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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

B-202278

April 18, 1983

The Honorable William Proxmire
United States Senate

Dear Senator Proxmire:

This is in response to your request of February 19, 1981, for our opinion on the legality of certain support which the Department of Defense (DOD) provided for activities associated with the inauguration of President Ronald Reagan. More particularly, you asked whether there was any specific statutory authority for the military to provide 1,120 service personnel as chauffeurs, personal escorts and social aides, as well as other non-safety and non-medical support, for inaugural activities. You noted that some members of the Presidential Inaugural Committee were provided with military drivers from mid-November 1980 until the end of January 1981. In addition, you requested any proposals we might have for a statutory remedy, in the event we concluded that there is no specific statutory authority for DOD to provide these kinds of support for Presidential inaugural activities.

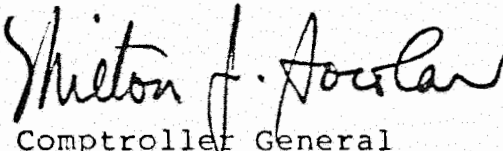
There is no specific statutory authority for DOD to provide chauffeurs, personal escorts and social aides, as well as other non-safety and non-medical support, for inaugural activities, nor are many of DOD's inaugural activities covered by more general authorities such as the Economy Act or those which support expenditures for local community relations activities. The Presidential Inaugural Ceremonies Act does authorize DOD to provide limited assistance, primarily safety and medical in nature, to the Presidential Inaugural Committee (PIC), but DOD itself recognizes that its extensive participation in Presidential inauguration activities is fundamentally a matter of custom rather than being rooted in legal authority.

Accordingly, we must conclude that much of the support provided by DOD for 1981 inaugural activities was without proper legal authority. At the same time, it must be recognized that Presidential inaugurations are highly symbolic national functions for which DOD support has been provided with the knowledge and approval of members of Congress over the years. Lack of a statutory base for this support has resulted in practices questionable on policy as well as legal grounds.

PUBLISHED DECISION
92 Comp. Gen. 1-1-83

In these circumstances, we recommend that Congress undertake a review of the Presidential Inaugural Ceremonies Act to establish a clear basis in policy and law for continuing participation by Federal agencies in Presidential inaugural activities. We will be glad to work with you in this endeavor. A detailed analysis is enclosed. DOD's report to us on Presidential inaugural activities is also enclosed.

Sincerely yours,

for 
Comptroller General
of the United States

Enclosures - 2

DEPARTMENT OF DEFENSE ASSISTANCE FOR
THE 1981 PRESIDENTIAL INAUGURATION

The Comptroller General has been requested to provide his opinion on the legality of certain support the Department of Defense (DOD) provided for activities associated with the inauguration of President Ronald Reagan. More particularly, we have been asked whether there was any specific statutory authority for the military to provide 1,120 service personnel as chauffeurs, personal escorts and social aides, as well as other non-safety and non-medical support, for inaugural activities. It was also noted that some members of the Presidential Inaugural Committee were provided with military drivers from mid-November 1980 until the end of January 1981. In addition, we were asked to provide any proposals we might have for a statutory remedy, in the event we concluded that there is no specific statutory authority for DOD to provide these kinds of support for Presidential inaugural activities.

FACTS

We requested DOD to provide to us a complete report on its 1981 Presidential inaugural activities, including a full description of the types of inaugural assistance it furnished, as well as the legal basis for that assistance. In its report, DOD states that a total of 11,430 armed forces personnel provided support for activities associated with the 1981 Presidential Inauguration. The report indicates that 1,533 of its personnel were used as military aides (both personal aides and social aides), drivers, and ushers--the types of assistance about which you express the greatest concern. The other DOD personnel involved in the inaugural activities performed a variety of functions, including participating in the inaugural parade, acting as honor and parade route cordons, removing snow, and providing security. In addition, a variety of equipment, supplies and other services were provided by DOD, including logistical and administrative support. DOD inaugural support was coordinated through the Armed Forces Inaugural Committee (AFIC).

PRESIDENTIAL INAUGURAL CEREMONIES ACT

The only statutory provision that specifically authorizes DOD to provide support for inaugural activities is 10 U.S.C. § 2543, the codification of section 6 of the Presidential Inaugural Ceremonies Act, act of August 6, 1956, ch. 974,

84th Congress, 2d Sess., 70 Stat. 1049, 1050. That section provides:

"(a) The Secretary of Defense, under such conditions as he may prescribe, may lend, to an Inaugural Committee established under section 721 of title 36, hospital tents, smaller tents, camp appliances, hospital furniture, flags other than battle flags, flagpoles, litters, and ambulances and the services of their drivers, that can be spared without detriment to the public service.

"(b) The Inaugural Committee must give a good and sufficient bond for the return in good order and condition of property lent under subsection (a).

"(c) Property lent under subsection (a) shall be returned within nine days after the date of the ceremony inaugurating the President. The Inaugural Committee shall--

"(1) indemnify the United States for any loss of, or damage to, property lent under subsection (a); and

"(2) defray any expense incurred for the delivery, return, rehabilitation, replacement, or operation of that property."

The type of inaugural assistance covered by this provision is rather limited and primarily of a medical or safety nature. This provision does not authorize DOD to provide the number of personnel and the wide-ranging inaugural support referred to in DOD's report to us.

DOD itself recognized the limited coverage of the provision. In the Executive Summary of the 1977 Armed Forces Inaugural Committee, DOD stated:

"10 U.S.C. 2543 is the only statutory authority within the United States Code specifically authorizing DOD support of a Presidential Inauguration. It identifies only medical and

safety equipment support. Additional inaugural support has traditionally been provided by DOD, though not specifically defined in the statute. Using the limiting language of this statute as a basis, * * * the Special Assistant, Secretary of Defense, understandably had reason to question the legality of all support traditionally provided by DOD. This caused lengthy reviews, frequent discussion and many false starts and stops. Major disruptions resulted. In the end, * * * the discussion was elevated to the U.S. Senate level * * *. To preclude recurrence of this situation, it is strongly recommended that DOD immediately initiate action to propose appropriate legislation to clarify the language and intent of 10 U.S.C. 2543. * * *

DOD effort to obtain legislation

In response to DOD's concerns, the Chairman of the Joint Congressional Committee on Inaugural Ceremonies for the 1977 Presidential Inauguration had introduced S. 2839, 96th Congress, to amend the Presidential Inaugural Ceremonies Act, supra, to clarify DOD's participation. "Because of the legal questions always accompanying Inaugural support * * *, the Department of Defense supported Senate Bill 2839 * * *." Nevertheless, that bill was not enacted, and DOD now states that "the bill is still needed to avoid the quadrennial questions that prompted this inquiry." Thus there seems to be a consensus of uncertainty about DOD's authority.

DOD has not been alone in struggling with the lack of legal clarity with respect to participation in inaugural activities. The General Services Administration (GSA) in the past experienced inaugural problems similar to those of DOD. Without any explicit authority GSA provided the following assistance in connection with inaugurals:

- "1. Provide office space, office furniture, and telephones for the inaugural committee.
- "2. Provide additional guards for the protection and security of Government property and buildings.

"3. Make available public toilet facilities in Government buildings along the parade route.

"4. Make cafeterias and snack bars in Government buildings available to military organizations participating in the parade.

"5. Establish first-aid stations in Government buildings along or near the parade route.

"6. Maintain standby work force to deal with building maintenance emergencies (elevator trouble, electrical failures, plumbing leaks, snow removal, etc.).

"7. Arrange for special window and grounds cleaning at Government buildings along the parade route.

"8. Construct stands and platforms at Government buildings along the parade route.

"9. Provide parking space and dispatch services for official parade vehicles.

"10. Clean up Government buildings and grounds along parade route following inaugural."

H.R. Rep. No. 1796, 90th Cong., 2d Sess. 2 (1968).

Congress has since explicitly legitimized GSA's participation in inaugural activities by amending the Federal Property and Administrative Services Act. In 1968 Congress added subsection 210(a)(15) to the Federal Property and Administrative Services Act, as amended, 40 U.S.C. § 490(a)(15), which authorized GSA:

"to render direct assistance to and perform special services for the Inaugural Committee (as defined in section 721 of Title 36) during an inaugural period in connection with Presidential inaugural operations and functions,

including employment of personal services without regard to the civil service and classification laws; provide Government-owned and leased space for personnel and parking; pay overtime to guard and custodial forces; erect and remove stands and platforms; provide and operate first-aid stations; provide furniture and equipment; and provide other incidental services in the discretion of the Administrator."

It is with this background that we analyze whether DOD's participation in the 1981 Presidential inaugural events was legally supportable on some basis other than 10 U.S.C. § 2543. Our starting point is the Presidential Inaugural Ceremonies Act, supra, now largely codified at 36 U.S.C. §§ 721-730, because it is the primary legislation dealing with Presidential inaugurations. Legally it could well be construed as the exclusive authority for establishing responsibilities related to Presidential inaugurals, since it is the permanent legislation in which Congress attempted to address the whole inaugural process. The statute itself, however, does not explicitly preempt other authorities, and the example of the special legislation for GSA indicates that Congress has not legislated on inaugural matters exclusively through amendments to the Presidential Inaugural Ceremonies Act. Accordingly, we shall not treat the Presidential Inaugural Ceremonies Act, supra, as preempting other possible authorities for DOD assistance for Presidential inaugurals, as long as the other more general authorities do not contradict the provisions and policies of the Presidential Inaugural Ceremonies Act. The more general authorities relied on by DOD are the Economy Act and DOD's community relations regulations, each of which is discussed below.

Before addressing the other authorities relied on by DOD, however, at least the major features of the Presidential Inaugural Ceremonies Act should be noted, so that DOD's assistance may be properly evaluated in the context of the provisions of that primary statute.

First, subsection 1(b)(2) of the act, 36 U.S.C. § 721(b)(2), acknowledges that there will be a Presidential Inaugural Committee (PIC) for each Presidential inauguration, and defines it as "the committee in charge of the Presidential inaugural ceremony and functions and activities connected

therewith, to be appointed by the President-elect." The statute assumes that the PIC will be a private, non-governmental entity, and gives it substantive and substantial rights. However, it contains no provisions authorizing Governmental financial assistance to the PIC. At the same time, in at least three sections, the Presidential Inaugural Ceremonies Act requires that the PIC indemnify the Government for any loss or damage.^{1/} As such, the Presidential Inaugural Ceremonies Act implies that the PIC was not expected to receive Federal funds or any assistance from Federal agencies other than as specified.

Section 9 of the act, 36 U.S.C. § 729, reserves to the Joint Congressional Committee on Inaugural Ceremonies (JCCIC) responsibility for inaugural activities at the United States Capitol Buildings or Grounds or other property under the jurisdiction of the Congress. In addition, this section permits the JCCIC to receive, upon its request, any of the services or facilities otherwise authorized by the Presidential Inaugural Ceremonies Act.

Section 6 of the Presidential Inaugural Ceremonies Act, supra, which authorizes the limited DOD support to the PIC, is but one isolated provision of this statute, and DOD is but one of the agencies assigned responsibilities. Among other things, the Presidential Inaugural Ceremonies Act does, in addition, explicitly:

"Authorize an appropriation for District [of Columbia] expenses in connection with a Presidential inauguration;

"[A]uthorize the Commissioners [now Council of the District of Columbia] to make regulations for the protection of life, health, and property during the 'Inaugural period,' * * *;

"[A]uthorize the granting of special licenses [, with the approval of the Inaugural Committee,] to persons selling goods, wares, and merchandise on the streets of the District [of Columbia] during such period;

Please find footnotes at end of statement.

"[C]entralize in the Secretary of the Interior (or his designated agent, who might be the Superintendent of National Capital Parks) the authority to grant permits to the Inaugural Committee for the temporary use of public space under the control of the Federal Government outside of the Capitol Grounds;

"[A]uthorize the Commissioners [now Mayor of the District of Columbia] to grant permits to the Inaugural Committee for the temporary use of public space under their control; [and]

"[A]uthorize the temporary installation [by the Inaugural Committee] of lighting or communication facilities on and over public space; * * * ." (Organization modified from original into paragraph structure.)

S. Rep. No. 2645, 84th Congress, 2d Sess. 1 and 2 (1956). See also, H.R. Rep. No. 2611, 84th Congress, 2d Sess. 2 and 3 (1956). Moreover, section 3 of the act, as amended, 36 U.S.C. § 723, specifically authorized funds to be appropriated to the District of Columbia to enable it to:

"* * * provide additional municipal services * * * during the inaugural period, including employment of personal services without regard to the civil-service and classification laws; travel expenses of enforcement personnel, including sanitarians, from other jurisdictions; hire of means of transportation; meals for policemen, firemen, and other municipal employees, cost of removing and relocating streetcar loading platforms, construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths; and other incidental expenses in the discretion of the Commissioners [now Mayor of the District of Columbia] * * *."

Finally, subsection 1(b)(1) of the Presidential Inaugural Ceremonies Act defines the term "inaugural period" as:

"* * * the period which includes the day on which the ceremony of inaugurating the President is held, the five calendar days immediately preceding such day, and the four calendar days immediately subsequent to such day."
36 U.S.C. § 721(b)(1).

ECONOMY ACT

Aside from the Presidential Inaugural Ceremonies Act, DOD relies in part on the so-called Economy Act as authority to provide additional support for inaugural events in response to requests of the Presidential Inaugural Committee and the Joint Congressional Committee on Inaugural Ceremonies.^{2/} Section 601 of the Economy Act, as amended,^{3/} 31 U.S.C. § 1535,^{4/} permits one agency or bureau of the Government to furnish materials, supplies or services for another on a reimbursable basis. The PIC is not a Government agency and even if it were, DOD used its own appropriations without reimbursement from either the PIC or JCCIC. Therefore, the authority of the Economy Act is not applicable.

COMMUNITY RELATIONS REGULATIONS

Aside from statutes, DOD relies upon its internal regulations and its traditional ceremonial role of participation in national celebrations and somber state occasions.

DOD's community relations regulations are codified at 32 C.F.R. Parts 237 and 238. The statutory authority listed for them is 5 U.S.C. § 301 (previously codified at 5 U.S.C. § 22) which provides that:

"The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public."

DOD defines "community relations" as "the relationship between the military and civilian communities." 32 C.F.R. § 237.3(a). DOD's policy justifications for the community relations program include recognition that:

"The morale of all personnel of the Department of Defense is affected by the favorable or unfavorable attitudes of the civilian community toward their mission and their presence in the area * * *." (32 C.F.R. § 237.4(a)(2).),

and that:

"Active participation of military units and military personnel and their dependents as individuals in civilian activities, organizations, and programs is an important factor in establishing and maintaining a state of mutual acceptance, respect, cooperation, and appreciation between the Armed Forces and civilian communities affected by their operations." (32 C.F.R. § 237.4(a)(3).)

These regulations encompass a broad range of activities, with emphasis on DOD participation in local community events. They were not designed to cover events which are national in scope such as a Presidential inauguration and which have little if anything to do with the means by which favorable local community relations are fostered. Nevertheless, an examination of certain aspects of the regulations may be useful for the purpose of developing Presidential inauguration participation policy.

As a general principle, DOD's regulations distinguish between the kind of participation in public events and programs which primarily fosters DOD's own interests and purposes, and participation as one of several interested parties in which the benefits may be said to be mutual. (By necessary implication,

if there is only negligible benefit to DOD to be derived from its participation, it should decline the invitation to be part of the event.) DOD may pick up most or all of the costs of its participation in the first category as necessary. For events in the second category, DOD should pay only the proportionate share of the costs directly attributable to the participation of its own personnel.

We will now examine DOD assistance with the 1981 Presidential inaugural activities in the light of these principles.

INAUGURAL CEREMONY

The installation of the President as Commander-in-Chief of the Armed Services is obviously of major interest to the DOD. It is also of major interest to every other Federal entity, as well as to the public at large. In recognition of this shared interest, the Congress established the Joint Congressional Committee on Inaugural Ceremonies (JCCIC) and charged it with the responsibility of making arrangements for the inaugurations of the President-elect and the Vice President-elect. In addition, section 9 of the Presidential Inaugural Ceremonies Act, 36 U.S.C. § 729, reserves to the JCCIC responsibility for inaugural activities at the United States Capitol Buildings or Grounds or other property under the jurisdiction of the Congress. Consequently, primary responsibility for the arrangements for the Presidential inaugural ceremony, including funding, rests with the JCCIC rather than DOD.

Since DOD also has a clear interest in the event, it may pay for the expenses necessarily incurred by its personnel in participating in the ceremony. This might well include the costs of transporting DOD participants to the ceremony, per diem and other travel expenses of participating, the costs of ceremonial uniforms, flags, etc. It would also include the costs of any services provided to the Presidential Inaugural Committee (PIC) under section 6 of the Presidential Inaugural Ceremonies Act, discussed before. As explained earlier, that type of assistance is rather limited and is primarily of a medical or safety nature.

On the other hand, there appears to be no authority for the provision of what DOD described as "logistical and administrative" support to the JCCIC, nor for the provision of equipment and supplies (unrelated to DOD's own participation needs), all on a non-reimbursable basis. We also question the use of DOD personnel as ushers for those holding reserved seats for the inaugural ceremony. (Ushers are explicitly listed as inappropriate capacities for service by military personnel in DOD's community relations regulations, 32 C.F.R. § 238.6(b)(4)(iv).) However, it is not our intention now to single out all specific costs which may definitely be allowed and to identify all others which are clearly improper. We are merely discussing the applicable principles under DOD's own community relations regulations, in order to point up the need for more definitive guidance from the Congress.

INAUGURAL PARADE

Participation in this significant national celebration is clearly of great importance and significance to DOD. As was true of the inaugural ceremony, other Federal entities could also regard such participation as being of direct benefit or interest to them. For example, it is conceivable that at some future inaugural, the Departments of Agriculture or Interior might be invited by the PIC to provide a "float" symbolizing their contributions to the nation. Thus, once again we have a "mutual benefit" event, and each agency may incur and pay costs directly attributable to its own participation. As for other costs not so allocable, we note that subsection 1(b)(2) of the Presidential Inaugural Ceremonies Act, 36 U.S.C. § 721(b)(2), charges the PIC with responsibility for Presidential inaugural functions and activities that do not take place at the United States Capitol Buildings or Grounds or on other property under the jurisdiction of the Congress. In addition, that statute does not provide for assistance to the PIC through Federal expenditures, although use of appropriated funds was anticipated by the District of Columbia government for related functions. Therefore, we conclude that primary responsibility for the presidential inaugural parade rested with the PIC and not DOD.

Applying this principle, we agree with a January 6, 1977, memorandum (referred to in the materials included in the Congressional submission) from the Assistant Secretary of Defense (Installation and Logistics) to the Assistant

Secretaries of the military departments. This memorandum questioned the practice of using military jeeps to pull non-military floats, or to supply military drivers for (non-DOD) VIPS taking part in the parade. Aside from the risks of tort liability, these expenses are not properly attributable to DOD's own needs but are, instead, expenses incurred for the benefit of some other participant. ✓

INAUGURAL BALLS

In defining "official civil ceremonies", DOD's community relations regulations provide:

"* * * Community or civic celebrations such as banquets, dinners, receptions, carnivals, festivals, opening of sports seasons, and anniversaries are not considered official civil ceremonies even though sponsored or attended by civic or governmental dignitaries." (Emphasis added.) 32 C.F.R. § 237.7(h).

In addition, these DOD regulations define "official Federal Government functions" as:

"* * * Those activities in which officials of the Federal Government are involved in the performance of their official duties." 32 C.F.R. § 238.3(a)(3).

An inaugural ball, being akin to a banquet, dinner or reception, would not be regarded as an official civil ceremony. In addition, even though an inaugural ball may be attended by officials of the Federal Government, they are not in attendance in the performance of their official duties, but rather as guests who happen to be officials. Moreover, unlike the inaugural parade, an inaugural ball is not generally available to the community. See 32 C.F.R. § 238.6(a)(1)(iii). The inaugural balls have been limited to invitees, in significant part selected by the PIC; admission is by ticket only (usually for a substantial fee); and are basically private gatherings or parties whose proceeds go to the PIC. Therefore, we doubt that any of DOD's costs of participating at inaugural balls, whether incurred for DOD officials or others, constitute official expenses which may be paid from DOD appropriations.

PRE-INAUGURAL ACTIVITIES

The submission states that certain kinds of DOD assistance were provided to some members of the PIC from mid-November 1980 until the end of January 1981. We recognize the complexities associated with effective coordination and implementation of the various inaugural activities. Therefore, a reasonable amount of planning and preparation by participants is essential. As was true for all the other inaugural activities discussed before, DOD should only have assumed the costs of planning and preparation for its own participants.

SPECIFIC ASSISTANCE

Much of the assistance reported to us by DOD appears directly related to its own preinaugural needs. There are, however, a number of questionable activities. For example, DOD reports the billeting of high school and university parade participants from outside the National Capital Region in local military installations. In addition, DOD reports:

freq under new guidelines

"e. The Military Aides Subcommittee of the AFIC organized, assigned, briefed, supervised, and assisted aides provided to VIPs during the Inaugural period. Two categories of aides were provided. Personal aides were assigned to assist specific VIPs. Social aides were assigned to assist at official Inaugural events. A total of 175 personal aides and 329 social aides were utilized.

* * * * *

"i. The Transportation Subcommittee of the AFIC coordinated the travel and transportation of all Armed Forces elements in connection with the Inaugural and operated the Inaugural motor pool. This motor pool provided drivers to operate vehicles donated to the PIC for the purpose of providing transportation for AFIC and PIC staff personnel on official business prior to the Inaugural and other VIPs during Inaugural week. During the peak period immediately preceding Inaugural Day, 671 drivers were utilized."

The use of military personnel as chauffeurs, personal escorts and social aides for non-military personnel cannot be regarded as a cost related to the participation of DOD's own personnel in the inaugural events. Moreover, this type of support does not comply with 32 C.F.R. § 238.6(b)(4)(iii) of DOD's community relations regulations, which provide:

"(b) The Department of Defense does not authorize support of community relations programs when * * *

"(4) * * * DOD support:

* * * * *

"(iii) Consists wholly or in part of resources, facilities, or services which are otherwise reasonably available from commercial sources." (Emphasis in original.)

We have seen no evidence that adequate, non-military-chauffeured transportation was not reasonably available from commercial sources, such as taxis, buses, subway, and other forms of public transportation, for the use of PIC personnel during the pre-inaugural period. Similarly, with respect to drivers for the private motor vehicles loaned to the PIC, there appear to be many sources of help in the private sector, if PIC personnel were unable to drive themselves in the pre-inaugural period, or even in the inaugural period itself.

Similarly, we believe that the services of personal escorts or aides, social aides, and ushers were "reasonably available from commercial sources," and thus were not authorized to be provided by DOD under DOD's community relations regulations.

We find nothing in the materials before us that indicates that military personnel or military skills were peculiarly essential in the performance of the duties assigned to personal aides, social aides, or ushers for the inaugural activities. Thus, we think that personnel for these tasks should have been obtained from commercial sources. See also

32 C.F.R. § 238.6(b)(4)(iv) and 32 C.F.R § 238.11(f)(ii) of DOD's community relations regulations which list these functions as being inappropriate for DOD personnel.

Even if DOD's community relations regulations did not contain the limitations discussed, we would have reservations about these expenditures. It is fundamental that Federal agencies cannot make use of appropriated funds to supply services (or manufacture products or materials) for private parties in the absence of specific authority therefor, usually specific statutory authority. 34 Comp. Gen. 599 (1955); 31 Comp. Gen. 624 (1952); 28 Comp. Gen. 38 (1948); B-69238, July 13, 1948. See also, 31 U.S.C. § 628; National Forest Preservation Group v. Volpe, 352 F. Supp. 123 (D.C. Mont. 1972), aff'd. on reconsideration 359 F. Supp. 136 (D.C. Mont. 1973). In fact, it has been held that the performance of services by Government personnel for non-Federal or private agencies involves an improper use of appropriated funds even where the Government is compensated therefor or reimbursed in kind. 34 Comp. Gen. 599 (1955); 31 Comp. Gen. 624 (1952); B-69238, July 13, 1948. See also, 33 Comp. Gen. 115 (1953). Moreover, "the general rule [is] that it is the sole right of the Government to supervise and control the work and time of performance of its officers and employees engaged in governmental activities," and an agency does not have authority to delegate this responsibility to a non-Federal or private entity. 31 Comp. Gen. 624 (1952).

In any other context besides the Presidential inaugural events, there would be little doubt about the impropriety of using taxpayer funds to provide personal aides, social aides, and drivers for private individuals. While we agree that the application of usual laws and regulations may not seem appropriate for inaugural activities, the current law does not make any special exceptions for agency assistance to the inaugural events, other than as provided in the Presidential Inaugural Ceremonies Act. If assistance would be unlawful and improper generally, it likewise would be unlawful and improper for the inaugural events. Consequently, we conclude that a significant amount of the support provided by DOD for 1981 inaugural activities was without proper legal authority.

CONGRESS

The Executive Summary of the 1977 Armed Forces Inaugural Committee discloses certain DOD inaugural activities in 1977 of questionable legality under the standards discussed above, and akin to those of concern in the 1981 inaugural. However, many of these DOD actions were apparently undertaken with the knowledge, active involvement and approval of key members of Congress. DOD stated in its response to our letter of inquiry that Congress had "full knowledge of past practices because Congressional members themselves have participated in the events." However, the mere fact that an activity has been disclosed to the Congress and has not been objected to does not necessarily require the conclusion that it was thereby legally authorized. B-69238, July 13, 1948.

We note that the House Committee on Government Operations, when acting upon GSA's request for inaugural legislation which was discussed above, stated:

"The inauguration of a President of the United States is a principal event in our democratic society. It symbolizes the major attribute of a governmental system based on laws rather than on men: the orderly transfer of the powers of the highest office in the land.

Congressional knowledge

"Millions of Americans are present on this ceremonious occasion, either in person or through the medium of television, and their presence gives further affirmation and legitimacy to the democratic process.

"The spectacle of an inauguration requires a great deal of planning as well as financing to accommodate the public and to insure that the event is as memorable in execution as it is in significance.* * *

H.R. Rep. No. 1796, 90th Cong., 2d Sess. 2 (1968).

We agree with these statements. However, we are not confident that existing law, agency practices and Congressional oversight are adequate to provide necessary guidance to agencies on permissible and impermissible inaugural activities and their funding.

*guidance needed,
Congress should be
act, so will
draw up
guidelines*

RECOMMENDATION

We recommend that Congress undertake a review of the provisions of the Presidential Inaugural Ceremonies Act for the purpose of conforming its provisions to recent practices with respect to Government support of inaugural activities or, in the alternative, prohibiting the practices that do not conform with the law. In this review, we suggest that special attention be given the issues of:

*suggests
practices
not
yet
clearly
prohibited*

- (1) which inaugural functions should properly be funded by the American taxpayers and which by the President-elect and Vice President-elect's supporters from private funds;
- (2) whether formal governmental representation on the Presidential Inaugural Committee might be appropriate, if the Government is to bear any substantial costs for inaugural activities;
- (3) whether Government funding should vary depending on the inaugural activity, i.e., pre-inaugural planning and preparation, formal inaugural ceremony, inaugural parade, and inaugural balls; and
- (4) DOD's appropriate role in inaugural activities in light of the current trend of increasing DOD's responsibilities for such activities as contrasted with the Presidential Inaugural Committee, the Joint Congressional Committee on Inaugural Ceremonies, the Government of the District of Columbia, and the Department of the Interior.

Until these basic policy issues are resolved, we are reluctant to propose any specific statutory language. However, we shall be glad to work with Congress in a review of the provisions of the Presidential Inaugural Ceremonies Act and in offering any other assistance that may be requested in devising a legislative solution to the problems identified above.

FOOTNOTES

1/ Section 4 of the act, 36 U.S.C. § 724, provides, in part:

"* * * The Inaugural Committee shall indemnify and save harmless the District of Columbia and the appropriate agency or agencies of the Federal Government against any loss or damage to * * * ["any sidewalk, street, park, reservation, or other public grounds in the District of Columbia" occupied with the approval of the Inaugural Committee by any stand or structure "for the sale of goods, wares, merchandise, food or drink"] and against any liability arising from the use of such property, either by the Inaugural Committee or a licensee of the Inaugural Committee." (Emphasis added.)

Section 5 of the act, 36 U.S.C. § 725, provides, in part:

"* * * No expense or damage from the installation, operation, or removal [by the Inaugural Committee] of * * * temporary overhead conductors or * * * illumination or other electrical facilities shall be incurred by the United States or the District of Columbia, and the Inaugural Committee shall indemnify and save harmless the District of Columbia and the appropriate agency or agencies of the Federal Government against any loss or damage and against any liability whatsoever arising from any act of the Inaugural Committee or any agent, licensee, servant, or employee of the Inaugural Committee." (Emphasis added.)

Section 6 of the act, 10 U.S.C. § 2543, provides, in part:

"* * * [T]he Inaugural Committee shall indemnify the Government for any loss or

damage to any * * * ["hospital tents, smaller tents, camp appliances, hospital furniture, ensigns, flags, ambulances, drivers, stretchers, and Red Cross flags and poles" lent to them by the DOD], and no expense shall be incurred by the United States Government for the delivery, return, rehabilitation, replacement, or operation of such equipment. The Inaugural Committee shall give a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States." (Emphasis added.)

2/ DOD stated its justification for reliance on the Economy Act as follows:

"Another legal theory which authorized Department of Defense support to the Inaugural is that much of it was pursuant to the Economy Act (31 U.S.C. 686). Throughout the pre-Inaugural period, the AFIC received requests from the PIC, which is recognized by 36 U.S.C. 721. As an operational principle, the AFIC responded to the PIC as if the PIC were an agency entitled to receive Economy Act assistance. Although this was inconsistent with a 1977 interpretation by the Staff Judge Advocate, Military District of Washington, it was reasonable for the AFIC to provide assistance to the PIC in view of the interrelationship among the JCCIC, PIC, and AFIC. Of course, in 1977 the Special Assistant to the Secretary of Defense expressly approved Economy Act support for the JCCIC, which is recognized by 36 U.S.C. 729."

3/ Section 601 of the Economy Act, as amended, states in part:

"(a) Any executive department or independent establishment of the Govern-

ment, or any bureau or office thereof, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau, or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work, or services, of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render, and shall pay promptly by check to such Federal agency as may be requisitioned, upon its written request, either in advance or upon the furnishing or performance thereof, all or part of the estimated or actual cost thereof as determined by such department, establishment, bureau, or office as may be requisitioned; but proper adjustments on the basis of the actual cost of the materials, supplies, or equipment furnished, or work or services performed, paid for in advance, shall be made as may be agreed upon by the departments, establishments, bureaus, or offices concerned * * *." (Emphasis added.)

- 4/ Pub. L. No. 97-258, approved September 13, 1982, 96 Stat. 877, enacted Title 31 of the United States Code into positive law and renumbered various of its provisions. The Economy Act, cited by DOD as 31 U.S.C. § 686, is now found at 31 U.S.C. § 1535.

OTIG Report 83-052

LC727/4



DEPARTMENT OF DEFENSE INSPECTOR GENERAL
OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR AUDITING
1300 WILSON BOULEVARD, 12th FLOOR
ARLINGTON, VIRGINIA 22209

REPORT
NO. 83-052

December 10, 1982

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE (MRA&L)
DEPUTY ASSISTANT SECRETARY OF DEFENSE
(ADMINISTRATION), OASD (COMPTROLLER)

SUBJECT: Quick-Reaction Report on the Survey of Executive Motor
Pool Operations (Project 3IN-040)

Introduction. We have completed an evaluation of the controls implemented to ensure that executive motor pool vehicles and drivers are used for authorized purposes and in a cost-effective manner. The survey was undertaken because of Office of Management and Budget and congressional interest in the use of vehicles and drivers by high level Government officials.

An executive motor pool was established to provide motor vehicle support for individuals occupying designated senior DoD positions. DoD Regulation 4500.36R, "Management, Acquisition and Use of Motor Vehicles," provides general policy guidance on the management and use of vehicles assigned to this and other DoD motor pools. The executive motor pool is under the management of the Director, Washington Headquarters Service and it has 17 vehicles, 13 vehicle operators, two dispatchers and a supervisor. At the time of our survey, 90 senior DoD officials were authorized to use, on an as-needed basis, vehicles from this motor pool for the accomplishment of official duties.

Our survey was limited to a review of applicable regulations, examination of vehicle usage records and discussions with personnel involved in the management of the motor pool. During the 6-month period of operations included in our survey, about 6,000 trips were made by vehicles assigned to the executive motor pool. Our survey was performed in December 1982 and covered the period June through November 1982.

Results of Survey. Improved controls are needed to provide a greater degree of assurance that the usage of executive motor pool vehicles is cost-effective and fully complies with the intent of applicable laws and regulations. Our conclusions as to the adequacy of existing controls are based on the following conditions noted during our survey:

A 1. Individuals authorized to use the executive motor pool have not been provided with specific and detailed written guidance concerning the use of vehicles and drivers assigned to this motor pool. Existing policy guidance in DoD Regulation 4500.36R was of such a general nature that it was subject to widely divergent interpretations as to what constituted official travel. In 1973 and 1978, memorandums from the Secretary of Defense and the Deputy Secretary of Defense addressed the subject of the motor pool and stated that the use: would be exclusively for official purposes; would not be for personal errands; and would not be available for family use unrelated to official duties of the individuals to whom the vehicle is assigned. The memorandums were not generally available to current users and still left some uncertainties. This was particularly true with respect to travel between domicile and place of work and travel performed during nonduty hours that involved locations other than place of work.

B 2. Vehicle usage records were not reviewed on a periodic basis to determine if all trips were for authorized purposes. We identified 1,039 trips during the 6-month period covered by our survey that involved travel from and/or to locations that were not Government activities. These trips may or may not have been for official purposes, but this could not be clearly determined in most cases from information recorded in the vehicle dispatch records.

C 3. Formal procedures had not been implemented to require that potential unauthorized uses of vehicles be referred by the motor pool personnel to higher authorities for review and appropriate actions. We identified 237 instances where information recorded in the vehicle dispatch records indicated that the purpose of the trip may have been for other than the accomplishment of official duties.

D 4. Vehicles were requested and dispatched for individuals not included on the list of individuals authorized to use the executive motor pool. We found 49 instances where executive motor pool vehicles were used by family members. As above, these trips may or may not have been for official purposes.

E 5. Trips were made between locations where less costly modes of travel, such as taxis, were available. We identified 120 instances where vehicles and drivers were used to provide transportation from domiciles to commercial airports and from airports to domiciles. Many of these trips were made during off duty hours which involved overtime pay for the drivers.

6. Individuals other than those authorized in DoD Regulation 4500.36R were on the list of individuals authorized to use executive motor pool vehicles for travel between domicile and place of employment. We noted 14 trips between domiciles and place of employment that involved individuals not authorized such travel by DoD Regulation 4500.36R.

We plan to further review the specific conditions we found in our survey.

Recommendations

A 1. We recommend that the Assistant Secretary of Defense (MRA&L) request the Military Departments to review the adequacy of controls implemented for vehicle support provided to senior officials to ensure compliance with applicable laws and regulations.

2. We recommend that the Deputy Assistant Secretary of Defense (Administration):

E a. Develop more specific and detailed guidance concerning the use of vehicles assigned to the executive motor pool. This policy guidance should also address the limitations on travel between domicile and place of employment, travel to and from airports during nonduty hours, and travel to and from locations other than place of employment during nonduty hours. Upon completion, this guidance should be furnished to all individuals authorized to use the executive motor pool.

D b. Review vehicle usage records for calendar years 1981 and 1982 and recover from appropriate individuals those expenses incurred for any unauthorized or unofficial trips.

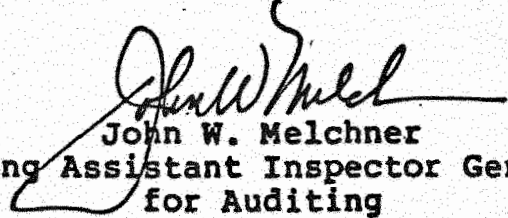
B c. Implement procedures that provide for the review of vehicle usage records on a periodic basis to determine if trips were taken for authorized, official purposes.

C d. Implement procedures that require the motor pool supervisor to advise you, in writing, of any trips that appear to be for other than official purposes.

F e. Establish necessary controls to ensure that travel between domicile and place of employment is restricted to those individuals authorized such transportation in DoD Regulation 4500.36R.

It is requested that you provide written comments on the above recommendations within 15 days of the date of this report. If you concur with the recommendations, indicate the specific actions taken or planned and the actual or estimated dates of

completion. Any nonconcurrences should be fully explained. If you have any questions concerning this report, please contact Mr. Alvin Madison or Mr. Richard Levine at 694-1836.

A handwritten signature in cursive script, appearing to read "John W. Melchner", written in dark ink. The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

John W. Melchner
Acting Assistant Inspector General
for Auditing

Mgmt Response



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

MANPOWER
RESERVE AFFAIRS
AND LOGISTICS

27 DEC 1982

MEMORANDUM FOR THE ASSISTANT INSPECTOR GENERAL FOR AUDITING

SUBJECT: Quick-Reaction Report on the Survey of Executive Motor Pool
Operations (Project 3IN-040) 83-052

This is in response to your report number 83-052 dated December 10 concerning the executive motor pool operations and the possible use of this system for other than official purposes.

In this report you conclude that existing policy guidance in the DoD Regulation 4500.36-R is of such a general nature that it is subject to divergent interpretation as to what constitutes official travel. The report recommends that we ask the Military Departments to review the adequacy of their controls over vehicle support provided to senior officials.

Our policies, we believe, are very clear in that DoD vehicles are to be used for official purposes only and that relatively few senior officials, as identified in Appendix B to the DoD regulation, are authorized domicile to duty transportation. I have, however, tasked my transportation staff to review both the DoD Directive and the Regulation concerning the management, acquisition and use of motor vehicles with a view toward defining more precisely what constitutes an official purpose and the type transportation that should be provided. I expect that this review will be completed by the end of January 1983.

As an interim measure, I will request that each of the DoD Components review the adequacy of their controls over the official use of DoD motor vehicles.

R. D. Webster
Deputy Assistant Secretary of Defense
(Logistics and Materiel Management)



23 DEC 1982

COMPTROLLER

(Administration)

MEMORANDUM FOR ASSISTANT INSPECTOR GENERAL FOR AUDITING

SUBJECT: Quick-Reaction Report on the Survey of Executive Motor
Pool Operations (Project SIN-040) 83-052

Following are some general and some specific comments pertaining to your December 10, 1982 memorandum, subject as above.

General Comments. It should be noted that the WHS Executive Motor Pool is one of several "executive motor pools" in the National Capital Region (NCR). The Army also operates an executive motor pool as an adjunct of the Pentagon Motor Pool to serve some 120 key personnel in the Army Secretariat and Army Staff. In addition, the Navy operates an executive motor pool as an adjunct of their primary pool to serve key personnel in the Navy Secretariat and Navy/Marine Corps Staffs, including all flag officers.

Specific Comments. The following comments are keyed to the five recommendations in paragraph 2(a) thru (e) on page 3 of the report.

2a. Concur. We agree that more specific policy guidance is required. A DoD Administrative Instruction will be prepared to serve this purpose.

2b. Concur. Records for calendar year 1981 are no longer available. However, a review will be conducted of 1982 records to determine, to the best of our ability, if individuals have made unauthorized or unofficial trips. As was noted in your report, it "cannot be clearly determined in most cases from information on the vehicle dispatch records" whether the trips were actually for official purposes.

2c. Concur. Quarterly reviews will be conducted by this office to determine whether the Executive Motor Pool is being used in compliance with the intent of applicable laws and regulations.

2d. Concur. Procedures will be implemented to require vehicle drivers, as well as dispatchers, to advise of any trips that appear to be for other than official purposes.

e. Concur. A memorandum will be prepared which will clarify and expand upon previous issuances concerning travel between domicile and place of employment. This policy will also be contained in the proposed DoD Administrative Instruction.

(Signed D. O. Cooke)
D. O. Cooke

Deputy Assistant Secretary of Defense

Followup



9 AUG 1983

COMPTROLLER

(Administration)

MEMORANDUM FOR DEPUTY ASSISTANT INSPECTOR GENERAL
FOR INTERNAL AND GAO AUDIT FOLLOWUP

SUBJECT: Followup on Inspector General Report 83-052, "Survey of
Executive Motor Pool Operations", December 10, 1982

This responds to your memorandum of June 16, 1983.

- o A copy of Administrative Instruction No. 70, dated May 13, 1983 is attached.
- o Two quarterly reviews have been conducted this year -- May 17 and July 28. The first review covered the period January -April 1983, and surveyed 4,047 trips. The second review covered May and June of 1983 and surveyed 2,073 trips.
- o No trips remain questionable at this time. All potentially questionable trips are verified by the requestor as official at the time of the request; also, if the requestor states that the trip is "personal" in nature, the request is not honored.
- o Trips which were subsequently discovered as "personal" in nature amounted to seven. Upon completion of the ongoing review of calendar years 1981 and 1982 (that portion not covered by the IG Audit), those officials who are identified as having received transportation for "personal" reasons will be billed for applicable trips for the above stated times as well as for January - June 1983. The review of calendar years 1981 and 1982 will be completed by September. For the time period covered in the IG Audit, bills totalling \$582.55 have been sent to individuals. The entire amount has been recovered.

Should you have any further questions, please contact me or Captain L. W. Freeman, USN, at X-77241.

(signed) A. H. Ehlers

D. O. Cooke
Deputy Assistant Secretary of Defense

1 Encl: a/s

DEPARTMENT OF DEFENSE
OFFICE OF THE INSPECTOR GENERAL
WASHINGTON, D.C. 20301



16 JUN 1983

Audit Followup

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE
(ADMINISTRATION)

SUBJECT: Followup on Inspector General Report 83-052,
"Survey of Executive Motor Pool Operations,"
December 10, 1982

In accordance with DoD Directive 5000.41, the subject case is being evaluated to ensure the adequacy of actions taken on agreed-upon audit findings and recommendations. In this quick reaction report, the auditors concluded that "improved controls are needed to provide a greater degree of assurance that the usage of executive motor pool vehicles is cost effective and fully complies with the intent of applicable laws and regulations." Six specific deficiencies were enumerated and six recommendations were made, one to the OASD(MRA&L) and five to your office.

Your December 23, 1982 response to the audit report indicated concurrence with the findings and with the recommendations addressed to you. An initial followup status report (enclosed) was provided in January 1983. In order for us to document the present followup status of this case, request you provide the following data:

- o If the Administrative Instruction on this matter has been published, please furnish a copy.
- o We understand that you conducted a review of EMP usage in January 1983, and such reviews were scheduled on a quarterly basis. Please indicate (1) the number (and dates) of reviews conducted thus far this year; (2) the number of trips surveyed; (3) the number of instances found where EMP usage was questionable; (4) amounts billed to individuals to recover the cost of unauthorized EMP use; and (5) amounts recovered to date.

Request your reply to us (mail drop in Room 1E475, Pentagon) by July 18, 1983.

Robert J. Lieberman

Robert J. Lieberman
Deputy Assistant Inspector General
for Internal and GAO Audit Followup

Enclosures

Distribution:

1-IG

1-AFU Read

1-AFU Chron

Prepared by: RJJLieberman/bys/



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

COMPTROLLER
(Administration)

27 JAN 1983

MEMORANDUM FOR: SEE DISTRIBUTION LIST

SUBJECT: Executive Motor Pool

A recent DoD Inspector General survey of the Executive Motor Pool (EMP) concluded that individuals authorized to use the EMP have not been provided with specific and detailed guidance concerning the use of vehicles assigned to the EMP.

Enclosed for your information and guidance are policies and procedures for the operation and use of the EMP. An OSD Administrative Instruction will also be prepared on this subject.

A handwritten signature in cursive script, appearing to read "D. O. Cooke", is positioned above the typed name.

D. O. Cooke

Deputy Assistant Secretary of Defense

Enclosures: a/s

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Administrative Officer, Defense Advisor, U.S. Mission to NATO
Executive Officer to the Director, Defense Intelligence Agency

Air Force

Secretary of the Air Force
Chief of Staff of the Air Force
Under Secretary of the Air Force
Vice Chief of Staff of the Air Force
Deputy Under Secretary of the Air Force
Assistant Secretaries of the Air Force
General Counsel of the Air Force
Assistant Vice Chief of Staff of the Air Force

Joint Chiefs of Staff

Director, Joint Staff
Assistant to the Chairman
Directors, J-3, J-4, J-5
Director, C3S

THE OFFICE OF THE SECRETARY OF DEFENSE/
OFFICE OF THE SECRETARY OF THE AIR FORCE (OSD/OSAF)
EXECUTIVE MOTOR POOL (EMP)

1. The OSD/OSAF EMP is established to provide official transportation services to designated key officials of the OSD and activities assigned to the OSD for administrative support. The Deputy Assistant Secretary of Defense (Administration) is responsible for monitoring the activities of the EMP and for assuring that it operates within the established policies of the Office of the Secretary of Defense.

2. Persons Authorized Use of OSD/OSAF EMP

a. As a general rule transportation from the OSD/OSAF EMP will only be provided for the official use of persons occupying the following positions:

(1) OSD

Secretary of Defense
Deputy Secretary of Defense
Under Secretaries of Defense
Assistant Secretaries of Defense
General Counsel
Inspector General
Assistant to the Secretary of Defense (Atomic Energy)
Deputy Assistant Secretary of Defense (Reserve Affairs)
Deputy Under Secretary of Defense for Policy
Principal Deputy Under Secretary of Defense for Research and Engineering
Principal Deputy Assistant Secretaries of Defense
Deputy General Counsel
Deputy Inspector General
Director, Program Analysis and Evaluation
Director, Net Assessment
Director, Washington Headquarters Services
Military Assistants to the Secretary of Defense and Deputy Secretary of Defense
Defense Advisor, U.S. Mission to NATO
Director, Defense Intelligence Agency
Executive Secretary

(2) Air Force

Secretary of the Air Force
Chief of Staff of the Air Force
Under Secretary of the Air Force
Vice Chief of Staff of the Air Force
Assistant Secretaries of the Air Force

(3) Joint Chiefs of Staff

Director, Joint Staff
Assistant to the Chairman
Directors, J3, J4, J5
Director, C3S

b. In addition, transportation may be provided when immediately available, i.e., no prior reservation and no call back, when requested by offices of principals listed in 1.a. above to meet urgent short notice requirements such as delivery of material to the White House or the Congress, for officials occupying the following positions:

(1) OSD

Assistants to the Secretary of Defense
Deputy Assistant Secretaries of Defense
Deputy Under Secretaries of Defense
Director, Test and Evaluation
Director, Small and Disadvantaged Business Utilization
Assistant General Counsels
Principal Deputy Director, Program Analysis and Evaluation
Deputy Director (Regional Programs), Program Analysis and Evaluation
Deputy Director (Strategic Programs), Program Analysis and Evaluation
Deputy Director (Resource Analysis), Program Analysis and Evaluation
Deputy Director (General Purpose Programs), Program Analysis and Evaluation
Deputy Inspector General for Auditing
Deputy Inspector General for Audit Follow-up
Director, Contract Audit Follow-up
Inspector General for Intelligence

(2) Air Force

Deputy Under Secretary of the Air Force
General Counsel of the Air Force
Principal Deputy Assistant Secretaries of the Air Force
Assistant Vice Chief of Staff of the Air Force
Administrative Assistant to the Secretary of the Air Force

3. Management and Administrative Control of the OSD/OSAF EMP: The Directorate for Space Management and Services, Washington Headquarters Services (WHS), is responsible for the development of the most efficient, economical and responsive EMP support program in accordance with appropriate regulations (DoD Directive 4500.36, DoD Regulation 4500.36-R and Title 31, United States Code, Section 638a). The following provisions are highlighted:

a. Official Use: Each individual using or authorizing the use of Government owned or leased vehicles should be aware that the vehicles can be used only for the conduct of official business and that the use otherwise is contrary to law. Examples of unauthorized use include: transportation of government officials to private social functions, personal errands, and the transport of dependents or visitors without the accompanying officials. EMP transportation may only be utilized by principals occupying the positions indicated in paragraph 2.a. & b. above. Requests for transportation for second parties in the name of a principal will not be honored.

b. Transportation Between Domicile and Place of Employment: The Secretary of Defense, the Deputy Secretary of Defense and the Under Secretaries of Defense are the only OSD officials authorized transportation between home and work on a daily basis. The following OSD, JCS and USAF officials are authorized EMP transportation between home and work on an exception basis when they determine it to be essential to the successful accomplishment of their duties for that day, but not on a daily or routine basis: the Assistant Secretaries of Defense; the Under Secretary of the Air Force; the Assistant Secretaries of the Air Force; the Vice Chief of Staff of the Air Force; and the Director, Joint Staff. A person in an "acting capacity" in any of these positions is not authorized transportation between home and work.

c. Transportation Terminals: The officials named in paragraph 3.b. above are authorized transportation between home or work and local commercial transportation terminals. For all other officials, such transportation may be authorized on an exception basis by the DASD(Admin) when it is necessary because of emergency situations, security requirements, or when public or commercial transportation is inadequate to the mission requirements. (Public and commercial transportation to commercial terminals in the National Capital Region (NCR) is generally considered adequate for all but the most unusual mission. The use of public transportation may be simplified by the use of Metro Farecards which are available through the respective Administrative Officers.) Because public and commercial transportation to and from Andrews Air Force Base or Davison Army Airfield is routinely not available, the OSD/OSAF EMP may be used to satisfy requirements to these airfields.

4. Work Hours of the OSD/OSAF EMP: Official transportation may be obtained by calling the Administrative Services Assistant at 695-1575 or 695-1576 between the hours of 0700 and 1900 hours, Monday through Friday (excluding holidays). Advance reservations are preferred for official vehicle support on week-ends, holidays and outside normal duty hours. However, if advance reservations are not possible, back-up support will be provided by the Pentagon Motor Pool (PMP). This support can be arranged after normal duty hours by calling the Cable Division, WHS at 697-8151. Cable Division, in turn, will make the necessary arrangements with the PMP. Scheduling problems or questions which cannot be answered by the Administrative Services Assistant should be directed to the Director of Office Services Division, WHS (695-3144). Questions of policy which cannot be answered by the Director of Office Services, should be directed to the Director of Space Management and Services, WHS (697-7241).



COMPTROLLER
(Administration)

May 13, 1983

ADMINISTRATIVE INSTRUCTION NO. 70

SUBJECT: Offices of the Secretaries of Defense and the Air Force Executive Motor Pool

- References:
- (a) DoD Directive 5110.4, "Washington Headquarters Services," October 1, 1977
 - (b) DoD 4500.36-R, "Management, Acquisition, and Use of Motor Vehicles," July 1981, authorized by DoD Directive 4500.36, July 18, 1979
 - (c) DoD Instruction 4515.7, "Use of Motor Transportation and Scheduled DoD Bus Service in the National Capital Region," August 11, 1972
 - (d) Title 31, United States Code, Section 638a(c)(2)(1976)

A. PURPOSE

Under reference (a), this Instruction supplements references (b) and (c) by providing policy, assigning responsibilities, and prescribing procedures for the operation and use of the Office of the Secretary of Defense and the Office of the Secretary of the Air Force executive motor pool (OSD/OSAF EMP).

B. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense (OSD), the Office of the Secretary of the Air Force (OSAF), the Organization of the Joint Chiefs of Staff (OJCS), and those Defense Agencies in the National Capital Region (NCR) that are supported by Washington Headquarters Services (WHS) (hereafter referred to collectively as "DoD Components").

C. DEFINITIONS

1. Assistant Office Motor Vehicle Transportation Officers (AOMVTOs). The officials designated and authorized by an Office Motor Vehicle Transportation Officer (OMVTO) to request transportation service from the OSD/OSAF EMP.
2. National Capital Region. Includes the District of Columbia; Montgomery and Prince George's Counties in Maryland; and Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia.
3. Office Motor Vehicle Transportation Officers. The designated representatives of the DoD Components serviced by the OSD/OSAF EMP.
4. Official Purposes. Any application of a motor vehicle in support of authorized DoD functions, activities, or operations.

1. Transportation from the OSD/OSAF EMP shall be provided for the official use of DoD officials occupying the positions listed in enclosure 1 (priority basis) and enclosure 2 (space available basis).

2. Under the exemptions granted by 31 U.S.C. 638a(c)(2)(1976) (reference (d)), the following are the only DoD officials authorized to use, on a daily basis, DoD-owned or -controlled motor vehicles for transportation between their domiciles (homes) and places of employment (work): Secretary of Defense; Deputy Secretary of Defense; Secretaries of the Military Departments; Chairman, JCS; Under Secretaries of Defense; Chiefs of Staff, Army and Air Force; Chief of Naval Operations; and Commandant, United States Marine Corps.

3. The following OSD, JCS, and OSAF officials are authorized EMP transportation between home and work on an exception basis when they determine it to be essential to the successful accomplishment of their duties for a particular day, but not on a daily or routine basis: the Assistant Secretaries of Defense; General Counsel, DoD; Inspector General, DoD; Under Secretary of the Air Force; Assistant Secretaries of the Air Force; Vice Chief of Staff of the Air Force; and Director, Joint Staff. An official in an "acting capacity" in any of these positions is not authorized transportation between home and work.

4. The OSD, JCS, and OSAF officials listed in subsections D.2. and D.3., above, are authorized EMP transportation between home or work and local commercial transportation terminals. For all other DoD officials, such transportation may be authorized on an exception basis by the Deputy Assistant Secretary of Defense (Administration) when required because of emergency situations or security requirements or when public or commercial transportation is inadequate. Public and commercial transportation to commercial terminals in the NCR generally is considered adequate for all but the most unusual circumstances. Since public and commercial transportation to and from Andrews Air Force Base or Davison Army Airfield is not routinely available, the EMP may be used to satisfy official requirements to these air terminals.

5. All DoD officials using or authorizing the use of government-owned or -leased vehicles shall be aware that vehicles can be used only for official purposes and that their use otherwise is contrary to law. Reference (d) states, in substance, that any officer or employee of the government who willfully uses or authorizes the use of any government-owned passenger motor vehicle for other than official purposes shall be suspended from duty by the head of the DoD Component concerned, without compensation, for not less than 1 month, and shall be suspended for a longer period or summarily removed from office if circumstances warrant. Examples of unauthorized use include:

a. Transportation of government officials to private social functions.

b. Transportation to, from, or between locations for the purpose of conducting personal business.

May 13, 83
AI 70

c. Transportation of dependents or visitors without the accompanying officials.

6. Requests for transportation for second parties in the name of a principal will not be honored.

E. RESPONSIBILITIES

1. The Director, Washington Headquarters Services, shall, under DoD Directive 5110.4 (reference (a)):

- a. Direct and administer the OSD/OSAF EMP.
- b. Designate an OSD/OSAF EMP Coordinator.

2. The Director, Space Management and Services Directorate, WHS, acting as the OSD/OSAF EMP Coordinator, shall:

- a. Manage and operate the OSD/OSAF EMP consistent with the provisions of DoD 4500.36-R (reference (b)) and DoD Instruction 4515.7 (reference (c)).
- b. Provide for the pooling of administrative use vehicles.
- c. Establish procedures for assignment and use of vehicles.
- d. Establish a central dispatch point for control.
- e. Provide for the collection of operational data as a basis for inventory and allowance actions and cost and utilization reporting.
- f. Provide for training of EMP personnel.
- g. Ensure the safety, security, and proper use of equipment.
- h. Provide for rotation of vehicles, when practical and economical, to equalize equipment usage.

3. The Heads of DoD Components serviced by the OSD/OSAF EMP shall:

a. Designate in writing an OMOVTO (normally the Component's executive assistant or administrative officer) and one AOMVTO to serve as the point of contact to request official transportation service from the OSD/OSAF EMP; submit this designation to the Director, Space Management and Services, WHS, Attention: OSD/OSAF EMP; and ensure that changes to this list are reported as they occur.

b. Ensure compliance with existing laws and regulations governing the use of official transportation and ascertain that the intended use of this service meets the provisions of laws and regulations.

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1. Official transportation may be obtained by calling the OSD/OSAF EMP at 695-1575 or 695-1576 between the hours of 0700 and 1900 hours, Monday through Friday (excluding holidays).

2. Advance reservations are preferred for official vehicle support on weekends, holidays, and beyond normal duty hours. However, if advance reservations are not possible, backup support shall be provided by the Pentagon Motor Pool (PMP). This backup support can be arranged after normal duty hours by calling the Cable Division, Correspondence and Directives Directorate, WHS, at 697-8151. The Cable Division, in turn, shall make the necessary arrangements with the PMP.

3. When making a request for official transportation, OMVTOs shall provide the following information to the dispatcher: date and day of the week that transportation is required; pickup time; passenger's name; location of pickup; destination; special remarks; type of trip ("drop" or "remain with" passenger); and name of requestor. This information shall be read back to the requestor to ensure correctness. All trips shall be drop trips unless otherwise directed; . wait periods may not exceed 30 minutes unless unusual circumstances prevail.

4. When departure times and destinations are reasonably close, OSD/OSAF EMP customers shall be asked to rideshare. This will permit more efficient use of the vehicles and possibly prevent another DoD official from being inconvenienced because of vehicle nonavailability.

G. EFFECTIVE DATE

This Instruction is effective immediately.



D. O. Cooke
Deputy Assistant Secretary of Defense

Enclosures - 2

1. DoD Officials Authorized Use of OSD/OSAF EMP (priority basis)
2. DoD Officials Authorized Use of OSD/OSAF EMP (space available basis)

DoD Officials Authorized Use of OSD/OSAF EMP
(priority basis)

OSD

Secretary of Defense
Deputy Secretary of Defense
Under Secretaries of Defense
Assistant Secretaries of Defense
General Counsel, DoD
Inspector General, DoD
Deputy Under Secretary of Defense for Policy
Principal Deputy Under Secretary of Defense for Research and
Engineering
Assistant to the Secretary of Defense (Atomic Energy)
Deputy Assistant Secretary of Defense (Reserve Affairs)
Principal Deputy Assistant Secretaries of Defense
Deputy General Counsel, DoD
Deputy Inspector General, DoD
Director, Program Analysis and Evaluation
Director, Net Assessment
Director, Washington Headquarters Services
Defense Advisor, U.S. Mission to NATO
Director, Defense Intelligence Agency
Director, Defense Security Assistance Agency
Director, Defense Advanced Research Projects Agency
Chairman, Reserve Forces Policy Board
Military Assistants to the Secretary of Defense and Deputy Secretary
of Defense
Executive Secretary

Air Force

Secretary of the Air Force
Chief of Staff of the Air Force
Under Secretary of the Air Force
Vice Chief of Staff of the Air Force
Assistant Secretaries of the Air Force

Joint Chiefs of Staff

Director, Joint Staff
Assistant to the Chairman
Directors, J1, J3, J4, and J5
Director, C3S

DoD Officials Authorized Use of OSD/OSAF EMP
(space available basis)

OSD

Assistants to the Secretary of Defense
Deputy Under Secretaries of Defense
Deputy Assistant Secretaries of Defense
Director, Test and Evaluation
Director, Small and Disadvantaged Business Utilization
Assistant General Counsels
Principal Deputy Director, Program Analysis and Evaluation
Deputy Directors, Program Analysis and Evaluation
Assistant Inspectors General
Assistant to the Secretary of Defense (Intelligence Oversight)
Deputy Director, Defense Security Assistance Agency

Air Force

Deputy Under Secretary of the Air Force
General Counsel of the Air Force
Principal Deputy Assistant Secretaries of the Air Force
Assistant Vice Chief of Staff of the Air Force
Administrative Assistant to the Secretary of the Air Force



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

① Bob h.
② copy to
AL MADISON
(AG-A)

MANPOWER,
RESERVE AFFAIRS
AND LOGISTICS

8 MAR 1983

MEMORANDUM FOR THE ACTING DEPUTY ASSISTANT INSPECTOR GENERAL
FOR GAO REPORT UTILIZATION

SUBJECT: GAO Study on "Use of Government Vehicles for Transportation of Federal Employees between Their Domiciles and Places of Employment"
(Code 943562)

This is in response to your memorandum of January 20 requesting we provide a status report on the conduct of subject study.

The GAO letter of January 17 requested that we provide them information concerning to whom and with what frequency home-to-work transportation is provided, the legal or internal policy guidance on the subject, as well as any justification for such transportation. In this regard, the attached response was provided to GAO. We also informed the Secretary of Defense of our action.

The GAO, in the interim, has been conducting research into the Executive Motor Pool (EMP) operations, as well as the Army and Navy motor pools in the National Capital Area. They have completed their review of the EMP and Army motor pools and are currently looking at Navy vehicle dispatch logs. From discussions with the GAO representatives conducting this research, the data provided to them in our response on the frequency of home-to-work trips and to whom it is provided conforms with what they are finding.

They did, however, comment that their review has disclosed that aside from home-to-work transportation, there were vehicle trips taken by individuals in which they question whether the trips were for official purposes. They cite as an example vehicle transportation provided to officials to take them to restaurants. After the home-to-work transportation study is completed, a follow-on effort which is broader in scope may result.

We have learned, also, that there has been a request from Congressman Brooks for the GAO to provide his committee a legal opinion on home-to-work transportation. In particular, he wants to know whether the DOD position that home-to-work transportation authorized under Title 31 U.S.C. Section 1344(1982) for "heads of executive departments" applies to those principal statutory officials of the Department appointed by the President with the advice and consent of the Senate. This position is held by both the DOD and State Department.

It appears that this will result in a Comptroller General decision prior to completion of the GAO report to Congress which is due June 1, 1983.



R. D. Webster
Deputy Assistant Secretary of Defense
(Logistics and Materiel Management)

Enclosure

Copy to: OGC(LOG)

WASHINGTON, D.C. 20301



MANPOWER,
RESERVE AFFAIRS
AND LOGISTICS

22 FEB 1983

Mr. Henry W. Connor
Senior Associate Director
General Accounting Office
Washington, D.C. 20546

Dear Mr. Connor:

This is in response to your letter of January 17 which requested that we provide you information as to (1) who and with what frequency employees are provided home-to-work transportation, (2) the legal and/or internal policy guidance applicable to decisions regarding home-to-work transportation, and (3) any unique or unusual circumstances surrounding the duties or responsibilities of those provided transportation which should be considered in assessing the need for such transportation. Discussions between our respective staffs on this request indicated that you are interested in those individuals driven between home and work in the metropolitan Washington area and that research of records for the October to December 1982 time period would suffice.

Attached at Enclosure 1 is a list of those officials within the Department of Defense (DoD) authorized home-to-work transportation on a daily and exception basis in accordance with DoD Directive 4500.36, "Management, Acquisition and Use of Motor Vehicles." Enclosure 2 is a list of those officials provided transportation on an exception basis and the number of occasions home-to-work transportation was provided to them during the agreed upon time period. You will note that on this list are employees who were provided occasional transportation that are not on the authorized list. As a result of an internal review conducted prior to the announcement of your audit, we have advised all DoD Components of the necessity for strict adherence to the authorized list contained in the DoD Directive.

Our policy on the use of DoD owned or controlled motor vehicles is that they are to be used for official purposes only and except for the exemptions cited in Title 31, United States Code, Section 1344(1982), domicile-to-duty transportation is prohibited. The officials listed in Enclosure 1 are authorized transportation between their residence and place of employment as "heads of executive departments." This has long been interpreted to mean those principal statutory officials of the Department appointed by the President with the advice and consent of the Senate.

The transportation is provided to these employees primarily because of the need for command, control and constant communication required to perform the defense mission and maintain a direct link with the National Command

Authorities. Tied to this is the orderly transition or succession to control in a principal's absence. Vehicles assigned to these individuals are equipped with communications capability to insure continuous accessibility.

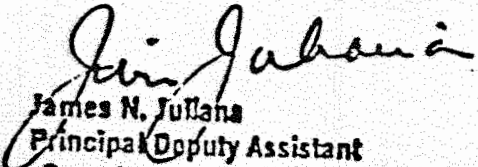
Title 10 to the U.S.C. which describes the organization of the DoD and the Armed Services specifically makes reference to the separate Service Secretaries, the Chairman of the Joint Chiefs of Staff, the Chiefs of Staff of the Army and Air Force, the Chief of Naval Operations, the Commandant of the Marine Corps, and other statutory officials as well as the Secretary of Defense. The responsibilities of the principals are such that the need for transportation with constant communication capabilities is justified.

The positions held by these individuals and their responsibilities involve highly classified issues which are time-sensitive and may be subject to terrorist activity. The demands of their offices require that they work long hours and, as a rule, take work home. The classified nature of their work and the threat of hostile action requires that protective measures be taken. Providing them a vehicle with a driver trained in antiterrorist evasive driving techniques is a rather simple and inexpensive protective measure.

Protocol and official duties with national and foreign dignitaries that are held after normal duty hours may on rare occasions also require the availability of a vehicle for transportation from official functions held in the Washington area to place of residence, especially when these functions are conducted at congested locations where parking or garaging facilities are not available or in short supply.

We believe that providing this transportation to the limited number of individuals identified in the enclosures is not only authorized by law, but also is justified by the mission requirements. The demands of the office require the availability of transportation to perform official duties. The marginal cost of home-to-work transportation is an insignificant part of the total cost of supporting the official duties of these senior officials.

Sincerely,


James N. Jullana
Principal Deputy Assistant
Secretary of Defense
(Manpower, Reserve Affairs, and Logistics)

Enclosures

DOD OFFICIALS AUTHORIZED HOME-TO-WORK TRANSPORTATION
(DoD Directive 4500.36)

A. ON A DAILY BASIS

1. The Secretary of Defense
2. The Deputy Secretary of Defense
3. The Secretaries of the Army, Navy and Air Force
4. The Chairman, Joint Chiefs of Staff
5. The Chiefs of Staff of the Army and Air Force, the Chief of Naval Operations, and the Commandant of the Marine Corps
6. The Under Secretary of Defense for Policy
7. The Under Secretary of Defense for Research and Engineering

B. ON AN EXCEPTION BASIS

1. The Assistant Secretaries of Defense (7)
2. The DoD General Counsel
3. The Under Secretaries of the Army, Navy and Air Force (3)
4. The Vice Chiefs of Staff of the Army and Air Force, the Vice Chief of Naval Operations and the Assistant Commandant of the Marine Corps
5. The Assistant Secretaries of the Army, Navy and Air Force (10)
6. The Commander, Army Materiel Development and Readiness Command, the Chief, Navy Material, and the Commander, Air Force Systems Command

DOD OFFICIALS PROVIDED HOME-TO-WORK TRANSPORTATION ON AN EXCEPTION BASIS
BETWEEN OCTOBER 1, 1982, AND DECEMBER 31, 1982

<u>INDIVIDUAL</u>	<u>FREQUENCY</u>
1. The Assistant Secretaries of Defense for:	
a. Public Affairs	1
b. Legislative Affairs	5
c. International Security Policy	23
d. International Security Affairs	6
e. Manpower, Reserve Affairs and Logistics	1
2. The DoD General Counsel	2
3. The Under Secretary of the Army	4
4. The Deputy Assistant Secretary of Defense, Strategic & Theater Nuclear Policy	1
5. The Principal Deputy Assistant Secretaries of Defense for:	
a. Health Affairs	4
b. Public Affairs	1
6. The Assistant Secretaries of the Army for:	
a. Civil Works	6
b. Installations, Logistics and Financial Management	1
c. Manpower and Reserve Affairs	2
d. Research Development and Acquisition	5
7. The Assistant Secretary of the Air Force for Manpower, Reserve Affairs and Installations	1
8. The Army General Counsel	8
9. The Vice Chief of Staff of the Army	7
10. The Commander, U.S. Army Materiel Development and Readiness Command	12
11. The Commander, Air Force Systems Command	1
12. The Under Secretary of the Navy	8
13. The Assistant Secretaries of the Navy for:	
a. Manpower and Reserve Affairs	2
b. Research, Engineering and Systems	1
14. The Vice Chief of Naval Operations	1
15. The Assistant Commandant of the Marine Corps	1



24 FEB 1984

POWER,
RELATIONS
LOGISTICSMEMORANDUM FOR PRINCIPAL DEPUTY ASSISTANT INSPECTOR GENERAL
OFFICE OF THE INSPECTOR GENERALSUBJECT: Followup on Inspector General Report 83-052, "Quick
Reaction Report on the Survey of the Executive Motor
Pool Operations," December 10, 1982

This letter responds to your December 19, 1983 correspondence regarding the above subject. Your letter stated that additional information was needed to "close" the cited report. OASD (MI&L) was asked to request the Military Departments to review the adequacy of controls implemented for vehicle support provided to senior officials to ensure compliance with applicable laws and regulations.

In January 1983, this office hosted a meeting of Service vehicle managers and completely reviewed the adequacy of DoD 4500.36R (Management, Acquisition and Use of Motor Vehicles), DoD Component guidance to field units regarding home-to-work transportation, and the Secretary of Defense Executive Motor Pool guidance. It was determined at that meeting that current DoD directives provided adequate controls over the use of government vehicles in support of senior officials. A separate review of the Executive Motor pool resulted in a refinement of Department policy, and it was published in Administrative Instruction No. 70, previously provided to GAO and your office. Instruction No. 70 applies to the Office of the Secretary of Defense (OSD), the Office of the Secretary of the Air Force (OASAF), the Organization of the Joint Chiefs of Staff (OJCS), and those Defense Agencies in the National Capital Region (NCR) that are supported by Washington Headquarters Services (WHS).

As requested, enclosed are current copies of Army (TAB A) and Navy (TAB B) instructions to their appropriate motor pools.

We trust this information will satisfy your requirements.

Walter B. Bergman II
Acting Principal Director
(Logistics and Materiel Management)

Enclosures

cc: Elvin Brown (Admin)

Posted on
Rev 4
84022



DEPARTMENT OF THE ARMY
ADMINISTRATIVE ASSISTANT TO THE SECRETARY
WASHINGTON, D. C. 20310

19 August 1983

MEMORANDUM FOR EXECUTIVE OFFICER, UNDER SECRETARY OF
THE ARMY
EXECUTIVE OFFICER, ASSISTANT SECRETARY
OF THE ARMY (CIVIL WORKS)
EXECUTIVE OFFICER, ASSISTANT SECRETARY
OF THE ARMY (INSTALLATIONS, LO-
GISTICS AND FINANCIAL MANAGEMENT)
EXECUTIVE OFFICER, ASSISTANT SECRETARY
OF THE ARMY (MANPOWER AND RESERVE
AFFAIRS)
EXECUTIVE OFFICER, ASSISTANT SECRETARY
OF THE ARMY (RESEARCH, DEVELOPMENT
AND ACQUISITION)
EXECUTIVE OFFICER, CHIEF OF LEGISLATIVE
LIAISON
EXECUTIVE OFFICER, CHIEF OF PUBLIC
AFFAIRS
DEPUTY FOR SMALL BUSINESS, OFFICE OF
SMALL AND DISADVANTAGED BUSINESS
UTILIZATION
DEPUTY TO THE DIRECTOR OF THE ARMY
STAFF AND WHITE HOUSE LIAISON
OFFICE
ADMINISTRATIVE SERVICES ASSISTANT,
GENERAL COUNSEL

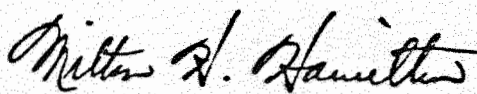
SUBJECT: Executive Motor Pool

Attached is a revision of the policies and procedures for the Executive Motor Pool. This revision combines the policies contained in my 3 December 1982 memorandum and my 28 June 1983 addendum into a single document and provides additional clarification of some policies.

A review of recent dispatch records indicated two recurring problems. First, there have been occasions recently wherein several of our officials attended official group functions at Fort Myer and Fort McNair and each used separate cars all of which were dispatched from the Pentagon Mall entrance at the same time and arrived at the same destination simultaneously. The return trips were mirror images. I am aware that there are many circumstances that make it

very difficult to pool trips yet it is essential that we make every effort to use vehicles efficiently. When you are aware of a group function, it would be very helpful if you could inform the EMP dispatcher of whether or not your principal can accept pooling. Secondly, the problem of excessive waiting time continues. As I stated in my memorandum of 3 December 1982, I can understand that individuals may occasionally misjudge waiting times or that there may be unforeseen delays in scheduled pick up times. However, these do not cause the problems experienced by waiting times of 1-1/2 to 2 or 3 hours. Such inefficient use of our vehicles can only result in curtailed service. Better estimates of waiting times will help considerably.

Please call me or J. B. Hudson, extension 76900 if you have any questions.


Milton H. Hamilton

Enclosure

EXECUTIVE MOTOR POOL
POLICIES AND PROCEDURES

1. The Executive Motor Pool (EMP) is established to provide official transportation services to those members of the Army Secretariat and the Army Staff identified in paragraph 2 below. The Administrative Assistant to the Secretary of the Army is responsible for monitoring the activities of the Army EMP and for assuring that it operates within the established policies of the Office of the Secretary of Defense.

2. PASSENGER ELIGIBILITY -

a. Full Service (24-hour on call and reservations)

Under Secretary of the Army
Vice Chief of Staff
Assistant Secretaries of the Army
The General Counsel
The Administrative Assistant
Deputy Under Secretary of the Army
Director of the Army Staff
Chief of Legislative Liaison
Chief of Public Affairs
Director, Office, Small and Disadvantaged
Business Utilization
Individuals officially designated as
"Acting" in the absence of any
of the above.

b. "Limited" Service (0730-1830 hours, Monday through Friday, reservations)

Deputy Chief of Staff for Operations
and Plans
Deputy Chief of Staff for Personnel
Deputy Chief of Staff for Logistics
Deputy Chief of Staff for Research,
Development and Acquisition
Comptroller of the Army
The Inspector General
The Surgeon General
Principal Deputy Assistant Secretary (CW)
Principal Deputy Assistant Secretary (ILFM)
Principal Deputy Assistant Secretary (MRA)
Principal Deputy Assistant Secretary (RDA)
Deputy Under Secretary of the Army
(Operations Research)

Principal Deputy General Counsel
Deputy Assistant Secretary (Acquisition)
Assistant Chief of Staff for Intelligence
Deputy Assistant Secretary (Reserve
affairs Forces & Mobilization) *of the Army*
Deputy Assistant Secretary (Review
Boards & Personnel Security)
Chief, National Guard Bureau
Chief, Army Reserve
The Judge Advocate General
Chief of Chaplains
Director, Program Analysis and Evaluation
Director, Army Management
Chairman, Army Reserve Forces Policy
Committee
The Adjutant General
The Auditor General
Director, Army National Guard
Director, Air National Guard
Deputy Chief of Legislative Liaison
Deputy Chief of Public Affairs
Deputy Administrative Assistant
The Special Assistant for Legislative
Affairs
Sergeant Major of the Army
Individuals officially designated as
"Acting" during the absence of
one of the above.

The officials listed above will be accorded equal service without regard to position, grade or rank.

c. "As available" service (0830-1630 hours, Monday through Friday, no remain with)

Deputy Auditor General
Deputy Comptroller of the Army
Assistant Deputy Chief of Staff for
Personnel
Assistant Deputy Chief of Staff for
Operations and Plans
Assistant Deputy Chief of Staff for
Logistics
Assistant Deputy Chief of Staff for
Research, Development and Acquisition
Deputy Assistant Chief of Staff for
Intelligence

The Assistant Judge Advocate General
Deputy Chief of Chaplains
Deputy, The Adjutant General
Deputy Surgeon General
Deputy Chief, Army Reserve
Deputy, The Inspector General
The Political Advisor to the Secretary
of the Army/Chief of Staff

3. USE OF THE EXECUTIVE MOTOR POOL (EMP) SERVICES.
Requests for transportation will be made to the EMP by selected Office Motor Vehicle Transportation Officers (OMVTO), or alternate, in accordance with appropriate regulations (DODR 4500.36, DODD 4500.36, AR 56-11, and AR 58-1). Only those requests for transportation made through appropriate channels will be honored.

4. UNAUTHORIZED USE:

a. Each individual using or authorizing the use of government owned or leased vehicles should be aware that the vehicles can be used only for the conduct of official business and that the use otherwise is contrary to law. Examples of unauthorized use include: transportation of government officials to social functions, personal errands, and the transport of visitors without the accompanying officials and when there is no official purpose for their transportation. Individuals requesting transportation may be required to authenticate or certify that a particular trip is for the conduct of official business.

b. Dependents are not authorized government transportation except when they are accompanying their sponsor and the sponsor is on official business.

c. The use of government transportation to attend a luncheon regardless of whether it is in an officer's club or commercial restaurant is authorized only when the function is considered official business. Attendance at hail and farewell luncheons or parties is generally not considered official business. Attendance at association meetings or conventions is considered official business only when the attendee is invited because of his or her official position rather than social contacts and then only when officially representing the Army.

d. Functions After Normal Duty Hours. Attendance at functions occurring after normal duty hours will be treated in the same manner as attendance at luncheons. In order to be considered official business, attendance must be based on the individual attending by virtue of his or her official position rather than social contact and the individual should be representing the Army. When more than one individual is attending from the Army Secretariat, only the senior individual attending is normally considered as representing the Army. Transportation at these functions will be treated as an exception to policy for which prior approval is required. The Under Secretary, the Vice Chief of Staff, and the Assistant Secretaries may approve their own exceptions. All other exceptions will be provided by the Administrative Assistant. Individuals are encouraged to drive their personal vehicles whenever possible.

5. TRANSPORTATION BETWEEN DOMICILE AND PLACE OF EMPLOYMENT is defined as: any transportation between one's home and any place of duty in the National Capital Region either during duty or non-duty hours. This includes transportation from, or to convention centers, restaurants and government offices located outside the Pentagon. It does not currently include transportation between home and military or commercial terminals, the policy for which is contained elsewhere in this document. The Secretary of the Army and the Chief of Staff are the only Army officials authorized transportation between home and work on a daily basis. The following six Headquarters, Department of the Army officials are authorized transportation between home and work on an exception basis when they determine it to be essential to the successful accomplishment of their duties for that day, but not on a daily or routine basis: Under Secretary, Vice Chief of Staff, and the four Assistant Secretaries. A person in an "acting" capacity in any of these positions is authorized transportation between home and work only when approved in advance by the Administrative Assistant.

6. TRANSPORTATION TERMINALS.

a. Transportation between home or work and commercial terminals is prohibited. Exceptions may be authorized by the Administrative Assistant when it is necessary because of emergency situations, to meet

security requirements, or when public or commercial transportation to commercial terminals is inadequate for the requirements of the mission. Public and commercial transportation to commercial terminals in the NCR is generally considered adequate for all but the most unusual mission. However, public and commercial transportation to and from Andrews AFB or Davison Army Airfield is normally not acceptable or available. Individuals are encouraged to drive their own vehicles or utilize commercial or public transportation whenever possible. The use of public transportation may be simplified by the use of Metro Farecards which are available through the respective Administrative Officers. The use of privately owned vehicles or public or commercial transportation to transportation terminals is reimbursable when the individual is in an official travel capacity.

b. For passengers arriving at Andrews AFB, it is necessary for the drivers to know the aircraft "call sign". This sign, a combination of the type of aircraft and tail number of the aircraft for example, C9/1683, VC 137/6971, T-39-TUG53, etc., should be available to the passenger's office when the scheduling of the aircraft is completed and subsequently should be provided to the EMP Dispatcher when the EMP trip is scheduled.

7. OFFICIAL VISITORS: The EMP may be used for transportation of official visitors only when specifically authorized as an exception by the Administrative Assistant. The transportation of official visitors when it is authorized is a service of the Pentagon Motor Pool, not the Executive Motor Pool. Official visitors traveling under Departmental travel orders should use commercial transportation.

8. COURIER TRIPS. OSA statutory appointees and the General Counsel are authorized to use the EMP for courier duties. Office personnel are not required to accompany the EMP driver on courier duties (except when classified documents are being delivered). The drivers will report to the immediate office of the principal official for courier instructions and material to be delivered. Since time involved in courier duties results in diminished availability for passenger transportation (the primary mission of the EMP), you are urged to restrict courier use of the EMP drivers to priority circumstances.

9. VEHICLE IDENTIFICATION. To facilitate our principal officials' ready identification of the EMP vehicle at their point of departure, a permanent code number is assigned to each principal official, and will be displayed in the front windshield of the waiting vehicle. Permanently assigned numbers are listed below:

Under Secretary of the Army	#1
Vice Chief of Staff	2
Assistant Secretary of the Army (CW)	3
Assistant Secretary of the Army (ILFM)	4
Assistant Secretary of the Army (MRA)	5
Assistant Secretary of the Army (RDA)	6
The General Counsel	7
The Administrative Assistant	8
Deputy Under Secretary	1A
Director of the Army Staff	9
Chief of Legislative Liaison	10
Chief of Public Affairs	11
Director, Office, Small and Dis- advantaged Business Utilization	12

10. ORGANIZATION OF THE EMP. The Army EMP is established as a separate subelement of the Pentagon Motor Pool TDA.

11. SUPERVISION OF THE EMP. The Operations Sergeant/EMP Dispatcher is the supervisor of the day-to-day operations of the EMP and can be reached on 697-5247/5848. Scheduling problems or questions which cannot be answered by the Operations Sergeant should be directed to the Chief of the PMP (697-1980/0880). Questions of policy which cannot be answered by the Chief, PMP should be directed to the Studies and Analyses Staff, OSA, 697-6900. Individual drivers should not be contacted directly at any time.

12. SIZE OF EMP. The EMP consists of eight civilian drivers and nine leased vehicles.

13. WORK HOURS OF EMP. The drivers will rotate between two split shifts, covering an 11-hour workday (0730-1830), Monday through Friday (excluding holidays). Specifically, four drivers will work one shift during the period 0730-1600 hours and four drivers during the period 1000-1830 hours. For officials listed in paragraph 2a above, advance reservations are preferred for vehicle support on week-ends, holidays and outside normal duty hours. In any event, backup support will be provided for all officials listed in paragraph 2a and 2b at all times. However, circumstances may require back-up support from the Pentagon Motor Pool rather than the Executive Motor Pool.

14. TRIP INFORMATION.

a. When making a request for EMP transportation, the following information should be provided to the Dispatcher: date and day of the week that transportation is required, pickup time, passenger's name, location of pickup (e.g. Mall, River Entrance, Capitol Hill), destination, and special remarks, type of trip (drop or remain with passengers), and name of requestor. This information will be read back to the requestor to insure correctness. All trips will be "drop" trips unless otherwise directed; wait periods should not exceed 30 minutes unless unusual circumstances prevail. The requestor will then be given a vehicle identification number which will also be displayed in the vehicle's windshield (see paragraph 9). Those individuals listed in paragraph 2a above will also be given the telephone number of the EMP vehicle responding. If the return trip originates from a place different from the drop off point, the pickup point should be clearly identified to avoid mixups.

b. To avoid confusion regarding the details of passengers or courier trips, the drivers will, upon request through the Dispatcher, be allowed to come directly to the office if further instructions are necessary. When scheduling the driver in advance for a series of trips, please continue to give the Dispatcher those items, destinations, names of passengers, and other information you have been routinely providing.

15. RADIO TELEPHONE SYSTEM. All EMP vehicles are equipped with a radio-telephone system. The system permits radio-telephone dispatch by the EMP as well as the communication between "full-service" passengers and his/her office. However, car-to-office or office-to-car communication can be expensive if overutilized and should only be undertaken on urgent matters. For other than "full-service" passengers, radio-telephone contact should be undertaken only in emergency situations. Passengers are cautioned that this is a non-secure telephone system and that sensitive or classified conversations are not to be undertaken. Each of the EMP cars has an assigned telephone number that operates in the same manner as a regular land-based telephone. "Full-service" passengers have been provided with a list of all vehicle telephone numbers cross-referenced by vehicle license number. They have also been provided with operating instructions for the radio-telephone systems. The EMP Dispatcher will provide other offices with the vehicle telephone number upon request.

16. **WAITING TIME.** Whenever possible, vehicles should not be requested to remain with or wait for the passenger unless the passenger is to be at the destination 1/2 hour or less. Longer waiting for a passenger may cause another customer to be denied service because of nonavailability of a car or driver. Individuals making transportation arrangements for principal officials can provide invaluable assistance through realistic estimates of pick-up and waiting times.

17. **PARKING.** Many destinations in the National Capital Region, particularly in the District of Columbia, have inadequate or no visitor parking facilities. The White House, Capitol Hill and the State Department are three of the most frequently visited locations where "no parking" rules are strictly enforced. Vehicles, even EMP vehicles, will be towed away from these areas or booted and drivers ticketed. Government payment of parking tickets or reimbursement to drivers for payment of these tickets is prohibited. Accordingly, passengers should permit immediate return of the vehicle to the EMP whenever possible.

18. **CALL-BACKS.** The EMP will not be placed on call back. When all vehicles are committed, backup support will be provided by the PMP taxi service. **NOTE:** Courier service by the PMP taxi service can only be provided if accompanied by person(s) from the office requesting the courier service.

19. **CONSOLIDATION OF TRIPS.** All EMP customers are requested to ride-share with other EMP customers when destinations and departure times are reasonably close. This will permit more efficient use of the EMP and possibly prevent another customer from being inconvenienced because of vehicle nonavailability.

20. **AFTER-HOURS.**

a. "Full service" customers are authorized the use of the EMP for attendance at official functions after normal duty hours. Unless attendance is also required for official purposes, dependents or other attendees may not accompany the full service customer in EMP vehicles. When possible, vehicles are to be allowed to return to the PMP during the official function. The vehicle will return either at a pre-determined time or upon call.

b. Transportation to after-hours functions should be thoroughly documented to prevent misunderstanding when reviewed by appropriate officials. Transportation to these functions must be approved as an exception to policy by the Under Secretary, the Vice Chief of Staff and the Assistant Secretaries for their own requirements and by the Administrative Assistant for all others.

2. Any questions or comments on the EMP operations, policies or procedures should be directed to the OAA Studies and Analyses Staff, 697-6900.



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20350

MEMORANDUM FOR THE BUDGET AND MANAGEMENT POLICY AND PROCEDURES
DIVISION (NCB-5)

Subj: DOD Inspector General Report 83-052, Quick Reaction
Report on the Survey of the Executive Motor Pool
Operations, December 10, 1982

Encl: (1) AA/USN memo of 22 December 1983

Enclosure (1) outlines the actions taken to strengthen
control of the Department of the Navy Executive Motor Pool.
A copy of enclosure (1) was previously provided in connection
with the follow-up on DOD, OIG Report 83-152.

James F. Goodrich
Under Secretary of the Navy

OA.
Prepared by: Mr. Oliver R. Ashe, AA/USN, 4E725, X45032
12 January 1984



DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL DISTRICT WASHINGTON, D.C.
WASHINGTON, D.C. 20374

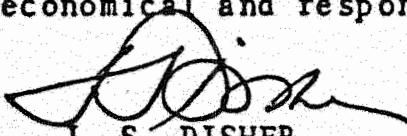
Code 212
4650 (1)
31 January 1984

From: Commandant, Naval District Washington, DC
To: Assistant Vice Chief of Naval Operations/
Director of Naval Administration

Subj: Navy Executive Motor Pool

Ref: (a) Your Memo 09B/104 of 30 December 1983

1. Reference (a) provided policies and procedures relative to the operation of the Navy Executive Motor Pool.
2. In support of these policies and procedures, this Command has implemented the following operating procedures:
 - o The Motor Pool will only provide sedans to Flag Officers and SES civilian executives between the Crystal City, Arlington Annex and the Pentagon.
 - o Questionable trips during duty hours will be reported in writing to COMNDW within 24 hrs.
 - o The policy outlined in reference (a) regarding transportation between domiciles and places of employment will be followed during normal duty hours. If these type requests are received after duty hours the trip will be provided and the incident reported the next working day.
3. We will continue to monitor operations of the Motor Pool to provide essential transportation to Navy and Marine Corps executives in an authorized, economical and responsive manner.


J. S. DISHER



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350

IN REPLY REFER TO
Memo 09B/021

14 FEB 1984

MEMORANDUM FOR DCNOs and DMSOs

Subj: Use of the NCR Motor Pool

Ref: (a) SECNAVINST 11240.17A
(b) OPNAVINST 4650.6G
(c) OPNAVINST 11240.16A

Encl: (1) Navy Shuttle Schedules for the Arlington Annex/
Pentagon/Crystal City "Corridor"
(2) Partial DOD Bus Schedule
(3) List of Authorized Callers

1. A recent DOD IG inspection of NCR Motor Pool operations found no significant misuse of government transportation. This excellent record is directly attributable in great part to vigilance at all levels of OPNAV. Continued scrutiny of motor pool use is anticipated and I request your assistance in avoiding any semblance of vehicle abuse.

2. References (a), (b) and (c) provide extensive guidance on the management and use of government motor vehicles. All three of these directives stress the necessity to use established DOD bus/shuttle service and commercial bus transportation (on a reimbursable basis) before considering use of government vehicles.

a. Enclosure (1) is a list of the Navy shuttles available in the Pentagon, Navy Annex, Crystal City "corridor." These shuttles provide 15 minutes service for a major portion of the workday. For your information, NDW is procuring new mini-buses for these routes, similar to those used at commercial airports. These buses will carry 19 to 25 passengers as opposed to the vans currently used on the routes which carry 12 to 14. The mini-buses should be in service by April.

b. Enclosure (2) is a partial list of DOD bus service to other Navy activities in the NCR. This schedule is particularly important to our enlisted personnel residing at Ft. Myer. Wide distribution of enclosure (2) to your assigned personnel would be most helpful.

c. A more extensive list of DOD bus service is available in the back of the DOD telephone directory.

3. A crucial aspect of our ability to control use of government transportation is to limit the number of personnel who are authorized to order Navy vehicles from the NCR Motor Pool. Enclosure (3) is that portion of the existing list which we hold for your organization. I request you review this list with a view toward

reducing the number of authorized callers to no more than 3-4 per principal. I also request you designate one individual within your organization as your primary transportation coordinator to whom we can pass information.


4. In order to provide continuity and control, all requests for use of NCR Motor Pool vehicles must be made by one of your designated individuals, for both routine and anticipated after-hours vehicle needs. In those instances when emergency needs arise and no authorized callers are available within your organization, requests can be made to the Navy Department Duty Captain (X50231) who will arrange for vehicles.

5. I appreciate the support you have provided in this vital area. I would also like to receive your comments and recommendations on motor pool operations. My POC is LT Don McClimon (OP-09BA1), 54337.



H. F. BOYLE
Assistant Vice Chief of Naval Operations
Director of Naval Administration

Copy to:

AA/USN 
OP-002
OP-09A
OP-641
COMNDW
CHNAVMAT (MAT-09B)
CMC (HQS)

Related GAO Report



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

Rec'd DAG (SADRA)
DEC -9 1983

DECEMBER 13, 1983

NATIONAL SECURITY AND
INTERNATIONAL AFFAIRS DIVISION

B-211920

WORK COPY

The Honorable Joseph P. Addabbo
Chairman, Subcommittee on Defense
Committee on Appropriations
House of Representatives

Dear Mr. Chairman:

Subject: Use of Government Vehicles for Home-to-Work
Transportation (GAO/NSIAD-84-27)

In your February 15, 1983, letter, you asked us to investigate the practice by executive departments and agencies of providing transportation to officers or employees between their homes and places of employment. Because your request was similar to a study that we were directed by the House Conference Report to perform, we briefed your office on March 10, 1983, on ongoing GAO work in this area. As agreed with your office, our report¹ in response to the House Conference Report satisfied most of your needs. However, your office requested that we report to you on (1) the amounts of overtime chauffeurs and drivers incurred in providing home-to-work transportation and the need for it, (2) the validity of reasons given for the need for such transportation taking into consideration such things as security, position, and grade, and (3) the cost effectiveness of using alternative methods of transportation.

OVERTIME INCURRED BY CHAUFFEURS
AND DRIVERS

A Our study of home to work transportation provided to headquarters' officials by 13 executive departments and agencies in the greater Washington, D.C. metropolitan area showed that 15,676 hours of chauffeur and driver overtime costing \$202,148 were incurred from October 1 through December 31, 1982. The agencies' overtime costs were not detailed enough to identify overtime incurred for home-to-work transportation. The hours and costs of overtime are shown in enclosure I.

¹Use of Government Vehicles for Home-to-Work Transportation
(GAO/NSIAD-83-3, Sept. 28, 1983). OSD CASE 6367

(943562)

*OSD Case #

6367-A

As shown in our September 28, 1983, report, more officials were being provided home-to-work transportation than were authorized by law. Compliance with the law should eliminate some overtime incurred to provide this transportation.

At least one agency has been able to reduce overtime by using staggered working hours or split shifts. Department of Defense officials informed us that they recently revised their chauffeurs' work schedules to eliminate 3 hours of overtime that were built into some drivers' daily schedules. This reduced overtime by about 100 hours every two weeks.

B
VALIDITY OF REASONS FOR PROVIDING
HOME-TO-WORK TRANSPORTATION

The reasons given for providing home-to-work transportation to officials in the 13 departments and agencies were:

- Personal safety/security.
- Security for classified documents.
- Capability of maintaining constant communication with officials.
- Need for extended workday.
- Attendance at official functions after work hours.
- Public transportation or parking for privately owned vehicles unavailable or inaccessible within a reasonable distance.

As a general rule, these reasons do not comply with existing law. Under existing law (31 U.S.C. 1344(b)), transportation between home and work is expressly made nonofficial business, except for a limited number of officials designated in the statute. These officials are primarily secretaries of cabinet departments (including the Secretaries of the Army, Navy, and Air Force), heads of foreign diplomatic or consular posts, and certain employees assigned to temporary "fieldwork" positions.

one While GAO, by legal decision, has considered certain unique circumstances as warranting an exception to the statutory prohibition, the exceptions have been limited ones. For example, 54 Comp. Gen. 855 (1975) allowed the provision of home-to-work transportation for DOD employees who were stationed in a foreign country where there was serious danger to the employees because of terrorist activities. Such exceptions would not justify use

of Government vehicles for home-to-work transportation on a regular basis for the reasons cited by the departments and agencies we surveyed.

Our decision of June 3, 1983 (B-210555), discusses the statutory prohibition against home-to-work transportation and suggests consideration of legislative amendments to clarify allowable uses. We understand the Office of Management and Budget may submit proposed amendments during the current Congress.

COST EFFECTIVENESS OF ALTERNATIVE
METHODS OF TRANSPORTATION

Available information indicates that the use of a chauffeur driven government vehicle is generally the most costly method of providing such transportation. For example, the Office of the Secretary of Defense Executive Motor Pool has calculated the average cost of chauffeured vehicles to be \$2.82² per mile, while the use of commercial taxicabs in the Washington metropolitan area costs about \$1.70 for the first mile plus \$1.00 for each additional mile. According to the Department of Housing and Urban Development, its use of chauffeured vehicles costs \$4.93 per mile.

The relative cost per mode of transportation is also reflected in the priority order shown in the Office of the Secretary of Defense's regulations governing the use of motor vehicles. It states that for essential transportation before or after normal duty hours, the following methods should be considered in the order shown:

1. Department of Defense - scheduled bus service.
2. Scheduled public transportation.
3. Voluntary use of privately owned motor vehicles on a reimbursable basis.
4. Taxicab on a reimbursable basis.
5. Defense motor vehicle.

²This rate is based on 1982 costs for the executive motor pool and includes such items as salaries, overtime pay, gasoline, and maintenance and vehicle leasing.

TOTAL DOLLARS AND HOURS OF OVERTIMEFOR CHAUFFEURS AND DRIVERSOCTOBER 1 to DECEMBER 31, 1982

<u>Departments/agencies</u>	<u>Overtime</u>	
	<u>Costs</u>	<u>Hours</u>
Office of Management and Budget	\$11,069	783
Department of Defense:		
Office of the Secretary of Defense Executive Motor Pool	61,423	4,375
Pentagon (Army) Motor Pool	44,565	4,396
Navy Motor Pool	<u>27,189</u>	<u>2,014</u>
Subtotal	<u>133,177</u>	<u>10,785</u>
Department of Health and Human Services	4,496	307
Department of Housing and Urban Development	5,027	355
Department of Justice	13,537	947
Department of Transportation	5,309	401
Central Intelligence Agency	8,670	578
Civil Aeronautics Board	320	27
Environmental Protection Agency	12,340	885
Federal Communications Commission	1,729	124
Federal Home Loan Bank Board	1,776	137
Federal Trade Commission	2,803	200
National Science Foundation	<u>1,895</u>	<u>147</u>
Total	<u>\$202,148</u>	<u>15,676</u>

OBJECTIVES, SCOPE, AND METHODOLOGY

Our objectives were to determine (1) the amounts of overtime chauffeurs and drivers incurred, (2) the validity of reasons given for providing home-to-work transportation, and (3) the cost effectiveness of using alternate methods of transportation. We limited the scope of our study to 13 selected executive branch departments and agencies in the greater Washington, D.C., metropolitan area. As agreed with your office, these were the same departments and agencies included in our study directed by the House Conference Report.

In March 1983 we sent letters to these departments and agencies requesting them to provide the information needed to satisfy our objectives. As agreed with your office, we did not perform a detailed analysis of the cost effectiveness of using alternative methods of transportation nor did we independently verify the information the departments and agencies provided.

- - - -

We are sending copies of this report to the Director, Office of Management and Budget, and to the heads of the federal departments and agencies mentioned in the report.

Sincerely yours,



Frank C. Conahan
Director

Enclosure

DoD Response



THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

MANPOWER,
INSTALLATIONS
AND LOGISTICS

11 MAY 1984

Honorable Charles A. Bowsher
Comptroller General of the United States
Washington, DC 20548

Dear Mr. Bowsher:

This correspondence is the Department of Defense response to GAO Letter Report No. NSIAD-84-27, "Use of Government Vehicles for Home-to-Work Transportation," dated December 13, 1983 (GAO Code 943562) - OSD Case No. 6367-A. The Department of Defense (DoD) concurs with Finding C, partially concurs with Finding A, and nonconcurrs with Finding B. (Detailed response enclosed.)

The DoD generally agrees with the report, except where reference is made to the Department's noncompliance with existing law.

The DoD position regarding home-to-work transportation is well known, and has been previously transmitted to your office (Attachments 1 and 2). The Department has submitted corrective legislation to the Office of Management and Budget for clearance so that Congress can resolve the issue of conformance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry L. Calhoun", is written over the typed name.

Jerry L. Calhoun
Principal Deputy Assistant Secretary of Defense
(Manpower, Installations & Logistics)

Enclosures

USE OF GOVERNMENT VEHICLES FOR HOME-TO-WORK TRANSPORTATION

SUMMARY OF FINDINGS

* * * * *

FINDING A: Home to Work Transportation: Overtime Incurred By Chauffeurs And Drivers. GAO found that for the period October 1, through December 31, 1982, headquarters' officials of 13 executive departments and agencies in the greater Washington, DC metropolitan area incurred 15,676 hours of chauffeur and driver overtime costing \$202,148. Of this total, DoD incurred 10,785 hours at a cost of \$133,177. GAO reported, however, that the agencies' overtime costs were not detailed enough to identify overtime specifically incurred for home-to-work transportation. GAO noted that recently DoD had revised chauffeurs' work schedules to eliminate about 100 overtime hours every two weeks. GAO concluded that compliance with the law should eliminate some overtime incurred to provide home-to-work transportation.^{1/} (pp. 1-2 GAO Letter Report)

DoD Response: The Department partially concurs. The DoD agrees that records were not detailed enough to identify overtime specifically incurred for home-to-work transportation. Management action to revise chauffeur/driver work scheduling to include split shifts has resulted in an estimated 40% annual reduction in overtime hours. Concerning GAO's conclusion regarding compliance with the law, the DoD position on home-to-work transportation is well known and has been previously detailed by the DoD General Counsel to your office (DoD General Counsel letter to GAO, dated September 21, 1983, same subject). DoD previously advised that it had also initiated and submitted clarifying draft legislation to the Office of Management and Budget on September 21, 1983 for clearance. The Department trusts that Congress will resolve the issue, and is awaiting the outcome.

FINDING B: Validation Of Reasons For Providing Home-To-Work Transportation. GAO found that the reasons given for providing home-to-work transportation to officials in the 13 departments as a general rule do not comply with the existing law (31 U.S.C. 1344 (b)). (The reasons given included items such as personal safety, security for classified documents, maintaining constant communication, extended workday, official function, after work hours and unavailable public transportation or parking.) GAO emphasized that transportation between home and work is expressly made nonofficial business by statute, except for a limited number of specifically designated officials such as secretaries of cabinet departments, heads of foreign diplomatic or consular posts etc. GAO concluded that while it has, by legal decision, considered certain unique circumstances as an exception to statutory prohibition, these exceptions have been limited ones

statutory prohibition, these exceptions have been limited ones and would not justify use of government vehicles for home-to-work transportation on a regular basis. (pp. 2-3 GAO Letter Report)

DoD Response: The Department nonconcur. The cases of home-to-work transportation included in the GAO review were resurveyed by Component officials concerned and were authenticated as being for official business under circumstances permitted in DoD 4500.36R. Enhanced procedures implemented since the audit require a more formal and timely review of home-to-work trips to ensure compliance with regulations. However, Congressional action, per the DoD legislative initiative outlined above, is needed to resolve the issue of conformance.

FINDING C: Cost Effectiveness Of Alternative Methods Of Transportation. GAO found that the use of chauffeur driven government vehicle is the most costly method of providing transportation. GAO reported that the OSD Executive Motor Pool has calculated the 1982 average cost of chauffeured vehicles was \$2.82 per mile (including salaries, overtime pay, gasoline and maintenance and vehicle leasing) while a taxi in the Washington area costs about \$1.70 for the first mile plus \$1.00 for each additional mile. (GAO noted that according to the Department of Housing and Urban Development, its use of chauffeured vehicles costs \$4.93 per mile. GAO further noted that OSD's regulations for use of motor vehicles either before or after normal duty hours reflects the order of relative cost, as follows: (1) Department scheduled bus service, (2) public transportation, (3) privately owned motor vehicle on a reimbursable basis, (4) taxicab and (5) Department motor vehicles.) (p. 3, GAO Letter Report)

DoD Position: The Department concurs with the Finding in that there are less costly transportation alternatives than chauffeur driven government vehicles. In recognition of the substantial cost of this transportation, the DoD has further refined management policy in change 1, dated February 15, 1983, to DoD 4500.36R. The change specifically addresses methods of determining alternative transportation to the extent it is available and capable of meeting mission requirements.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

COMPTROLLER
(Administration)

31 JAN 1984

Honorable Charles A. Bowsher
Comptroller General of the
United States
General Accounting Office
Washington, D. C. 20548

Dear Mr. Bowsher:

In your letter of October 21, 1983 you stated that the scope of the prohibition against providing home-to-work transportation in 31 USC 1344 should not be extended to the Joint Chiefs of Staff, pending legislative action by the Congress or until the end of the present session. The Department of Defense is grateful for your understanding of our situation.

We are concerned, however, with respect to your decision not to accord a similar interpretation as to the application of that prohibition to the two Under Secretaries of Defense. Perhaps, this decision resulted from our failure to make the reasons for the need for home-to-work transportation for these two officials completely clear in our letter of September 21, 1983.

Although the two Under Secretaries may, in terms of succession, be considered at the "third level of responsibility," they are practically speaking at the second level within the context of this Department's overall conduct of its national security mission. By Departmental Directive, the Secretary of Defense has delegated to the Deputy Secretary "full power and authority to act for (him) upon any and all matters" Consequently, the relationship of the Under Secretaries with the Deputy Secretary is virtually the same as with the "Head" of the Department. In addition, the Under Secretaries have management and policy responsibility for the most critical functions of the national security mission. Their stature within the Department is such that each has a number of Assistant Secretaries or equivalent level positions reporting to him, instead of directly to the Secretary and Deputy Secretary.

As was noted in our previous letter, the responsibilities of the Under Secretaries demand that they be available at all times for communication with the Secretary. This is a critical requirement. For example, the Under Secretary for Policy serves as a statutory member of the National Security Council Crisis Pre-Planning Group. He is also the immediate backup to the Secretary for National Security Council meetings. The need for constant access is, therefore, patent and has been demonstrated by the presence of special communications equipment in his residence and in the vehicle used for his transportation. Similar crucial functions exist for the Under Secretary for Research and Engineering and require an identical level of accessibility.


The existing statute, title 31 USC § 1344(b), specifically excludes from the overall section "principal diplomatic and consular officials." The two Under Secretaries of Defense have significant diplomatic responsibilities. The Under Secretary for Policy conducts many government-to-government negotiations with NATO, our allies, and governments in various parts of the world with which we have established dialogues. The Under Secretary for Research and Engineering also is responsible for government-to-government negotiations for the stationing of weapons systems, the sale of weapons systems through U. S. foreign military sales agreements, and on-going cooperative research and development and co-production activities.

The highly sensitive nature of the Under Secretaries' work, their prominent position in the Department, and their high public visibility make them constant potential targets for terrorist and enemy intelligence activities. We are especially concerned over the recent intelligence reports of terrorist threats against high-ranking U. S. officials. The need for the Under Secretaries to transport highly classified materials makes them particularly vulnerable without benefit of a driver who is versed in evasive driving techniques, a service now provided as integral to their use of government vehicles.

As indicated in our letter dated September 21, 1983, we have submitted to the Office of Management and Budget a legislative proposal to cover the eight principal officials of the Department of Defense, aside from the Secretary of Defense and the Secretaries of the Military Departments: the Chairman of the Joint Chiefs of Staff; the Chiefs of Staff of the Army and Air Force; the Chief of Naval Operations; the Commandant of the Marine Corps; the Deputy Secretary of Defense; and the Under Secretaries of Defense. It is hoped that this legislation will be cleared for consideration by the Congress in the near future, and thus the issue will be legislatively settled.


I trust that the above explanation will fully clarify any misunderstanding concerning the important Defense role that these two Under Secretaries perform, and the basis for our prior letter.

Sincerely,




D. O. Cooke
Deputy Assistant Secretary of Defense

Blind copy to:

Honorable William H. Taft IV
Honorable Fred C. Ikle
Honorable Richard D. DeLauer
Mr. Leonard Niederlehner
Mr. William Sharkey 
Mr. Thomas Huggard

21 SEP 1983



Mr. Charles A. Bowsher
Comptroller General
of the United States
General Accounting Office
Washington, D. C. 20548

Dear Mr. Bowsher:

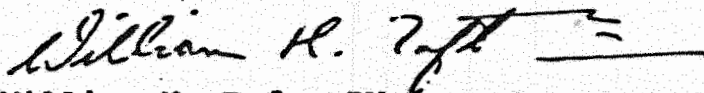
We have reviewed your recent decision No. B-210555, "Use of Government vehicles for transportation between home and work," dated June 3, 1983. This decision will preclude our providing transportation between the homes and places of work of the Chairman of the Joint Chiefs of Staff, the Chiefs of Staff of the Military Departments, and the two Under Secretaries of Defense. This transportation support has always been provided in order to assure that these high ranking Defense officials are constantly accessible for purposes of command and control, and are adequately protected from terrorist activities.

We are concerned with your decision's reversal of a long-standing administrative interpretation of section 1344(b) of title 31, United States Code, concluding that the phrase "heads of executive departments" necessarily includes the principal officers of executive departments. We will not reiterate or belabor our interpretation of section 1344(b) which we believe justifies providing transportation support between the homes and places of work of the twelve most senior Defense officials. However, after 30 years of providing this transportation support, the abrupt change in the interpretation of section 1344(b) does come as a surprise. This surprise stems in part because our interpretation has been accepted for nearly 30 years. Moreover, not only have there been no prior Comptroller General decisions questioning our interpretation, but bills have been introduced in the last two years in Congress because it was considered that the only way Congress could change the effect of that interpretation was by statute.

We note you have determined that your decision "need not be considered effective with respect to agency heads and their principal deputies" until the end of the 98th Congress in order to allow the Congress sufficient time to consider

legislative proposals on the subject. The need for assuring constant access for purposes of command and control as well as for protection is too critical to allow communication gaps with other top Defense officials for even a short period of time. Under the circumstances, we consider that the date for implementing this decision should also be postponed for the Chairman of the Joint Chiefs of Staff, the Chiefs of Staff of the Military Departments, and the Under Secretaries of Defense and intend to proceed accordingly. In this regard, we have submitted proposed legislation to the Office of Management and Budget for clearance which will reinstate the authority to provide home-to-work transportation for these high ranking Defense officials for national security purposes. This transition period will enable the Congress to resolve this issue.

Sincerely,



William H. Taft, IV



WASHINGTON, D.C. 20301

21 SEP 1983

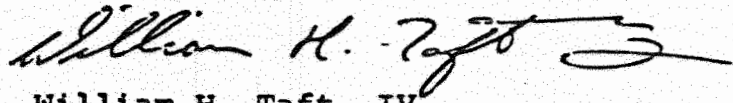
Honorable David A. Stockman
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

The attached legislative proposal, DOD 98-119, "To authorize transportation between domiciles and places of employment for national security purposes," is forwarded for review in accordance with Office of Management and Budget Circular A-19.

Advice is requested as to the relationship of the proposal to the program of the Administration.

Sincerely,


William H. Taft, IV

Enclosure

23 SEP 1983 REC'D



Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed herewith is a draft of proposed legislation, "To authorize transportation between domiciles and places of employment for national security purposes." This legislation will authorize the use of Government-owned or leased vehicles for home-to-work transportation for the Chairman of the Joint Chiefs of Staff, the Chiefs of the Military Services, and the Deputy and the two Under Secretaries of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this proposal for the consideration of the Congress. It is urged that it be enacted by Congress.

Purpose of the Legislation

The purpose of the legislation is stated in its title. For many years home-to-work transportation support was authorized for these eight high ranking Defense officials, along with the Secretaries of Defense and the Military Departments under section 1344(b) of title 31, United States Code. On June 3, 1983, the Comptroller General issued an opinion concluding that the authority in section 1344(b) only authorizes this transportation support for the Secretaries of Defense and the Military Departments.

This proposed legislation is necessary to reinstate the authority to provide home-to-work transportation for the eight senior Department of Defense officials mentioned above to enable them to perform their official duties. First, home-to-work transportation for these individuals is necessary to provide for the command, control, and constant communications required to perform the defense mission and maintain a direct link with National Command authorities. National security dictates that we cannot leave to chance the accessibility of these individuals even for a moment. Their vehicles are equipped to insure contact while en route to and from work or official functions.

Also, providing home-to-work transportation increases the security of these senior officials against terrorist attacks. The positions held by these individuals and their responsibilities involve highly classified issues which are time-sensitive and may invite terrorist activity. The demands of their offices require that they work long hours and, as a rule, take work home. The classified nature of their work and the threat of hostile action necessitates taking protective measures. Providing a driver trained in antiterrorist evasive driving techniques is a rather simple and inexpensive protective measure.

We believe home-to-work transportation for those positions identified in this proposed legislation is justified by mission requirements. Therefore, the enactment of this legislation is essential.

Cost and Budget Data

The enactment of this proposal would cause no increase in budgetary requirements of the Department of Defense.

Sincerely,

William H. Taft, IV

Enclosure

To authorize transportation between domiciles and places of employment for national security purposes.

1 Be it enacted by the Senate and House of Represent
2 of the United States of America in Congress assembled,
3 That the Congress finds and declares that in the inter
4 of national security it is imperative that certain
5 high-ranking officials within the Department of Defens
6 and the Military departments be constantly accessible
7 for purposes of command, control, and communication and
8 that one way to achieve this is by providing those
9 officials with transportation in motor vehicles of the
10 United States Government from their domiciles to
11 places of employment.

12 SEC. 2. Chapter 157 of title 10, United States
13 Code, relating to transportation, is amended by adding
14 at the end thereof the following new section:

15 "§2636 Transportation Between Domiciles and Place
16 of Employment for National Security Purposes. "Notwit
17 standing any other provision of law, including but not
18 limited to section 1344 of title 31, United States
19 Code, passenger motor vehicles of the United States
20 Government may be used to provide transportation betwe
21 the domiciles and places of employment of the Chairman
22 of the Joint Chiefs of Staff, the Chiefs of Staff of

1 the Army and the Air Force, the Chief of Naval Operations,
2 the Commandant of the Marine Corps, the Deputy Secretary of
3 Defense, and the Under Secretaries of Defense."

4 SEC. 3. This Act shall become effective on the
5 date of its enactment.

Followup
(Response Pending)



DEPARTMENT OF DEFENSE
OFFICE OF THE INSPECTOR GENERAL
WASHINGTON, D.C. 20301

29 NOV 1984

Audit Followup

MEMORANDUM FOR AUDIT FOLLOWUP FOCAL POINT, OFFICE OF THE
EXECUTIVE ASSISTANT, OASD(MI&L)

SUBJECT: Followup on GAO Report No. NSIAD-84-27, "Use of
Government Vehicles for Home-to-Work Transportation,"
December 13, 1983 ~~CONFIDENTIAL~~

Pursuant to DoD Directive 7650.3, the subject case is being evaluated to ensure adequate management actions are taken on the agreed-upon audit findings and recommendations.

Enclosed is the Audit Report Tracking System (ARTS) summary of the Report's findings. Since we will be using this information to prepare reports to the Secretary of Defense, OMB, GAO and the Congress, it is necessary that our records reflect the latest status of implementation action.

Although GAO made no formal recommendations in the report, the report does contain repeat findings covered in previous GAO and DoD IG Audit reports. DoD, in responding to the final report, indicated that some action was being taken to correct specific deficiencies noted in the three findings. In order to close this report and update our files, we request that you address the following:

o Finding A: DoD indicated that management action was being taken to revise the work schedules for chauffeurs/drivers to include split shifts and that this would result in an estimated 40 percent annual reduction in overtime hours. Now that a year has passed since DoD implemented this revised plan, please identify the actual cost savings that resulted from this reduction in overtime hours.

o Finding B: Congress has now passed legislation providing additional billets to those already authorized home-to-work transportation. It is our understanding that HQAF/LETN has been tasked with a revision to DoD Regulation 4500.36R and that this change will be incorporated into the next complete revision due in March 1986. What measures are being taken in the interim to promulgate this change to each of the three motor pools at the Pentagon and what controls will be placed in this guidance to ensure that future abuse or misuse of these services is controlled and monitored?

DISTRIBUTION:

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Prepared by: SMStaton/mcr

11-29-84/x24163

o Finding C: DoD Regulation 4500.36R contains the prescribed list of alternative sources for "essential" transportation for both before or after normal duty hours. DoD, in their response to GAO on the final report, indicated that Change 1, dated February 15, 1983, was published to "refine management policy....and specifically address methods of determining alternative transportation to the extent it is available and capable of meeting mission requirements." Our research indicates that this change was never published. What interim policy guidance will be issued to cover this problem, specifically with respect to the three operating DoD/Pentagon motor pools?

If action has not been completed, explain the delay and provide estimated completion date. Include an overall assessment of whether the problems found by the auditors have been alleviated. If not, and if measures beyond those recommended by the auditors are needed or have been taken, please discuss. To simplify your response, you may enter as much as possible of the information requested on the enclosed ARTS sheets. Use continuation pages if desired, and include any necessary documentation as backup.

Please provide this information to us (mail drop in Room 1E463, Pentagon, Attention: Ms. Sigrid M. Staton, OAIG(AFU), x24163) by January 14, 1985.

Kyle M. Oliver
for Kathryn M. Truex
Program Manager
Internal and GAO Audit Followup

Enclosure

cc: Air Force Audit Followup Focal Point, AFAA/AI



PAN WORLD ASSOCIATES, INC.
FINANCING • MARKETING • MANAGEMENT

THE WHITE HOUSE
WASHINGTON

WALL STREET GROUP INC.
63 WALL STREET
NEW YORK, NY 10005
ROOM 1501

8/31/84

DOLPH G. LENCE
PRESIDENT

Fred:

Would your office please respond directly and/or provide guidance regarding the attached correspondence?

I assume that we will be receiving an increasing number of letters such as the attached.....where the writers are providing "inside information" or making allegations regarding the "opposition." Shall I continue to refer all of these sort of letters to your office -- or could your office provide an appropriate draft response that would insulate Jim Baker from any "debate-gate-type" charges.

Please advise. Thanks.

Kathy C.

SEP 23 - 1 11 05

KATHERINE J. CAMALIER
Office of James A. Baker III
456-6797

Mr. Rudolph G. Lence
104-60 Queens Blvd.
Forest Hills, N.Y. 11375

August 23, 1984

John Roberts
pk see me
Inaugural
file
aly

Mr. James H. Baker
Chief of Staff
White House
Washington, D. C.

Dear Mr. Baker:

I am writing you, as several years ago, I was at Bowne Information Systems when they worked on the inaugural ball, and Mr. Bill Mahoney was its president. He had noted at the time, that he had known you from college, so I feel by directing this to you, it will receive some attention.

This is relative to the Geraldine Ferraro disclosures, or lack of them. You being from Texas, would not be familiar with New York City neighborhoods, as residents here are. It is pretty fair common knowledge, that in order to obtain apartments in the Chinatown area, where Mr. Zaccaro has properties, cash payments of \$3500 to \$5000 are common, in addition to the \$800 a month rental cost. (which is steep in comparison to ones in more fashionable areas.)

If this be the case, one can readily see why he would not want his business dealings gone over... though cash payments would be most difficult to trace, unless the IRS were to make a total asset audit. Naturally, just because he is in the real estate field and in the area does not automatically make him a part of this practice.

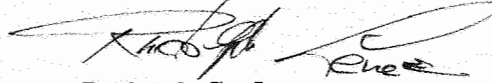
The other more disturbing situation for the country as a whole, is the fact that his properties are also located in "little Italy;"... properties obtained by his father as far back as 1917 or so. This is an area, where in that period of time, it would be almost virtually impossible to be in that neighborhood unless he had some contact with organized crime syndicate.

Contacts which today may still be alive, considering one of his locations house known crime family figures. The danger that arises here is that we could have a Vice President with connections to organized crime... and once they were to feel they have this office "tied up," it would put the President in a very dangerous position. (if you recall some years back, the San Francisco Mayor, whose name escapes me, also had been known to have ties to the crime syndicate). Again, because he had properties in the area, does not automatically make him a part of it, but caution should be exercised to make certain of it.

Attached are some items you may wish to use in the campaign, based upon the Ferraro disclosures. If you feel you can use additional ones, let me know, as

I would want to see President Reagan be at the helm for another four (4) years. Unfortunately, I am not a good bell-ringer or door-knocker, but if my background can be of assistance to you in planning/follow-up, etc., I will try to schedule it in.

Cordially,

A handwritten signature in black ink, appearing to read 'Rudolph G. Lence', with a large, sweeping flourish extending to the right.

Rudolph G. Lence

encl.

LIST campaign items.

1. Ms. Ferraro has been portraying herself as "Mary Middleclass America," while in reality she resides in one of the most exclusive sections in the USA... with private streets--private police force--and her children attended private schools.' (typical liberal practice, (in the former NYC Mayor John Lindsay mold) of preaching second rate schools/busing, while their children go elsewhere.)
2. Fine for Ms. Ferraro to preach higher taxes...at the end of the year if they are short.. her husband can always borrow \$100,000 from some 85 year old widow!...or claim she has an exemption, based upon the Ferraro concept of the tax law!
3. For one who is seeking such a high office...she certainly knows a lot of nothing'.... She didn't know the exemption was illegal.. She didn't know of the \$100,000 campaign "gift" was illegal... She didn't know her husband'bought back'the property she "sold".. She didn't know the accountant made an error on the taxes... (makes you wonder if the accountant had made an error the other way.... and she told them to pay an extra \$50,000!...would they have paid it, or checked it out????!.)

...For a "TOUGH PROSECUTING ATTORNEY"...certainly knows a lot of nothing..

4. FLIP-FLOP FRITZ IS AT IT AGAIN...

Once he has told us he will reduce debt by 2/3...

Then he says he will reduce it by $\frac{1}{2}$

Does anyone remember when the last Democrat reduced taxes???

....OR DEBT????

5. Some years back, George McGovern told us he would give us all \$1,000 !
Now Fritz Mondale wants to raise taxes and take \$1500 from us.
Let's stay with Pres Reagan,..he actually gave us a tax cut we could feel/see and use.