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WASHINGTON, DC 20510-6275

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April 28, 2016

**VIA ELECTRONIC TRANSMISSION**

The Honorable Denise Turner Roth  
Administrator  
United States General Services Administration  
1800 F Street, NW  
Washington, DC 20405

Dear Administrator Roth:

The General Services Administration (GSA) is responsible for implementing statutory and executive branch policies for travel by federal civilian employees and others authorized to travel at government expense. GSA has promulgated the Federal Travel Regulation (FTR) to implement these requirements, including requirements regarding the use of government aircraft. As articulated in no uncertain terms by the President, and as reflected in GSA's regulations, "[t]he taxpayers should pay no more than absolutely necessary to transport Government officials."<sup>1</sup>

Because of this critical principle, the use of government aircraft by senior federal officials is subject to specific requirements on when such aircraft may be used as well as how such travel must be reported. OMB Circular A-126 and OMB Bulletin 93-11 require agencies to report all uses of government aircraft by senior federal officials.<sup>2</sup> These reports must be made semiannually to GSA in a format specified by GSA and must contain all such travel conducted in the preceding six month period.<sup>3</sup>

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<sup>1</sup> February 10, 1993, Presidential memorandum on "Restricted Use of Government Aircraft;" 41 C.F.R. § 301-10.260; *see also* 41 C.F.R. § 301-70.800.

<sup>2</sup> OMB Circular A-126, issued in 1992, required reporting of non-mission travel by senior federal officials and was modified the next year by OMB Bulletin 93-11, which required agencies to report all uses of government aircraft by senior executive branch officials and directed GSA to modify its guidance on agency reporting to incorporate this, and another, additional reporting requirement. The FTR was so amended in 2004. *Federal Travel Regulation; Use of Government Aircraft*, 69 Fed. Reg. 34302 (June 21, 2004).

<sup>3</sup> OMB Circular No. A-126, ¶ 10.c.

At a minimum, these reports must include:

- the name of each such traveler,
- the official purpose of the trip,
- destination(s), and
- certain cost information.<sup>4</sup>

In addition to reporting to GSA, agencies are also required to report a summary of these data to OMB semiannually, also in a format specified by GSA.<sup>5</sup> Moreover, the President has specified that “all use of Government aircraft by senior executive branch officials shall be documented and such documentation shall be disclosed to the public upon request unless classified.”<sup>6</sup>

GSA compiles information submitted by agencies into an annual “Senior Federal Official Travel Report.” The stated purpose of the report is:

to identify [senior federal officials’] and [non-federal travelers’] use of Government-owned aircraft in support of Federal agencies’ missions. The [report] offers transparency into usage and travel justifications for Government-owned aircraft; this information is critical to further examination of government travel costs and moving towards better management, policy development and control.<sup>7</sup>

These are important and commendable goals. The Senior Federal Official Travel Reports contain data and analyses on the costs of trips, the number of agencies submitting reports, the number of trips, the amount of trips by justification, costs by agency, and cost comparisons over time.

However, these reports are not publicly available on GSA’s website. Given that use of government aircraft is financed by the taxpayer, there is no reason why these reports should not be accessible on GSA’s website for public consumption. The President has already made clear that the underlying information is publicly available, and more recent presidential guidance has stated that “agencies should adopt a presumption in favor of disclosure” and that “agencies should take affirmative steps to make information public.”<sup>8</sup>

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<sup>4</sup> OMB Circular No. A-126, ¶ 10.c; OMB Bulletin 93-11, at 3-1.

<sup>5</sup> 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.

<sup>6</sup> February 10, 1993, Presidential memorandum on “Restricted Use of Government Aircraft.”

<sup>7</sup> General Services Administration, Senior Federal Official Travel Report, Fiscal Year 2015 (Jan. 12, 2016), at 3.

<sup>8</sup> Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act, 74 Fed. Reg. 4683 (Jan. 21, 2009).

The use of government aircraft by senior federal officials is permissible in appropriate circumstances, and the public also has a right to be informed of these activities. The President's words in 1993 when he put these government aircraft reporting requirements in place remain true: "As American taxpayers are being asked to make a contribution to reducing the deficit it is imperative that we not spend their hard-earned tax dollars in ways that may appear to be improper."<sup>9</sup>

Please respond to the following questions no later than May 13, 2016:

1. Why does GSA not make the Senior Federal Official Travel Reports publicly available and accessible on GSA's website? Please explain the basis for the decision not to make them publicly available.
2. Will you commit to making these reports publicly available and accessible on GSA's website? If so, by what date will you begin making them public? If not, why not?

Please contact Jason Foster of my Committee staff at (202) 224-5225 should you have any questions. Thank you for your cooperation in this important matter.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary

cc:

The Honorable Patrick Leahy  
Ranking Member  
Senate Committee on the Judiciary

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<sup>9</sup> February 10, 1993, Presidential memorandum on "Restricted Use of Government Aircraft."