

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

May 3, 2017

Dr. Huban Gowadia
Acting Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 22202

Dear Dr. Gowadia:

I am writing to request information regarding the procedures used by the Transportation Security Administration (TSA) to manage potential conflicts of interest among appointees. The employment history of TSA's Chief of Staff, Chad F. Wolf, raises significant concerns about possible conflicts of interest involving agency procurement decisions.

According to his official biography on the TSA website, Mr. Wolf "was named Chief of Staff in March 2017." His official biography also indicates that prior to his employment at TSA, Mr. Wolf "served as Vice President and Senior Director at Wexler|Walker for over 11 years."¹

A lobbying report filed by Wexler|Walker for 2016 states that Mr. Wolf lobbied on "Airport Security Equipment" on behalf of Analogic Corp.²

According to a recent *New York Times* article, "Executives at Analogic Corp. had tried to sell its carry-on baggage security equipment to T.S.A. with Mr. Wolf's help when he was a lobbyist." The company had been "pressing the agency to conduct formal tests of its computer tomography devices, known as CT scans" so it could be approved for use at security checkpoints, "a move that could be worth at least \$500 million in equipment sales."³

¹ *Chief of Staff, Chad F. Wolf*, Transportation Security Administration (accessed Apr. 25, 2017) (online at www.tsa.gov/leader-bios/chief-of-staff).

² Wexler|Walker, a Unit of Hill+Knowlton Strategies, LLC, *2016 Lobbying Report* (accessed Apr. 25, 2017) (online at <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=D1F2B356-5BF7-4B3A-B640-8453F78AE319&filingTypeID=78>).

³ *With Trump Appointees, A Raft of Potential Conflicts and 'No Transparency,'* New York Times (Apr. 15, 2017) (online at www.nytimes.com/2017/04/15/us/politics/trump-appointees-potential-conflicts.html?_r=0).

The *Times* also reported that “company executives said that they reached out to Mr. Wolf to discuss the matter after he joined the T.S.A., listing his name among a series of agency officials they had recently contacted.” Mr. Wolf’s Twitter account continued to host posts “urging the T.S.A. to buy the devices” after his employment as TSA Chief of Staff.⁴

Late last year, Analogic “announced that its ConneCT Checkpoint CT (computed tomography) screening system has achieved critical milestones toward U.S. Transportation Security Administration (TSA) certification.”⁵

On January 28, 2017, President Trump issued an Executive Order on “Ethics Commitments by Executive Branch Appointees.” E.O. 13770 requires that political appointees agree not to “participate in any particular matter” that is “related to my former employer or former clients, including regulations and contracts” for the first two years of their employment with the Administration. The Executive Order also requires that appointees who were registered lobbyists not “participate in any particular matter” on which they lobbied for the first two years of their employment.⁶

Every full-time political appointee is required under the Executive Order to sign an Ethics Pledge. However, the Executive Order provides that the President or his designee may waive any of the restrictions contained in the Ethics Pledge.⁷

President Obama publicly released ethics waivers granted during his Administration on the White House website, but President Trump has refused to release waivers he and his Administration have granted.⁸

The White House website does not currently contain any information. Instead, it states: “The information on this page is being updated. Ethics pledge waivers will be published as they become available.”⁹

⁴ *Id.*

⁵ *Analogic, Analogic’s ConneCT Aviation Checkpoint Screening System Achieves Critical Milestones; On Track for TSA and International Certification Testing in Early 2017*, Analogic (Dec. 21, 2016) (online at www.analogic.com/press-release/analogics-connect-aviation-checkpoint-screening-system-achieves-critical-milestones-on-track-for-tsa-and-international-certification-testing-in-early-2017/).

⁶ Exec. Order No. 13770, 82 C.F.R. 9333 (Jan. 28, 2017) (online at www.federalregister.gov/documents/2017/02/03/2017-02450/ethics-commitments-by-executive-branch-appointees).

⁷ *Id.*

⁸ *Ethics Pledges and Waivers*, Obama White House (accessed Apr. 27, 2017) (online at <https://obamawhitehouse.archives.gov/21stcenturygov/tools/ethics-waivers>).

⁹ *Ethics Pledge Waivers*, Trump White House (accessed Apr. 27, 2017) (online at www.whitehouse.gov/briefing-room/disclosures/ethics-pledge-waivers).

For these reasons, I request that TSA produce the following documents by May 19, 2017:

1. all ethics agreements signed by all appointees at TSA, including Mr. Wolf;
2. all waivers of any rule, regulation, or ethics requirement granted at TSA, including to Wolf; and
3. all documents pertaining to the request for or issuance of any waiver granted at TSA, including to Mr. Wolf.

When producing documents to the Committee, please deliver production sets to the Majority staff in room 2157 of the Rayburn House Office Building and the Minority staff in room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Lucinda Lessley of the Minority staff at (202) 225-5051. Thank you for your prompt attention to this request.

Sincerely,


Elijah E. Cummings
Ranking Member

cc: The Honorable Jason Chaffetz, Chairman

Enclosures

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.