



# Judicial Watch

*Because no one is above the law!*

April 19, 2010

Office of Inspector General  
HOTLINE  
P.O. Box 9778  
Arlington, VA 22219

**Re: Request for Investigation and Audit of State Department Advances  
and Per Diems Issued to Members of Congress for Overseas Travel**

Dear Office of Inspector General:

Judicial Watch, Inc. is a non-profit educational foundation dedicated to promoting transparency, integrity, and accountability in government and fidelity to the rule of law. Judicial Watch has over 600,000 supporters and a fifteen-year record of combatting government corruption.

Judicial Watch, in the public interest, hereby files this request for investigation and audit of the State Department's issuance of travel per diems and advances to members of Congress in light of continuing media reports of potential fraud, waste, and mismanagement due to the lack of proper guidelines, oversight, and accounting procedures.

*The Wall Street Journal* has been investigating the rise in Congressional overseas travel in recent years and reporting on the lack of oversight governing these taxpayer-funded trips. In mid-August of 2009, *WSJ* investigative reporter John Fund wrote:

The total cost for congressional overseas travel is never made public because the price tag for State Department advance teams and military planes used by lawmakers are folded into much larger budgets. Members of Congress must only report the total per diem reimbursements they receive in cash for hotels, meals and local transport. They don't have to itemize expenses—a convenient arrangement since most costs are covered by the government or local hosts. Some trips subtract some hotel and meal costs from the per diems, others do not. “The policy is completely

inconsistent,” one House member told me. Total per diem allowances (per person, including staff can top \$3,000 for a single trip). Unused funds are supposed to be given back to the government, but congressional records show that rarely happens.<sup>1</sup>

Although congressional rules and guidelines are clear, lax to nonexistent accounting requirements for per diem travel allowances and advances have led to a growing disregard for the law. And most recently, on March 2, 2010, the *Journal* reported:

When lawmakers travel overseas on official business they are given up to \$250 a day in taxpayer funds to cover meals and expenses. Congressional rules say they must return any leftover cash to the government.

They usually don't. . . .

Congress has no system for tracking how the cash payments, called per diems, are being spent. Lawmakers aren't required to keep receipts and there are no public records. In the past two years, hundreds of lawmakers spent a total of 5,300 days visiting 130 foreign countries on taxpayer-funded trips, according to congressional travel records. . . . House lawmakers received between \$375,000 and \$625,000 in per diem cash over that period, according to a Wall Street Journal estimate based on per diem rates and congressional travel disclosures. There's no documentation for how those funds were spent. Estimates for Senate travel couldn't be calculated.<sup>2</sup>

The *Journal* interviewed over “20 current and former members of Congress” regarding how they handled money left over from their per diem travel allowance and found that many were unsure of what the law required—and most pocketed it.

More troublesome than the apparent disregard for the law and the misappropriation of taxpayer money is the fact that the State Department reportedly does

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<sup>1</sup> See Exhibit 1, John Fund, “Air Congress Hits Turbulence,” *The Wall Street Journal*, August 12, 2009 < <http://online.wsj.com/article/SB10001424052970204251404574344672056749360.html> > accessed April 7, 2010.

<sup>2</sup> See Exhibit 2, Brody Mullins and T.W. Farnam, “Lawmakers Keep the Change, Cash Left Over From Official Trips Overseas Is Often Used for Personal Expenses,” *The Wall Street Journal*, March 2, 2010 < <http://online.wsj.com/article/SB20001424052748703429304575095592193574752.html> > accessed April 7, 2010.

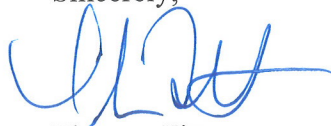
not have any system for monitoring or returning surplus cash from travel per diems or advances. As reported in the *Journal*:

Sen. Tom Coburn (R., Okla.) said he once tried to return surplus cash to the State Department, but “they wouldn’t take it. They said, ‘We don’t have a way to handle that.’ Mr. Coburn said he sent a personal check to the U.S. Treasury.”<sup>3</sup>

And Senators Specter, Durbin, Cardin, and Coburn are the only four lawmakers identified by the *WJS* who returned to the U.S. Treasury surplus cash from their per diems. Senator Specter alone “returned about \$8,500 of the \$25,000 he was given for 11 trips since August 2005.”<sup>4</sup>

Accordingly, Judicial Watch requests a full investigation and audit of the State Department’s accounting of travel per diems and advances issued to members of Congress and, in particular, its procedures to ensure the return of surplus cash from congressional travel per diems and advances. Judicial Watch will use the information uncovered by the Office of Inspector General in furtherance of its educational outreach and mission to combat corruption in government and in the promotion of ethics and transparency in the nation’s public life.

Sincerely,



Thomas Fitton  
President

Enclosures

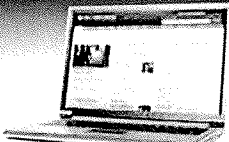
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<sup>3</sup> See Exhibit 2, Mullins and Farnam, “Lawmakers Keep the Change.”

<sup>4</sup> *Id.*

# EXHIBIT 1

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WSJ.com

OPINION | AUGUST 12, 2009, 6:28 P.M. ET

## Air Congress Hits Turbulence

*Besides new Gulfstreams, there are unreturned per-diems.*

By JOHN FUND

Congressional scandals form a pattern. First, there is the revelation that some members have acted in a high-handed, spendthrift or unethical manner. Then public anger flares, and Congress responds by belatedly tamping down the controversy.

Most of the time this is the end of it. But every once in a while the scandal continues to burn and consumes a few members. That's what happened in 1994 when the House Bank and Post Office scandals helped fuel the Republican takeover of Congress, and in 2006 when the Jack Abramoff and earmark scandals helped end GOP control.

House leaders hope that dropping plans to spend \$550 million on elite Gulfstream jets to fly members around the globe will dissipate public ire. I'm not so sure. Voters are strapped by the weak economy and angry about how health-care reform is being rushed through Congress. More revelations about congressional travel are coming.

Frequent flying by Congress is a growth industry. As the Journal's Brody Mullins reported this month, House members last year spent some 3,000 days overseas on taxpayer-funded trips, up from about 550 in 1995. This month, 11 separate congressional delegations will visit Germany.

No one begrudges members visiting U.S. troops or conferring with key leaders in other countries. But with so many trips, boondoggles are inevitable.

The total cost for congressional overseas travel is never made public because the price tag for State Department advance teams and military planes used by lawmakers are folded into much larger budgets. Members of Congress must only report the total per diem reimbursements they receive in cash for hotels, meals and local transport.

They don't have to itemize expenses—a convenient arrangement since most costs are covered by the government or local hosts. Some trips subtract some hotel and meal costs from the per diems, others do not. "The policy is completely inconsistent," one House member told me. Total per diem allowances (per person, including staff) can top \$3,000 for a single trip. Unused funds are supposed to be given back to the government, but congressional records show that rarely happens.

It's all part of the "arrogance of D.C.," Sen. Tom Coburn (R., Okla.) told me Monday. "These are lucrative payments since many members have zero expenses overseas." After his last government-sponsored trip to Iraq, Mr. Coburn wrote the U.S. Treasury a check for his unused per diem. Not wanting to be dependent on government handlers, he paid for his own trip to the Middle East a couple of years ago. "I learned a lot more on my own than on the government trips I've been on," he says.

The House's official handbook requires that lawmakers use regular U.S. airlines "whenever possible, unless such

service is not reasonably available." But congressional records show members routinely take military planes to London, Paris and other well-served locales. Members can fly for free with their spouses on military aircraft.

You'd think House Speaker Nancy Pelosi would be wise to the poor symbolism of a jet-setting Congress. But she's part of the problem. No one objects to her ability to fly on a government jet from time to time. But last March the watchdog group Judicial Watch obtained embarrassing internal Pentagon correspondence: "Any chance of politely querying [Pelosi's team] if they really intend to do all of these or are they just picking every weekend?" one such email read. "[T]here's no need to block every weekend 'just in case.'"

Other emails show intermediaries for Mrs. Pelosi frustrated when told transportation demands couldn't be met. "It is my understanding there are no [Gulfstream] 5's available for the House during the Memorial Day recess. This is totally unacceptable . . . The speaker will want to know where the planes are," wrote aide Kay King. In a separate email, when told a certain type of aircraft wouldn't be available, Ms. King wrote, "This is not good news, and we will have some very disappointed folks, as well as a very upset Speaker." A Pelosi spokesman said the Judicial Watch report seemed to be based on "a few emails."

The flap over the now aborted Gulfstream purchases could shed light on just how big Air Congress has gotten. The executive branch routinely goes along with whatever Congress wants to spend on itself. This year legislative branch spending is up more than 10% over last year.

Some members are trying to force greater disclosure. Rep. Walter Jones, a North Carolina Republican, is pushing to require that costs of foreign trips that don't involve a U.S. military base be made public. It's about time. In the 1990s, Vic Fazio, a California Democrat who once chaired the House subcommittee on the legislative budget, sheepishly admitted that the legislative branch's budget often exists to "do quietly what cannot be done openly." In an era when President Barack Obama has promised greater transparency, it's time to open the books.

**Mr. Fund is a columnist for WSJ.com.**

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POLITICS | MARCH 2, 2010

## Lawmakers Keep the Change

*Cash Left Over From Official Trips Overseas Is Often Used for Personal Expenses*

By BRODY MULLINS And T.W. FARNAM

When lawmakers travel overseas on official business they are given up to \$250 a day in taxpayer funds to cover meals and expenses. Congressional rules say they must return any leftover cash to the government.

They usually don't.

According to interviews with 20 current and former members of Congress, lawmakers use the excess cash for shopping or to defray spouses' travel expenses. Sometimes they give it away; sometimes they pocket it. Many lawmakers said they didn't know the rules demand repayment.

"If that was the policy, you could never get many members traveling," said Rep. Solomon Ortiz, a Texas Democrat. Mr. Ortiz said he had never returned any money.

"There's a tacit understanding that if lawmakers don't spend the money, they get to keep it," said Rep. Sue Kelly, a New York Republican who was defeated in 2006.

Former Rep. Tom Davis, a Virginia Republican, said lawmakers often used leftover money "for shopping or to buy souvenirs to bring back to constituents. That's fairly standard."

Rep. Joe Wilson (R., S.C.) said he once bought marble goblets in the Kabul airport as gifts for constituents. Rep. Mark Souder (R., Ind.) said he dipped into his funds to buy a \$200 painting of an estuary in Turkey, which hung in his office for a while and was now in his house.

Lawmakers who said they sometimes keep excess funds said the amounts were small. "I won't deny that sometimes I have a little left, but it's not much—maybe 80, 90, or 100 dollars," said Rep. G.K. Butterfield (D., N.C.).

Congress has no system for tracking how the cash payments, called per diems, are being spent. Lawmakers aren't required to keep receipts and there are no public records.

In the past two years, hundreds of lawmakers spent a total of 5,300 days visiting 130 foreign countries on taxpayer-funded trips, according to congressional travel records.

House lawmakers received between \$375,000 and \$625,000 in per diem cash over that period, according to a Wall Street Journal estimate based on per diem rates and congressional travel disclosures. There's no documentation for how those funds were spent. Estimates for Senate travel couldn't be calculated.

"You are all concerned about nickels and dimes, and I'm not," said Rep. Alcee Hastings (D., Fla.). "You know, in a taxicab in Kazakhstan, I don't have time to get a receipt—I don't speak Kazakh."

In a subsequent interview, Mr. Hastings said he had time to gather receipts, but didn't.

Mr. Hastings said he sometimes used the extra taxpayer money to buy gifts, meals or drinks for military pilots, security officials and interpreters who travel with him. On a trip earlier this year to the Middle East, Mr. Hastings gave \$100 to an Iraqi refugee, he said.

"I'm a generous spirit and a courteous spirit," Mr. Hastings said. "I stand accused."

Some lawmakers are assiduous about returning surplus cash. Sen. Arlen Specter, a Pennsylvania Democrat, has returned to the U.S. Treasury about \$8,500 of the \$25,000 he was given for 11 trips since August 2005, according to documents provided by his office.

The per diem program is administered by the State Department. According to department officials and publications, when lawmakers arrive in a foreign country, U.S. government officials give them an envelope with cash in the local currency.

The total stipend is set by the State Department based on surveys of local prices. It is meant to cover three meals and incidental expenses, which federal travel regulations say include transportation and tips for baggage handling and other services.

The amounts range from \$28 a day in Kabul to more than \$250 a day in Awashima, Japan.

When lawmakers leave the country, U.S. government officials generally meet them to convert any leftover foreign currency back into U.S. dollars.

Many of the lawmakers' daily expenses are picked up by U.S. embassies, foreign governments or military liaisons, according to travel documents and interviews.

House and Senate rules say per diems can be used only for legitimate travel expenses. Any leftover money must be returned. The cash is for lawmakers, not their spouses. Lawmakers can request an extra \$50 a day if they believe the allowance is insufficient.

"The extra money and the plus-ups are really for the spouses," said Mr. Souder, the Indiana Republican.

Last summer, a dozen lawmakers of both parties flew to Lithuania to a conference of the Helsinki Commission, an independent U.S. government agency made up of members of Congress and others that was born during the Cold War to promote democracy, security and human rights.

The lawmakers were given \$941 each in local currency to cover expenses for the six-day trip, said one attendee, Sen. Richard Durbin (D., Ill.).

When they got home, Mr. Durbin returned \$401.08 to the Treasury, according to documents provided by his office. Sen. Benjamin Cardin (D., Md.) returned \$86. No one else returned any money, according to travel records for the trip and interviews with the lawmakers.

One lawmaker on the trip, Rep. Robert Aderholt (R., Ala.) said he didn't return cash. "I don't keep up with it penny for penny," he said.

Mr. Butterfield said he didn't recall if he had any leftover funds, and that he sometimes kept the extra cash.

Sen. Tom Coburn (R., Okla.) said he once tried to return surplus cash to the State Department, but "they wouldn't take it. They said, 'We don't have a way to handle that.'" Mr. Coburn said he sent a personal check to the U.S. Treasury.

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