ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL

file portal to portal

Department of Justice
Washington, D.C. 20530

DEC 5 1978

MEMORANDUM FOR ROBERT J. LIPSHUTZ
Counsel to the President

Re: Letter from Senator Proxmire to Hugh Carter--
Home to Work Transportation of
White House Employees

This responds to your memorandum of November 9, 1978 on the above subject. Senator Proxmire's letter calls Mr. Carter's attention to 31 U.S.C. § 638a(c)(2), which prohibits, with certain exceptions, the use of Government vehicles to provide employees with transportation between their homes and offices. Your memorandum requests that we prepare a draft response to questions (3) and (4) in the letter, which are as follows:

> 3) If an official is driven to and from home, in view of Title 31, Section 638a, what is the specific legal justification for the practice? Please cite the precise language of the law.
>
> 4) If any official not exempted by Title 31, Section 638a is driven to and from home, how is the practice justified in view of the energy shortage and the fact that such a practice means four trips a day instead of two trips a day?

We understand that Dr. Zbigniew Brzezinski is the only White House official driven between his home and his office. He has been authorized to use a White House limousine because he needs its communications facilities to remain in contact with the White House and because the military driver provides him with security.

The statute in question, 31 U.S.C. § 638a(c)(2), provides in pertinent part:

Unless otherwise specifically provided, no appropriation available for any department shall be expended--

* * * * *

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and 'official purposes' shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned . . . The limitations of this paragraph shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in section 101 of Title 5, ambassadors, ministers, charges d'affairs, and other principal diplomatic and consular officials.

As National Security Advisor to the President, Dr. Brzezinski does not come within the exceptions enumerated in the statute, and we are aware of no other statute that specifically excepts employees in the Executive Office of the President from § 638a(c)(2). 1/ However, the Comptroller General has construed the statute to provide an implicit exception, and it is our view that Dr. Brzezinski's case is within the Comptroller General's exception.

1/ We note that 31 U.S.C. § 638a was enacted as § 16 of the Administrative Expenses Act of 1946, 60 Stat. 806. Section 18 of the Act, 41 U.S.C. § 5a, defines a "department" to include "independent establishments [and] other agencies," thus including the Executive Office of the President.

In a recent opinion, the Comptroller General states that 31 U.S.C. § 638a(c)(2) generally prohibits the use of a government vehicle to transport an employee between his home and office. "However," the opinion continues, 54 Comp. Gen. 1066, 1068 (1975):

> in construing this general prohibition to the use of Government vehicles for home to work transportation, this Office has recognized that its primary purpose is to prevent the use of Government vehicles for the personal convenience of the employee. We have long held that use of a Government vehicle does not violate the intent of the above statute where the use of the vehicle is deemed to be in the best interest of the Government. We have also held that control over the use of a Government vehicle is primarily a matter of administrative discretion to be exercised by the agency concerned within the framework of applicable laws. Use of Government Vehicles, 54 Comp. Gen. 855 (1975) and 25 id. 844 (1946). 2/

Thus, the Comptroller General has permitted agencies to provide home to office transportation for employees in extraordinary circumstances where a government interest "which transcends considerations of personal convenience" could reasonably be found by the agency to require it. See, e.g., 54 Comp. Gen. 855, 857-58 (1975). As that opinion notes, however, the broad scope of the prohibition in § 638a(c)(2) and the existence of specific statutory exceptions to it suggest "that the exercise of administrative discretion . . . should be reserved for the most essential cases." Id. at 858.

There are two reasons unrelated to Dr. Brzezinski's personal convenience why the best interests of the Government require that he be driven between his home and office in an official car. As National Security Advisor to the President and Chairman of the National Security

---

2/ This interpretation is consistent with the legislative history of § 638a(c)(2), which states only that the statute would prohibit "the operation of automobiles for the personal use of employees, with certain exceptions." H.R. Rept. 2186, 79th Cong., 2nd Sess., at 9 (1946); S. Rept. 1636, 79th Cong., 2nd Sess., at 9 (1946).

Council, he must be able to communicate with the President and the White House at all times. He cannot be caught in traffic, out of contact, during an emergency, and he has therefore been provided with a car equipped with radio and radio-telephone facilities. Unfortunately, his position also makes him an important potential target for terrorists or disturbed persons. To protect him against assault or abduction, he has been given a military driver trained in defensive, counter-terrorist driving techniques. It is our opinion that the Comptroller General would consider these to be sufficient justification for providing Dr. Brzezinski with door-to-door transportation, particularly since he is the only White House official who receives this service.

We also believe that the above points respond to Senator Proxmire's question concerning the energy shortage.

Mary C. Lawton
Deputy Assistant Attorney General
Office of Legal Counsel

Deputy Assistant Attorney General
Office of Legal Counsel

Department of Justice
Washington, D.C. 20530

AUG 27 1979

MEMORANDUM FOR ROBERT J. LIPSHUTZ
Counsel to the President

Re: Home-to-Work Transportation of Executive Branch Officials.

This responds to Margaret McKenna's request of July 20, 1979.

Home-to-work transportation in government vehicles is governed by 31 U.S.C. § 638a(c)(2).1/ It prohibits generally the transportation of executive branch officials between their homes and places of employment by Government-owned passenger motor vehicles. Exceptions are provided for the following: (1) medical officers on out-patient medical service; (2) officers engaged in field work where approved by the head of the department concerned; (3) official use of the President and heads of executive departments, and (4) ambassadors and other principal diplomatic and consular officials. The statute covers independent establishments and other agencies, wholly-owned Government corporations, and the government of the

1/ The text of the statute is as follows:

> (c) Unless otherwise specifically provided, no appropriation available for any department shall be expended -
>
> * * *
>
> (2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then

District of Columbia, but not members of Congress and the Architect of the Capitol.2/

We understand from conversations with your staff that our opinion is wanted with respect to the following particularized questions:

(1) The scope of the Comptroller General's implied exception to § 638a(c)(2) permitting home-to-work travel "in the interest of the government";

(2) Whether an appropriation for the purchase and operation of passenger motor vehicles implicitly authorizes their use for home-to-work transportation;

(3) Whether the statutory exception for "ambassadors . . . and other principal diplomatic and consular officers" extends to officials in the United States whose duties involve national defense and foreign policy;

(4) The nature of "field work" in which home-to-work transportation may be allowed by an agency head;

(5) Whether it applies to independent regulatory agencies and, if so, whether the President is empowered to promulgate regulations implementing the statute for those agencies.

1/ (Cont.)

only as to such latter cases when the same is approved by the head of the department concerned. Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned passenger motor vehicle or aircraft leased by the Government, for other than official purposes or otherwise violates the provisions of this paragraph shall be suspended from duty by the head of the department concerned, without compensation, for not less than one month, and shall be suspended for a longer period or summarily removed from office if circumstances warrant. The limitations of this paragraph shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in section 101 of Title 5, ambassadors, ministers, charges d'affaires, and other principal diplomatic and consular officials.

2/ Section 638a(c)(2) was enacted as § 16 of the Administrative Expenses Act of 1946, 60 Stat. 810. Section 18 of that Act, 41 U.S.C. § 5a, defines "department" as follows:

(Cont. on p. 3)

We will address these questions seriatim:

1. Your first question concerns the scope of the Comptroller General's view that home-to-work transportation may be provided when it is in the Government's interest and not merely for personal convenience. In our opinion, the scope of that exception is very narrow.

Section 638a(c)(2) has a sparse and unilluminating legislative history. Between 1935 and 1946 it appeared sporadically in appropriation acts 3/ and was enacted into permanent law in 1946.4/ Neither the committee reports nor the debates discuss it.5/ Its enactment appears to have been prompted by a recommendation of the Joint Committee on the Reduction of Unnecessary Federal Expenditure stating that the use of government vehicles should be curtailed, both to save money and to conserve fuel in wartime. The Joint Committee expressed concern over both the private use of government vehicles and the general level of use.6/

The statute prohibits expenditure of funds for the operation of any Government motor vehicle not used exclusively for "official purposes." It excludes from "official purposes" home-to-work transportation for government employees, other than those specifically excepted. Despite the plain language of the statute, the Comptroller General in a series of three opinions holds that an additional exception may be implied for situations in which an agency decides that such transportation is "in the interest of the Government." 7/

2/ (Cont.)

> The word "department" as used in this Act shall be construed to include independent establishments, other agencies, wholly owned Government corporations . . . and the government of the District of Columbia, but shall not include the Senate, House of Representatives, or office of the Architect of the Capitol, or the officers or employees thereof.

See also 41 C.F.R. § 1-1.202 (1978).

3/ See Act of March 15, 1934, ch. 70, § 3, 48 Stat. 450; Independent Officer Appropriation Act, 1944, ch. 148, § 202(a), 57 Stat. 195.

4/ Administrative Expenses Act of 1946, ch. 744, § 16, 60 Stat. 810.

5/ See H.R. Rep. No. 109, 78th Cong., 1st Sess.; S. Rep. No. 247, 78th Cong., 1st Sess.

6/ See S. Doc. 5, 78th Cong., 1st Sess., at 2-4; 89 Cong. Rec. 895-96 (1943); 88 Cong. Rec. 4225-26 (1942).

7/ 54 Comp. Gen. 1066 (1975); 54 Comp. Gen. 854 (1975); 25 Comp. Gen. 844 (1946).

He reasoned as follows:

> In construing the specific restriction in this statute against employee use of government-owned vehicles for transportation between domicile and place of employment, our Office has recognized that its primary purpose is to prevent the use of Government vehicles for the personal convenience of an employee. In this regard we have long held that use of a Government vehicle does not violate the intent of the cited statute where such use is claimed to be in the interest of the Government. We have further held that the control over the use of Government vehicles is primarily a matter of administrative discretion, to be exercised by an agency within the framework of applicable laws. 25 Comp. Gen. 844 (1946).

But this sweeping language has been applied narrowly by both the Comptroller General and this department.

The implicit exception theory first appeared in dictum at 25 Comp. Gen. 844, 846-47 (1946). That decision involved a claim for cab fare from an employee's home to the place where he obtained a government car for official travel. The claim was disallowed on the general principle that an employee must bear his own commuting expenses. In passing, the Comptroller General said that § 638a(c)(2) would not have prohibited the employee from "using a Government automobile to drive to his residence when it is in the interest of the Government that he start on official travel from that point, rather than from his place of business." Id. at 847.

He applied this implicit exception in two cases in 1975. In the first, he held it to be in the government interest to provide home-to-work transportation for military employees abroad where the Defense Department determined that there was a "clear and present" danger of terrorism. But the decision cautioned that it would be best for the Defense Department to obtain specific statutory authority for this 9/ and concluded that it would be an abuse of discretion to provide transportation in countries where no clear and present threat existed. 54 Comp. Gen. 854, 857-58

9/ It appears that no such authority was obtained.

(1975).10/ In the second case, the Comptroller General approved the transportation of essential employees where a strike rendered normal public transportation unavailable. To avoid personal benefit to the employees, however, the decision states that transportation must be limited to "temporary emergencies" and that employees must pay the equivalent of commercial fares. 54 Comp. Gen. 1066, 1067-68 (1975).

This Department has determined that home-to work transportation may be provided for the Director, FBI, the Assistant to the President for National Security Affairs, and the Assistant Attorney General, Office for the Improvements in the Administration of Justice. For the first two individuals, it was the judgment of the responsible officers that a genuine threat to their personal safety existed. In our opinion, travel for the Assistant Attorney General was primarily in the interest of the government because his personal services were unique and indispensable and a temporary medical condition made it impracticable for him to use other transportation.11/

With respect to both the Director, FBI, and the Assistant to the President, additional factors were cited. Both were said to need communications equipment in the car to be able to respond to crises. In addition, it was said that the government automobile permitted the Director to protect official documents which he took home. Standing by themselves, we doubt that these factors justify home-to-work transportation. They are common to large numbers of senior officials with duties involving national defense, foreign policy, or law enforcement. Rather than being the product of forces beyond the control of the employing agency, they are inherent in the position. If such common circumstances made home-to-work transportation primarily for the government's convenience, the statute's express prohibition would be a dead letter for a significant number of senior officials. Nothing in its text, background, or prior interpretation supports a reading so contrary to its plain meaning.

10/ See OLC Memorandum of November 1978, to Robert J. Lipshutz, "Home to Work Transportation of White House Employees"; Letter of November 16, 1978, to Senator Proxmire from the Assistant Attorney General for Administration. Copies of these are attached.

11/ Memorandum of August 29, 1977, "Automobile Transportation for Assistant Attorney General Meador". A copy is attached. Transportation for Mr. Meador was originally approved for 60 days. It has been subsequently extended indefinitely because his medical condition proved permanent.

This is true a fortiori of another justification sometimes given for home-to-work transportation, namely, that it conserves the valuable time of senior officials by permitting them to work while being transported. There is hardly a senior officer to whom this rationale would not, in fact or fancy, apply. It would also make the statute nearly a dead letter for any officer with sufficient status to have a regularly assigned automobile. A senior official may lengthen his or her working day, if necessary, by coming earlier, leaving later, and living closer to the office. Using government transportation instead is a matter of personal convenience.12/

We are aware of nothing that supports a broad application of the exception implied by the Comptroller General. That exception may be utilized only when there is no doubt that the transportation is necessary to further an official purpose of the government. As we view it, only two truly exceptional situations exist: (1) where there is good cause to believe that the physical safety of the official requires his protection, and (2) where the government temporarily would be deprived of essential services unless official transportation is provided to enable the officer to get to work. Both categories must be confined to unusual factual circumstances.

2. The second question is whether an appropriation for the purchase, operation, or hire of passenger motor vehicles implicitly authorizes their use for home-to-work transportation. In our opinion it does not.

Section 638a(a) provides that, "[u]nless specifically authorized by the appropriation concerned or other law," no appropriation may be used to hire or purchase passenger motor vehicles other than those for the President and heads of the executive departments. As part of the Administrative Expenses Act, this provision also applies to all executive establishments. See footnote 2, supra. Its purpose is to retain Congressional control over procurement of passenger cars.13/ Accordingly, appropriations specifically provide for the purchase or hire of passenger motor vehicles.14/

12/ Cf. 23 Comp. Gen. 352, 357 (1943); 19 Comp. Gen. 836, 837 (1940).

13/ See generally 44 Comp. Gen. 117 (1964).

14/ See, e.g., Act of June 30, 1976, Pub. L. No. 94-330, 90 Stat. 778; Military Construction Appropriation Act, 1966, Pub. L. No. 89-202, § 105, 79 Stat. 837; Department of Justice Appropriation Act, 1950, Pub. L. No. 179, 63 Stat. 460.

And § 638a(c)(2) similarly states that an appropriation must "specifically" provide that it is available for home-to-work transportation. We are aware of only one instance in which Congress has done so. 15/ Since the exceptions to § 638a call for two separate "specific" statements serving two separate purposes, an appropriation for the procurement of passenger automobiles for official use plainly does not imply authority to use them for home-to-work transportation. Were this not so, any agency that could buy automobiles could use them without regard to § 638a(c)(2).

3. The third question is whether the "ambassadors, ministers, charges d'affaires, and other principal diplomatic and consular officers" excluded from the prohibition of § 638a(c)(2) include officials in the United States whose duties involve national defense or foreign relations. Our opinion is that they do not.

These terms are not defined in the statute or discussed in its legislative history. They do, however, have a well-established connotation of persons who represent a government abroad. They have been construed as, respectively, the accredited representatives of the United States abroad and of foreign states here. 16/ Their technical meaning is that ambassadors, ministers, and charges d'affaires are the chief officers of a diplomatic mission abroad. 17/ By familiar principles of statutory construction, Congress should be understood as having used these terms in accord with their technical meaning as reinforced by prior legal usage. 18/ The named officials refer to senior diplomatic officials representing this country abroad. By the principle of ejusdem generis, the class of "other principal diplomatic and consular officers" is limited to persons of the same type; that is, senior officials who represent the United States abroad. This interpretation confines the exclusion to a well-defined group that Congress rationally could have set apart for reasons of protocol, prestige, and usage, and thus it is not inconsistent with the general purpose of § 638a(c)(2).

4. The next question is the nature of the limited exception for "field work." This is also a technical term. For purposes of pay and classification, the civil service laws distinguished

---

15/ See Legislative Branch Appropriation Act, 1979, 92 Stat. 786 (Shuttle Busses for Library of Congress employees).

16/ Ex parte Gruber, 269 U.S. 302, 303 (1925); In re Baiz, 135 U.S. 403, 424-25, 432 (1890); 7 Op. Atty. Gen. 186, 190-92 (1855). See also The Federalist, No. 81, at 510-11 (Harvard ed. 1961).

17/ See 7 Whiteman, Digest of International Law, §§ 2, 15; 4 Hackwort Digest of International Law § 370 at 394-96; id., § 371, at 398.

18/ See Bradley v. United States, 410 U.S. 605, 609 (1973); Standard Oil Corp. v. United States, 221 U.S. 1, 51 (1911).

19/ See, e.g., Cleveland v. United States, 329 U.S. 14, 18 (1946); United States v. Stever, 222 U.S. 167, 174-75 (1911).

between the "departmental" service on the one hand and the "field" service on the other. As explained in a decision by the Comptroller of the Treasury, 21 Comp. Dec. 708, 711 (1915):

> The executive departments of Government execute the laws which Congress enacts through the instrumentalities sometimes designated "departmental" and "field" establishments. What is known as the "field force" is engaged, directly or indirectly, in locally executing the laws, while the "departmental force" is engaged in general supervisory and administrative direction and control of the various field forces. 20/

Field employees are located, for the most part, out of Washington. In many cases, such as inspectors, extension agents, or law enforcement personnel, their work involves visits to scattered locations away from their office. Departmental employees, on the other hand, would be concentrated in Washington, and their routine duties would be performed at their post.

As we have said above, Congress is usually understood to have used a technical legal term in accordance with its legal meaning. Thus, "field work" consists of the execution of statutory programs by individuals below the policy level stationed away from the seat of government. It often saves considerable time for these individuals to go directly from their homes to a work place away from their office, and it reasonably can be viewed as within the government's interest for them to do so. 21/ The "field work" exception therefore should be viewed as an express recognition by Congress that it is in the government's interest for official vehicles to be used in this way, subject to the control of the agency head.

5. Your final question is whether § 638a(c)(2) applies to independent regulatory agencies and, if so, whether the President has the power to promulgate regulations implementing the statute for these agencies. We believe that the statute does apply to independent regulatory agencies, and that the President does have the power to promulgate implementing regulations for that purpose.

20/ Accord, 19 Comp. Gen. 630, 631 (1940); 5 Comp. Gen. 272, 273-74 (1925).

21/ See 25 Comp. Gen. 844, 847 (1946).

Section 638a(c)(2) provides that no appropriation available for any "department" shall be expended for the use of vehicles for other than official purposes. We have pointed out above,22/ that the Administrative Expenses Act of 1946, provides that the term "department" shall be construed to include "independent establishments, other agencies, wholly owned Government corporations . . . and the government of the District of Columbia . . . ." (Emphasis added)

The President may promulgate regulations to enforce § 638a for both executive departments and independent establishments. The President's authority has two sources. First, 5 U.S.C. § 7301 empowers him "to prescribe regulations for the conduct of employees in the executive branch." Under this authority, the President and his delegates have promulgated regulations governing employee conduct in agencies throughout the executive branch, including the independent regulatory agencies.23/ Authority under § 7301 has been held to include regulations relating to the use of government property.24/

The second source of authority is the Federal Property and Administrative Services Act, 40 U.S.C. § 471 et seq. This statute applies to all of the executive agencies including independent establishments.25/ Its general purpose is to provide an efficient and economical system for the procurement, supply, and utilization of government personal property.26/ Under it, the Administrator of General Services has the power to "procure and supply personal property . . . for the use of executive agencies in the proper discharge of their responsibilities" to the extent that he determines it advantageous in terms of economy and efficiency.27/ The President may prescribe policies and directives "not inconsistent" with the provisions of the Act that he considers necessary and these are binding on executive agencies generally.28/

22/ See pp. 1-2 and note 2 supra.

23/ See Exec. Order No. 11222 (1965); 5 C.F.R. § 735.102(a) (Civil Service Commission); 16 C.F.R. § 5.2 (FTC); 29 C.F.R. Part 100 (NLRB); 29 C.F.R. § 1600.735-1 (EEOC); 47 C.F.R. § 19.735-107 (FCC); 49 C.F.R. Part 1000 (ICC).

24/ See Kaplan v. Corcoran, 545 F.2d 1073, 1077 (7th Cir. 1976). See generally Old Dominion Branch No. 496, AFL-CIO v. Austin, 418 U.S. 264, 273 n. 5 (1974).

25/ 40 U.S.C. § 472(a).

26/ 40 U.S.C. § 471.

27/ 40 U.S.C. § 481(a)(3).

28/ 40 U.S.C. § 486(a).

Subject to the President's authority the Administrator may issue such regulations as he considers necessary to effectuate his functions under the Act.29/ At present, there is a specific GSA regulation directing all executive agencies, which includes independent establishments,30/ to comply with § 638a(c)(2).31/

Leon Ulman
Deputy Assistant Attorney General
Office of Legal Counsel

29/ 40 U.S.C. § 486(c).

30/ See p. 9 and note 25 infra.

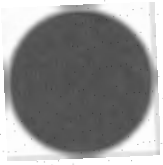
31/ 41 C.F.R. § 101-38.1304(c) (1978).

THE WHITE HOUSE
WASHINGTON

9-18

TO: FFF

FROM: John G. Roberts, Jr.
Associate Counsel
to the President



☑ FYI

☐ COMMENT

☐ ACTION

HOROWITZ'S PROPOSED
TESTIMONY ON
PORTAL-TO-PORTAL

TESTIMONY OF MICHAEL J. HOROWITZ

GENERAL COUNSEL

OFFICE OF MANAGEMENT AND BUDGET

BEFORE THE LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE OF THE

THE HOUSE GOVERNMENT OPERATIONS COMMITTEE

SEPTEMBER 19, 1985

Mr. Chairman and members of the Committee,

I appreciate the opportunity to testify this morning on a proposal to authorize the provision of home-to-work transportation for a narrowly defined group of senior officials of the Federal government for security and other reasons.

I understand that this is an issue that has claimed a great deal of attention of members of Congress and senior agency officials in recent years. The question is whether, and under what circumstances, senior government officials may lawfully be provided portal-to-portal transportation in a government vehicle on a regular basis. In the last few years, the issue has been the subject of numerous opinions and reports by the Comptroller General and several opinions issued by the Department of Justice. Rather than clarifying the issue, however, this increasing volume

of opinions has raised more questions than it has solved.

The political sensitivity of the issue is obvious: all persons in public life, whether in the legislative or executive branches, know the public reaction to newspaper articles stating that government officials are being chauffered around Washington in limousines.

At the same time, it has long been recognized that in certain instances, the interest of efficient management of the government itself, and not the personal convenience of the persons involved, justifies providing such transportation to a very limited number of the most senior officials of the three branches of government. These instances include, for example, when there have been tangible threats to the personal safety of these officials. Morever, the demands of the schedules of certain senior officials and the nature of their official responsibilities are such that it is of great utility to the government that these persons be able to use vehicles as an extension of their regular offices and maintain constant contact with other senior officials during what otherwise would be time not spent on official duties. Additionally, for those officials having sensitive national security responsibilities, portal-to-portal transportation carries with if increased accessibility to the White house, the Situation Room, and the Nation's defense installations primarily through sophisticated communications systems including, where necessary, scrambler

phones. This crucial benefit would simply be unavailable were these individuals required to spend substantial time each day commuting in their own vehicles or in public transportation.

This proposal is intended to resolve the needless confusion regarding who is, and who is not, entitled to portal-to-portal transportation, while strictly limiting the number of persons who are eligible for such transportation and confining its use to travel that is directly related to official business.

At the outset, and so that there is no possible misunderstanding, I want to emphasize that the proposal will not authorize the government to procure "limousines" to convey officials around Washington. We do not anticipate that the proposal would require dedication of a specific vehicle and driver for an official. Rather, we envision that the agencies whose officials are covered would use the same vehicles they already employ in order to drive officials to and from official appointments in the course of the business day.

In the 1983 opinion that prompted the most recent round of questions about this issue, the Comptroller General conceded that part of the confusion was caused by its prior rulings and recommended passage of legislation to resolve the problem once and for all. The proposal was drafted after extensive consultations with the General Accounting Office. I am confident that with the joint efforts of the Administration, this Committee

and the Comptroller General, we can fairly, efficiently and definitively resolve this issue.

In addition to the officials now expressly authorized to receive portal-to-portal transportation, the proposal would authorize transportation for the following officials:

-- the Vice President

-- deputy heads of Cabinet agencies;

-- other individuals deemed by the President to have Cabinet-level status;

-- certain persons in the Executive Branch holding Level II positions in the Executive Schedule;

-- the Director of the FBI, the White House Chief of Staff, the Assistant to the President for National Security Affairs, and the Commandants of the Coast Guard and the Marine Corps;

-- Members and employees of Congress, as directed by each House, and the Comptroller General;

-- The Chief Justice and Associate Justices of the Supreme Court, as designated by the chief Justice; and

-- Persons afforded protection by the Secret Service under 18 U.S.C. 3506(a).

In addition, the proposal would make explicit what GAO and Justice have found implicit in current law - that portal-to-portal transportation may be made available if the President or an agency head determines that safety, security or other operational reasons make such transportation essential for the conduct of official business. I would point out, for example, that only a few weeks after issuing its June 1983 opinion, GAO concluded that the State Department's Chief of Protocol would be entitled to such transportation based on her "unusual job" and the official function's required of that position. GAO reach this conclusion notwithstanding its government-wide declaration in June. This demonstrates the difficulties which even GAO has found in dealing with this issue and demonstrates the need for a comprehensive, definitive legislative solution.

The proposal carefully defines the procedures under which a determination to provide portal-to-portal transportation could be made; the authority to make such decisions would be nondelegable, and the decision would have to be reviewed every ninety days. The bill would make permanent provision of portal-to-portal transportation for three Executive branch officials who, without question, should be covered under any conceivable formulation of

the personal safety or security provision. These are the Director of the FBI; the White House Chief of Staff; and the National Security Adviser. In this day and age, we simply cannot ignore the security implications of these vital positions.

Some of the persons covered by the proposal, such as the Vice President, already receive portal-to-portal transportation under opinions of counsel, although they are not listed in the current law. As the Committee is aware, many senior government officials have received such transportation in past years. The proposal before you thus would sharply reduce the number of persons who could be driven to and from work. The bill would provide the clear direction to the agencies necessary in order to place express limits on future transportation.

In drafting this proposal, the most difficult question was where to draw the line as to which Executive officials should be considered so senior that they should be deemed eligible for coverage. In the final analysis, we determined to draw the line at those persons holding Executive Level II positions, with the exception of ambassadors at large. This proposal has several major advantages:

-- It limits transportation to a small number of persons;

-- The persons selected undoubtedly are the most senior in the actual operation of the government. Essentially,

these are Cabinet officials, deputy heads of the largest Cabinet agencies, and heads of significant non-Cabinet entities.

-- It ties eligibility to a seniority classification determined by Congress.

Admittedly, any line of this nature could be said to be arbitrary, and credible arguments could be made for drawing the line in other places or including other, specific officials. But after weighing various alternatives, we determined that the Executive Level II criterion best fits the principles that justify providing such transportation.

Furthermore, I would note that this determination is more restrictive in scope and content than legislation adopted by Congress last year which authorized such transportation for various officials in the Department of Defense, including two Level III Under Secretaries. In addition to demonstrating the restrictive nature of the current proposal, the 1984 bill demonstrates the pressing need for uniformity in this area. Otherwise, authorizing committees may afford such transportation on different and inconsistent bases for officials of similar rank and responsibility. Failure to draw a consistent line, and leaving the issue instead to authorizing committees on a case-by-case basis, will serve only to make this issue a continuing point of contention and to require continued

expenditure of time and resources on this issue by both Congress and the Executive Branch. I urge Congress to adopt a uniform, government-wide solution to the problem.

Finally, in order to ensure greater accountability, the proposal in many instances would require an agency head to give his or her personal approval before portal-to-portal transportation could be authorized for subordinate officials, even though the position would be expressly included in the statute. Department and agency heads are being asked to make certain that their organizations adhere strictly to the provisions of whatever legislation is enacted. The President's Council on Integrity and Efficiency will help coordinate the work of the Inspectors General to assist agency heads in ensuring compliance.

OFFICE OF

SENATOR WILLIAM PROXMIRE

WISCONSIN

TESTIMONY BEFORE HOUSE GOVERNMENT OPERATIONS COMMITTEE - Thursday, September 19th, 1985

Mr. Chairman: Why should an able-bodied public official require a chauffeured limousine to take her or him to and from work? Why? Consider the case against such extravagance. First: the inequity. At least 107 million of the 108 million women and men who are employed in this country get to and from work without a chauffeur. And who pays virtually all the taxes to this government that this government reeeives to provide for the national security, to staff the Congress, the judiciary and to pay the hundreds of thousands of people who enforce our laws? That same non-chauffeured taxpayer! That tax burden, as all of us know,weighs heavily on the taxpayer, very heavily. And it may get worse. Congress may have to increase that already heavy burden to bring our colossal deficit under control. Now I ask you, how can we justify to the taxpayer in Johnson Creek, Wisconsin or Dickinson, Texas where they have never seen a limousine except on T.V. paying his hard earned money to hire chauffeurs and limousines to transport high paid public officials to work and home. Remember practically none of the taxpayers have chauffeurs. Isn't travelling to work just as much of a chore for that taxpayer as it is for the public official? Of course, it is. What burden does the abuse of the privilege impose on the taxpayer? Answer: about $35,000 per car, several million dollars in direct, out-of-pocket costs and many times that in resentment.

Why do we permit it? Answer: there is nothing-but nothing-that a bureaucrat treasures like having his own limousine and chauffeur. If you doubt that, think a little about why public officials put such a high priority on the limo. Again and again I have found Department heads willing to surrender multi-billion-dollar programs or lose major parts of their jurisdiction. Ah, but, when it comes to saving their limousines, they will fight to the death. Why? Because the limousine is the ultimate ego trip. The supreme sign of success. It doesn't lend a subtle ambience of power. It shouts: "Hey this guy is really and truly Mr. Big!". The neighborhood may not think very much of Hobart Edgewater when he moves in, pro or con. But when they look out the window and see Edgewater's brand-new, big Cadillac limousine, with a chauffeur - yet, waiting for Hobart every morning and bringing Hobart home at night, how can they doubt that Hobart Edgewater is one very big cheese, indeed. His wife, his children all take on that extra glow of power and prestige. Even the neighbors bask in Edgewater's glory and let it be known that they live near a very big, big shot. Of course, Edgewater doesn't tell a Congressional Committee that. I'd like to hear just one official blurt right out: "Chairman Brooks, don't take this limousine away from me. Without it, I'm Rodney Dangerfield. With it, I'm really somebody". No, the public official will say something

MORE

like "My time is so important. I need to use that time constructively by working at my desk in my limousine and not waste those precious minutes going to and from work idly at the wheel. Of course this is nonsense as the Justice Department declared in 1979, "There is hardly a senior officer to whom this rationale would not, in fact or fancy, apply. It would also make the statute nearly a dead letter for any officer with sufficient status to have a regularly assigned automobile. A senior official may lengthen his or her working day, if necessary, by coming earlier, leaving later, and living closer to the office. Using government transportation instead is a matter of personal convenience."

If Edgewater wants to be chauffeured to and from work so he can work instead of steer his car, let him call a taxi or take the Metro. The latest gambit is being trundled out by the Associate Justices of the Supreme Court. We now provide chauffeured transportation for the Chief Justice. But not to the Associate Justices. The Associate Justices want to get their own individual chauffeur service. So what do they plead? Another phoney. They plead safety. They have been threatened by a phone call or a letter just as many of us in the Congress have been threatened. How about that? Well, maybe some day some nut may kill a member of Congress or a Justice. Would a chauffeured limousine prevent it? Who are we trying to kid? A 24-hour, 7 day a week, 52 weeks a year, round-the-clock secret service professional detail might prevent such a tragedy. But a chauffeured limousine to trundle the Justice to and from work? Any assassin would simply pick an occasion when the Justice was not travelling to work. Incidentally, when was the last public official in this country killed or attacked on his way to or from work?

If you drive safely and observe speed limits, you are usually safe when you're driving your car. Think about it. You can lock the doors, roll up the windows and no thug or mugger can touch you. Unless you insist on careening down the street in some show-off fancy-super costly car, or in a limousine with a chauffeur that shouts "hey, here comes a guy worth knocking off".

Mr. Chairman, the legislation before this subcommittee urgently needs to be tightened up. For years some of us in the Congress have been struggling to persuade the Congress, the Judiciary and especially the executive branch to live within the law. Today, the average cost of a chauffeur and limousine to trundle a public official to and from work and breeze him about town at will is about $35,000 per year. That is a lot of money. It comes to about half the salary of officials

MORE

being transported. The Congress has passed legislation providing reasonable limits on the use of limousines and chauffeurs. But many agencies have found ways around this legislative limitation. At the request of Chairman Brooks the GAO issued an opinion on eligibility under the law for chauffeured limousines. On the basis of a survey by my staff this Spring, 52 federal officials exercise the privilege of using limousine and chauffeur service. That GAO opinion had a sharp salutory effect in limiting limousines. As recently as three years ago as many as 190 officials had been using this service. The Comptroller General decided to enforce the law last year and as of January 1st, he has achieved commendable results. A number of powerful, influential public officials didn't like it. They lost their limousine and their chauffeur. The taxpayer has been saved a couple of million dollars. Far more important in a year when the American people are more bitter and angry about the federal deficit than they are about any other issue, we have made some real progress on spending money on limousines and chauffeurs- a relatively small amount in a trillion dollar budget but probably the most ridiculous and arrogant waste of money by the federal government.

So what happened to this success story in bringing waste under control? The bureaucrats who have lost or may lose their limousine and with it the prime ego trip in government have not taken this limitation lying down. They have fought back with a proposal that superficially sounds good. But don't let it fool you. It's long on expressing its intent to limit chauffeured service to a few senior officials who absolutely have to have it. But as you might expect, when you read the fine print you find an escape clause through which a long Cadillac caravan can and surely will cruise. Just listen to the language of Section 1344 (b) (2) (A) in providing the exception to the limitation on chauffeur-limo service. The exceptions include the heads and deputy heads of Executive Departments...AND ANY OTHER INDIVIDUALS DEEMED BY THE PRESIDENT TO HAVE CABINET-LEVEL STATUS. And Section 1344 (b) (2) (B) also exempts "other persons in the executive branch designated at level II of the executive schedule shall be granted (chauffeured limousines) upon the determination of the executive department that such transportation is appropriate."

How will these provisions be carried out? Will President Reagan take time away from his overwhelming national and foreign policy responsibilities to decide whether George Albatross or Vince Dinwiddie should have cabinet-level status for purposes of having his own limousine? Of course not. Technically, the bill prohibits delegation. But in fact what will happen? Of course, the President will have to assume full responsibility. But his Chief of Staff will take over. The Chief of Staff is also a very busy man. So he will in turn hand over the decision to someone else. And someone else will be smothered by undersecretaries and deputy secretaries and a myriad of others who will

fight to the death for their limo and chauffeur. We have seen this happen before. It will happen again. This kind of open ended provision in a bill that involved such a predictable struggle for the number one perk will result in an explosion of limos all over town.

So what do we do about it? One answer is to keep the law now on the books. We can enforce it precisely the way the Comptroller General has insisted it be enforced. We know that works. It has met the test or experience by sharply reducing the number of chauffeur limousines. The cries of grief are loud and predictable. But with a $200 billion deficit Congress should be able to withstand them.

A second answer is to accept this recommended bill but provide for a specific cap on the number of limousines. How limited a cap? My own preference is 40. There are too many now. We can easily pare twelve, starting with a 40% cut in limos allocated to the Congress. If this is too steep we could settle for the fifty two that are now officially permitted, but permit the three branches of government to make the allocation within their present limits.

Certainly with the flexible language in the proposed bill, some cap is essential if the number of taxpayer subsidized chauffeurs and limousines is not to explode out of sight. We should not forget that we are dealing with the most preferred perk of all. We are also dealing with some very influential, persuasive and powerful people who will be seeking the limousines, the chauffeur and the ultimate ego trip.

One final note, Mr. Chairman, if your committee does decide to change the law, and if you do decide not to include a cap on the number of limousines, then your committee and the Committee on Ways and Means should consider the possibility of taxing this benefit either fully or at a fixed percentage of its average cost. Why not? The Administration has recommended that health benefits paid by employers on behalf of employees be taxed. Are health benefits for a $15,000 per year factory worker to be taxed while a $35,000 chauffeur and limousine service for a $75,000 administration bureaucrat escapes taxation?

UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

FOR RELEASE AND DELIVERY

EXPECTED AT: 10:00 A.M. EDST

SEPTEMBER 19, 1985

STATEMENT OF

MILTON J. SOCOLAR

SPECIAL ASSISTANT TO THE COMPTROLLER GENERAL

BEFORE THE LEGISLATIVE AND NATIONAL SECURITY SUBCOMMITTEE

COMMITTEE ON GOVERNMENT OPERATIONS

HOUSE OF REPRESENTATIVES

Mr. Chairman and Members of the Committee:

Thank you for giving us an opportunity to comment on the OMB-proposed "home-to-work" bill amending the provisions of section 1344 of title 31, United States Code.

Section 1344 insists that all cars and aircraft maintained and operated with public funds be used at all times for official purposes only. The statute does not explain what official purposes are except to specify that transportation of officers or employees of the Government between their domiciles and places of employment is not an official purpose

unless the officer or employee fits one of a limited number of exceptions.

This short section has generated considerable controversy over the last four decades. The GAO has received many questions questions from various agencies and departments about application of the home-to-work prohibition to their particular circumstances. Some of these questions concern the statutory exemptions provided and the meaning of undefined terms like "field work" or "principal diplomatic and consular officials." The majority, however, deal with situations not covered by exemptions, but with efforts to stretch the limits of permissible conduct notwithstanding the statute's clearly worded prohibition.

There is very little guidance to be found in the scanty legislative history of section 1344. As early as 1914, the Congress acted to control the purchase or acquisition of passenger-carrying vehicles (Act of July 16, 1914, 38 Stat. 508). The first restrictions on the use of vehicles appeared sporadically in various appropriation acts between 1935 and 1946. The current restriction was enacted into permanent law--more or less in the form it appears today--as section 16 of the Administrative Expenses Act of 1946 (60 Stat. 810).

There are no committee reports or floor debates which discuss the purpose of the restriction. A former Deputy Assistant Attorney General once suggested that its enactment may have been prompted by a recommendation of the Joint Committee on the Reduction of Unnecessary Federal Expenditure that use of Government vehicles should be curtailed, both to save money and to conserve fuel in wartime.

Almost immediately after enactment of the 1946 law, the GAO was besieged with questions about its interpretation. In an early decision (25 Comp. Gen. 844 (1946), we denied a claim for cab fare between an employee's home and the garage where a Government car was stored, prior to beginning official travel. We said that all employees, except those specifically exempted by the new Act, must bear their own commuting expenses. We added, as dictum, that if an agency were to find it more appropriate for an employee to start travel from his home instead of from a garage, we would consider this use to be an "official purpose" within the meaning of the statute.

That decision and several others that followed over a period of years implied that it is possible for agency heads to exercise administrative discretion in appropriate circumstances to broaden the exceptions to the home-to-work prohi-

bition. The other circumstances we were talking about were physical danger because of terrorist activities abroad (54 Comp. Gen. 858 (1975)), or a general public transportation strike (54 Comp. Gen. 1066 (1975). Even in those circumstances, we urged, in the case of the terrorist activities, that specific legislative authority be sought, and in the case of the transportation strike, that the employees be required to pay back their normal commuting costs.

Our words implied more agency discretion than was intended or than we subsequently allowed. As we have been frank to admit, the imprecision of our language contributed to a widely-held impression, until fairly recently, that the appropriate use of Government cars and chauffeurs was for the head of each agency to determine.

The Congress itself may share some of the blame for this widely-held impression. Agencies have told us, when we questioned some use of their cars, that they had explained to their appropriation committees precisely what they intended doing with the vehicles for which they sought funding, and no objection was raised. They thus concluded that use of the vehicles for the purposes explained to the committees, including home-to-work transportation, was implicitly authorized.

We do not agree with that view, nor, for that matter, did the former Deputy Assistant Attorney General who, in a memorandum opinion for the Counsel to the President, August 27, 1979, indicated that acceptance of this theory would make the statutory prohibition a "dead letter."

Any legitimate doubts which may have existed about the application of section 1344 should have been dissipated by our definitive decision in 62 Comp. Gen. 438 (1983). That decision was written in response to your specific request, Mr. Chairman. After discussing all the previous misconceptions, we held that the home-to-work transportation prohibition in 31 U.S.C. § 1344(a) constituted a "clear prohibition which cannot be waived or modified by agency heads through regulations or otherwise."

In spite of that--in my opinion--very clear message, the statutory prohibition is still widely ignored or misinterpreted today. The ink is hardly dry on a special report we just completed for you, Mr. Chairman, entitled "Use of Government Motor Vehicles for the Transportation of Government Officials and the Relatives of Government Officials," GAO/GGD-85-76, September 16, 1985. We sent questionnaires to the 13 cabinet-level departments and their 178 subordinate compon-

ents, and to 60 independent executive branch agencies, offices, boards, and commissions. All but the Executive Office of the President responded. We asked how many officials and relatives of officials used Government cars to travel between their homes and places of work regularly or occasionally, and what authority they believed authorized this use. There were 128 officials and 17 relatives who received this service. Based on the justifications the agencies themselves presented on their behalf, 79 officials and 7 relatives were not authorized to receive it, with another 5 relatives sometimes using the cars legitimately and sometimes not.

This means that about 62 percent of the Government officials and 70 percent of the relatives apparently misunderstood the criteria in existing law or chose to ignore it. I say "apparently" because our conclusions were based only on the agencies' own justifications for the usage. If given an opportunity, it is possible that some of the individuals involved could present further information that would persuade us that, for example, they were in fact engaged in "field work," as we construe that statutory exception, or that they had legitimate reasons to fear for their physical safety had not a Government car been provided.

When a public statute is so widely disregarded, one has to wonder why. Our Government officials are, with few exceptions, upright, law-abiding individuals. Either the statute is inherently ambiguous or its terms are unrealistically restrictive. In other cases, perhaps, the temptation is too great for some to resist. I do not think that the statute is ambiguous.

Mr. Chairman, over the years, the GAO has taken every opportunity to suggest to the Congress that it consider modifications of section 1344. We have done so in a series of bill reports to both Houses on proposed legislation, even more restrictive than section 1344, usually called the "Limousine Limitation Act of 19__; or proposed as part of an appropriation act for specific agencies. We have suggested to certain agencies who asked whether we could modify our strict interpretation of the law in deserving cases that they seek legislative authority to expand the list of exceptions in section 1344 and they have done so. For example, the Deputy Secretaries of State and Defense, the Under Secretaries of Defense, and the Joint Chiefs of Staff, among some others, are now all specifically authorized home-to-work transportation by statute.

In our letter to you transmitting the 1983 decision which you requested (62 Comp. Gen. 438), we recommended enactment of new language to clarify the extent of an agency head's discretion to deviate from the restriction in true emergencies, or when there is no other way to accomplish official Government business because private or mass public transportation is unavailable or impractical to use. We also recommended expanding the list of exemptions to include the heads of all non-cabinet agencies and the principal deputies of the departments. And, finally, we urged you to request a Government-wide canvas of special needs before deciding whether to broaden the exemptions in existing law. You immediately did just that in a letter to OMB dated June 6, 1983. Now, albeit two years later, OMB has completed its survey and proposed new legislation.

While we regret that the proposed bill was not submitted sooner, we hope that you will give it serious consideration. The GAO was asked to comment on the various drafts prepared by OMB--all but the final one, which we did not have an opportunity to review before it was submitted to you. We can attest that each provision is the result of thoughtful, responsible consideration, although we don't entirely agree with everything in the OMB-proposed bill. Our specific

comments and suggestions are contained in a bill report to your Committee.

To summarize our main recommendations briefly, we suggested that:

(1) References in proposed subsection (a)(3) to specific Presidential staff members by present title be deleted in favor of more general Presidential authority to designate up to three of his top staff members to receive routine home-to-work transportation;

(2) The exemption from the prohibition on home-to-work transportation in the original 1946 Act for members of the Congress, the Architect of the Capitol, and their respective officers and employees be reinstated in a new subsection (b)(1), adding the additional exemption for the Chief Justice and Associate Justices of the Supreme Court. Paragraphs (D) and (F) of subsection (b)(2) would then be deleted as unnecessary;

(3) We would add the word "principal" before the word "deputy" in subsection (b)(2)(A), to make it clear that only the number two official in each cabinet-level

department was entitled to have home-to-work transportation;

(4) GAO recommends a specific exemption from the prohibition for all non-cabinet agency heads, without reference to their placement in Level II of the Executive Schedule; and

(5) That the President's open-ended authority in subsection (b)(2)(A) to confer cabinet-level status on "any other individuals" be limited to such maximum number as the Congress deems appropriate.

There are several other recommendations of a technical nature as well. In addition, the bill report comments on the added cost to the Government, should the OMB recommendations become law. We project a range of costs, depending on which of two operating assumptions are used, of $1,100 per car each year at the low end to a high of about $9,465 per car annually. This is explained more completely in the bill report, Mr. Chairman. With your permission, I should like to have the entire bill report made part of the hearing record.

I will be happy to answer any additional questions you may have.

Opening Statement of Chairman Jack Brooks
before the Legislation and National Security Subcommittee
at the hearing on OMB's Proposed Legislation on Home-to-Office
Transportation
September 19, 1985

THE HEARING TODAY HAS BEEN CALLED TO REVIEW A LEGISLATIVE PROPOSAL RECENTLY ADVANCED BY THE ADMINISTRATION. THIS PROPOSAL WOULD INCREASE THE NUMBER OF GOVERNMENT OFFICIALS AUTHORIZED TO USE GOVERNMENT VEHICLES FOR HOME-TO-WORK TRANSPORTATION. MEMBERS HAVE A COPY OF THE PROPOSAL IN THEIR FOLDERS.

GOVERNMENT EMPLOYEES ARE PROHIBITED FROM USING GOVERNMENT VEHICLES FOR HOME-TO-WORK TRANSPORTATION UNLESS THEY ARE SPECIFICALLY AUTHORIZED BY LAW TO DO SO.

IN JANUARY 1983, I LEARNED OF WHAT APPEARED TO BE EXCESSIVE USE OF GOVERNMENT VEHICLES FOR HOME-TO-WORK TRANSPORTATION IN THE DEPARTMENTS OF STATE AND DEFENSE. IN JUST THOSE TWO DEPARTMENTS, NEARLY 70 GOVERNMENT OFFICIALS WERE THEN RECEIVING HOME-TO-WORK TRANSPORTATION ON EITHER A FULL-TIME OR INTERMITTENT BASIS. I ASKED THE COMPTROLLER GENERAL TO REVIEW THE MEMORANDA PREPARED BY STATE AND D.O.D., WHICH THE DEPARTMENTS CLAIMED OUTLINED THE LEGAL BASES FOR ALLOWING THEIR OFFICIALS TO USE GOVERNMENT VEHICLES FOR THIS PURPOSE.

THE COMPTROLLER GENERAL RESPONDED WITH A DECISION THAT WENT BEYOND THE QUESTION OF WHO IN THE DEPARTMENTS OF STATE AND DEFENSE COULD BE LEGALLY PROVIDED HOME-TO-WORK TRANSPORTATION. THE DECISION STATED THAT THE LAW AUTHORIZES SUCH TRANSPORTATION FOR ONLY THE PRESIDENT, THE HEADS OF THE EXECUTIVE DEPARTMENTS, INCLUDING THE ARMY, NAVY AND AIR FORCE, AND THE HEADS OF FOREIGN SERVICE POSTS. A FEW OTHER GOVERNMENT OFFICIALS, INCLUDING MEMBERS OF THE JOINT CHIEFS OF STAFF, ARE AUTHORIZED HOME-TO-WORK TRANSPORTATION IN SEPARATE STATUTES.

I SENT A COPY OF THE COMPTROLLER GENERAL'S DECISION TO THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, SUGGESTING THAT HE MIGHT WANT TO REVIEW THE CURRENT NEEDS OF THE GOVERNMENT AND, IF NECESSARY, RECOMMEND AN AMENDMENT TO THE LAW. THE ADMINISTRATION PROPOSAL WE ARE REVIEWING TODAY IS THE RESULT OF O.M.B.'S REVIEW.

I AM RELEASING TODAY A G.A.O. REPORT WHICH EXAMINES THE USE OF GOVERNMENT VEHICLES FOR HOME-TO-WORK TRANSPORTATION SINCE THE BEGINNING OF 1985. THE REPORT REVEALS THAT A SUBSTANTIAL NUMBER OF GOVERNMENT OFFICIALS HAVE NOT BEEN IN COMPLIANCE WITH THE LAW.

WE INTEND TO REVIEW THE ADMINISTRATION'S PROPOSAL CAREFULLY, AND, IF NECESSARY, AMEND THE LAW AUTHORIZING HOME-TO-WORK TRANSPORTATION OF GOVERNMENT OFFICIALS. IT MAY BE THAT IT IS IN THE PUBLIC'S INTEREST TO PROVIDE THIS SERVICE FOR SOME TOP OFFICIALS WHO ARE NOT INCLUDED IN THE CURRENT LAW. HOWEVER, IF WE AMEND THIS LAW, WE MUST ASSURE THAT THE BENEFITS TO THE GOVERNMENT OUTWEIGH THE POTENTIAL COSTS TO THE TAXPAYERS.

WITNESSES THIS MORNING WILL BE SENATOR WILLIAM PROXMIRE AND REPRESENTATIVES OF THE OFFICE OF MANAGEMENT AND BUDGET AND THE GENERAL ACCOUNTING OFFICE.

SCHEDULE OF WITNESSES

10:00 a.m.

Honorable William Proxmire
United States Senator
State of Wisconsin

Mr. Michael J. Horowitz
Counsel to the Director and Chief Legal Officer
Office of Management and Budget

Mr Milton Socolar
Special Assistant to the Comptroller General
U. S. General Accounting Office