



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

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The Honorable Abraham Ribicoff, Chairman
Committee on Governmental Affairs
United States Senate

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Dear Mr. Chairman:

By letter of July 10, 1979, you requested our comments on S. 1353,
~~96th Congress, a bill which, if enacted, would be cited as the "Limousine~~
Limitation Act of 1979."

The apparent purpose of the bill is to preclude Government agencies, (with a few specified exceptions) from acquiring or operating limousines and from employing chauffeurs. Further, the bill prohibits the use of Government-owned and operated motor vehicles to transport an officer or employee of an agency in any branch of the Government between his dwelling and his place of employment, except for certain officials enumerated in Section 3(b). Finally, the bill states that no officer or employee of a Government agency, again with certain exceptions, may be furnished a motor vehicle for exclusive use.

31 U.S.C. § 638a, which was substantially amended in 1946, prescribes certain limitations on the purchase of passenger carrying vehicles and on the use of Government motor vehicles to transport Government officials and employees between home and office. We have stated that we believed it necessary for Congress to clarify the intent of this provision in view of the actions taken by Congress since 1946 in enacting appropriation bills making funds available for the purchase of limousines and other vehicles by the departments and agencies. As indicated above, this bill contains a similar provision.

Moreover, there are certain inconsistencies, described below, between S. 1353 and existing law, as expressed in 31 U.S.C. § 638a. The bill neither repeals nor amends 31 U.S.C. § 638a; it does not refer to it at all. Because the status of the present law would be in doubt should S. 1353 be enacted, we suggest that if this legislation is to receive favorable consideration, it be redrafted as an amendment to 31 U.S.C. § 638a.

At present, appropriations may only be expended by Government agencies for the purchase or hire of passenger motor vehicles (with the exception of vehicles for the use of the President, the secretaries to the President, or the heads of certain executive departments specified in

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section 101 of title V of the United States Code) if specifically authorized in the agencies' appropriation acts. Section 3(a) of S. 1353 would, however, permit the acquisition of motor vehicles in any number and at any cost, without requiring explicit authorization in an appropriation act, as long as the vehicle is "of the type generally available, on the date of the enactment of this act, in motor pools of the Federal Government;". If section 3(a) is intended to relax present requirements, it should repeal subsections (a) and (c) of 31 U.S.C. § 638a. If it is only meant to impose an additional restriction, it should be worded as an amendment to subsection (a) of 31 U.S.C. § 638a.

In any case, as we noted in an earlier bill report on S. 615, 94th Congress, which was nearly identical to this bill, if the purpose of this section is to restrict Government agencies to the acquisition and use of light sedans instead of prestige vehicles, further clarification is needed, since the General Services Administration (GSA) includes in its definition of light sedans, subcompacts, compacts, intermediates, and standard size vehicles, all vehicles under 4200 pounds which could include many limousines. Prestige sedans, as defined by GSA, are in effect vehicles which are 4200 pounds and over. We suggest that the Committee be more specific as to the size and type of car the bill is intended to cover.

S. 1353 flatly forbids the employment or procurement of "the services of chauffeurs" - a prohibition not now in the law. We are not certain whether the term "chauffeur" applies only to persons hired specifically and exclusively to drive passenger motor vehicles. If the intent is to preclude an agency head from being driven on official business by an employee who has other, non-driving duties as well, we must point out the practical difficulties that would arise. Taxicabs are frequently unavailable and parking facilities are and may continue to be very scarce, in furtherance of energy conservation policies. If the head of an agency were summoned to testify before your Committee, for example, he might find it extremely hard to arrive on time if he is compelled to drive and park himself. In any case, a definition of the term "chauffeur" would be desirable.

The provisions relating to the transportation of Government officials between home and office are substantially similar in both the current statute and S. 1353. 31 U.S.C. § 638a(c)(2) provides that Government-owned motor vehicles are to be used exclusively for "official purposes" and specifically excludes transportation between home and office from the definition of official purposes. S. 1353 states that a Government agency may not operate a motor vehicle to transport an officer or employee between his dwelling and his place of employment. The chief difference is that S. 1353 expands the list of officials exempt from the prohibition to include, in addition to the President and heads of cabinet-level executive departments listed in title 5 of the United States Code, the Vice President, the Chief Justice of the United States, the President

pro tempore of the Senate, the majority and minority leaders of the Senate and the House of Representatives, and the United States Representative to the United Nations. S. 1353 does not, however, include the exemption in present law for "the secretaries to the President."

We have no objection to the inclusion of any of the officials exempted. However, it is not clear to us how a Cabinet officer's needs, for example, differ from the needs of a number of other principal officials of the Government. For example, the bill does not make provisions for:

- Deputy Secretaries of the Cabinet Departments.
- Heads of major agencies, such as the Secretaries of the Army, Navy, and Air Force; the Postmaster General; the Administrators of NASA, Veterans Administration, and the General Services Administration; and the Director of the Office of Management and Budget.
- The heads of major military commands in the U.S. and overseas.
- Physically handicapped officials.
- The attendance at evening meetings where alternative means of transportation are not available or where there is no other way to accomplish business without the use of chauffeur-driven automobiles.

In view of the wide variety of situations involved--many of which were pointed out in the report of the General Accounting Office to the Senate Appropriations Committee, dated September 6, 1974 (copy enclosed)--we suggest that the Committee might want to obtain a governmentwide canvass of special transportation needs for key individuals or for individuals who may have a special requirement. Then, if general legislation is preferred instead of leaving these matters for individual agency determination and authorized through appropriation acts or otherwise, more specific and representative guidelines can be established.

In undertaking such a canvass of special needs, some of the considerations which the Committee might wish to address are the following:

1. Automobiles assigned to key officials are needed for other purposes in carrying on the official duties of such individuals. The added cost in energy consumption, therefore, is only that part of the automobile's use required for home-to-work driving.
2. Assigning the use of automobiles for home-to-work driving to key officials is a long-established practice and

has come to be regarded as part of the compensation for top officials. To eliminate this element of compensation, especially when top pay has not kept pace with other salaries, could be a factor in the retention of such individuals and in the selection of their replacements.

3. Home-to-work driving enables the official concerned to utilize this time for official work, thus adding to his capability to carry out his official duties. If such time is taken into account, we believe there would be actual savings to the Government instead of an added cost to it.

4. What is the practice in States and local government and in private industry? For example, many Government contractors permit top officers of these companies automobiles for their use even though the entire cost is borne by the Federal Government. A survey made by the American Management Association in 1973 of 685 companies showed that 309 companies, or 45 percent, provided company cars for one or more levels of management personnel. Also, automobiles are frequently assigned to top officials at State and local governments. These governments on an average now receive approximately 25 percent of their funds from Federal sources.

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5. In keeping with the objective of reducing cost and saving energy, should not any general legislation on this subject also cover the use of Government-owned aircraft by top officials?

6. Should provision be made to authorize top officials to compensate the Government for that use of automobiles which is home-to-work driving? The American Management Association survey mentioned above indicated that approximately one-third of the officers of the 309 companies provided company cars reimbursed the companies either on a mileage or flat monthly rate basis when automobiles were used for their personal requirements.

7. Should not any general legislation strictly prohibit the use of automobiles for the personal use of such officials or their families "Personal use" in this context would not include home-to-work use of automobiles.

The question of whether general guidance should be accomplished by statute or executive discretion is one which needs to be considered carefully, in view of the many and varied circumstances where exceptions may have to be made, such as the special situations described above. We would favor executive discretion, but subject to general rules and regulations

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promulgated by the Office of Management and Budget or the GSA, possibly after consultation with the House Government Operations Committee and Senate Governmental Affairs Committee.

Finally, we note that section 3(b) of the bill contains an exception referring to motor vehicles for the "personal" use of certain designated officials. There is a similar exception in 31 U.S.C. § 638a(c)(2) except that the statute refers to "official" rather than personal use of the vehicles. Unless the Committee intends to authorize the officials in question to acquire and use motor vehicles for purely personal purposes, we suggest that the term "personal" in section 3(b) be amended to read "official."

In summary, we have no objection to the restriction on the type of passenger car that agencies may obtain, providing that the scope of that restriction is clarified. However, we believe that the additional prohibitions on the hiring of drivers and on the uses of these vehicles by all but the few officials listed in the bill are unrealistic and not in the best interests of an efficiently functioning Government.

Sincerely yours,

Signed Elmer B. Staats

Comptroller General
of the United States

Enclosure