

GAO

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Report to the Chairman, Subcommittee
on Government Information, Justice
and Agriculture, Committee on
Government Operations, House of
Representatives

June 1990

GOVERNMENT CIVILIAN AIRCRAFT

Use of Government Aircraft by the Attorney General and FBI Director



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General Government Division

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The Honorable Bob Wise
Chairman, Subcommittee on Government Information,
Justice and Agriculture
Committee on Government Operations
House of Representatives

Dear Mr. Chairman:

This report responds to your request that we review travel on government aircraft by the Attorney General and the Director, Federal Bureau of Investigation (FBI). We present information about their travel as well as certain actions the Department of Justice should take to better manage use of its aircraft for executive transportation.

As arranged with the Subcommittee, unless you publicly announce the contents earlier, we plan no further distribution of this report until 30 days from the date of issuance. At that time, we will send copies to the Attorney General, the Director of the FBI, and other interested parties.

Major contributors to this report are listed in appendix IV. Please contact me on 275-8389 if you have any questions concerning the report.

Sincerely yours,

Lowell Dodge
Director, Administration
of Justice Issues

Executive Summary

Purpose

To enhance security and increase flexibility, the Attorney General and the Director, Federal Bureau of Investigation (FBI), primarily used FBI aircraft for their travel.

The Chairman of the Subcommittee on Government Information, Justice and Agriculture, House Committee on Government Operations, was concerned about the extent of the executives' travel and the absence of a Department of Justice policy governing that travel. Accordingly, he requested that GAO review the Attorney General's and FBI Director's travel on government aircraft. He also asked that GAO determine whether Justice and the FBI complied with governmentwide and internal Justice policies on using government aircraft to transport executives.

Background

The FBI generally used three planes for executive transportation out of its fleet of 84 aircraft. These planes were also used for investigative-related missions, including undercover operations and transportation of equipment and evidence.

Office of Management and Budget (OMB) Circulars A-76 and A-126 establish executive branch policy for owning, managing, and using aircraft. OMB requires that agencies initially determine whether aircraft and aircraft-related services can be obtained less expensively from commercial sources and reevaluate the findings every 5 years. Circular A-76 states that the government's general policy is to use commercial rather than government sources to supply products and services (including aircraft and aircraft services) when it is more economical to do so. However, functions that are "inherently governmental" may not be contracted out. For example, criminal investigations or intelligence operations are cited as inherently governmental and as such cannot be contracted out. Circular A-126 establishes policies for acquiring, managing, using, and accounting for the costs of government aircraft. Both circulars require agencies to issue directives or instructions to implement their provisions.

To document the Attorney General's and FBI Director's trips between August 1988 and July 1989, GAO reviewed flight reports, itineraries, travel vouchers, and related documents. To determine compliance with OMB policy and Justice guidance, GAO reviewed applicable instructions, interviewed officials in Justice and OMB, and reviewed documentation. (See pp. 16-19.)

Results in Brief

Justice permits the Attorney General to use agency aircraft to ensure his security. Officials said security is required due to numerous threats against his life. Transportation for the FBI Director was provided for similar reasons. As of May 2, 1990, Justice was developing a policy to manage its aircraft and the use of these aircraft for executive transportation. In November 1989, Justice issued a specific policy in response to GAO's review providing guidance on when reimbursement is required from nonagency passengers.

During the period GAO reviewed, the Attorney General and FBI Director took 75 trips involving travel on government aircraft. Most of their trips were to give speeches, attend meetings, or visit field locations.

Although Justice did not have a policy describing how and when reimbursements were to be made, the Attorney General reimbursed the government the commercial fare for the three trips involving personal travel by him and his family members. He also reimbursed for trips his wife took with him in connection with his official business because she preferred to exercise caution until ambiguity regarding travel by spouses was clarified. All but a portion of one of the Director's and his wife's trips were related to official business. When GAO determined that a portion of one trip was personal, the Director reimbursed the government for the travel for his wife and himself.

Justice said that its aircraft were used for inherently governmental functions and, therefore, it did not need to do cost comparisons to determine whether commercial sources would have been more economical. According to OMB Circular A-76, inherently governmental functions include activities that require either "the exercise of discretion in applying government authority or the use of value judgement in making decisions for the Government." Thus, GAO believes that while providing for executives' security may be an inherently governmental function, transporting them on Justice aircraft is not.

Justice considered using regular commercial airline services for the Attorney General's transportation and rejected the option for such reasons as the need to provide for his personal security and the inability of commercial aircraft to provide secure communications. GAO's analysis indicates that private lease or rental aircraft services can satisfy the security and security-related requirements better than regularly scheduled airlines.

Although OMB Circular A-126 requires agencies to maintain accounting systems that accumulate required aircraft costs, the FBI did not have complete cost data for its aircraft, including the three planes commonly used to transport the Attorney General and the Director. Without such cost data, Justice could not be sure that it was making cost-effective decisions on aircraft use.

Principal Findings

Attorney General's and FBI Director's Use of Government Aircraft

The Attorney General took 39 trips using government aircraft from August 1988 through July 1989. Twenty of these were 1-day trips. Twenty-six round-trips were domestic flights on FBI aircraft. Generally, he was accompanied by at least one member of his staff and an FBI security detail. His wife accompanied him on eight trips. (See pp. 20-21.)

The FBI Director took 36 trips during this period, of which 29 were round-trips on FBI aircraft. Ten of the 36 were 1-day trips. The Director was accompanied by an FBI security detail, but he generally traveled without an immediate staff member. His wife accompanied him on 17 trips. (See pp. 21-22.)

The Attorney General reimbursed a total of \$1,032 for himself and family members for three personal trips on Justice aircraft. He also reimbursed a total of \$1,371 for trips his wife took in connection with his official business. After GAO discussed the situation with FBI officials, the FBI Director reimbursed a total of \$280 for the personal business portion of one trip he and his wife took on FBI aircraft. (See pp. 24-25.)

Justice Has Not Considered Private Aircraft Services for Executives' Transportation

OMB Circular A-76 requires agencies to compare the cost of doing a commercial activity in-house to contracting for it. Circular A-126 specifically requires that this comparison be done to justify the acquisition and continuing need for aircraft.

Justice had not compared its costs for the Attorney General's and FBI Director's transportation on government aircraft to those of private commercial services. Justice did not consider private aircraft services because Justice maintains that its aircraft are used for inherently governmental functions. However, OMB classifies air transportation of personnel as a commercial-type activity. Thus, GAO believes that using

Justice aircraft for the executives' transportation is not an inherently governmental function and is subject to OMB's requirements to compare its costs to those of commercial alternatives.

GAO agrees with Justice that the security requirements for the executives' travel may not be effectively met by regularly scheduled airlines. However, GAO's analysis also indicates that private aircraft services can meet the executives' requirements better than regularly scheduled airlines. Thus, Justice officials responsible for the executives' security should determine whether such services are satisfactory. If they are, private aircraft services should be used according to A-76 and A-126 if they are less expensive than using government aircraft.

The Assistant Attorney General for Administration said that private aircraft services should be used if they meet security and operational needs at a reasonable cost. (See pp. 28-35.)

If private aircraft services can be used for transportation, the FBI will have the opportunity to make increased use of the three aircraft for investigative purposes. Should the FBI not need the additional capacity for mission support, it would have the opportunity to make a more informed decision regarding the need to retain one or more of those three aircraft.

Complete Cost Data Not Accumulated

Contrary to OMB Circular A-126 requirements, the FBI did not have complete cost data for its aircraft. For example, the FBI data did not include depreciation costs or personnel costs associated with piloting or maintaining each aircraft.

The FBI lacked complete cost data in part because Justice viewed all of its aircraft operations as inherently governmental and thus not subject to OMB's requirement to compare its aircraft costs to commercial sources. The FBI should collect appropriate cost data irrespective of the requirement to make this comparison. Without such data, the FBI cannot assure itself that it is most effectively managing its 84 aircraft. (See pp. 35-40)

Recommendations

In order to comply with OMB policies, the Attorney General should instruct the FBI Director to

- develop aircraft cost data and

- determine whether private aircraft services can effectively meet the security needs and other considerations of the Attorney General, Director, and other executives; and, if so, further determine if such private services could provide this transportation more cost effectively than FBI or other Justice aircraft. (See p. 48.)

Agency Comments

GAO did not obtain official comments on this report. However, GAO discussed the facts with Justice and OMB officials and incorporated their views where appropriate. Justice considered the material to be accurate but did not believe OMB's cost accounting and cost comparison requirements were practical for their aircraft operations. Justice officials said that some consideration had been given to the cost of using leased aircraft and they had concluded intuitively that using government aircraft would be cheaper. An official also said that once OMB issues its new streamlined cost comparison guidance for aircraft, Justice will make a comparison under the required procedures. (See p. 31.)

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Abbreviations

DEA	Drug Enforcement Administration
FBI	Federal Bureau of Investigation
GSA	General Services Administration
JMD	Justice Management Division
OMB	Office of Management and Budget
USMS	United States Marshals Service

Introduction

Since 1981, the Attorney General and the Director of the Federal Bureau of Investigation (FBI) have used government aircraft for some of their transportation. Government aircraft were used because Department of Justice officials judged that the executives' personal security and security-related needs (e.g., access to secure communication equipment) were better satisfied by such aircraft, especially FBI aircraft, than by regularly scheduled commercial airlines.

The Chairman of the House Government Operations Committee's Subcommittee on Government Information, Justice and Agriculture was concerned about the extent of the executives' travel and the absence of a Department of Justice policy governing that travel. Accordingly, he requested that we review travel by the Attorney General and FBI Director on government aircraft from the time the Attorney General took office on August 11, 1988, through July 31, 1989. We also determined whether Justice and the FBI complied with governmentwide and internal guidance on the use of government aircraft for transporting executives.

Background

In 1980, the FBI began to retain some airplanes that it had seized. As of September 30, 1989, the FBI had a fleet of 84 aircraft, 9 of which were operated by FBI headquarters in the Washington, D.C., area.

At the same time the FBI began acquiring airplanes, it also became more involved with protecting the Attorney General and the FBI Director. According to the chief of the security unit that protects the two executives, the FBI has provided some security for the Attorney General and the FBI Director since the early 1970s. In 1979, Justice established an official executive protection policy. The policy authorized the Attorney General and the head of any Department of Justice bureau to assign employees to protect them or their employees whenever safety concerns existed.

According to the FBI security unit chief, the FBI has provided a full-time security detail for Attorneys General since January 1981, when the then-Attorney General formally requested full-time protection. Protection for the FBI Director evolved over time from one armed driver to a full-time protective detail.

According to Justice officials, security for the Attorney General and FBI Director remains a serious concern. In a February 1989 memorandum, the Assistant Attorney General for Administration said that the

Attorney General had been the subject of at least 13 threats to his personal safety in the approximately 6 months he had been in office. The FBI's security unit chief said that during the fall of 1989 the primary security threat was from Colombian drug cartels. The FBI had received various reports that the Attorney General had been targeted by Colombian "hit" squads. The FBI official responsible for drug investigations recommended that these threats be taken seriously, especially if the Colombian government extradited drug cartel members to the United States. The FBI believes that its Director's security needs are essentially the same as those of the Attorney General.

Air Transportation

To enhance security and provide flexibility in scheduling their travel, the FBI has provided an increasing portion of the Attorney General's and the FBI Director's air transportation on its aircraft since 1981. At that time, the FBI began to use its aircraft for some of the executives' domestic travel. According to an FBI official who oversees its aviation program, the use of FBI planes for the travel of the two executives increased in 1984 when the FBI acquired by seizure a Sabreliner jet designed for passenger transportation. During the period from August 11, 1988, through July 31, 1989, the FBI was the principal provider of air transportation for the Attorney General and the FBI Director.

The three FBI aircraft principally used by the Attorney General and the FBI Director were all seized and forfeited in connection with criminal investigations. About 53 percent of the total flight time for these aircraft during the period we reviewed was for transporting the Attorney General, FBI Director, and other executives. These aircraft are

- the seven-passenger 1966 model Sabreliner acquired in 1984, which is the only jet aircraft in the FBI's inventory;
- a seven-passenger turboprop aircraft acquired in February 1988; and
- a five-passenger turboprop aircraft acquired in February 1989.¹

Although the Attorney General and the FBI Director use FBI aircraft for most of their domestic travel, transporting executives is only a small part of the FBI's total aviation program. The FBI reported in fiscal year 1988 that 553 flight hours (1.4 percent of its total 38,832 flight hours) were for executive transportation. The majority of FBI aircraft are single-engine planes used primarily for surveillance.

¹The seven- and five-passenger turboprop airplanes' identities are not being disclosed because of security considerations.

The three planes commonly used for executive transportation are suitable for a variety of FBI missions. They travel at relatively higher altitudes, greater speeds, and longer ranges than most FBI aircraft. When the FBI sought approval to retain or restore them, officials cited their value to perform a variety of operational missions, such as transporting hostage rescue team members, witnesses, and hazardous materials. The two turboprop aircraft were retained after the FBI adopted guidelines stating that property would be retained for use in undercover operations; surveillance; and when FBI headquarters determines that a substantial law enforcement purpose, such as use in training new agents, can be served by retaining the property. The Sabreliner was retained before these guidelines were adopted.

Executive Branch Guidance on Aircraft

Two Office of Management and Budget (OMB) circulars, A-76 and A-126, establish executive branch policies for owning, managing, and using aircraft. Each agency is to develop its own policies and procedures to implement these circulars.

Circular A-76, "Performance of Commercial Activities," as revised on August 4, 1983, states that the government's general policy is to rely on commercial sources to supply products and services (including aircraft and aircraft services) when it is more economical to do so. Inherently governmental functions—"those requiring the exercise of discretion in applying government authority or the use of value judgement in making decisions for the Government"—may not be contracted to private vendors. For example, criminal investigations or intelligence operations are inherently governmental and as such may not be contracted out.

Once an agency determines that a particular function is a commercial activity as opposed to an inherently governmental function, the circular requires the agency to rely on commercially available sources to provide the product or service unless one of four exceptions applies. The circular sets out procedures that agencies must follow to establish that one of the exceptions applies.

Only two exceptions could apply to executive transportation—(1) no satisfactory commercial source is available or (2) the agency can perform the activity at a lower cost than a qualified commercial source. To establish that no satisfactory commercial source is available, the circular requires agencies to document either that no commercial source is capable of providing the service or that, if capable, the use of a commercial service would cause unacceptable delay or disruption of an agency

program. To document its ability to perform a service at a lower cost than a qualified commercial source, the circular requires agencies to complete a cost comparison in accordance with guidelines described in the circular. OMB officials said they are planning to issue a supplement to Circular A-76 that will streamline the process for agencies to follow when comparing the cost of using government aircraft versus commercial sources.

Circular A-126, "Improving the Management and Use of Government Aircraft," prescribes specific policies executive agencies are to follow in acquiring, managing, using, and accounting for the costs of government aircraft configured to carry passengers or cargo. The circular establishes criteria for the use of government aircraft and the procedures agencies must follow to document compliance with those criteria. Basically, it requires agencies to justify (1) the continuing need for government aircraft and the cost effectiveness of in-house aircraft operations and (2) the use of government aircraft for administrative travel (i.e., passenger transportation or other administrative support purposes). OMB requires that agencies initially determine whether aircraft and aircraft-related services can be obtained less expensively from commercial sources and reevaluate the findings every 5 years.

OMB first issued Circular A-126 in August 1983 in response to investigations by us and several Inspectors General that documented instances of inappropriate and inefficient use of government-owned aircraft to carry passengers and cargo when less expensive commercial alternatives were available.² Agency Inspectors General and we continued to document misuse of government aircraft,³ and, on January 18, 1989, OMB issued a revised Circular A-126 to eliminate ambiguities and strengthen the policy.

Among other things, the 1989 version of Circular A-126

- requires that agencies provide OMB and the General Services Administration (GSA) with copies of their A-76 studies justifying the continuing need for government aircraft and the cost effectiveness of in-house aircraft operations;

²Federal Civilian Agencies Can Better Manage Their Aircraft and Related Services (GAO/PLRD-89-64, June 24, 1988).

³Use of Civilian Agencies' Aircraft for Passenger Transportation (GAO/T-GGD-88-52, Sept. 28, 1988) and a subsequent summary report Government Civilian Aircraft: Central Management Reforms Are Encouraging But Require Extensive Oversight (GAO/GGD-89-86, Sept. 28, 1989).

- defines aircraft mission requirements as activities other than transporting passengers or cargo that must be accomplished to carry out the agency's statutory responsibilities; and
- contains cost-accounting guidance and standard aircraft program cost elements for agencies to use in complying with the justification and cost-effectiveness requirements of OMB Circulars A-76 and A-126.

Justice Policies Concerning Executive Transportation and Aircraft Management

Although required to do so by OMB, as of May 2, 1990, Justice had not issued a Department policy governing the use of its aircraft for executive transportation or implementing OMB's aircraft policies contained in Circular A-126. However, Justice officials said Justice was drafting an order to implement OMB Circular A-126. Further, the order and Justice's general travel policy for employees were to include provisions on executive transportation on government aircraft. While Justice is in the process of finalizing its overall aircraft policies, three Justice components—the FBI, United States Marshals Service (USMS), and Drug Enforcement Administration (DEA)—have policies governing the use of their aircraft.

Justice Policy for Attorney General's and Director's Use of Aircraft

According to Justice Management Division officials, Justice policy regarding travel on government aircraft by the Attorney General is contained in two memorandums. Justice officials said the FBI initiated development of this policy before the Attorney General took office on August 11, 1988, and the Attorney General directed that the efforts be continued. A February 15, 1989, memorandum by the Assistant Attorney General for Administration recommended that Justice encourage the Attorney General to use Justice aircraft or private leased aircraft rather than regularly scheduled commercial airline services. In a June 1, 1989, memorandum, the Assistant Attorney General, Office of Legal Counsel, said that the Attorney General could authorize his own travel on government aircraft. Both memorandums said that government aircraft would provide better security than commercial airlines. They also cited access to secure communications as another reason for using government aircraft for the Attorney General's transportation.

Justice had not issued a policy on use of government aircraft by the FBI Director or similar officials.

Justice Developing Additional Policies

Justice officials said Justice was developing a policy on the use of its aircraft as of May 2, 1990. The policy was to be contained in a new order providing Justice-wide policy to implement OMB's Circular A-126

and guidance on executives' use of aircraft. In addition, Justice's travel policy, which covers all of its employees' transportation, was being revised and was to include one policy related to use of Justice aircraft.

According to the official developing the order on aircraft use, the order will state that Attorney General travel on Justice aircraft is an ongoing mission requirement due to his security and other requirements. For other executives, including the FBI Director, the Attorney General would be responsible for determining if their transportation presents unique security, accessibility, and operational requirements that cannot be met by commercial aircraft. If so determined, the Attorney General could approve any official's use of government aircraft for a specified time period.

According to a Justice Management Division official, Justice's general travel policy also will contain one provision related to executive travel. Executives, including the FBI Director, will need approval from their immediate supervisors for all travel, including that on Justice aircraft. Only the Attorney General will be authorized to approve his own travel. Previously, travel by the heads of Justice components was approved by their deputies.

FBI Aircraft Policy

The FBI's aircraft policies are contained in its Manual of Investigative Operations and a 1985 memorandum. According to the manual, the FBI aviation program's mission is "to provide aircraft support for all facets of FBI investigative activities and for expedited transportation in priority matters" These investigative activities include such missions as surveillance, undercover work, and transporting the advance unit of the hostage rescue team. The 1985 memorandum states that operational flights in support of investigative missions always (FBI emphasis) have priority over transportation flights.

An FBI official explained that when the Attorney General or FBI Director wants to use an FBI plane, their offices notify the chief of their security detail, who, in turn, contacts the FBI's aviation unit staff. After arrangements are made by telephone, a flight request form is circulated through FBI headquarters alerting managers that the flight has been scheduled. The form provides for initialing by top managers to approve the request, thereby documenting that the transportation does not conflict with a mission use of the aircraft. However, managers do not always initial the forms. FBI officials said that in these instances, approvals would have been obtained orally.

Although investigative mission flights always have priority over executive transportation for use of FBI aircraft, a manager in the aviation unit said that, in practice, it is rare that a request to transport the Attorney General or the FBI Director would not be satisfied. When the FBI cannot transport the Attorney General, an assistant to the Attorney General requests an aircraft from USMS or DEA. If a government plane is not available, a regular commercial airline or a rental aircraft may be used.

The FBI's policy on use of its aircraft, as stated in the Manual of Investigative Operations, incorporates provisions from the 1983 version of OMB Circular A-126. According to an FBI official, the FBI is awaiting issuance of Justice's order implementing OMB's January 1989 update of A-126 before revising its policies.

USMS and DEA Guidance

USMS and DEA have also incorporated policies and procedures on aircraft operations, including limitations on passenger transportation, into their operations manuals. The USMS General Aviation Manual for Aircraft Operations, revised in August 1986, requires advance authorization for passenger transportation on aircraft. The manual states that such use "must be justified on the basis of necessity, economy and efficiency to ensure prudent and effective use of program resources." DEA's draft Aviation Operations Manual, dated July 1989, states that "all legal and policy requirements concerning the use of an official vehicle apply equally to the use of official aircraft."

Objectives, Scope, and Methodology

The Chairman, House Committee on Government Operations, Subcommittee on Government Information, Justice and Agriculture, requested that we review travel by the Attorney General on government aircraft during the period from August 11, 1988, through July 31, 1989. More specifically, we were to prepare a list of trips taken by the Attorney General on government aircraft, including information on when and where the travel occurred, what government aircraft were used, each trip's purpose, and who accompanied the Attorney General.

During a briefing with the Subcommittee on our initial analysis of the Attorney General's travel, we discussed other issues related to use of government aircraft. Accordingly, we agreed to include the FBI Director's travel and to

- review Justice's and the FBI's compliance with governmentwide and internal guidance on the use of government aircraft for transporting executives;
- review the instances in which the Attorney General or the FBI Director reimbursed the government for their personal travel or travel by family members;
- determine the amount of time each FBI aircraft commonly used to transport the Attorney General and the Director was used for their transportation, other executive transportation, investigative missions, and aviation support operations, such as maintenance and testing;
- determine the cost of transporting the Attorney General and FBI Director on Justice aircraft;
- provide information on the basis on which Justice and FBI officials recommended that the Attorney General and FBI Director travel on government aircraft; and
- review the relationship between the proposed modifications to an FBI aircraft and its use for executive transportation.

We did our work at FBI and Justice headquarters in Washington, D.C. We also met with officials of OMB and GSA to obtain information on governmentwide guidance on the use of government aircraft to transport executives. We met with a representative of a private aviation service recommended to us by a GSA official to gain an understanding of the services and security a private firm might provide under contract to transport government executives.

To prepare a list of trips taken by the Attorney General and FBI Director on government aircraft from August 11, 1988, through July 31, 1989, we reviewed the individual flight reports filed by the FBI pilots for these trips. These documents showed dates of travel; aircraft used; destinations; brief descriptions of the types of missions; and, in most instances, passenger listings. When individual flight reports could not be located, we obtained information about the flights from the FBI's Bureau Aircraft Operations System, the database into which information from the flight reports is recorded.

We also obtained the Attorney General's and FBI Director's travel vouchers and trip itineraries prepared by their offices. These documents showed dates of trips, destinations, the purposes of the travel, and other passengers traveling with the Attorney General or FBI Director. We cross-checked the data from the different sources. Where we noted inconsistencies or omissions in information provided, we interviewed officials and obtained additional documentation.

To review Justice's and FBI's compliance with governmentwide and internal guidance on the use of government aircraft for transporting executives, we obtained applicable guidance from OMB, Justice, and the FBI, and we talked with GSA officials who help agencies comply with the OMB guidance. We concentrated our work on the FBI's compliance with guidance because the FBI provided about 90 percent of the Attorney General's transportation and all of the FBI Director's transportation that occurred on Justice aircraft. We interviewed Justice and FBI officials and reviewed documentation on their procedures for complying with governmentwide guidance and their internal policies on use of government aircraft by executives. We obtained similar information from USMS and DEA, the two other Justice components that provided the Attorney General with air transportation, but we did not do a detailed review of their compliance. For example, we did not interview USMS and DEA officials to obtain information on specific procedures they follow to comply with guidance.

We obtained information about the Attorney General's and FBI Director's reimbursements for personal travel or family members' travel on government aircraft by asking their offices to provide information on their reimbursement policies and documentation of any reimbursements made. We also reviewed applicable Justice travel policies.

For each FBI aircraft that was commonly used to transport the Attorney General and the FBI Director, we obtained all individual flight reports filed by FBI pilots for trips on these three planes. We then determined the amount of time each aircraft was used to transport the executives and for other purposes related to the FBI's investigative mission. We cross-checked these flight reports against a printout from an FBI database that listed all flights of the three planes during the period of our review. When individual flight reports could not be located, we relied on information about the flights from the database. We reviewed the use of the three planes over the period from August 11, 1988, through July 31, 1989.

To determine the cost of transporting the Attorney General and the FBI Director on Justice aircraft, we asked officials at the FBI, USMS, and DEA to provide us with estimates of their costs per hour of flight time for each plane used. We also asked that they identify the elements, such as fuel, maintenance, and crew, that are considered in determining flight-hour costs. We noted that FBI cost estimates varied, and we interviewed officials about the reasons for the differing estimates. We also reviewed a November 1989 internal Justice memorandum reporting on the results

of an internal examination of the billing practices by Justice components for executives' use of their aircraft.

To obtain information on why the Attorney General and FBI Director traveled on government aircraft, we reviewed Justice and FBI memorandums on this subject. We also interviewed various Justice officials and the managers of the FBI's security and aviation units.

To review the relationship between the proposed modifications to an FBI aircraft and its use for executive transportation, we interviewed officials knowledgeable about the proposed modification and executive transportation and obtained and reviewed applicable documents.

We did our work between July 1989 and February 1990 using generally accepted government auditing standards. As requested, we did not obtain written comments from Justice. We did, however, discuss the facts with Justice, FBI, and OMB officials and incorporated their views where appropriate. Justice officials considered the material to be accurate but did not believe OMB's cost accounting and cost comparison requirements were practical for their aircraft operations. Justice officials said that some consideration had been given to the cost of using leased aircraft and they had intuitively concluded that using government aircraft would be cheaper. An official said that once OMB issues its new streamlined cost comparison guidance for aircraft, Justice will make a comparison under the required procedures.

Attorney General's and FBI Director's Use of Government Aircraft

The Attorney General and FBI Director relied mainly on Justice aircraft for their air travel. They took 75 trips involving travel on government aircraft from August 11, 1988, through July 31, 1989. The FBI provided most of this transportation. However, both executives also traveled on military aircraft, and on one occasion, the Attorney General used a rental aircraft piloted by an FBI agent. The Attorney General also traveled several times on USMS and DEA aircraft.

The executives scheduled most of their trips to give speeches, attend meetings, or visit field locations. Both were accompanied on some trips by other government—primarily Justice—officials and by their wives. In several instances, private persons, including news reporters, traveled with the Attorney General.

The Attorney General reimbursed the government \$1,032 for himself and family members for the three personal trips he or family members took using FBI aircraft. He also reimbursed \$1,371 for trips his wife took in connection with his official business. After we determined that a portion of one of his trips was for personal business, the FBI Director reimbursed the government \$280 for himself and his wife.

Attorney General's Use of Government Aircraft

For the period from August 11, 1988, when he took office, until July 31, 1989, the Attorney General took 39 trips involving at least some travel on government aircraft. Of these, 26 round-trips were domestic flights on FBI aircraft.¹ For four trips, only part of the trip involved transportation on FBI aircraft with the remaining travel completed by automobile or on military, USMS, or commercial aircraft. On the other nine trips involving government air travel, the Attorney General traveled on USMS, DEA, and military aircraft, or on a rented plane flown by an FBI agent.

The Attorney General's trips included speaking engagements, meetings or visits to Justice field locations, and personal trips. For example, the Attorney General spoke before several judicial conferences, and he met with foreign law enforcement officials, United Nations and State Department officials, and U.S. Attorneys. On other trips, he addressed a conference of FBI and DEA supervisory special agents and graduates of the FBI and DEA Training Academies. He also traveled twice on government aircraft for personal business.

¹For our purposes, a round-trip constitutes a departure from and return to Washington, D.C. Trips ranged in length from 1 day to multicity travel lasting more than 2 weeks.

Generally, the Attorney General was accompanied on his travels by at least one member of his staff and an FBI security detail. The Attorney General's wife accompanied him on eight trips, two times for personal travel and six times to participate in an official function with the Attorney General. His son accompanied him on one trip. Government officials from both within and outside of Justice accompanied him about one-third of the time. The private persons outside of the Attorney General's immediate family who traveled on government aircraft with him were news reporters—present on three trips—a Justice consultant, and an FBI official's wife. Six of the Attorney General's trips, including all four of his international trips, were presidential missions for, or accompanying, the President.

The Attorney General's longest trip lasted 16 days and included a presidential mission to Europe and official travel to two U.S. locations beginning in November and ending in December 1988. Twenty of his trips had same-day departures and returns to Washington, D.C., and did not involve overnight travel. The average length of the Attorney General's trips on government aircraft was about 2-1/2 days.

During the period from his August 11, 1988, confirmation to December 1988, the Attorney General used a mix of commercial and FBI aircraft. According to an Assistant to the Attorney General, he did so pending advice by Justice's Office of Legal Counsel on his authority to use government aircraft. He began using government aircraft almost exclusively for his travel in December 1988. According to the Assistant, he did so after several instances in which officials could not communicate with him on pressing matters while he was on commercial aircraft and one potential security problem involving a person who boarded his flight to obtain access to the Attorney General. The FBI had also recommended in an August 1988 internal memorandum that the Attorney General travel on government aircraft for security reasons and flexibility in travel.

The dates of these trips, aircraft used, itineraries, trip purposes, and passengers accompanying the Attorney General are shown in appendix I.

FBI Director's Use of Government Aircraft

The FBI Director took 36 round-trips involving travel on government aircraft from August 11, 1988, through July 31, 1989. Of these, 29 round-trips were domestic flights on FBI aircraft and 1 was a domestic round-trip on a military plane. In addition, the Director took two one-way

domestic trips on FBI aircraft, with returns by automobile or commercial aircraft. He also took four trips on FBI aircraft as the domestic legs of trips involving international travel on commercial airlines.

The FBI Director generally traveled to fulfill speaking engagements or to visit employees at FBI field locations. For example, he spoke to several law school and college audiences and addressed several judicial conferences. He visited FBI employees in locations that included Fort Smith, Arkansas; New York, New York; and New Orleans, Louisiana. Domestic trips that did not include speeches or visits to field locations were to attend a funeral for a DEA agent, an executive conference retreat, and a U.S. Navy Fleet Week dinner. A portion of one trip was for personal business. The Director's international trips were to participate in international law enforcement meetings.

The FBI Director was always accompanied by a security detail during his travel, but, unlike the Attorney General, he generally traveled without a member of his immediate staff. The Director's wife accompanied him on 17 trips, all of which an FBI official said involved official functions, such as the Director's speaking engagements, or internal office functions, such as visits to field offices. Justice or FBI officials accompanied him on some trips. In addition to his wife, the Director was accompanied by only two other nongovernment passengers. Both were wives of government officials traveling with their husbands.

His longest trip was for 19 days to Thailand, Australia, Hong Kong, and several U.S. cities in November 1988. Ten of his trips had same-day departures and returns to Washington, D.C. The average length of the Director's trips on government aircraft was a little over 3 days.

The dates of these trips, aircraft used, itineraries, trip purposes, and passengers accompanying the Director are shown in appendix II.

Reimbursements for Personal and Nongovernment Travel

Justice had issued one policy statement and was developing others to address who may travel on Justice aircraft, whether they will be required to reimburse Justice, and if so, how much.

Justice and FBI Policies

During the period from August 1988 through July 1989, Justice did not have a written department policy specifying when reimbursements would be requested for the Attorney General's or FBI Director's personal travel aboard Justice aircraft. It also did not have a policy stating when their spouses, family members, or other nonofficial passengers could accompany them and when and how much these passengers should reimburse the government for their transportation.

According to an FBI official, the FBI did not have a policy specific to using FBI aircraft to transport family members. Instead, the FBI used the same policy it used concerning non-FBI passengers in vehicles in general:

"Transportation for other than FBI employees is to be restricted to individuals and their families, or aides accompanying them, who are traveling to attend FBI sponsored or FBI participating functions or have other direct business to transact with FBI officials and/or officials of the Department of Justice traveling on official business."

This policy does not specify when reimbursements would be appropriate or how any amount to be reimbursed would be determined.

Staff in the offices of both executives said that in practice the Attorney General and FBI Director would reimburse Justice for any personal travel by themselves or their families on the basis of standard commercial fares. In addition, Justice officials said that when the Attorney General's or Director's wives travel with them to official functions and participate in some capacity in the event, reimbursement is not requested.

An official in the Office of the Attorney General explained that the decision about whether the Attorney General's wife should accompany him is made by his staff. In making the decision, staff first determine whether space is available on the aircraft. If so, staff determine whether an opportunity exists for the Attorney General's wife to participate in an official function. If the sponsors of the event have invited her to attend the function, her participation is automatically expected. When the invitation does not specifically include her, staff determine whether the sponsors are interested in having her attend and how she would participate.

An FBI official said that the Director determines whether his wife will accompany him on government aircraft. When she has been invited to

non-FBI functions, such as the Director's speeches, her attendance is considered to be in an official capacity. The invitations are usually received by telephone and are handled directly between an FBI field office and the Director's staff. According to an FBI official, when the Director's travel includes only activities involving FBI offices or functions, his wife participates in an official capacity by attending and participating in luncheons, meetings with field office personnel, and similar activities.

New Policies Issued or Being Developed

Justice officials said that new policies have been issued or are being developed that address who may travel on Justice aircraft, whether they will be required to reimburse Justice, and if so, how much.

According to a Justice official, due to our inquiries about reimbursement policies and on the basis of guidance received from the Attorney General's office, Justice issued a new policy in November 1989 to require reimbursement from nongovernment persons traveling on Justice aircraft when their presence does not assist in accomplishing a Justice mission. Justice would not provide us a copy of its draft aircraft management order, which Justice officials said contains the reimbursement policy, because it was subject to change. The new order was also to include guidance on how to determine the amount to be reimbursed, when appropriate. Although this proposed provision would not specifically address travel by spouses, it would do so indirectly because spouses are nongovernmental passengers. The official also said that the new order will state Justice policy regarding when the Attorney General and other officials who use Justice aircraft would be required to reimburse for personal travel on the aircraft, and how much.

Personal and Nonofficial Travel on Government Aircraft

The Attorney General reimbursed the government \$1,032 for himself and family members for three personal trips on government aircraft. He reimbursed the government \$240 for a March 17, 1989, trip from Washington, D.C., to Boston, Massachusetts; \$396 for himself and his wife for an April 28 to May 1, 1989, trip from Washington, D.C., to New Bedford, Massachusetts, and return; and \$396 for his wife and his son for a July 18 to 22, 1989, trip to Portland, Maine, and New Found Lake, New Hampshire, and return. The Attorney General traveled on official business on the latter trip to address the National District Attorney's Association summer conference.

On April 9, 1990, the Attorney General reimbursed a total of \$2,128 for eight trips by his wife on government aircraft. His payment included

\$1,371 for the six trips that she took with the Attorney General in connection with his official business during the period we reviewed. Justice did not require such reimbursement. However, the Attorney General's wife explained that until ambiguity regarding travel by spouses is clarified, she preferred to reimburse in an exercise of caution and to protect against unfair publicity.

In addition, after our initial inquiry, in December 1989 Justice asked the news reporters who had accompanied the Attorney General on trips to reimburse for their transportation. This was pursuant to Justice's November 1989 policy regarding travel by nongovernment persons aboard its aircraft. As of May 1990, three of the four reporters had reimbursed a total of \$1,439.

The FBI Director had not reimbursed the government for any travel during the period of our review. A member of his staff said that the Director had not had personal travel on government aircraft and his wife had accompanied him only in connection with his official business. For instance, the official said the Director's wife accompanied him when he gave various speeches or visited FBI field offices.

However, our review of the Director's travel records showed that he extended one trip for a personal day in San Antonio, Texas. He and his wife took a flight of about 45 miles on an FBI aircraft on February 10, 1989, from San Marcos to San Antonio, Texas. After we discussed this situation with FBI officials, the Director reimbursed a total of \$280 for himself and his wife.

GAO Position on Nonofficial Passengers

We have previously recommended that OMB develop clear executive branch policy on the transportation of spouses and other nonofficial passengers aboard government aircraft.² However, OMB had not done so as of May 1990.

The use of government vehicles and aircraft is governed by 31 U.S.C. 1344. The law provides that government vehicles and aircraft be used only for official purposes. However, it does not define or provide guidance on what constitutes an "official purpose." We have ruled that the transportation of spouses in government vehicles within the United States is permissible when the spouse is accompanying a government

²Government Civilian Aircraft: Central Management Reforms Are Encouraging but Require Extensive Oversight (GAO/GGD-89-88, Sept. 29, 1989).

official to or from an official function.³ In that circumstance, the provision of transportation to a nonofficial passenger would be permissible provided that it is incidental to otherwise authorized use of the vehicle involved and does not result in additional expense to the government.

We continue to believe that a governmentwide policy is needed to clarify under what circumstances spouses should be permitted to accompany government officials to official functions aboard government aircraft. In this regard, several questions need to be answered, including the following:

- What constitutes an "official purpose" or "official function?"
- When is it in the government's best interest for a spouse to accompany a government official to an official function? Are there security considerations?
- When would it be appropriate for relatives or other nonofficial passengers to accompany government officials on government aircraft?
- Should spouses and other nonofficial passengers be permitted to fly free on government aircraft?
- Are there steps the government can or should take, such as requiring nonofficial passengers to sign liability waivers, to negate or minimize its potential liability for nonofficial passengers in the event of an accident or other emergency?

OMB did not provide new guidance on travel by spouses and nonofficial passengers in its 1989 version of Circular A-126 because it considered the existing language to be adequate and because it believed legal barriers inhibited making a stronger, more specific policy statement. Therefore, A-126 still leaves guidance on this issue up to agencies, stating "agency-owned or operated aircraft shall be used only to transport . . . others [nonagency passengers] whose transportation on those aircraft is permitted by statute or an official agency directive or policy."

Conclusions

The Attorney General and FBI Director traveled extensively on government aircraft, particularly FBI aircraft, for their personal security and requirements related to handling secure information. During their travels, they were often accompanied by their wives or other passengers who were not Justice employees. During the period we reviewed, Justice did not have a policy regarding travel by spouses and nonofficial passengers. The FBI had a policy specifying when such travel would be

³57 Comp. Gen. 226 (1978).

authorized but not when reimbursement would be required or how much.

In November 1989, Justice issued a policy addressing when travel aboard its aircraft is authorized for nonofficial passengers and under what circumstances they would be required to reimburse Justice. Further, Justice was developing, as of May 1990, a travel order incorporating this policy and providing guidance on calculating reimbursements.

The Attorney General reimbursed the government for personal travel by himself and his family members aboard Justice aircraft. He also reimbursed for trips his wife took in connection with his official business even though Justice did not require reimbursement. The FBI Director reimbursed the government for the personal portion of one trip for himself and his wife. Justice also received reimbursement from three of four news reporters for travel aboard its aircraft.

Justice Should Consider Private Aircraft Services and Accumulate Cost Data

As discussed earlier, Justice virtually always uses its aircraft, generally FBI aircraft, for the Attorney General's and FBI Director's air travel. Contrary to OMB requirements, Justice has not compared its costs for transporting these executives to the cost of private commercial aircraft services, and the FBI has not accumulated complete cost data on aircraft operations. Justice says that all of its aircraft use is "inherently governmental" and therefore exempt from the cost comparison requirement.

Under OMB criteria, air transportation is a commercial-type support function for which commercial sources should be considered. Our analysis indicates that private commercial aircraft services could satisfy the major security and related concerns Justice has expressed for the executives' transportation better than regularly scheduled airline flights. Justice officials have not determined whether private commercial sources can fully satisfy executive transportation requirements and, if so, whether their use would be more cost effective than using government aircraft.

Further, if private aircraft services can be used, the FBI may be able to use the three aircraft that have been used mainly for executive travel for more investigative missions. Should additional mission use not materialize, the FBI may not need one or more of the three aircraft in its fleet or may not need to acquire an additional aircraft currently under consideration.

Justice Has Not Considered Private Aircraft Services for the Executives' Transportation

Justice cannot be assured that it is transporting the Attorney General and FBI Director in the most cost-effective manner until it (1) has determined whether private services can accommodate the executives' transportation needs and (2) has compared its own transportation costs to those that would be incurred by using a private service.

OMB Requirements Apply to Executive Transportation

OMB Circulars A-76 and A-126 require agencies to consider alternatives to using government aircraft to transport people. A-76 establishes an executive branch policy to rely on commercially available sources to provide commercial services, including air transportation. If a particular function, such as directing the personal security of government officials, is inherently governmental in nature, however, A-76 states that the function shall be performed by government employees.

OMB Circular A-126 requires that agencies comply with A-76 before purchasing, leasing, or otherwise acquiring aircraft and related services. Further, it requires agencies to periodically review the continuing need for all of their aircraft and the cost effectiveness of aircraft operations in accordance with A-76. In addition, the circular requires agencies to justify and document each use of their aircraft to transport passengers and provides the criteria to be met, including that no commercial airline or aircraft service was reasonably available to fulfill effectively the transportation requirement.

Although required to do so by OMB, as of May 1990, Justice had not compared the costs of its aircraft operations that provide transportation for the Attorney General, FBI Director, and other executives to those of commercial services as required by Circular A-76. The Assistant Attorney General for Administration, in a letter to OMB commenting on proposed A-126 revisions, explained that Justice had determined, in accordance with Circular A-76, that its aircraft operations were inherently governmental and thus not subject to the cost comparison requirement. He said that all Justice aircraft were acquired for mission use and were not used for administrative flights (i.e., executive transportation) unless a clear savings could be shown or other special considerations—such as security, scheduling constraints, or pilot training requirements—were present.

We believe use of government aircraft for the executives' transportation is a commercial activity. A-76 classifies air transportation as a commercial-type support function for which commercial sources should be considered. The need to satisfy certain security-related requirements for the Attorney General or FBI Director does not alter this. That is, if a commercial source can satisfy the security requirements, Justice should consider it for the executives' transportation.

We discussed Justice's position and our analysis with the OMB officials responsible for A-76. They agreed with our assessment of A-76's applicability and said that agencies commonly mistake services or products that support governmental functions for inherently governmental functions themselves. According to the OMB officials, responsibility for ensuring the Attorney General's and FBI Director's security and the FBI agent escort can be considered inherently governmental because they require the exercise of discretion in applying government authority or the use of value judgments in making decisions for the government. However—again, according to OMB officials—transporting the executives is not inherently governmental but is a commercial service that

supports a governmental function. Therefore, they said that if a nongovernmental service can transport officials while simultaneously meeting their security requirements, A-76 requires that an agency consider the use of that service. Further, alternative services must be used if they are more cost effective than providing the support services (i.e., air transportation) using government resources.

As explained in chapter 1, as of May 2, 1990, Justice was developing an order to provide Department-wide policy to implement OMB Circular A-126 on aircraft use and management. In part, this order would state that the Attorney General's use of government aircraft or other noncommercial aircraft, including for personal travel, is justified as an ongoing mission requirement. The order makes his travel a mission requirement to provide for his security, the security of classified information he may carry, and access to secure and instantaneous communications.

Classifying the Attorney General's travel as a mission does not exclude the use of commercial sources, however. An OMB official responsible for A-76 explained that she has been informing agency representatives of the distinction between an agency mission and an A-76 inherently governmental function. For example, while GSA's mission includes providing motor pool services, this service can be done by commercial sources: GSA does, in fact, contract for some motor pool operations. Similarly, the basic function of transporting an executive can be done by commercial sources as well as by government agencies.

FBI officials did not do the cost comparisons required by A-76 and A-126 because they believed that using their aircraft would be less expensive than using a lease, charter, or rental service for the Attorney General's and FBI Director's transportation. Officials believed that their costs would be lower because the aircraft used were all seized properties with little or no acquisition cost.

Comparing the FBI's costs to those of private airline services was beyond the scope of our work. Moreover, any such comparison would depend on numerous decisions—often related as to how best to provide for executives' security—that are most appropriately made by Justice officials. An example of such a decision is determining if the FBI should use its agents as pilots or use a contractor's pilots.

The specific issue of how to handle seized and forfeited aircraft for cost comparison purposes was being considered by an OMB official as of April

1990. When doing cost comparisons, he said that agencies should depreciate seized and forfeited aircraft from their fair market value at seizure. Such a procedure recognizes what the federal government would have gained had the aircraft been sold rather than retained. The official also said that depreciation costs are very significant in determining cost competitiveness in the aircraft services industry. OMB and GSA officials also said that costs related to the seizure and forfeiture of the aircraft, such as transporting, maintaining, storing, and bringing the aircraft up to safety standards, should be considered in the cost comparison process. These costs can be substantial: the FBI invested about \$580,000 to restore its Sabreliner to safety standards. The OMB official responsible for A-76 also said that the FBI would have the option of making the seized aircraft available to a contractor if the contractor could operate and maintain them less expensively than the government.

During a May 2, 1990, meeting to review the results of our work, Justice officials said that they had given some consideration to the cost of using leased aircraft and had intuitively concluded that government aircraft would be cheaper. Officials said this conclusion was not documented.

On May 4, 1990, the FBI prepared a limited comparison that estimated substantial savings using its Sabreliner versus leasing the same model aircraft. This comparison did not meet Circular A-76 requirements, since such procedures do not require comparing to the cost of an identical aircraft but rather to the least expensive aircraft services that would meet agency performance requirements. Also, the FBI comparison excluded such potentially significant cost elements as depreciation, costs attendant to the seizure and restoration of the aircraft, and self-insurance costs that A-76 requires agencies to consider.

In a letter dated May 8, 1990, the Assistant Attorney General for Administration also provided a limited cost comparison, which also estimated substantial savings from using the FBI's Sabreliner versus leasing an identical model. According to a Justice official who oversaw development of this cost comparison, it was intended to be a quick analysis showing that a reasonable basis existed for Justice officials' earlier intuitive conclusion that it was less expensive to use Justice aircraft than leased aircraft. The official said that the estimate was not developed following A-76 procedures and said that once OMB issues its new streamlined cost comparison guidance for aircraft, Justice will make a comparison under the required procedures.

Regularly Scheduled Airlines Reportedly Do Not Satisfy Needs

According to Circular A-126's general policies, an agency does not have to rely on a commercial source if that source cannot effectively meet its transportation needs. Justice and FBI officials said that regularly scheduled commercial airline flights did not effectively satisfy the Attorney General's transportation requirements because they cannot adequately provide for

- flexibility in scheduling travel,
- secure communications while in flight,
- security for classified or sensitive materials, and
- personal security.

These considerations developed over several years. In a September 1985 memorandum, the Assistant Director responsible for the FBI's aircraft program said that priority would always (FBI emphasis) be given to operational flights in support of investigative requirements. The memorandum then listed other factors to consider when officials authorize noninvestigative use of FBI aircraft, including the need to provide physical security for officials such as the Attorney General and FBI Director.

In a July 18, 1988, letter to us regarding our review of Attorney General Meese's travel, the Assistant Attorney General for Administration noted that A-126 allows use of government aircraft when commercial service is not available to effectively meet the agency's transportation need. He said that use of an FBI plane enabled the Attorney General to complete a multitude of assignments in one day, with possible cost savings; provided access to secure voice radio communications in connection with his national security and other statutorily mandated responsibilities; and enhanced his personal security. The Assistant Attorney General said that the Attorney General had received dozens of serious and documented death threats each year.

In an August 18, 1988, addendum to an FBI internal audit report on compliance with A-126, an FBI Associate Deputy Director stated that the Attorney General and FBI Director had to approve certain FBI investigative techniques and activities in both criminal and foreign counterintelligence areas. The FBI thus required immediate secure communication access to both officials; such access was only available on FBI aircraft. Moreover, the Associate Deputy Director stated that (1) FBI aircraft could satisfy the Attorney General's and FBI Director's personal security requirements in ways that commercial air carriers could not, (2) these officials routinely worked with classified or sensitive materials while on FBI aircraft but could not do so while on regular commercial air carriers,

and (3) both officials needed flexibility to alter travel plans or schedules in a manner that neither commercial airlines nor rental services could accommodate as well as FBI aircraft. Similar positions were reiterated in four other FBI and Justice memoranda signed during the period from January through June 1989.

Possible Use of Private Aircraft Services

We agree with Justice that regularly scheduled commercial airline services may not effectively satisfy security and other concerns. However, a variety of private aircraft services are available that better suit these requirements. Private services can provide an aircraft dedicated solely to one client or on an as-needed basis. The private service's aircraft can be flown by its pilots or by the client's pilots. If an aircraft is dedicated solely to an agency, the agency can choose where to store the craft. Also, if special modifications are required, a private aircraft service may make such modifications to a dedicated plane or planes. The Assistant Attorney General for Administration, in his February 1989 memorandum, recognized that private air services are available and said:

"To my knowledge the availability of a private aircraft service has not been explored. If the Attorney General's security and operational needs can be met effectively and at a reasonable cost by a private airline service then we should consider and utilize that alternative."

Circular A-76 requires that an agency publish notices in the Commerce Business Daily to determine if a commercial source is available to meet a transportation need. Alternatively, OMB requires that the agency provide a written explanation of how use of a private aircraft service would cause unacceptable delay or disruption to an agency program. As of May 1990, Justice had not explored the private aircraft alternative in accordance with these requirements.

Our analysis, which follows, indicates that private lease or charter services could satisfy the Attorney General's and FBI Director's aircraft travel needs, as specified above, better than regularly scheduled commercial airline flights.

Flexibility in Scheduling Travel

According to both the head of the FBI Security Detail Unit and a representative of a private aviation service, lease or rental aircraft generally would be as flexible as FBI aircraft. In rare cases, if a lease or rental aircraft was committed to another client, the Security Detail Unit head thought that the private service might not be able to extend a trip beyond the period originally scheduled. This circumstance would not

arise if a plane were dedicated for Justice use, however. A private aircraft service representative, identified for us by GSA, said no impediments exist to changing the length, destination, or other parameters of a trip, even on short notice.

Secure In-Flight Communications

Secure communications equipment is not normally available on private service aircraft. However, the secure communication units used by the FBI can be moved among aircraft, so long as the aircraft's wiring will accommodate the unit. The private aviation representative said that his company could modify the wiring if an aircraft were dedicated to a client. To the extent that special radio frequencies were required for communications, the representative also thought that his service could use any special radio frequency needed for communication, assuming the service was given advance notice and appropriate equipment was available. The GSA transportation specialist told us that the Forest Service, which had special radio communication needs for aircraft it leased, required that such radios be available as a condition of the contract.

Although A-76 does not provide guidance related to security considerations, June 1989 draft OMB guidance that provides a new streamlined procedure for comparing the cost of agencies' aircraft services to those available from commercial sources said that the requirement for security devices is not sufficient to justify procurement or retention of agency-operated aircraft. The draft guidance specified that, in comparing the costs of providing the transportation by government planes versus commercial sources, agencies should determine if unique equipment and/or personnel requirements can be fitted to a contract or charter/rental aircraft agreement that results in lower total flight cost. While this draft guidance had not been issued as of May 1990, OMB has required since 1983 that agencies do cost comparisons.

Security for Classified/Sensitive Materials

Another reason Justice relies on government planes is that the Attorney General and FBI Director need to work with classified or sensitive materials while in flight. This work can be done on government aircraft because everyone on board can be appropriately cleared for access to classified information. Private aircraft services can also meet this requirement. The FBI can use its own pilots on lease or charter aircraft. Conversely, the FBI could do background investigations and issue appropriate security clearances to the private aircraft service pilots who would fly the Attorney General and FBI Director.

Personal Security

Private aircraft services also could satisfy the Attorney General's and FBI Director's personal security needs better than regularly scheduled

commercial airline services. If a dedicated aircraft were obtained from a private service, the FBI could provide hangar facilities, guard services, and other security precautions in the same manner as it does for FBI aircraft. Even if a dedicated aircraft is not obtained, private aviation services may be able to provide adequate security. For example, the private aviation service representative described security precautions for its nondedicated aircraft that were similar to those taken by the FBI for its aircraft, including storage in secured, alarmed hangars.

Private aircraft services could meet other security requirements as well, such as using private terminals. The FBI uses private terminals with its own planes, which avoids crowded and nonsecure airline terminals. In addition, FBI agents could ensure that all baggage is known and inspected as necessary.

The service representative we interviewed noted that security was an important concern to some of his company's clients. A list of dignitaries for whom his company had provided air transportation included two former presidents, current and former federal executives, and foreign dignitaries. In addition, he said corporate executives have concerns about their own personal safety and the security of corporate operations.

Complete Cost Data Were Not Accumulated

OMB Circular A-126 requires agencies to maintain accounting systems to accumulate costs for aircraft operations and specifies the type of costs to be accumulated. However, the FBI did not have complete cost data for any of its aircraft, including the three commonly used to transport the Attorney General.¹ When estimating its aircraft cost to bill Justice for the Attorney General's transportation, the FBI adjusted published rates for comparable commercial aircraft. These estimates understated actual aircraft costs because some cost elements required by OMB were excluded.

During the period we reviewed, Justice did not require accounting by its components for aircraft costs as Circular A-126 requires. As of February 1990, however, a draft Justice order implementing the circular did say that components should accumulate cost data per OMB requirements.

¹These aircraft were the FBI's Sabreliner jet and the seven- and five-passenger turboprop aircraft.

We were asked to provide information on the costs that Justice incurred to transport the Attorney General and FBI Director on Justice aircraft. Because complete cost information on a per hour of flight time basis was not available for the aircraft commonly used to transport the executives, we cannot provide this information.

OMB Circular A-126 Requires Agencies to Accumulate Cost Data

Since 1983, OMB Circular A-126 has required agencies to maintain accounting systems for their aircraft operations that will permit them to

- justify the use of government aircraft in lieu of commercially available aircraft, or the use of one government aircraft in lieu of another;
- recover the costs of operating government aircraft when appropriate;
- determine the cost effectiveness of various aspects of their aircraft programs; and
- make the cost comparisons required by OMB Circular A-76 to justify in-house operation of government aircraft versus procurement of commercially available aircraft services.

FBI Did Not Have Complete Aircraft Cost Data

At the time of our review, the FBI did not have an accounting system that accumulated complete cost data for its aircraft, including those used to transport the Attorney General, FBI Director, and other executives. According to an FBI accounting section official, the Bureau-wide accounting system was not detailed enough to provide cost information for individual aircraft.

The unit operating the FBI's aircraft maintained some cost information in its Bureau Aircraft Operations (BAO) System. According to an FBI official, the FBI started the BAO System to provide accurate cost and benefits data and cost projections for its aircraft operations. The system was designed to enable each field office to monitor its aircraft program. Aviation support personnel or agents at FBI locations nationwide enter data into the system. BAO System information, which is taken from pilots' flight reports, includes aircraft type; flight date; flight hours; type of mission performed; fuel and oil costs; and miscellaneous costs incurred during the flight (i.e., landing fees, overnight parking, or local taxes).

The BAO System does not capture all of the data the FBI needs to determine the cost effectiveness of each aircraft. For example, the BAO System does not track personnel costs associated with piloting or maintaining each aircraft and does not account for insurance or depreciation

costs. OMB Circular A-126 specifies that these data should be accumulated.

FBI officials said that, in addition to the BAO System, they have ledgers that accumulate certain costs for each aircraft; again, these do not include all of the costs required by OMB.

In March 1989, the Assistant Director of the Administrative Services Division recommended that the FBI take actions to implement the January 1989 revision of A-126. He recommended that the accounting section review the circular and develop a standard cost accounting system to satisfy its requirements. However, the Criminal Investigative Division—which manages the FBI's aircraft program and maintains and flies headquarters-operated aircraft—responded that it was awaiting Justice's implementing regulations before determining what changes, if any, would be needed.

In an October 1989 memorandum, the FBI responded to our inquiry about the hourly cost of operating the three aircraft commonly used to transport the Attorney General and the FBI Director. The memorandum said that the then-current operating costs were \$950 per hour for the Sabreliner jet aircraft and \$664 per hour for the five- and seven-passenger turboprop aircraft. The memorandum also said that the per-hour costs included the cost of fuel; oil; reserves for engine overhaul; maintenance; landing and parking fees; small supplies and catering; and miscellaneous crew expenses (e.g., rental cars, lodging, and meals). When we asked FBI officials to provide detailed costs, however, they explained that the figures were estimates based on those published in The Aircraft Cost Evaluator, which estimates the relative costs of operating various popular models of aircraft.² According to an FBI official, an FBI agent who served as a pilot adjusted the figures from the publication to what he believed was appropriate for the FBI aircraft; the adjustments were not documented.

For each type of aircraft, the publication listed three per-hour cost estimates. These estimates varied depending on the treatment of depreciation. The lowest published estimates for each aircraft compared to those of the FBI are as follows:

- Sabreliner jet: \$1,362 per hour versus \$950 per hour (FBI).

²Conklin Associates, Inc., The Aircraft Cost Evaluator: Turboprops (Orleans, MA: Paraclete Press, October 1989) and The Aircraft Cost Evaluator: Jets (Orleans, MA: Paraclete Press, July 1989).

- Five-passenger turboprop aircraft like the FBI's: \$698 per hour versus \$664 per hour (FBI).
- Seven-passenger turboprop aircraft like the FBI's: \$732 per hour versus \$664 per hour (FBI).

We asked a GSA official who was responsible for assisting federal agencies in developing their aircraft cost systems to review the publication's aircraft cost estimates for the Sabreliner and the turboprop aircraft. The official said that some FBI costs might be higher or lower than those of a commercial operation, but he did not identify any of the publication's cost elements that were inapplicable to a federal aircraft operation like the FBI's.

The FBI used several cost estimates for the operation of its aircraft during the period July 1986 through July 1989. During a 1988 GAO review of civilian agencies' use of aircraft, the FBI furnished us with data showing that it cost \$653 per hour to operate the Sabreliner during the period July 1986 through May 1987.³ For the period from October 1987 through July 1988, the FBI used a \$950 per hour figure when seeking reimbursement from Justice for transporting the Attorney General on the Sabreliner. The per hour estimate for purposes of billing Justice declined to \$854 per hour for the period from October 1988 through March 1989 and then reverted to \$950 per hour from April through June 1989. For the last Sabreliner flight by the Attorney General in the time period we reviewed, the FBI billed Justice at a rate of \$650 per hour. Moreover, the Office of Legal Counsel's memorandum advising the Attorney General about his authority to travel on government aircraft quotes a cost figure supplied by the FBI for its Sabreliner of "around \$600" per hour.

Figures for the seven-passenger turboprop aircraft also varied over time. According to FBI documents, during the period December 1988 through March 1989, the FBI billed Justice at a rate of \$352 per hour for transporting the Attorney General aboard its seven-passenger turboprop aircraft; from April through July 1989, it billed at a \$664 rate.

According to the FBI official responsible for managing aircraft operations, the pilot in charge of FBI headquarters planes began tracking costs in October 1989 to develop a cost estimate that was based on actual

³Civil Agency Aircraft: Agencies' Use of Certain Aircraft to Transport Passengers (GAO/ GGD-88-92BR, Aug. 1, 1988).

operating experience for the aircraft. The pilot said that he was collecting cost information on fuel, oil, maintenance, and repairs. He was not accumulating costs for such OMB-required items as pilot salaries or providing hangar facilities for the aircraft. Based on his work, for the period October 1, 1989, through March 31, 1990, the average hourly costs to operate the aircraft were

- \$750 for the Sabreliner,
- \$261 for the seven-passenger turboprop aircraft, and
- \$382 for the five-passenger turboprop aircraft. (These costs were higher than for the seven-passenger turboprop aircraft because it underwent major engine repairs during the period.)

Reasons for Not Having Data

In a December 1988 letter to OMB commenting on the draft revisions to Circular A-126, the Assistant Attorney General for Administration stated Justice's opposition to the cost accounting elements that OMB planned to require. The Justice official stated that the level of specificity proposed for accounting elements would result in significant costs in terms of departmental resources with only limited benefits in return. He further stated that the new provisions could impose a burdensome recordkeeping requirement that could drain limited personnel resources from direct mission support. Notwithstanding these objections, OMB retained its accounting system requirements.

An FBI official responsible for managing aircraft operations offered similar reasons to us for not adhering to OMB's cost accounting requirements. He said that the cost of developing and maintaining an accurate cost accounting system would not be worth the benefit of having the data. Regarding the different figures used to bill Justice for transporting the Attorney General, he said that the amount of money involved was not substantial and the effect of an inaccurate billing was slight since the transaction only transfers money from one part of Justice to another.

The GSA official responsible for assisting agencies in developing cost data said that he had been given similar reasons by Justice officials for not collecting cost data. He said that these officials had maintained that collecting the cost data was too hard to do, they did not really need the information, and they had no management incentives to develop cost information. The GSA official found this attitude disappointing, noting that agencies need an accurate picture of their costs to properly manage their aircraft operations.

The FBI official also said that developing the cost information required by Circular A-126 was unnecessary because Justice believes all of its aircraft are used for inherently governmental functions and therefore are not covered by the A-126 and A-76 requirement to compare their costs to those of commercially available services. As discussed earlier in this chapter, we and OMB officials disagree with this position. The aircraft that are primarily used for executive transportation are performing a commercial-type support service, not an inherently governmental function, and are covered by the cost comparison requirement.

In addition, the Circular A-126 requirement to accumulate cost information is independent of the cost comparison requirement. The circular requires that such costs be accumulated for several reasons that are applicable to FBI aircraft. For example, cost data are needed to justify using FBI aircraft for executive transportation versus any of the aircraft operated by the other Justice components. The FBI also has recovered the cost of providing transportation for the Attorney General using estimates that may understate its true costs since these estimates did not include all cost elements required by Circular A-126.

USMS and DEA Cost Estimates Were Incomplete

The Justice Management Division (JMD) examined Justice components' charges for executive use of their aircraft from August 1, 1988, through September 30, 1989. JMD analyzed copies of data that USMS and DEA (as well as the FBI) had provided to us during our review. It found that "none of the components calculate the true operating costs of their aircraft" when charging their executive offices for the use of these aircraft. JMD further found that charges for operating costs would be significantly higher if components included such items as hangar storage, recurrent pilot training, aircraft modernization, depreciation, etc. JMD did not determine whether the DEA or USMS accounting systems contained the additional cost data.

JMD recommended that Justice issue an order on executive use of aircraft that would include a consistent policy for use, a formula for developing operating charges, and reimbursement policies for nonfederal travelers accompanying Justice executives. As noted in chapter 2, Justice began requiring reimbursement from nongovernmental aircraft passengers in November 1989 when their presence was not by request of a Justice official to assist in the mission of the Department.

Potential Benefits of Leasing Aircraft

If private lease or charter services are able to meet the Attorney General's and FBI Director's transportation needs more cost effectively than government aircraft, the three FBI aircraft that are used mainly for the executives' transportation may be available for increased use by the FBI for investigative missions. Alternatively, since FBI officials said that they were able to satisfy all investigative mission needs plus transport the executives, the FBI may not continue to need all three of the aircraft. In addition, the FBI may not need the long-range jet aircraft it was thinking of acquiring in April 1990. However, determining specifically how the FBI's aircraft fleet would be affected by a decision to use private aircraft services for executive transportation was beyond the scope of our work.

Usage of Current Aircraft

As previously discussed, Justice has not considered the use of leased aircraft for executive transportation. If it is less expensive to use leased aircraft than Justice aircraft, the three FBI aircraft that had been mainly used for executive transportation could then be made available for other FBI missions or, should the FBI not need the additional capacity for mission support, it would have the opportunity to make a more informed decision regarding the need to retain one or more of those three aircraft. Our analysis showed that more than half of the planes' combined flight hours during the period studied were for executive transportation, primarily of the Attorney General and the FBI Director. From August 11, 1988, through July 31, 1989, the investigative missions for which the planes were placed into the FBI fleet made up 23.1 percent of their total combined work load, while executive transportation made up 52.6 percent of the combined work load.

Table 3.1 shows how the 818.2 total flight hours of the three aircraft commonly used for executive transportation were distributed over the period of our review.

Chapter 3
Justice Should Consider Private Aircraft
Services and Accumulate Cost Data

Table 3.1: Total Work Load of the Three Aircraft Commonly Used for Executive Transportation (August 11, 1988, to July 31, 1989)

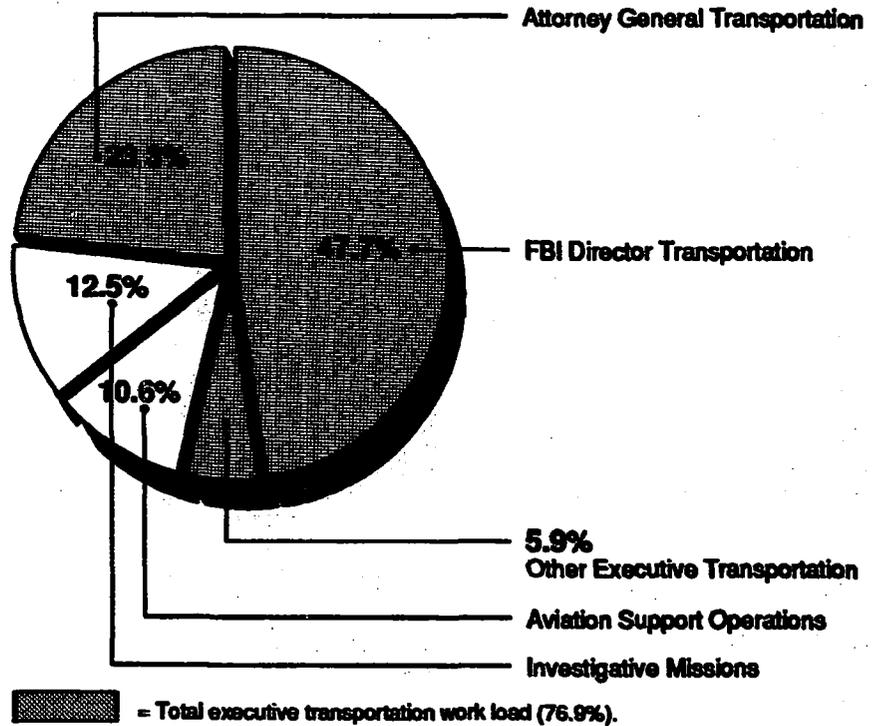
Mission	Flight hours	Percent
Attorney General transportation	146.0	17.8
FBI Director transportation	213.5	26.1
Other executive transportation	71.0	8.7
Total executive transportation	430.5	52.6
Investigative missions ^a	188.8	23.1
Aviation support operations ^b	198.9	24.3
Total	818.2	100.0

^aIncludes undercover missions (76.5 hours), transportation of passengers to support investigative missions (63.8 hours), equipment and evidence transport (42.9 hours), and photography (5.6 hours).

^bIncludes pilot training (73.7 hours), maintenance and testing of the planes (62.6 hours), and ferrying, i.e., moving the planes from one location to another (62.6 hours).

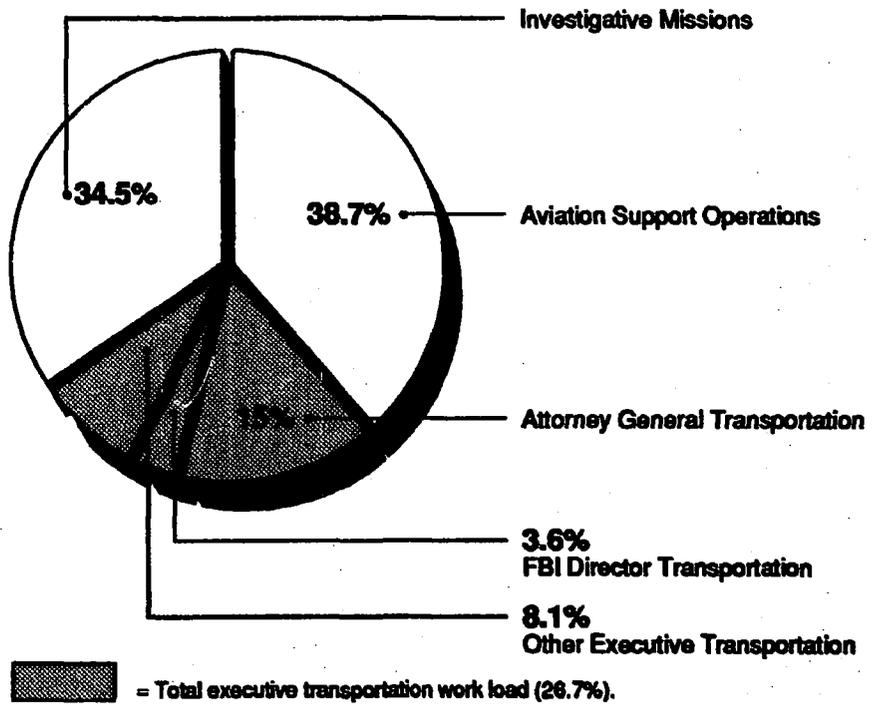
The Sabreliner jet logged 398.1 flight hours during our review period. About 77 percent of its use (306.1 flight hours) was for executive transportation: 71 percent of its use (282.5 hours) was for the Attorney General's and FBI Director's transportation. Figure 3.1 shows the total work load of the Sabreliner.

Figure 3.1: Total Work Load of the Sabrelliner Jet Aircraft



The seven-passenger turboprop aircraft logged 318.8 hours. About 27 percent of that time (85.3 hours) was for executive transportation. Figure 3.2 shows the total work load of the seven-passenger turboprop aircraft.

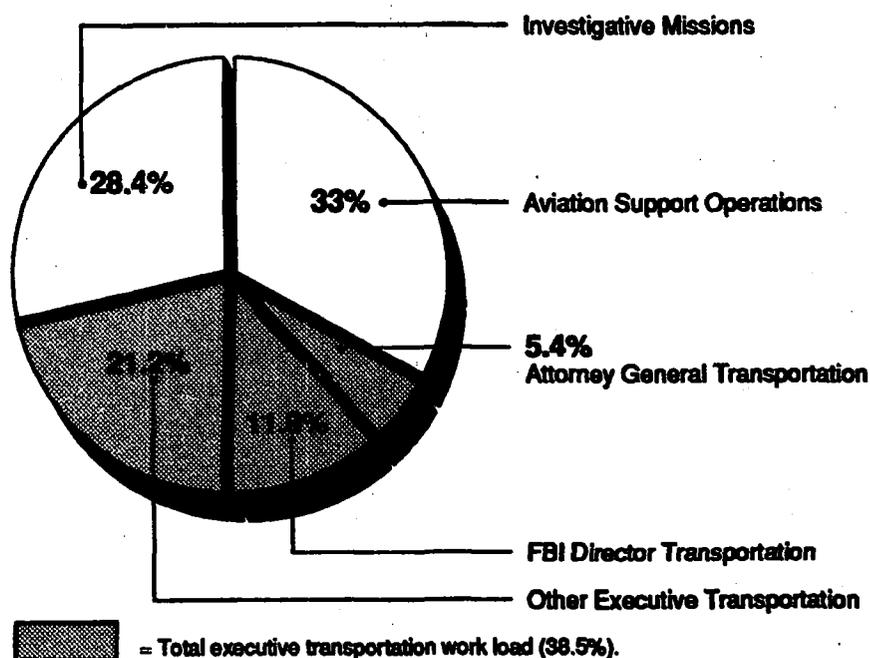
Figure 3.2: Total Work Load of the Seven-Passenger Turboprop Aircraft



Note: Percentages do not total to 100 percent due to rounding.

Because it was not officially forfeited to the government and made available for its use until February 27, 1989, the five-passenger turboprop aircraft logged only 101.3 flight hours during the period we reviewed. About 39 percent of its flight hours (39.1 hours) were for executive transportation. Figure 3.3 shows the total work load of the five-passenger turboprop aircraft.

Figure 3.3: Total Work Load of the Five-Passenger Turboprop Aircraft



Note: Percentages do not total to 100 percent due to rounding.

FBI May Not Need to Acquire Another Aircraft

As of April 1990, the FBI was considering requesting congressional approval to purchase another aircraft for its fleet. This aircraft would be used, in part, for transporting the Attorney General and the FBI Director. If leased aircraft are used for executive transportation, the FBI would need to determine whether the remaining anticipated use would justify acquiring the aircraft.

An FBI official said that the FBI does not have an aircraft capable of non-stop coast-to-coast flight, which the Attorney General often requires. He said that the FBI was preparing cost estimates for acquiring such a long-range aircraft and funding the personnel necessary to pilot and maintain it. If another aircraft is acquired, the 24-year-old Sabreliner may be disposed of, according to another official.

According to the Associate Deputy Director for Investigations, he told Attorney General Meese in about 1986 that the FBI needed a jet aircraft capable of flying long distances without refueling—an aircraft with intercontinental capability primarily to transport hostage rescue teams and prisoners extradited from other countries. He recommended acquiring the aircraft solely for operational considerations unrelated to

executive transportation. A former chief of the FBI aviation unit said military aircraft are used for these missions, but they are not available as quickly as the FBI needs them for emergencies; also, the costs are very high.

The Associate Deputy Director also said that money had not been available in the FBI budget to acquire a long-range aircraft. Instead, the FBI was considering funding alternatives, including asking for congressional approval to trade in aircraft not in use, or seized aircraft that are not needed, to help defray the costs of acquiring the long-range jet. The Associate Deputy Director said that the proposed aircraft would not be acquired at the expense of other FBI aviation needs. An FBI official who studied the possible aircraft acquisition estimated that a used long-range aircraft in good condition would cost about \$20 million.

We discussed the potential acquisition of this aircraft with an OMB official responsible for A-76. He said that a cost comparison to commercial sources would be required if the aircraft's mission is passenger transportation. He said that if the aircraft would be used about 75 percent of its flying time for executive transportation, as the Sabreliner jet had been, a cost comparison should be done.

Conclusions

Justice said that the Department's aircraft are not subject to the A-76 requirement to compare their costs to those of commercial sources because all Justice aircraft are used for inherently governmental functions. Further, a draft Justice order classifies air transportation for the Attorney General, and certain other department officials needing security protection, as an ongoing Justice mission. Finally, FBI officials did not collect OMB-required cost data on their aircraft because they did not believe they had to do the A-76 cost comparisons and believed that developing accounting systems to capture complete cost data would not be justified.

We believe that Justice is required to compare the costs of its aircraft that are generally used for executive transportation to the costs of commercial sources. Although responsibility for providing security for the Attorney General and FBI Director is an inherently governmental function, their actual transportation is a support function that is not inherently governmental and that commercial sources may be able to provide. If commercial sources—including those available on a lease, charter, or rental basis—can satisfy the executives' security requirements, Justice should use these sources if their cost is less than using Justice aircraft.

When we reviewed the results of our audit work with Justice officials, they said that they had considered the cost of private commercial services, but they had not documented their intuitive conclusion that it would be less expensive to use FBI aircraft. The FBI and Justice subsequently prepared limited cost comparisons that showed substantial cost savings from using the FBI's Sabreliner aircraft rather than leasing an identical aircraft. Officials pointed out that the comparisons do not comply with OMB Circular A-76 procedures, and a Justice representative said that a comparison would be made using pending OMB guidance on cost comparisons specifically for aircraft when such guidance is issued.

Justice transported the Attorney General and FBI Director extensively aboard three of its aircraft because officials judged commercial airline service inadequate to fulfill their needs for flexibility in travel, access to secure communications, access to classified or sensitive materials while in transit, and personal security. Although these considerations are a reasonable basis for bypassing regularly scheduled commercial airline services, our analysis indicates that private aircraft services available through lease, charter, or rental arrangements could satisfy the principal security and related concerns better than regularly scheduled airlines. As the Assistant Attorney General for Administration pointed out, Justice had not explored the availability of private aircraft services for executive transportation. Justice and FBI officials who are responsible for the executives' security and compliance with OMB circulars need to determine the full suitability of private aircraft services for executive transportation and the relative cost effectiveness of these services versus government aircraft.

The FBI did not account for all aircraft costs as required by Circular A-126. We believe accounting systems that provide the data specified in this circular are necessary for the sound management of aircraft operations. Without such data, the FBI cannot assure itself that it is most effectively managing its 84 aircraft. Circular A-126 establishes basic management principles for aircraft that should be followed by all executive agencies. OMB was aware of Justice's belief that collecting such data would be expensive but nevertheless retained the requirement in the 1989 version of the circular. Finally, if Justice determines that private aircraft services can satisfy the Attorney General's and Director's security requirements, a cost comparison must be done. Justice cannot do this without A-126 required data on Justice aircraft operations.

If private aircraft services can meet the executives' transportation and security needs, the three FBI aircraft that have been used extensively for

this purpose may be available for either increased support of investigative missions or disposal if such increased support is not needed. Of the total flying time for these aircraft, about 44 percent was for the Attorney General's and FBI Director's transportation, and about 53 percent was for all executive transportation in total. Twenty-three percent of their flying time was for investigative missions, and 24 percent was for aviation support such as pilot training and aircraft maintenance. Further, the FBI is considering acquiring a long-range jet aircraft that would likely be used extensively for executive transportation. This aircraft may not be needed if private aircraft services can satisfactorily meet executive transportation needs.

Recommendations

In order to comply with OMB policies, the Attorney General should instruct the FBI Director to

- develop aircraft cost data and
- determine whether private aircraft services can effectively meet the security needs and other considerations of the Attorney General, Director, and other executives; and, if so, further determine if such private services could provide this transportation more cost effectively than FBI or other Justice aircraft.

Modification of an Aircraft for Surveillance Was Delayed

During our analysis of executive transportation, we learned that one of the FBI's aircraft that was used to transport the Attorney General and FBI Director had not been modified for one of its intended missions. In discussing this issue with Chairman Wise's office, we agreed to review the FBI's actions to complete the proposed modification.

FBI management did not ensure that their seven-passenger turboprop aircraft—and later the five-passenger turboprop that was selected as a substitute for the seven-passenger model—was modified to perform photographic surveillance missions. Initially, FBI management did not clearly assign responsibility for making the modification; subsequently, managers did not oversee the task to identify and resolve conflicts and issues that impeded the modification. In an October 1989 meeting, FBI management recognized that problems delayed the modification and said that corrective actions would be taken. Officials also said that the FBI's failure to modify the seven-passenger turboprop aircraft (and later the five-passenger aircraft) did not adversely affect the FBI's investigative operations.

Need for Additional Surveillance Aircraft Identified

In November 1986, the Assistant Director, FBI Criminal Investigative Division, stated that the FBI needed additional aircraft capacity for photographic surveillance. At that time, the FBI relied on a 1965 Beechcraft Baron for its photographic surveillance missions. The Baron remains the primary photographic surveillance aircraft. In his memorandum identifying the need for additional capacity, the Assistant Director said that two additional aircraft would be made available for the mission.¹ These were a Cessna 404 aircraft that was undergoing repairs and the seven-passenger turboprop aircraft, which had been recently seized.² The turboprop aircraft would be made available when the seizure and forfeiture process was completed.

In a February 8, 1988, memorandum to the Criminal Investigative Division and the Laboratory Division, which operates the aircraft that are used for photographic surveillance, the Associate Deputy Director for Investigations said that the seven-passenger turboprop aircraft should

¹ A third aircraft was also to be available for testing and subsequent use of a specialized photographic technique.

² According to an FBI official, the Cessna 404 aircraft had been modified for photographic surveillance and was undergoing testing and evaluation in February 1990. The FBI's Sabreliner jet had been modified in February 1986 so that it could be used for surveillance in addition to its other missions. However, the Sabreliner flies too fast for good photographic quality.

be modified for photographic surveillance. A February 16, 1988, memorandum from the FBI Director seeking Justice approval to retain the seven-passenger turboprop aircraft for FBI use similarly stated that the aircraft's mission would include photography.

Modifying an aircraft for a photographic surveillance mission can entail major structural changes, which include cutting a hole in the bottom of the fuselage and installing a glass plate. Depending upon the specific installation, the aircraft's inside flooring may need to be removed so that a camera can be mounted above the glass. When used for missions other than surveillance, the glass plate must be protected, either through removal or with a cover. In addition, seating may need to be reinstalled between photographic uses.

Responsibility for Aircraft Modification Unclear

Neither memorandum specified whether the Criminal Investigative Division or the Laboratory Division would be responsible for modifying the seven-passenger turboprop aircraft. Both divisions, at various times, became involved in the modification effort.

In July 1988, the Laboratory Division issued a \$155,000 purchase order to modify the seven-passenger turboprop aircraft for photographic surveillance, identifying the FBI as the plane's owner. According to officials in the Laboratory and Criminal Investigative Divisions, although the purchase order was issued, it was not used, because to do so would have revealed that the FBI owned the aircraft. In the same month the purchase order was issued, the FBI had also moved its headquarters-operated aircraft into a company not publicly linked to the FBI. We could not determine why the purchase order was issued when its use would have revealed that the FBI owned the aircraft.

In May 1989, staff from the two divisions met to discuss the project. Criminal Investigative Division staff said they were reluctant to modify the aircraft because

- a visible modification to the aircraft would negate its use for undercover operations;
- work under the purchase order would publicly identify the aircraft as the FBI's;
- it would take too long to reinstall seating after a photographic mission, which could interfere with other uses; and
- the seven-passenger turboprop aircraft was in "mint" condition, having previously undergone extensive interior renovations prior to its seizure.

To overcome these problems, the Criminal Investigative Division staff suggested making the modifications to the FBI's five-passenger turboprop aircraft, which had been forfeited in February 1989. A Laboratory Division official agreed with this alternative.

Problems then arose regarding who was responsible for arranging and funding the modification to the five-passenger turboprop aircraft. After the May meeting, the Laboratory Division official responsible for the surveillance program thought that the Criminal Investigative Division would arrange for the modification and fund it. Criminal Investigative Division officials, on the other hand, considered the Laboratory Division to be responsible.

According to a Criminal Investigative Division official, as of February 1990, the five-passenger turboprop aircraft had not been modified, and issues related to the July 1988 purchase order and funding responsibility were being addressed but had not yet been resolved.

Additional Factors Cited for the Delays

Various FBI officials cited several factors that may have contributed to delays in modifying the seven-passenger turboprop aircraft and then the five-passenger model.

The Laboratory Division official responsible for the surveillance program believed that the Criminal Investigative Division's reluctance to modify the originally selected seven-passenger turboprop aircraft was due in part to the plane's suitability for executive transportation. The turboprop aircraft were often used to transport the Attorney General and FBI Director. Further, according to this official, Criminal Investigative Division personnel worked diligently to fulfill the executives' transportation needs. Other FBI officials—including the Associate Deputy Director for Investigations—said that executive transportation never interfered with a mission use of the aircraft.

The official who headed the aircraft unit until October 1988 said that in addition to the unit's normal responsibilities for operating the aircraft, a number of other pressing issues existed during the time period when the turboprop aircraft modifications were to occur. These issues included modifying other aircraft and relocating the FBI headquarters-operated aircraft from one facility to another. According to the official, modifying the seven-passenger turboprop aircraft was not a major issue because the Beechcraft Baron was available for surveillance missions and the Sabreliner jet had also been modified for this purpose.

Similarly, within the Laboratory Division, the official who led the efforts to modify the seven-passenger turboprop aircraft and then the five-passenger turboprop aircraft had competing responsibilities, according to a Division manager. The official's first priority was doing surveillance work, and he had additional responsibilities related to developing other surveillance technologies.

The Associate Deputy Director for Investigations and the official who headed the aviation unit until October 1988 also cited personnel change-over as contributing to the delays in modifying the aircraft. The unit head and other staff responsible for these efforts were transferred, and new staff replaced them. The Associate Deputy Director said that changes in key personnel contributed to the delays, but did not excuse the failure to complete the modifications.

Recognition of the Problem and Commitment to Correct It

The Associate Deputy Director, whose February 1988 memorandum said that the seven-passenger turboprop aircraft should be modified for the surveillance mission, told us that problems had interfered with the modification and said that they would be resolved so that the five-passenger turboprop aircraft would be modified.

On October 3, 1989, we discussed our understanding of the situation related to the turboprop aircraft modifications with the Associate Deputy Director. Until our meeting, he had been unaware that the modification had not occurred. The Director said that the Criminal Investigative Division was responsible for managing the aviation program and should have ensured that the aircraft was modified. He had intended that Laboratory Division officials provide technical assistance as needed.

He also disagreed with the Criminal Investigative Division officials' reasons for not modifying the aircraft, stating—for example—that the modification would not necessarily interfere with undercover operations and, when it might, another plane could be rented. He also said that the Division should have objected to the award of the purchase order before its issuance because the Division's Deputy Assistant Director is on the FBI contract review board. The Director said that he did not object to substituting the five-passenger turboprop aircraft for the seven-passenger model because either aircraft could accomplish the mission, but he should have been apprised of the substitution. He also said that the issues holding up the modification would be resolved and the modification made without further delay.

Delay Reportedly Did Not Affect Investigative Missions

FBI officials said that although neither of the turboprop aircraft was modified, the agency's investigative operations were not adversely affected during the period we reviewed. They noted that some additional capacity was available because the FBI's Sabreliner jet aircraft could be used for surveillance, the Beechcraft Baron remained in use, and other less sophisticated surveillance techniques were sometimes used.

The Laboratory Division official responsible for the surveillance mission did not find any adverse effect on missions because neither the seven- nor five-passenger turboprop aircraft had been modified. The official had his staff review photographic missions requested during fiscal year 1989 and found that no investigation or surveillance mission was adversely affected because the aircraft were not modified. The official said that photographic mission requests were satisfied by the Criminal Investigative Division in all emergency situations. In nonemergency situations, missions were either rescheduled or less sophisticated, but satisfactory, photographic techniques were used.

The Criminal Investigative Division official responsible for managing the aircraft operation also asked his pilots whether a backlog of photographic missions had developed during the period we reviewed. Although they found no indication of a backlog, there were minor delays in scheduling some of the missions because of mechanical problems with the Beechcraft.

As of February 1990 a Criminal Investigative Division official restated that modifying the five-passenger turboprop aircraft was not an urgent matter. The official said that besides the Beechcraft Baron and the Sabreliner being used for surveillance, the Cessna 404 had been modified for surveillance and was undergoing testing and evaluation. When this testing and evaluation was completed, the FBI would have three aircraft capable of flying surveillance missions.

Conclusions

Responsibility for modifying the seven-passenger turboprop aircraft was not clearly assigned to either the Criminal Investigative Division, which operates aircraft, or the Laboratory Division, which undertakes surveillance missions. This unclarity, in our opinion, contributed to delays in achieving the intended modifications first to the seven-passenger turboprop aircraft and then to the five-passenger model. (The modifications to the seven-passenger turboprop were never made. Instead, the five-passenger model was chosen as a substitute.) According

**Chapter 4
Modification of an Aircraft for Surveillance
Was Delayed**

to FBI officials, executive transportation for the Attorney General and FBI Director, competing responsibilities of the staff working on the modification project, and personnel turnover in the aviation program also contributed to the delay. The Associate Deputy Director for Investigations recognized that problems regarding responsibility for modifying the aircraft existed between the two FBI divisions and said that the Criminal Investigative Division was responsible for modifying the aircraft. He said the associated problems would be resolved so that the five-passenger turboprop aircraft would be modified. FBI officials also said that the failure to modify either turboprop aircraft did not adversely affect investigative missions.

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List of Attorney General Trips on Government Aircraft (August 11, 1988, to July 31, 1989)

Date	Aircraft	Itinerary	Purpose of trip	Personal staff accompanying the Attorney General ^a	Other passengers accompanying the Attorney General ^b
10/7 to 10/8/88	FBI Sabreliner	Washington, D.C., to Charleston, SC, and return	Dinner hosted by an official of the U.S. Sentencing Commission; address U.S. Attorneys Conference	William Snyder, Henry Barr	Return only: one Justice official
10/18/88	Rented aircraft with FBI pilot	Washington, D.C., to New York, NY, and return	Address Appeal of Conscience Foundation award dinner	Murray Dickman	Return only: one Federal Reserve Board official and his security detail
10/28/88	FBI Sabreliner	Washington, D.C., to Gainesville, FL, and return	Address Florida Blue Key banquet	William Snyder	None
11/14/88	FBI seven-passenger turboprop aircraft	Washington, D.C., to Pittsburgh, PA, and return	Address meeting of Allegheny Conference on Community	William Snyder	None
11/21/88	FBI Sabreliner	Washington, D.C., to Point Clear, AL, and return	Republican Governors' Conference, participate in panel discussion on illegal drugs	Robert Ross, Murray Dickman, William Snyder	None
11/23 to 11/25/88	FBI Sabreliner to NY; automobile from NY to PA and return to Washington, D.C.	Washington, D.C., to New York, NY, and Philadelphia, PA, and return	Visit a U.S. Attorney's Office; attend Federal Bar Council's Annual Thanksgiving luncheon; personal Thanksgiving holiday in PA	NY only: William Snyder	None
11/28 to 12/13/88	Military aircraft from Washington, D.C., to European destinations and return to NY; automobile from NY to MA; FBI seven-passenger turboprop aircraft from MA to Washington, D.C.	Washington, D.C. - Andrews AFB - to London, England; Zurich, Switzerland; Bonn, W. Germany; Rome, Italy; Athens, Greece; New York, NY; and Boston, MA; and return	Presidential mission; meetings and receptions with several European law enforcement officials and groups; address PA Society dinner and accept an award; remarks at Kennedy School of Government seminar for newly elected Members of Congress	European trip: Robert Ross, Henry Barr; MA: William Snyder, Linda Starnes	European trip: two DEA officials; two Justice officials; Athens only: two FBI officials
12/18 to 12/20/88	Military aircraft	Washington, D.C. - Andrews AFB - to Vienna, Austria, and return	Presidential mission; sign the United Nations Convention Against Illegal Drug Trafficking	Robert Ross	Two DEA officials
1/16/89	DEA Merlin IVC	Washington, D.C., to Atlanta, GA, and return	Remarks to Dr. Martin Luther King, Jr., ecumenical service	Cuyler Walker; return only: William Snyder	Mrs. Thornburgh, ^c FBI official and wife, and Justice photographer

(continued)

**Appendix I
List of Attorney General Trips on
Government Aircraft (August 11, 1988, to
July 31, 1989)**

Date	Aircraft	Itinerary	Purpose of trip	Personal staff accompanying the Attorney General^a	Other passengers accompanying the Attorney General^b
1/16 to 1/17/89	DEA Merlin IVC, automobile on return	Washington, D.C. to Harrisburg, PA, and return	Remarks at oath of office for PA Attorney General; television interview	William Snyder	Mrs. Thornburgh ^c
2/3 to 2/6/89	FBI Sabreliner	Washington, D.C., to Charleston, WV; Denver, CO; and Boston, MA; and return	Address WV Bar Association; meet with Bar Association Committee on Federal Judiciary; address Judicature Society lunch; meet with U.S. Attorney and staff; meet with FBI field office staff	WV and CO: David Runkel; CO, MA and return: William Snyder	WV and CO: one news reporter ^d
2/20 to 2/21/89	FBI Sabreliner	Washington, D.C., to Palm Beach, FL, and return	Address Society of Four Arts	William Snyder	None
2/22/89	FBI seven-passenger turboprop aircraft	Washington, D.C., to New York, NY, and return	Address Economic Club of NY dinner	David Runkel; return only: William Snyder	None
3/6 to 3/9/89	Military aircraft	Washington, D.C., to Bogota, Columbia; La Paz, Boliva; and Lima, Peru; and return	Presidential mission; meetings with government officials and others such as United Nations, State Department, and DEA officials	Robert Ross	Two DEA officials, one State official, one National Security Council official, and one interpreter
3/17 to 3/20/89	FBI Sabreliner to MA and AZ; commercial aircraft on return	Washington, D.C., to Boston, MA, and Phoenix, AZ, and return	Television interview; address FBI/DEA conference; personal day for Attorney General ^e	AZ only: William Snyder	AZ only: FBI Director
3/22/89	Marine One	Washington, D.C., to Lancaster, PA, and Wilmington, DE, and return	Accompany the President to a drug awareness education meeting; attend presidential addresses	None	Presidential party
3/23/89	FBI seven-passenger turboprop aircraft	Washington, D.C., to Boston, MA, and return	Meet with the dean of Kennedy School of Government; reception; forum on 3-Mile Island emergency	David Runkel, William Snyder	Mrs. Thornburgh ^c
4/11/89	FBI seven-passenger turboprop aircraft	Washington, D.C., to Pittsburgh, PA, and return	Address World Affairs Council of Pittsburgh; press meetings	Murray Dickman, David Runkel; return only: Kathy Dickey, William Snyder	None

(continued)

**Appendix I
List of Attorney General Trips on
Government Aircraft (August 11, 1988, to
July 31, 1989)**

Date	Aircraft	Itinerary	Purpose of trip	Personal staff accompanying the Attorney General^a	Other passengers accompanying the Attorney General^b
4/20 to 4/25/89	FBI Sabreliner	Washington, D.C., to San Diego and Los Angeles, CA, and return	Address Foundation for Developmental Disabilities & World Affairs Council; visit former Pres. and Mrs. Reagan and U.S. Attorney's Office; participate in briefing with the Los Angeles Gang Task Force; attend asset forfeiture announcement with the President; press meetings	William Snyder	Mrs. Thornburgh ^c
4/26 to 4/27/89	FBI seven-passenger turboprop aircraft	Washington, D.C., to Miami, FL, and return	Address and introduce President to International Drug Enforcement Conference dinner; attend opening of Customs Command and Intelligence Center	David Runkel	None
4/28 to 5/1/89	FBI seven-passenger turboprop aircraft; return on FBI Sabreliner	Washington, D.C., to New Bedford, MA, and return	Personal travel by Attorney General ^a	None	Mrs. Thornburgh ^c
5/4/89	FBI Sabreliner	Washington, D.C. to New York, NY, and return	Meetings with Chief Judge, U.S. Attorney, and NY Drug Enforcement Task Force; asset forfeiture announcement	David Runkel; return only: William Snyder	One Justice official
5/8/89	FBI Sabreliner	Washington, D.C., to New Orleans, LA, and return	Address 5th & 11th Circuits Judicial Conference	David Runkel; return only: Steve Ross	None
5/8 to 5/12/89	Military aircraft	Washington, D.C. - Andrews AFB - to Paris, France, and Madrid, Spain, and return	Presidential mission; attend meetings and dinners with foreign officials including the French and Spanish Justice and Interior Ministers; attend international law enforcement meeting	Robert Ross, Murray Dickman, Robert Mueller, and William Snyder; Madrid to D.C. only: Julie Andrews	D.C. to France and Spain: one State official; France to Spain only: one Justice official; another State official; Spain to D.C.: FBI Director, DEA Administrator, another Justice official, and one DEA official
5/13 to 5/14/89	FBI Sabreliner	Washington, D.C., to Raleigh-Durham, NC, and return	Address University of NC Law School graduation	William Snyder	Mrs. Thornburgh ^c
5/15 to 5/17/89	FBI seven-passenger turboprop aircraft; return on USMS Jet Star	Washington, D.C., to Pittsburgh, PA, and return	Meet with and address FBI field staff; voting poll, television interview	William Snyder	None

(continued)

**Appendix I
List of Attorney General Trips on
Government Aircraft (August 11, 1988, to
July 31, 1989)**

Date	Aircraft	Itinerary	Purpose of trip	Personal staff accompanying the Attorney General^a	Other passengers accompanying the Attorney General^b
5/25/89	FBI five-passenger turboprop aircraft	Washington, D.C., to New York, NY, and return	Address a private dinner gathering	Return only: William Snyder	None
6/2 to 6/3/89	FBI seven-passenger turboprop aircraft	Washington, D.C., to New Haven, CT, and return	Address Yale Class of 1954 reunion dinner; Yale faculty lecture series	William Snyder	Mrs. Thornburgh ^c
6/6/89	FBI seven-passenger turboprop aircraft	Washington, D.C., to Williamsburg, VA, and return	Attend D.C. Circuit's 50th Judicial Conference	Cuyler Walker	One U.S. Senator
6/7/89	FBI five-passenger turboprop aircraft	Washington, D.C. to Wilmington, DE and return	Meet with U.S. Attorney and address DE Bench and Bar Conference	None	One U.S. Senator, one Justice official
6/9/89	FBI Huey helicopter	Washington, D.C., to Quantico, VA, and return	Address DEA Academy graduation	Dick Weatherbee	None
6/12 to 6/14/89	USMS Jet Star	Washington, D.C., to Dallas, Galveston, and Houston, TX, and return	Address TX Police Association, Galveston County Bar Association, Houston Lawyers Association, and Houston Bank Fraud Conference; meet Dallas Bank Fraud Task Force	David Runkel, William Snyder; TX to D.C. only: Eric Jowett	One Justice official, one news reporter; TX to D.C. only: another Justice official
6/15/89	Air Force One	Washington, D.C. - Andrews AFB - to Glynco, GA, and return	Accompany the President to a wreath laying ceremony for slain Federal Law Enforcement Training Center graduates	None	Presidential party
6/19/89	FBI Sabreliner	Washington, D.C., to New York, NY, and return	Testimony before Senate Caucus on International Narcotics Control hearing	David Runkel; return only: William Snyder	One Justice official
6/27/89	FBI Sabreliner	Washington, D.C., to Chicago, IL, and return	Address Operation Push Convention & Mid-America Committee	David Runkel	One Justice consultant, two news reporters ^d
7/7/89	FBI Huey helicopter	Washington, D.C. - Fort McNair - to Quantico, VA, and return	Address FBI Academy graduation and tour facility	Robert Mueller	FBI Director, one FBI official, and Justice photographer
7/10 to 7/11/89	FBI Sabreliner	Washington, D.C., to Los Angeles, CA, and return	Asset forfeiture press announcement; address 9th Circuit Judicial Conference; meeting with U.S. Attorneys	Robert Mueller; return only: William Snyder	None
7/12/89	FBI seven-passenger turboprop aircraft	Washington, D.C., to Pittsburgh, PA, and return	Attend 71st annual convention of PA American Legion	Return only: William Snyder	None

(continued)

**Appendix I
List of Attorney General Trips on
Government Aircraft (August 11, 1988, to
July 31, 1989)**

Date	Aircraft	Itinerary	Purpose of trip	Personal staff accompanying the Attorney General^a	Other passengers accompanying the Attorney General^b
7/18 to 7/22/89	FBI seven-passenger turboprop aircraft	Washington, D.C., to Portland, ME, and New Found Lake, NH, and return	Address National District Attorney's Association summer conference; personal travel	None	Mrs. Thornburgh ^c Peter Thornburgh ^e

^aStaff of the Office of the Attorney General.

^bAn FBI security detail also accompanied the Attorney General on all trips.

^cReimbursement made for official travel based on the commercial fare with 14-day advance reservations.

^dReimbursement made based on standard commercial fare.

^eReimbursement made for personal travel based on standard commercial fare.

List of FBI Director Trips on Government Aircraft (August 11, 1988, to July 31, 1989)

Date	Aircraft	Itinerary	Purpose of trip	Personal staff accompanying the Director ^a	Other passengers accompanying the Director ^b
8/29/88	FBI seven-passenger turboprop aircraft	Washington, D.C., to Fort McPherson, GA, and return	Briefing	Oliver Revell, Floyd Clarke	None
9/15/88	FBI Sabreliner	Washington, D.C., to St. Louis, MO, and return	Participate in Joint Session of Judicial Conference and Bar Association of MO	None	Mrs. Sessions, one FBI official
9/19 to 9/24/88	FBI Sabreliner from Washington, D.C., to New York, NY; commercial aircraft to Oslo, London, and return to NY; FBI Sabreliner from NY to D.C.	Washington, D.C., to Oslo, Norway, and London, England, and return	Address training session of European Chapter of FBI National Academy; attend law enforcement conference	Oliver Revell	None
9/26 to 9/28/88	FBI Sabreliner	Washington, D.C., to Atlanta, GA, and Little Rock, AR, and return	Address International Association of Women Police; dedicate new FBI field office	None	Mrs. Sessions, one FBI official
10/2 to 10/3/88	FBI Sabreliner	Washington, D.C., to Miami and Key West, FL, and return	Address Metropolitan District Chief Judge's Conference	None	Mrs. Sessions; Miami to Key West and return only: a Judge and wife; Key West to Miami only: one FBI agent
10/4/88	FBI Sabreliner	Washington, D.C., to Charlottesville, VA, and return	Address University of VA Speakers Committee	None	Mrs. Sessions; one FBI official
10/9 to 10/11/88	FBI Mitsubishi	Washington, D.C., to Charleston, SC; and Black Mountain, Asheville, and Charlotte, NC; and return	Attend U.S. Attorney's Conference; address Retired YMCA Directors meeting; visit FBI field office	None	D.C. to Charleston and Asheville only: two FBI officials and one DEA official; Asheville to Charlotte only: one FBI agent
10/15/88	FBI Mitsubishi	Washington, D.C., to Williamsburg, VA, and return	Address National Conference of Metropolitan Courts	None	Mrs. Sessions
10/16 to 10/20/88	FBI Sabreliner	Washington, D.C., to Salt Lake City, UT; Portland, OR; Seattle, WA; Detroit, MI; and return	Address International Association of Chiefs of Police and International Society of Crime Prevention Practitioners; visit FBI field offices	Washington, D.C., to UT and OR: Floyd Clarke; OR to WA: John Otto	None
10/28 to 10/29/88	FBI Mitsubishi	Washington, D.C., to Nashville, TN, and return	Address Society of Former FBI Agents	John Otto	Mrs. Otto; D.C. to TN only: one FBI official
11/3/88	Military aircraft	Washington, D.C., to Camp Smith, NY, and return	Address FBI/Marine Corps Association birthday celebration	None	Marine Corps commandant

(continued)

**Appendix II
List of FBI Director Trips on Government
Aircraft (August 11, 1988, to July 31, 1989)**

Date	Aircraft	Itinerary	Purpose of trip	Personal staff accompanying the Director^a	Other passengers accompanying the Director^b
11/13 to 12/1/88	FBI Sabreliner for domestic travel from NE to return to D.C.; commercial aircraft for international travel and from HI to CA, CO, and NE	Washington, D.C., to Hong Kong; Bangkok, Thailand; Sydney and Canberra, Australia; Honolulu, HI; San Francisco, CA; Denver, CO; Omaha, NE; Sioux Falls, SD; Minneapolis, MN; and return	Attend 57th Interpol General Assembly and Far East Legal Attache Conference; visit National Press Club of Australia; visit FBI field offices; address Annual Law Enforcement dinner	None	One FBI official; NE to SD only: one FBI agent; SD to MN only: another FBI agent
12/4 to 12/10/88	FBI seven-passenger turboprop aircraft from Washington, D.C., to NY; commercial aircraft to European destinations and return to NY; FBI Sabreliner from NY to D.C.	Washington, D.C., to New York, NY; Athens, Greece; Rome, Italy; and return	Attend Italian-American Working Group meeting and international law enforcement meeting	Return only: Oliver Revell	One Justice official
12/13 to 12/14/88	FBI Sabreliner	Washington, D.C., to Kansas City, MO, and return	Dedicate high school courtroom in the Director's name	None	Mrs. Sessions
1/3 to 1/4/89	FBI Sabreliner	Washington, D.C., to New York, NY, and return	Visit FBI field office and address employees	None	None
1/5/89	FBI seven-passenger turboprop aircraft; automobile on return	Washington, D.C., to Norfolk, VA, and return	Visit FBI field office; attend executive retreat	None	Mrs. Sessions
1/12 to 1/14/89	FBI Sabreliner	Washington, D.C., to West Palm Beach, FL, and Greenville, SC, and return	Address Palm Beach Roundtable and SC Bar Association	None	D.C. to FL and SC: one FBI official
2/2 to 2/3/89	FBI seven-passenger turboprop aircraft	Washington, D.C., to Virginia Beach, VA, and return	Attend executive conference retreat	Oliver Revell, John Otto, and Sarah Munford	Two FBI officials
2/8 to 2/12/89	FBI Sabreliner	Washington, D.C., to Boston, MA; and Houston, San Marcos, and San Antonio, TX; and return	Address Harvard Law School forum; lecture at Southwest Texas State University; address Forum Club meeting; personal day ^c	None	Mrs. Sessions ^c
2/14 to 2/17/89	FBI Sabreliner	Washington, D.C., to Las Vegas, NV, and Oklahoma City, OK, and return	Address meetings of Academy of Forensic Sciences and Committee of One Hundred	Return from OK only: Oliver Revell	Mrs. Sessions

(continued)

**Appendix II
List of FBI Director Trips on Government
Aircraft (August 11, 1988, to July 31, 1989)**

Date	Aircraft	Itinerary	Purpose of trip	Personal staff accompanying the Director^a	Other passengers accompanying the Director^b
2/22 to 2/25/89	FBI Sabreliner	Washington, D.C., to Dallas, San Antonio, McAllen, and Corpus Christi, TX, and return	Address meetings of the Dallas Council of World Affairs, Dallas Rotary, Parents Association for Drug Rehabilitation, and the National Hispanic Leadership Conference banquet; visit FBI field offices	None	Return from Corpus Christi only: Mrs. Sessions
3/4/89	FBI Sabreliner	Washington, D.C., to Parsippany, NJ, and return	Attend funeral of a DEA agent	Oliver Revell	One FBI official, one Justice official; D.C. to NJ only; another Justice official; return only; another FBI official
3/11 to 3/12/89	FBI Sabreliner	Washington, D.C., to Des Moines, IA, and return	Address Drake University Law School	None	Mrs. Sessions
3/19 to 3/24/89	FBI Sabreliner	Washington, D.C., to Boston, MA, and Phoenix, AZ; stop at Fort Smith, AR; and return	Pick up Attorney General in MA for flight to AZ; address Annual DEA/FBI Supervisory Agents' Conference	None	MA to AZ only: Attorney General, one Justice official; return only: Mrs. Sessions
4/27 to 4/30/89	FBI Sabreliner	Washington, D.C., to Lawrence, KS; and Waco and Austin, TX; and return	Address University of KS Law School, McLennan Community College, the 10th District of TX Bar Association, and the Central TX Bar Association Judicial Banquet	None	Return only: Mrs. Sessions
5/1/89	FBI Sabreliner	Washington, D.C., to New York, NY, and return	Attend U.S. Navy Fleet Week dinner	None	Mrs. Sessions
5/6 to 5/7/89	FBI Sabreliner from D.C. to LA; commercial aircraft on return	Washington, D.C., to New Orleans, LA, and return	Address 5th and 11th Circuits' Judicial Conference; visit FBI field office	None	Mrs. Sessions
5/9 to 5/12/89	FBI Sabreliner from D.C. to NY; commercial aircraft from NY to Spain and return; military aircraft on return to D.C.	Washington, D.C., to Madrid, Spain, and return	Attend international law enforcement meeting	Oliver Revell	Return only: Attorney General
5/13/89	FBI Sabreliner	Washington, D.C., to Ann Arbor, MI, and return	Address University of MI Law School		Five passengers, identities unknown

(continued)

**Appendix II
List of FBI Director Trips on Government
Aircraft (August 11, 1988, to July 31, 1989)**

Date	Aircraft	Itinerary	Purpose of trip	Personal staff accompanying the Director^a	Other passengers accompanying the Director^b
5/15 to 5/17/89	FBI Sabreliner	Washington, D.C., to Palm Springs and Los Angeles, CA, and return	Attend CA Peace Officers Association meeting; address memorial service for FBI agent; visit Police Law Enforcement Memorial; address Academy of Television Arts and Sciences forum	None	None
5/20 to 5/21/89	FBI Sabreliner	Washington, D.C., to Austin, TX, and return	Address University of TX commencement	None	One FBI official
6/2 to 6/6/89	FBI Sabreliner	Washington, D.C., to Salt Lake City, UT; Sun Valley, ID; and Aurora, CO; and return	Address society of legal professionals, the National Executive Institute, and the National Crime Information Center Advisory Board	From ID to D.C. only: John Otto	None
6/15/89	FBI five-passenger turboprop aircraft	Washington, D.C., to New York, NY, and return	Address Anti-Defamation League of B'Nai B'rith	None	None
6/18 to 6/19/89	FBI five-passenger turboprop aircraft	Washington, D.C., to Atlanta, GA; Pensacola, FL; Huntsville, AL; and return	Address National Organization of Black Law Enforcement Executives, International Association for Identification, and FBI/ Chamber of Commerce Drug-Free Workplace Conference	None	None
6/23 to 6/25/89	FBI Sabreliner	Washington, D.C., to Sacramento, San Francisco, and San Diego, CA, and return	Address American Academy of Achievement Salute to Excellence; visit hospitalized FBI agent and an FBI field office	None	Mrs. Sessions
7/18 to 7/21/89	FBI Sabreliner	Washington, D.C., to Norfolk, VA; Fort Smith, AR; El Paso, TX; and Albuquerque, NM; and return	Visit FBI field offices; address FBI National Academy Associates Retraining Session and the Rotary Club of Fort Smith; visit research laboratories at Los Alamos and Sandia, NM	None	TX to NM only: Mrs. Sessions

^aIncludes the Deputy Director, Associate Deputy Directors, and staff of the Office of the Director.

^bAn FBI security detail also accompanied the Director on all trips.

^cReimbursement made for personal travel based on standard commercial fare.

Seized Aircraft Used Without Justice Approval

The FBI did not obtain a required authorization from Justice before beginning to use a seized and forfeited aircraft in February 1989. Because the aircraft was one of the planes frequently used to transport the Attorney General and FBI Director, Chairman Wise expressed interest in this situation. In October 1989, the FBI did obtain Justice authorization to use the aircraft.

FBI Used a Seized Aircraft Without Justice Approval

At the time the five-passenger turboprop aircraft was forfeited, the Attorney General's Guidelines on Seized and Forfeited Property required concurrence by the Associate Attorney General for any Justice component agency to retain seized property appraised at between \$750,000 and \$2 million. Concurrence by the Deputy Attorney General was required for all property appraised at \$2 million or more. The appraised value of the five-passenger turboprop aircraft used by the FBI from February 27, 1989—the time of its forfeiture to the federal government—until October 16, 1989, was \$900,000. However, as of early August 1989, the FBI had not requested approval from the Associate Attorney General to retain the aircraft.

FBI officials said this approval had not been requested because the position of Associate Attorney General was vacant. The FBI's Associate Deputy Director for Investigations said, however, that the Acting Deputy Attorney General would have full authority to approve the retention of the aircraft in the absence of an appointee to the position of Associate Attorney General.

In a memorandum dated August 21, 1989, the FBI Director asked Justice to retain the five-passenger turboprop aircraft for official use. On October 16, 1989, the Acting Deputy Attorney General approved the request.

The Director of Justice's Executive Office for Asset Forfeiture noted that the value of property seized by the U.S. government has grown dramatically, rising from \$27.2 million in fiscal year 1985 to \$580 million in fiscal year 1989. He explained that high-level Justice review of agency retention of expensive property for official use is intended to ensure that (1) Justice maintains accountability for forfeiture and retention decisions, and (2) seized properties are managed with care. Such careful management, he said, is imperative in retaining public and congressional support for asset forfeitures.

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