney General and FBI Director Flights, Fiscal Years 2007 through 2011**



Source: GAO analysis of Department of Justice data.

<sup>28</sup>The remaining 2 percent (9 out of 366) of Attorneys General flights were for a combination of business and personal reasons. In addition, because we performed calculations before rounding, some percentages may not add up to 100.

<sup>29</sup>The FBI Director took 2 flights that were a combination of business and personal.

<sup>30</sup>Reimbursement at the applicable full coach fare must also be provided for any individuals accompanying the Attorney General and the FBI Director on their personal travel aboard government aircraft, such as family members.

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Note: DOJ officials stated that the Attorney General has historically been required to use government aircraft for all travel, including personal travel, while FBI officials stated that the FBI Director had, until recently, the discretion to use commercial air service for personal travel, which he elected to do most of the time to save on the use of government funds. Because we performed calculations before rounding, some percentages may not add up to 100.

According to DOJ officials, the requirement to use government aircraft for personal travel has not always been the same for the Attorney General and the FBI Director. DOJ officials stated that the Attorney General has historically been required to use government aircraft for all travel, including personal travel, while FBI officials stated that the FBI Director had, until recently, the discretion to use commercial air service for personal travel, which he elected to do most of the time to save on the use of government funds. FBI officials told us that in 2011, for reasons related to the Director's need to access secure communication systems while traveling, DOJ made a policy change requiring the Director to use government aircraft for all of his travel, including personal travel.<sup>31</sup> As a result, both the FBI Director and the Attorney General must now use government aircraft for all travel regardless of its purpose. FBI officials told us this explains the differences in the use of FBI aircraft for personal reasons between the Attorneys General and the FBI Director.

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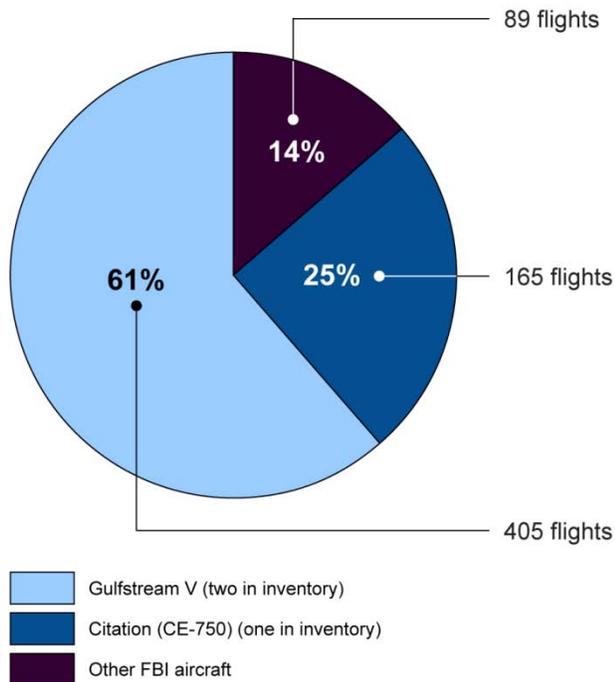
### Aircraft Usage and Costs for Attorney General and FBI Director Flights

According to the FBI, three aircraft are primarily used to transport the Attorneys General and the FBI Director. As shown in figure 8, from fiscal years 2007 through 2011, 61 percent (405 out of 659) of flights were aboard one of the two Gulfstream V aircraft, and 25 percent (165 out of 659) of flights were aboard the FBI's CE-750 (Citation). The remaining 14 percent (89 out of 659) of flights were aboard other FBI aircraft.

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<sup>31</sup>FBI officials told us that more specific information surrounding this policy change is classified.

**Figure 8: Aircraft Used to Transport the Attorneys General and FBI Director from Fiscal Years 2007 through 2011**



Source: GAO analysis of Department of Justice data.

FBI officials told us that these Gulfstream Vs and the Citation were the three aircraft primarily used for Attorney General and FBI Director travel because they have secure communications, larger passenger capacity, and the long-distance range that is necessary for their required use travel. However, FBI officials also noted that these aircraft are used for executive transport only when they are not needed for mission purposes—that is, mission purposes always take first priority. Specifically, investigative/operational missions are the first priority, required maintenance and pilot training is the second priority, and executive travel is the third priority. FBI officials stated that when they receive a nonmission flight request for an aircraft that is prescheduled for a mission-required flight, the Attorney General or the FBI Director makes the final determination for how the flight will be prioritized, but that they always adhere to these priorities to ensure that no mission flights are cancelled because of a nonmission flight request. According to FBI officials, they are aware of one instance in which a nonmission flight was terminated because of a conflict, and that the FBI has been able to avoid

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such terminations because of the availability of multiple aircraft in its fleet capable of transporting executives.<sup>32</sup>

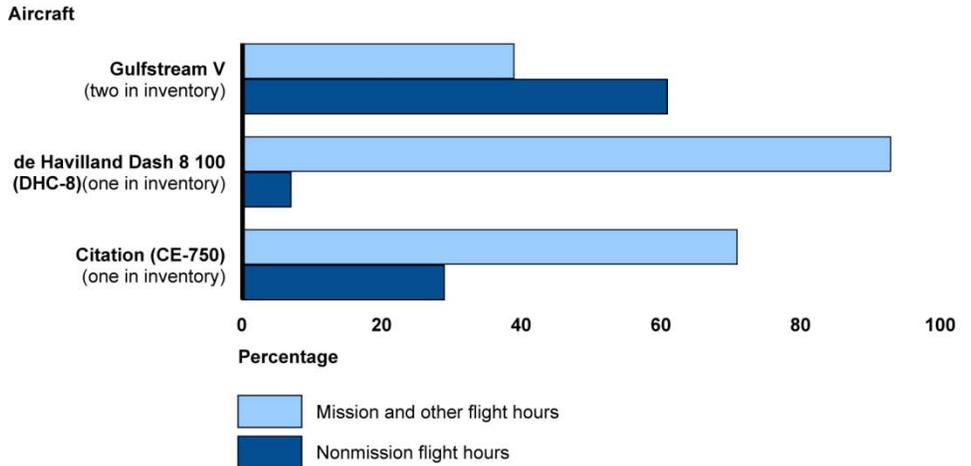
As shown in figure 9, while the majority of FBI aircraft are used primarily for mission flights, some FBI aircraft had more flight hours associated with nonmission flights than mission flights from fiscal years 2007 through 2011. Specifically, from fiscal years 2007 through 2011, 60 percent (2,206 of 3,657) of all flight hours for the FBI's two Gulfstream V aircraft were associated with nonmission flights to transport the Attorneys General, FBI Director, and other DOJ executives. However, the FBI's Citation had 29 percent of its flight hours (596 of 2,063) associated with nonmission flights, and the de Havilland Dash 8 100 (DHC-8) had 6 percent of its total flight hours (127 of 1,966) associated with nonmission flights. For these aircraft, 38 percent of their flight hours (2,929 of 7,686) were associated with transporting the Attorneys General, the FBI Director, and other DOJ executives for nonmission flights.<sup>33</sup>

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<sup>32</sup>According to the FBI, in 2002, the bureau established a memorandum of understanding (MOU) with FAA to allow FBI use of FAA's Gulfstream IV aircraft on an as-needed basis for mission-related and required use travel, including for use as alternative transportation to resolve conflicts in flight scheduling for mission or required travel. However, FBI officials also told us they have yet to exercise this agreement because they have not needed to use FAA's Gulfstream IV aircraft as a result of being able to effectively resolve conflicts in flight scheduling with its current fleet of aircraft.

<sup>33</sup>These aircraft include two Gulfstream V's, the DHC-8, and the Citation.

**Figure 9: Flight Hour Breakouts for FBI's Two Gulfstream Vs, a de Havilland Dash 8 100, and a Citation from Fiscal Years 2007 through 2011**



Source: GAO analysis of Department of Justice data.

From fiscal years 2007 through 2011, the cost for all Attorney General and FBI Director nonmission travel was \$11.4 million: \$5.8 million (51 percent) for the Attorney General and \$5.6 million (49 percent) for the FBI Director.<sup>34</sup> Of the \$5.8 million for Attorney General flights, about \$4 million (69 percent) was for business travel and \$1.6 million (28 percent) was for personal flights.<sup>35</sup> For the FBI Director, \$5.5 million (98 percent) was for business flights, while the remaining costs were for seven personal flights. In addition, because 86 percent of all Attorney General and FBI Director nonmission flights were taken aboard the FBI's Gulfstream Vs or Citation, the total flight costs generally resulted from the use of these aircraft. For example, the total cost of the 570 flights taken aboard these three aircraft was \$11 million—96 percent of all flight costs for the Attorneys General and the FBI Director from fiscal years 2007 through 2011. As figure 10 illustrates, 405 flights were taken aboard the FBI's

<sup>34</sup>All costs are estimated costs consisting of total flight hours multiplied by estimated variable costs per hour.

<sup>35</sup>About \$166,000 was used for a combination of business and personal flights.

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Gulfstream Vs at a cost of \$9 million, and 165 flights were on the Citation at a cost of \$2 million.<sup>36</sup>

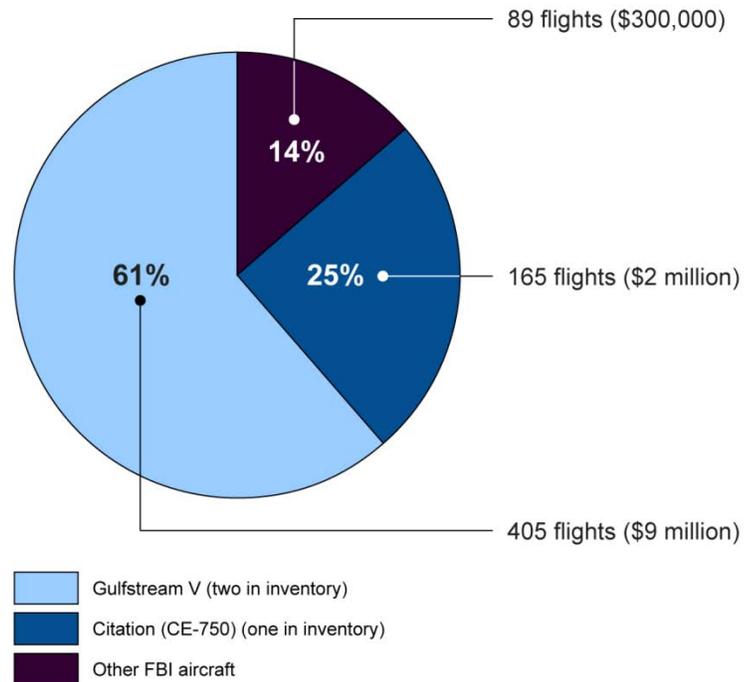
As previously noted, OMB Circular A-126 requires that the government be reimbursed for any personal travel at the full coach fare between cities. This reimbursement amount, or equivalent commercial fare, is generally less than the cost of operating a government aircraft. For example, a personal trip taken by the Attorney General to New York in November, 2010 using the FBI's Gulfstream V had an estimated flight cost of \$15,894, but the reimbursement at the equivalent commercial fare was \$420.80. The FBI's flight data showed that the FBI Director took a total of 10 trips aboard FBI aircraft that required reimbursement from fiscal years 2007 through 2011, and he reimbursed the equivalent commercial fare for these flights totaling \$4,556 in equivalent commercial cost, while 88 of the Attorney General's trips required reimbursements during the same time period, and he reimbursed the equivalent commercial fare for these flights totaling \$46,982. DOJ and FBI officials explained that while the Attorney General and FBI Director did not use DOJ aircraft to travel for political purposes, they provided reimbursements for travel involving personal purposes in accordance with federal requirements.<sup>37</sup> DOJ officials told us that the Attorney General sends his reimbursements via check to DOJ's Finance Office, which is responsible for depositing these funds to the Department of the Treasury. Similarly, FBI officials told us that the FBI Director pays reimbursements for his personal travel through the FBI Finance Division, which is responsible for depositing these funds to the Department of the Treasury.

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<sup>36</sup>The remaining 89 flights were taken aboard other FBI aircraft at a cost of roughly \$300,000. These other aircraft included an FBI tactical helicopter and DHC-8.

<sup>37</sup>Three individuals served as U.S. Attorney General for fiscal years 2007 through 2011, and according to DOJ and FBI officials we spoke with, none of them used DOJ aircraft for political purposes, but did provide reimbursements for any personal travel in accordance with federal requirements.

**Figure 10: Aircraft Costs for Attorney General and FBI Director Flights from Fiscal Years 2007 through 2011**



Source: GAO analysis of Department of Justice data.

In addition, the costs of individual flights can vary depending on the aircraft being used and the length of the flight. For example, a 2-hour flight aboard the FBI's Gulfstream V on May 15, 2010, cost \$9,940, while a 2-hour flight aboard the FBI's Citation on September 9, 2010, cost \$7,408 because the Citation costs about \$1,000 less per hour to operate than the Gulfstream V. Further, a 2-hour domestic flight on the Gulfstream V aircraft cost \$9,940; while an almost 15-hour international flight on the same aircraft cost \$75,440.

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## FBI Positions Aircraft to Transport the Attorney General and FBI Director

Because the Attorney General and FBI Director are based in Washington, D.C., FBI aircraft are often flown from another location to Ronald Reagan National Airport to pick these officials up and take them to their destination—on what is called a positioning flight. Specifically, the FBI conducts these flights from a storage facility to Ronald Reagan National Airport to pick up the Attorney General and the FBI Director and then returns the aircraft to this facility once each trip is completed.<sup>38</sup> Of the 659 Attorney General and FBI Director flights taken from fiscal years 2007 through 2011 for nonmission purposes, 505 (77 percent) had an associated positioning flight. The total cost of these positioning flights accounted for \$1.5 million of the \$11.4 million total spent on Attorney General and FBI Director travel.<sup>39</sup> According to the FBI, these positioning flights are necessary because, among other things, the location where FBI maintains its aviation fleet is an unmarked, covert facility, and at times, the FBI initiates sensitive flight operations from this site. As a result, these aircraft need to be housed there instead of at more public airports closer to Washington, D.C., a location that could compromise operations. As discussed above, because the majority of Attorney General and FBI Director flights taken during this time period were aboard one of three FBI aircraft (two Gulfstream Vs and a Citation), almost all of the positioning costs associated with Attorney General and FBI Director nonmission flights were for these three aircraft.<sup>40</sup>

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<sup>38</sup>The specific location of the covert facility was deemed highly sensitive by the FBI and cannot be publicly reported.

<sup>39</sup>Of the 659 total Attorney General and FBI Director flights taken for nonmission purposes from fiscal years 2007 through 2011, 154 flights did not have a positioning cost associated with them. These were generally flights departing from foreign airports or helicopter flights.

<sup>40</sup>Specifically, of the \$1.5 million spent from fiscal years 2007 through 2011 to position aircraft for the purposes of Attorney General and FBI Director travel, \$43,347 was spent to position an aircraft other than one of the FBI's Gulfstream V aircraft or the Citation.

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## Agency Comments and Our Evaluation

We provided a draft of this report to DOJ for official review and comment. DOJ provided written comments on the draft report, which are reproduced in full in appendix II. DOJ also provided technical clarifications, which we incorporated where appropriate. DOJ's letter stated that departmental policy prohibits travel for political purposes even though OMB guidance and GSA regulations allow required use travel for business, personal or political purposes. Our review of data on executive use of DOJ aviation assets found no trips taken by DOJ for political purposes. We also reflect in several places throughout our report that DOJ policy prohibits travel for political purposes.

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As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the Attorney General and other interested parties. This report will also be available at no charge on GAO's website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-9627 or [maurerd@gao.gov](mailto:maurerd@gao.gov). Contact points for our Office of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix III.



David C. Maurer  
Director  
Homeland Security and Justice Issues

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# Appendix I: Objectives, Scope, and Methodology

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To identify, for fiscal years 2007 through 2011, which Department of Justice (DOJ) executives used DOJ aircraft for nonmission travel and the frequency, purposes, and costs associated with such travel, we interviewed DOJ and component officials to determine which components owned, operated, or leased government aircraft. After determining that the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and United States Marshals Service (USMS) were the three DOJ components with government aircraft, we then interviewed officials from these components to determine how they each categorize and track executive travel, and which DOJ executives traveled on their aircraft. To better understand relevant federal requirements governing the management and use of government aircraft, including executive travel aboard government aircraft, we reviewed the Office of Management and Budget (OMB) Circular A-126, the General Service Administration's (GSA) Federal Travel Regulation (FTR) and Federal Management Regulation (FMR) as contained in Title 41 of the Code of Federal Regulations, and DOJ- and component-specific guidance governing the management and use of agency aircraft. We also interviewed DOJ component officials to obtain an understanding of component-specific guidance they used for the approval of executive travel on government aircraft.

We then obtained and analyzed DOJ executive flight data from each component's flight data systems for fiscal years 2007 through 2011, including flight records from the FBI's and DEA's Professional Flight Management (PFM) systems, USMS's Automated Prisoner Scheduling System (APSS), and Senior Federal Travel (SFT) data that each component reported to GSA. We analyzed these data to identify the number of DOJ executive flights taken for nonmission purposes, including which DOJ executives used these aircraft, which aircraft they used, the frequency with which they used these aircraft, and the cost of each flight. We verified the flight data estimated costs provided to us by multiplying aircraft flight hours by estimated variable costs per flight hour. These aircraft-specific estimated variable costs per hour were provided by Conklin and de Decker software that is updated annually. We obtained documentation for the current version of the Conklin and de Decker software that the FBI uses, verified the Conklin and de Decker cost categories that the FBI uses, and reviewed the Conklin and de Decker website to better understand the company, software, and cost categories. Conklin and de Decker flight hour cost estimates are considered the government-wide and industry standard for aviation cost accounting and are widely used in private industry as well as government agencies, including GSA, the Federal Aviation Administration (FAA), and the

National Aeronautics and Space Administration (NASA). For each flight and flight segment, we identified the travel date(s), flight location (i.e., domestic or foreign), the type of nonmission travel (i.e., personal, political, or business travel), estimated per hour flight cost and total estimated flight cost, and reimbursement costs for any DOJ executive nonmission travel for personal reasons.

To identify the reasons and rationales for which the FBI positioned aircraft at Ronald Reagan National Airport to transport the Attorney General and the FBI Director, we interviewed FBI officials to better understand the purposes for which these types of flights may occur. To determine the frequency and costs of such travel, we obtained and analyzed relevant DOJ component flight data for fiscal years 2007 through 2011 to identify the number of positioning flights taken, the specific costs of these flights, and the specific aircraft used for these flights.

To assess the reliability of DOJ executive flight data, we interviewed DOJ component officials to gain an understanding of the processes and databases used to collect and record flight data and to understand existing quality control procedures and any known limitations. We also compared executive flight data provided to us by DOJ with executive flight data it had previously reported to GSA for fiscal years 2007 through 2011. To conduct this comparison, we used the flight date as a common identifier for each flight record, and identified for each flight, the passengers (i.e., DOJ executives), estimated flight cost, type of travel (i.e., personal, business, or combination), aircraft type, total flight hours (including positioning flight hours), and related reimbursement information for personal travel. However, because the FBI stopped reporting executive flight data to GSA in 2009, we were only able to compare the FBI's data with GSA's data for fiscal years 2007 and 2008. Specifically, in 2009, FBI officials determined that as an intelligence agency, the bureau was exempt from reporting to GSA on senior federal officials who travel on government aircraft, and therefore, it stopped reporting this information to GSA.

Because we were not able to compare GSA and FBI data for fiscal years 2009 through 2011, we reviewed Attorney General and FBI Director flight records for fiscal years 2010 and 2011 and for any other senior DOJ executives traveling aboard FBI aircraft from fiscal years 2007 through 2011, for nonmission purposes. Specifically, we compared the FBI flight data records with available source documents, which included the Passenger Manifest, Special Operations Flight Request Form, After Action Report, Professional Flight Management (PFM) reports, and other

internal memorandums, as available. The source documents for helicopter flights included Senior Federal Travel Form (GSA Form 3641), HRT/THU Flight Strip, HRT Flight Operations Mission Brief, and a memorandum for the Deputy Attorney General. We also compared the FBI's Attorney General flight data records for fiscal years 2007 through 2011 with Attorney General flight data records maintained by DOJ's Justice Management Division (JMD). On the basis of the results of our comparison of FBI, JMD, and GSA executive flight data for fiscal years 2007 through 2011 and our review of executive flight data for fiscal years 2010 and 2011, we determined that FBI's flight data records were sufficiently reliable for the purposes of this report.

To assess the reliability of the DEA flight data records, we discussed with DEA officials their process for tracking, documenting, and reporting DOJ and component executives' use of DEA aircraft and conducted an on-site review of the agency's executive travel records. We found that DEA officials categorize executive travel on agency aircraft as either mission required or required use. While DEA's flight data for fiscal years 2007 through 2011 showed a total of 114 executive flights aboard DEA aircraft that were categorized as either mission or required use, DEA officials identified a small percentage of these flights that could be considered as being for nonmission purposes primarily from their recollection of the flight purpose and whether or not it was associated with a specific case. In addition, we reviewed the list of flights DEA officials provided to us that they considered to be nonmission travel and reviewed the source documents for those flights. These source documents included DEA Aircraft Mission Report (DEA Form 379), VIP Transport, SES A-126 Travel Checklist, printouts from DEA's Alliance Aviation Management System (AAMS), and e-mails. However, we were unable to determine the purpose of these flights from reviewing DEA's flight documentation.

Because DEA does not have guidance that specifically addresses how the agency applies definitions outlined in OMB Circular A-126 to its aviation operations, including identifying mission versus nonmission travel, DEA officials did not maintain completed documents related to each flight they determined as nonmission. Moreover, DEA officials did not consistently document comments related to the specific purpose for travel on either Form 379 or A-126—DEA's primary source documents for executive flight records. As a result, we were unable to verify how DEA officials determined whether flights including a DOJ or DEA executive were for nonmission versus mission purposes. Additionally, since we could not use the documentation DEA provided us to identify a subset of nonmission flights for DEA executive travel, we determined that DEA

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nonmission flight data records were not sufficiently reliable for the purposes of this report.

We conducted this performance audit from March 2012 through February 2013 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Appendix II: Comments from the Department of Justice



U.S. Department of Justice

FEB 19 2013

Washington, D.C. 20530

David C. Maurer  
Director  
Homeland Security and Justice Team  
Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Maurer:

Thank you for the opportunity to comment on the Government Accountability Office's draft report entitled: Department of Justice: Executives' Use of Aircraft for Non Mission Purposes (GAO-13-235). While the report made no recommendations to the Department of Justice (Department), we would like to clarify that Department political appointees do not travel for political purposes even though such travel may be allowable under Executive branch policy. Longstanding DOJ policy prohibits such travel and the Departmental Ethics Office has confirmed this policy. Any reference to political travel in the report should clearly reflect that Department policy prohibits travel for political purposes.

Also, the Department appreciates GAO's effort to incorporate into the report many of the detailed technical comments the Department has provided separately. If you need further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee J. Lofthus".

Lee J. Lofthus  
Assistant Attorney General  
for Administration

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# Appendix III: GAO Contact and Staff Acknowledgments

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## GAO Contact

Dave Maurer, (202) 512-9627 or [maurerd@gao.gov](mailto:maurerd@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Chris Currie, Assistant Director; Chris Ferencik, Analyst in Charge; Richard Brown; Vanessa Dillard; Stan Kostyla; Octavia Parks; Janet Temko; and Lara Miklozek made significant contributions to the work.

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