

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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March 13, 2018

The Honorable Trey Gowdy  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Last September, you and I launched a bipartisan investigation into troubling reports that senior White House and cabinet officials were squandering tens of thousands of taxpayer dollars by traveling around the country on private jets. President Trump reportedly became so upset by these abuses that he fired Secretary of Health and Human Services (HHS) Tom Price. Yet, the White House has refused to provide any information in response to our request despite reports that Counselor to the President Kellyanne Conway may have joined some of these trips.

Now, our staff has been allowed to review *in camera* HHS documents that appear to confirm that Ms. Conway and another White House official traveled on several of these trips, costing the taxpayers tens of thousands of additional dollars. In addition, the Department of the Treasury has confirmed that it received three checks from Mr. Price totaling nearly \$60,000 to reimburse the American taxpayers for his portion of expenses on these trips.

To date, the White House has refused to provide any documents at all, including those relating to Ms. Conway's participation in these trips, whether she intends to repay the taxpayers for the cost of her travel, or whether the President is considering any disciplinary action against her in light of his decision to fire Secretary Price for participating in the same trips.

Instead, the White House has sent us a series of inexplicable excuses: suggesting that some offices within the Executive Office of the President (EOP) do not report to the Chief of Staff, directing our Committee to the National Archives and Records Administration, and insisting that we seek documents instead from only those White House offices that are required to comply with the Freedom of Information Act and the Federal Records Act.

Under your chairmanship, the Committee has launched three investigations of the White House—into private jets, private email, and security clearances—but the White House has completely stonewalled our requests for documents in all three. If you do not issue a subpoena at this point, it will be obvious to the White House and the American people that the Committee has no intention of serving as a true check on the Executive Branch.

### **White House Refusal to Comply with Bipartisan Request**

On September 26, 2017, you and I sent bipartisan requests to the White House, HHS, and other agencies seeking a wide range of documents, including “the aircraft manifest (including all passenger names), destinations, dates of use, purpose, cost of each trip, and the source of payment for the trip.”<sup>1</sup> On October 10, 2017, White House Director of Legislative Affairs Marc T. Short sent a letter declining to produce any documents and bizarrely claiming that “not all components within the EOP are under the supervision of the President’s Chief of Staff.”<sup>2</sup>

On October 17, 2017, we sent a second request.<sup>3</sup> On November 3, 2017, Mr. Short sent another letter again declining to provide any documents, and this time directing our inquiry to the National Archives and Records Administration.<sup>4</sup>

On November 1, 2017, I wrote to request that you issue a subpoena to compel the White House to produce all of the documents we requested. As I wrote:

[T]he White House has provided no response whatsoever to the Committee’s bipartisan follow-up request on October 17, 2017. We have received no manifests, destinations, dates of use, purposes, or costs of trips.<sup>5</sup>

You declined to issue the subpoena.

Instead, on November 16, 2017, you sent a third letter to the White House, noting that Mr. Short’s claims were “at odds with the official website” of the White House, and stating, “I trust you can nevertheless facilitate their response to the Committee’s request.”<sup>6</sup>

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<sup>1</sup> Letter from Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Chief of Staff John F. Kelly, The White House (Sept. 26, 2017) (online at <https://oversight.house.gov/wp-content/uploads/2017/09/2017-09-26-TG-EEC-to-Kelly-WH-Travel-due-10-10.pdf>).

<sup>2</sup> Letter from Director of Legislative Affairs Marc T. Short, The White House, to Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Oct. 10, 2017) (online at [https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/WH%20to%20OGR%2010-10-17\\_0.pdf](https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/WH%20to%20OGR%2010-10-17_0.pdf)).

<sup>3</sup> Letter from Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Chief of Staff John F. Kelly, The White House (Oct. 17, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-17.Gowdy%20EEC%20to%20Kelly-WH%20re%20Travel%20Followup%20due%2010-31.pdf>).

<sup>4</sup> Letter from Director of Legislative Affairs Marc T. Short, The White House, to Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Nov. 3, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/WH%20to%20OGR%2011-03-17.pdf>).

<sup>5</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Nov. 1, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-11-1.EEC%20to%20Gowdy%20re.Travel.pdf>).

<sup>6</sup> Letter from Chairman Trey Gowdy, House Committee on Oversight and Government Reform, to Chief of

On December 4, 2017, Mr. Short sent another letter, again declining to provide any documents. Instead, the letter inexplicably directed us to obtain the documents we requested from other components of the Executive Office of the President that “are subject to the requirements of the Federal Records Act and the Freedom of Information Act.”<sup>7</sup>

### **New Information from HHS on Secretary Price’s Private Flights with Kellyanne Conway**

President Trump fired HHS Secretary Tom Price for taking dozens of private flights at taxpayer expense, stating: “I will tell you personally, I am not happy about it.”<sup>8</sup> However, he has not commented on the reported participation in these flights by Counselor Kellyanne Conway.<sup>9</sup>

Now, HHS has allowed Committee staff to review documents *in camera*, including flight manifests, that appear to confirm that Ms. Conway joined Secretary Price on the following trips:

- On May 9, 2017, Secretary Price and Ms. Conway traveled from Washington, D.C. to Lansing, Michigan, to Charleston, West Virginia, and back to Washington, D.C.
- On May 10, 2017, Secretary Price and Ms. Conway traveled from Washington, D.C. to Augusta, Maine, to Concord, New Hampshire, and back to Washington, D.C. The total cost of these flights on May 9 and 10 for all passengers was \$44,531.45. Several staff to Ms. Conway were listed as accompanying her.
- On July 6, 2017, Secretary Price and Ms. Conway traveled from Washington, D.C. to Chattanooga, Tennessee, and back to Washington, D.C. The total cost of these flights for all passengers was \$14,569.90.
- On September 15, 2017, Secretary Price and Ms. Conway traveled from Washington, D.C. to Philadelphia, Pennsylvania, and back to Washington, D.C. The cost of these flights was not reported in documents produced to the Committee.

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Staff John F. Kelly, The White House (Nov. 16, 2017) (online at <https://oversight.house.gov/wp-content/uploads/2017/11/2017-11-16-TG-to-Kelly-WH-re-Travel.pdf>).

<sup>7</sup> Letter from Director of Legislative Affairs Marc T. Short, The White House, to Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Dec. 4, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/WH%20to%20OGR%2012-04-17.pdf>).

<sup>8</sup> *Trump on Firing Price for Taxpayer-Funded Private Jet Use*, CNN (Sept. 27, 2017) (online at [www.cnn.com/2017/09/27/politics/donald-trump-tom-price-plane-travel/index.html](http://www.cnn.com/2017/09/27/politics/donald-trump-tom-price-plane-travel/index.html)).

<sup>9</sup> *Price Traveled By Private Plane at Least 24 Times*, Politico (Sept. 21, 2017) (online at [www.politico.com/story/2017/09/21/tom-price-private-charter-plane-flights-242989](http://www.politico.com/story/2017/09/21/tom-price-private-charter-plane-flights-242989)) (reporting that Secretary Price and Ms. Conway “made stops in four different states in the span of two days”).

These documents also indicate that Andrew Bremberg, the Director of the Domestic Policy Council at the White House, traveled with Secretary Price on a flight to the President's golf club in New Jersey to brief the President on the opioid crisis.

On October 4, 2017, I sent letters to HHS and the Department of the Treasury seeking information about whether Secretary Price fulfilled his commitment to repay the American taxpayers for the costs of these flights.<sup>10</sup> On November 8, 2017, the Treasury Department responded:

The Department of the Treasury has received three checks from Mr. Price in the amounts of \$51,887.31, \$6,013.66, and \$1,489.00. A handwritten notation on the checks indicates that they relate to certain travel expenses.<sup>11</sup>

I also sent a letter to Ms. Conway on October 4, 2017, seeking documents relating to her private non-commercial and military flights from January 20, 2017, to the present.<sup>12</sup> She never responded.

### **Request for Subpoena**

For all of these reasons, I request that you issue a subpoena, by March 27, 2018, to compel the White House to produce documents sufficient to show the following:

- (1) Identify each usage of a government-owned aircraft by a non-elected official in the Executive Office of the President since January 20, 2017. For each usage please provide the aircraft manifest (including all passenger names), destinations, dates of use, purpose and cost of each trip.
- (2) Produce policies relating to the use of government-owned aircraft or private noncommercial aircraft by non-career officials.
- (3) Identify each usage of a private, non-commercial aircraft by a non-career official in the Executive Office of the President, including but not limited to charter service, lease, or other arrangement through Commercial Aviation Services

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<sup>10</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Acting Secretary Don Wright, Department of Health and Human Services, and Secretary Steven T. Mnuchin, Department of the Treasury (Oct. 4, 2017) (online at [https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-04.EEC%20to%20Mnuchin%2C%20Wright%20re%20Private%20Jet%20Doc%20Request\\_0.pdf](https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-04.EEC%20to%20Mnuchin%2C%20Wright%20re%20Private%20Jet%20Doc%20Request_0.pdf)).

<sup>11</sup> Letter from Assistant Secretary for Legislative Affairs Drew Maloney, Department of the Treasury, to Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Nov. 8, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/Redact.pdf>).

<sup>12</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Counselor to the President Kellyanne Conway, The White House (Oct. 4, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-04.EEC%20to%20Conway-WH%20re%20Private%20Jet.pdf>).

providers since January 20, 2017. Provide the aircraft manifest (including all passenger names), destinations, dates of use, purpose, cost of each trip, and the source of payment for the trip.

I also request that the subpoena include, with respect to Ms. Conway, documents sufficient to show:

- (4) the number of flights, the location of their departures and arrivals, and complete lists of all passengers and guests;
- (5) the full costs for each flight, including all associated or related transportation costs;
- (6) the cost of your seat on these flights and anyone joining at your request; and
- (7) all documents referring or relating to the following for each of the flights: (a) the purpose(s) for the flight; (b) the person, organization, or agency that paid for the flight; (c) the official approval given to take the flight; (d) the awareness of other administration officials that you were taking the flight; and (e) the justification of the need for the flight compared to flying commercial or other forms of transportation.

If you choose not to issue this subpoena, then I ask you to place this matter on the agenda for our next regularly scheduled business meeting so all Committee members will have the opportunity to vote on a motion to subpoena the White House for this information.

Sincerely,



Elijah E. Cummings  
Ranking Member