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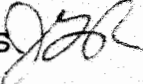
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THE WHITE HOUSE

WASHINGTON

September 23, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: OGE Inquiry on Portal-to-Portal

David Martin has written you, attaching a copy of the Comptroller General's letter of August 19 to Senator Proxmire, and the 1983 GAO opinion on portal-to-portal. Martin states that he does not entirely agree with the opinion but is "considering a memorandum addressing this problem and providing clear instructions on appropriate vehicle use."

The last thing anyone needs is another memorandum "providing clear instructions" on portal-to-portal. I do not know where Martin would draw his "clear instructions" from -- the GAO opinion is not binding on the Executive branch, and Justice and agency general counsel opinions directly contradict the GAO opinion. The attached reply provides Martin a little background on our efforts, and sends along a copy of the Administration bill and testimony by Horowitz and Socolar.

Attachment

THE WHITE HOUSE

WASHINGTON

September 23, 1985

MEMORANDUM FOR DAVID H. MARTIN
DIRECTOR
OFFICE OF GOVERNMENT ETHICS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Portal-to-Portal

Thank you for your memorandum of September 23, transmitting a copy of the Comptroller General's letter of August 19, 1985, to Senator Proxmire and a copy of the 1983 Comptroller General opinion on portal-to-portal. There is, as you know, considerable confusion concerning the state of the law on portal-to-portal. The 1983 GAO opinion itself recognized that it was inconsistent with prior GAO opinions. It is also inconsistent with Department of Justice opinions and opinions issued by various agency general counsel. I do not necessarily agree with the GAO opinion, and, as a matter of constitutional law, the opinion is not binding on the Executive branch.

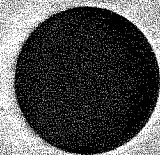
The 1983 GAO opinion contained a call for Congress to consider legislation to clarify the confused state of the law on portal-to-portal. My office and OMB have been working closely with GAO for some time to develop a suitable legislative proposal. On July 31, former Director of OMB David Stockman submitted an Administration bill on this subject to the Hill. A hearing on the bill was held on September 19, at which OMB General Counsel Michael Horowitz testified for the Administration. Testimony by Milton Socolar, Special Assistant to the Comptroller General, was generally supportive of the bill. I attach for your information copies of the bill and the statements by Horowitz and Socolar.

Given this background, I do not know where you would look to find "clear instructions on appropriate vehicle use." The GAO opinion may seem clear, but it may well be an incorrect reading of the law and, as noted, it is not binding on the Executive branch. It also may not be as clear as it seems -- as noted in Horowitz's testimony, GAO itself recognized an exception to its categorical statement only weeks after it issued the 1983 opinion.

FFF:JGR:aea 9/23/85
cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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Name of Correspondent: David Martin

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Use of Govt. Vehicles

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>CU Hall</u>	ORIGINATOR	<u>85, 09, 23</u>
	Referral Note:	_____
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	Referral Note:	_____

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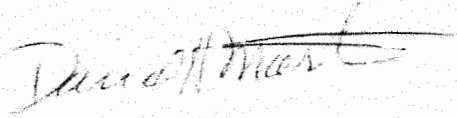
MEMORANDUM

**Office of
Government Ethics**

Subject: **Use of Government Vehicles**

SEP 23 1985

From: **David H. Martin**
Director



To: **Fred F. Fielding**
Counsel to the President
The White House

Attached for your information is a copy of the Comptroller General's August 19, 1985 letter to Senator Proxmire reviewing the current practice and legality of chauffeur service for top staff of the Office of Management and Budget and the White House. Also attached is the June 3, 1985 GAO opinion, B-210555, which interprets the provisions of 31 U.S.C. § 1344(b) dealing with the use of Government vehicles in home to work situations.

While I do not entirely agree with the Comptroller General's opinion, there is apparent widespread misunderstanding and a lack of guidance on the subject; I am therefore considering a memorandum addressing this problem and providing clear instructions on appropriate vehicle use.

I would appreciate your thoughts or comments. Do you know if any legislative initiatives are currently being considered in this area?

Attachments

THE WHITE HOUSE

WASHINGTON

September 23, 1985

MEMORANDUM FOR DAVID H. MARTIN
DIRECTOR
OFFICE OF GOVERNMENT ETHICS

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Portal-to-Portal

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Name of Correspondent: Mike Harowitz

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Partial - to Partial Hearing

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DSP		Time: _____	Media: _____
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SIGNATURE CODES:

- CPn - Presidential Correspondence
 - n - 0 - Unknown
 - n - 1 - Ronald Wilson Reagan
 - n - 2 - Ronald Reagan
 - n - 3 - Ron
 - n - 4 - Dutch
 - n - 5 - Ron Reagan
 - n - 6 - Ronald
 - n - 7 - Ronnie

- CLn - First Lady's Correspondence
 - n - 0 - Unknown
 - n - 1 - Nancy Reagan
 - n - 2 - Nancy
 - n - 3 - Mrs. Ronald Reagan

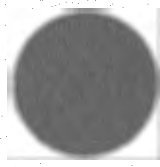
- CBn - Presidential & First Lady's Correspondence
 - n - 1 - Ronald Reagan - Nancy Reagan
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- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503



MEMORANDUM

September 19, 1985

To: Joe Wright
Fred Fielding

From: Mike Horowitz *MU*

Subject: Portal-to-Portal Hearing

This morning's hearings went exceedingly well. Even Proxmire -- the leadoff and an often inaccurate witness -- agreed in the end that as many as 52 positions might qualify for portal-to-portal transportation.

Brooks and Horton were sympathetic and responsive and indicated that the Committee was likely to report legislation and that they wished to work with us and GAO in drafting it.

Brooks indicated that he thought a reasonable number of named positions should be eligible for portal-to-portal transportation, and also favored statutory flexibility to authorize non-designated persons and positions to receive the service. His principal difference with us appeared to be his view that discretion should only be given to the President to name non-designated recipients of such transportation; he argued that agency heads would be unduly subject to internal pressures to expand the availability of the service.

Socular's testimony on behalf of GAO was, all things considered, quite good. While GAO proposed placing limitations on the number of White House officials eligible for portal-to-portal transportation, they also indicated that Executive Level III agency heads should be eligible for the service. (See the attached final two pages of the GAO testimony.)

I will be contacting Brooks' and Horton's staff to follow up and will report on all developments.

In all, a much better day was had than any of us had reason to believe would take place. My prediction is that we will get a House-passed bill unless press reports of the hearing generate adverse reactions.

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.

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 chauffeured 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. Moreover, 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 it 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.

THE WHITE HOUSE

WASHINGTON

October 8, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Portal-to-Portal Update

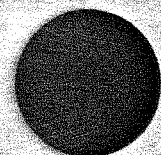
Mike Horowitz has written you and Joe Wright to report on the progress of the portal-to-portal bill. Horowitz's memorandum is a bit vague on precisely what is being proposed, but he indicates that the subcommittee proposal will include a spousal provision (ours did not), will limit regular portal-to-portal to Cabinet Secretaries and 6-10 Level II's, will delete the Hill and the Judiciary, and will permit additional portal-to-portal if the President designates others to receive it. Horowitz has asked for guidance on a negotiation position.

Obviously we are too removed from the discussions to offer much guidance on negotiation. I think selecting out 6-10 Level II's and leaving other portal-to-portal designations up to the President will cause the excluded Level II's to exert enormous pressure on the President to recover their privileged status. Once the President grants some exceptions he will be hard-pressed to deny the same to others of equal rank. On the other hand, anything would be better than the current confused state of the law.

We should discuss.

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Subject: Partial - to - Partial Update

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 7, 1985

MEMORANDUM FOR: Joe Wright
✓ Fred Fielding

FROM: Mike Horowitz **M4**

SUBJECT: Portal-to-Portal Update

1. I have heard informally from the subcommittee staff concerning a portal-to-portal bill which they expect to report to the Government Operations Committee later this month. In essence, there are four key aspects. Reportedly, their proposal will:

- o include a spousal provision;
- o limit sharply the number of individuals who receive such transportation by restricting it to Cabinet Secretaries and 6 to 10 level II appointees;
- o remove references to the Hill and the Judiciary; and
- o adopt our provision concerning "other operational considerations" by permitting a Cabinet Secretary to authorize portal-to-portal for up to ten days and the President to authorize it for up to one year, in each instance on a renewable basis.

I have indicated informally that we are likely to be receptive to any proposal of their's on spousal usage. I also see no problem in leaving up to Brooks whether or not to cover the Hill and the Judiciary.

2. Although the staff proposal is still in the drafting stage, it appears that it may include substantially more authority than we asked for -- but only so long as the President is prepared to make the necessary designations of portal-to-portal recipients. While there could be political problems if the President were the principal designator of recipients of the service, it is also arguable that a once-a-year designation of key senior officials could become pro forma in character and not politically costly to make. (As indicated, another virtue of the Brooks staff draft is that it gives the President more flexibility and designating

authority than does our draft bill.) To date, I have encouraged the Committee staff to go back to our draft bill as its starting point, but I am prepared to negotiate from their draft in an effort to quickly move a bill -- something they are surprisingly prepared to do.

3. At this point, I need your thoughts regarding an appropriate negotiating position. To date, Brooks's and Horton's staffs have been very accommodating, and we have attempted to work with them as closely as possible. I will not proceed, however, until further guidance is received.

cc: Jack Carley

THE WHITE HOUSE

WASHINGTON

October 8, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Portal-to-Portal Update

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<u>CU Hall</u>	ORIGINATOR	<u>85,10,07</u>			<u> 1 / 1 / </u>
	Referral Note:				
<u>Unit 18</u>	<u>D</u>	<u>85,10,07</u>		<u>S</u>	<u>85,10,08</u>
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	Referral Note:				

ACTION CODES:

- A - Appropriate Action
- I - Info Copy Only/No Action Necessary
- C - Comment/Recommendation
- R - Direct Reply w/Copy
- D - Draft Response
- S - For Signature
- F - Furnish Fact Sheet
- X - Interim Reply
- to be used as Enclosure

DISPOSITION CODES:

- A - Answered
- C - Completed
- B - Non-Special Referral
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOb).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: _____ Individual Codes: _____

Prime Subject Code: _____ Secondary Subject Codes: _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P. _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence**
 n - 0 - Unknown
 n - 1 - Ronald Wilson Reagan
 n - 2 - Ronald Reagan
 n - 3 - Ron
 n - 4 - Dutch
 n - 5 - Ron Reagan
 n - 6 - Ronald
 n - 7 - Ronnie

- CLn - First Lady's Correspondence**
 n - 0 - Unknown
 n - 1 - Nancy Reagan
 n - 2 - Nancy
 n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence**
 n - 1 - Ronald Reagan - Nancy Reagan
 n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
 C - Copy
 D - Official document
 G - Message
 H - Handcarried
 L - Letter
 M - Mailgram
 O - Memo
 P - Photo
 R - Report
 S - Sealed
 T - Telegram
 V - Telephone
 X - Miscellaneous
 Y - Study



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 7, 1985

MEMORANDUM FOR: Joe Wright
 ✓ Fred Fielding

FROM: Mike Horowitz **MH**

SUBJECT: Portal-to-Portal Update

1. I have heard informally from the subcommittee staff concerning a portal-to-portal bill which they expect to report to the Government Operations Committee later this month. In essence, there are four key aspects. Reportedly, their proposal will:

- o include a spousal provision;
- o limit sharply the number of individuals who receive such transportation by restricting it to Cabinet Secretaries and 6 to 10 level II appointees;
- o remove references to the Hill and the Judiciary; and
- o adopt our provision concerning "other operational considerations" by permitting a Cabinet Secretary to authorize portal-to-portal for up to ten days and the President to authorize it for up to one year, in each instance on a renewable basis.

I have indicated informally that we are likely to be receptive to any proposal of their's on spousal usage. I also see no problem in leaving up to Brooks whether or not to cover the Hill and the Judiciary.

2. Although the staff proposal is still in the drafting stage, it appears that it may include substantially more authority than we asked for -- but only so long as the President is prepared to make the necessary designations of portal-to-portal recipients. While there could be political problems if the President were the principal designator of recipients of the service, it is also arguable that a once-a-year designation of key senior officials could become pro forma in character and not politically costly to make. (As indicated, another virtue of the Brooks staff draft is that it gives the President more flexibility and designating

authority than does our draft bill.) To date, I have encouraged the Committee staff to go back to our draft bill as its starting point, but I am prepared to negotiate from their draft in an effort to quickly move a bill -- something they are surprisingly prepared to do.

3. At this point, I need your thoughts regarding an appropriate negotiating position. To date, Brooks's and Horton's staffs have been very accommodating, and we have attempted to work with them as closely as possible. I will not proceed, however, until further guidance is received.

cc: Jack Carley

ROUTING AND TRANSMITTAL SLIP

Date

10/9

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date

1.	John Roberts		
2.			
3.			
4.			
5.			

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

CHARLES KOLB

Room No.—Bldg.

469 0507

Phone No.

5600

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA
FPMR (41 CFR) 101-11.206

Mr. Roberts

BROOKS282

HLC

[DISCUSSION DRAFT]
OCTOBER 4, 1985

99TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. BROOKS introduced the following bill; which was referred to
the Committee on _____

A BILL

To authorize the transportation of certain officers and employees
of the Federal Government between their residences and places
of employment, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

1 That section 1344 of title 31, United States Code, is amended
2 to read as follows:

3 ``§1344. Passenger motor vehicle and aircraft use

4 ``(a) [Funds available to an executive agency, by
5 appropriation or otherwise, may be expended by the executive
6 agency for the maintenance, operation, or repair of any
7 passenger carrier only to the extent that such carrier is
8 used to provide transportation for official purposes.] [Funds
9 available to an executive agency, by appropriation or
10 otherwise, may not be expended by the executive agency for
11 any maintenance, operation, or repair of any passenger
12 carrier that is required as a consequence of the use of such
13 carrier for any purpose other than an official purpose.]
14 Notwithstanding any other provision of law, transporting any
15 individual other than those listed in subsections (b) and (c)
16 between such individual's place of residence and such
17 individual's place of employment is not transportation for an
18 official purpose.

19 ``(b) A passenger carrier may be used to transport
20 between place of residence and place of employment the
21 following officers and employees of the executive branch of
22 the United States Government:

23 ``(1) the President and the Vice President;

24 ``(2)(A) officers compensated at Level I of the
25 Executive Schedule pursuant to section 5312 of title 5,

1 United States Code; and

2 `` (B) no more than six officers or employees, as
3 determined by the President, who are compensated at Level
4 II of the Executive Schedule or above;

5 `` (3) the principal diplomatic and consular officials
6 abroad and the United States Ambassador to the United
7 Nations;

8 `` (4) the Secretary of the Air Force, the Secretary
9 of the Army, the Secretary of the Navy, the Joint Chiefs
10 of Staff, and the Commandant of the Coast Guard;

11 `` (5) the Director of the Central Intelligence Agency
12 and the Director of the Federal Bureau of Investigation;

13 `` (6) medical officers on out-patient medical
14 service;

15 `` (7) officers or employees performing field work
16 requiring transportation between such individual's place
17 of residence and [such individual's place of employment]
18 [the field site where work is to be performed], when the
19 transportation is approved by the head of the executive
20 agency; and

21 `` (8) an officer or employee with regard to whom the
22 head of an executive agency makes a determination, which
23 shall be effective for no longer than 10 calendar days,
24 that an emergency exists or that highly unusual
25 circumstances present safety, security, or other

1 operational considerations which make such transportation
2 essential to the conduct of official business.

3 `` (c) A passenger carrier may be used to transport
4 between place of residence and place of employment any person
5 for whom protection is specifically authorized pursuant to
6 section 3056(a) of title 18, United States Code.

7 `` (d)(1) If an emergency or highly unusual circumstance
8 described in subsection (b)(8) extends or may extend for a
9 period in excess of 10 calendar days, the head of the
10 executive agency concerned (other than an independent
11 regulatory agency) shall provide particulars to the President
12 and the President shall determine whether authorization under
13 subsection (b)(8) shall be extended beyond 10 calendar days
14 up to a period of 90 calendar days. Determinations made under
15 this subsection may be reviewed by the President at the
16 request of the head of an executive agency, and, where
17 appropriate, an additional determination may be made whether
18 a highly unusual circumstance exists and whether an
19 additional extension, not to exceed one year, may be
20 authorized.

21 `` (2) If an emergency or highly unusual circumstance
22 described in subsection (b)(8) extends or may extend for a
23 period in excess of 10 calendar days, the head of an
24 independent regulatory agency shall determine whether
25 authorization under subsection (b)(8) shall be extended

1 beyond 10 calendar days up to a period of 90 calendar days.
2 Determinations made under this subsection may be reviewed by
3 the head of such independent regulatory agency, and, where
4 appropriate, an additional determination may be made whether
5 a highly unusual circumstance exists and whether an
6 additional extension, not to exceed one year, may be
7 authorized.

8 ``(3) Determinations made pursuant to paragraphs (2) and
9 (8) of subsection (b) and paragraph (1) of this subsection
10 may not be delegated, except that, with respect to the
11 Executive Office of the President, the President may delegate
12 his functions under such paragraphs (2) and (8) to an officer
13 in such Executive Office. No determination under this section
14 may be made solely for the comfort or convenience of the
15 officer or employee.

16 ``(4) Notification of each determination made under
17 paragraphs (2) and (8) of subsection (b) and paragraphs (1)
18 and (2) of this subsection, designating the name and title of
19 the officer or employee affected and stating the reason for
20 such determination, shall be transmitted promptly to the
21 Committee on Government Operations of the House of
22 Representatives and the Committee on Governmental Affairs of
23 the Senate.

24 ``(e) As used in this section--

25 ``(1) the term 'passenger carrier' means a passenger

1 motor vehicle, aircraft, boat, ship, or other similar
2 passenger conveyance that is owned or leased by the
3 United States Government; and

4 `` (2) the term `independent regulatory agency` has
5 the meaning given such term by section 3502(10) of title
6 44.``.