



Decision

Matter of: Architect of the Capitol—Purchase and Use of Motor Vehicles

File: B-333508

Date: September 7, 2023

DIGEST

The Architect of the Capitol (AOC) obligated \$49,033.64 against its Capital Construction and Operations appropriation for the purchase of a passenger motor vehicle for the then-Architect's use. AOC also obligated \$37,458.74 against its Capitol Police Buildings, Grounds and Security appropriation for the purchase and installation of emergency vehicle lighting, communications equipment, and a customized seating arrangement in the vehicle. Under 31 U.S.C. § 1343(b), an agency may expend an appropriation to buy or lease a passenger motor vehicle only for the use of specified individuals or as specifically provided by law. While AOC had authority to purchase a passenger motor vehicle under this provision, we conclude that AOC violated a statutory price limitation on such a purchase. Because AOC exceeded the amount available for the purchase of a passenger motor vehicle, we also find that AOC violated the Antideficiency Act. AOC did not violate the purpose statute, however, when it obligated appropriations to purchase and install emergency vehicle lighting, communications equipment, and seating equipment in the vehicle.

AOC also obligated appropriations for expenses associated with the then-Architect's use of AOC vehicles to travel between his residence and place of work, incidental stops along his commute, and general family use including weekend trips to a craft brewery and out-of-town trips. The then-Architect had discretion to determine that agency appropriations were available for his use of AOC vehicles to carry out his statutory duties, provided that he properly determined that such use was necessary to carry out the emergency functions vested in him by law. However, such discretion is not unlimited. Appropriations are not available for personal expenses that lack any relationship to government business. Thus, AOC violated the purpose statute when it obligated appropriations for expenses associated with the use of AOC motor vehicles by the then-Architect's family members.

DECISION

In August 2021, the Architect of the Capitol (AOC) Inspector General requested our decision on whether “in consideration of any and all laws, statutes, orders and rules, the purchase of [an AOC] motor vehicle and motor vehicle accessories is proper.”¹ Specifically, the Inspector General noted his concern that AOC purchased a motor vehicle using its Capital Construction and Operations appropriation, but then outfitted the vehicle with accessories purchased using its Capitol Police Buildings, Grounds, and Security appropriation. The Inspector General also asked whether the then-Architect’s² use of AOC vehicles violated appropriations law or other applicable statutes or orders.³

Given this broad request, we met with AOC Office of Inspector General (OIG) officials to discuss the scope of our legal decision and the development of the factual record underlying the request.⁴ We agreed with AOC OIG that we would refrain from initiating our legal decision process on these matters pending the completion of AOC OIG’s investigation.⁵

Over the course of the next year, AOC OIG developed the factual record as part of its ongoing investigation. On October 26, 2022, AOC OIG issued its Report of Investigation finding the then-Architect abused his authority, misused government property, and wasted taxpayer money, among other violations.⁶ AOC OIG also publicly released an Investigative Summary of its findings.⁷ In the Investigative

¹ Letter from the Inspector General, AOC, to Comptroller General, GAO (Aug. 13, 2021) (Request Letter).

² The President terminated the then-Architect’s appointment as Architect of the Capitol on February 13, 2023. Letter from Assistant to the President for Presidential Personnel, Executive Office of the President, to then-Architect of the Capitol, AOC (February 13, 2023).

³ Request Letter, at 4.

⁴ Telephone Conversation with Counsel to the Inspector General and Assistant Inspector General of Operations, AOC OIG, Assistant General Counsel, GAO, and Staff Attorney, GAO (Aug. 23, 2021).

⁵ Letter from Assistant General Counsel, GAO, to Inspector General, AOC (Sept. 13, 2021).

⁶ AOC OIG, *Report of Investigation*, 2021-0011-INVI-P (Oct. 26, 2022) (AOC OIG Report).

⁷ AOC OIG, *Investigative Summary, J. Brett Blanton, Architect of the Capitol, Abused His Authority, Misused Government Property and Wasted Taxpayer Money, Among Other Substantiated Violations*, 2021-0011-INVI-P (Oct. 26, 2022), available at <https://aocoig.oversight.gov/reports/investigation/j-brett-blanton-architect-capitol-abused-his-authority-misused-government> (last visited Sept. 5, 2023) (AOC OIG Investigative Summary).

Summary, AOC OIG detailed AOC's purchase of a passenger sport-utility vehicle for use by the then-Architect and AOC's purchase and installation of motor vehicle accessories on the vehicle. The Investigative Summary also described specific incidents in which then-Architect and his family used AOC vehicles for travel between his residence and place of work as well as "weekend trips to a craft brewery, out-of-town trips and general family use."⁸

In numerous decisions, we have addressed appropriations law issues pertaining to the purchase and use of government vehicles.⁹ For instance, we have evaluated agency authority to purchase or lease passenger motor vehicles. See 45 Comp. Gen. 184 (1965); 13 Comp. Gen. 226 (1934). We have considered agency compliance with statutory price limitations on the purchase of motor vehicles. See 40 Comp. Gen. 205 (1960); 32 Comp. Gen. 345 (1953). We have also issued decisions evaluating whether government vehicles were used for "official purposes" such that appropriations would be available for expenses associated with such use. See 62 Comp. Gen. 438 (1983); B-305864, Jan. 5, 2006; B-195073, Nov. 21, 1979.

With this background in mind, we reviewed the AOC OIG Report and Investigative Summary to determine what, if any, appropriations law issues were present among AOC OIG's findings. Based on facts as established by AOC OIG, we identified these appropriations law issues: (1) whether AOC complied with statutory price limitations in annual appropriations acts and the Antideficiency Act when it purchased a passenger motor vehicle for \$49,033.64; (2) whether AOC complied with the purpose statute when it obligated \$37,458.74 to purchase and install motor vehicle accessories on the vehicle; and (3) whether AOC complied with the purpose statute when it obligated appropriations for the use of AOC vehicles by the then-Architect and his family members.

In accordance with our regular practice, we contacted AOC for its legal views and factual information on this matter.¹⁰ In response, AOC provided information and its legal views¹¹ along with a statement from the then-Architect stating his views.¹² AOC subsequently provided additional information regarding the agency's efforts to

⁸ AOC OIG Investigative Summary, at 2.

⁹ See *generally* GAO, Principles of Federal Appropriations Law, 3rd ed., Vol. III, ch. 12, § E, GAO-08-978SP (Washington, D.C.: Sept. 2008).

¹⁰ GAO, Procedures and Practices for Legal Decisions and Opinions, GAO-06-1064SP (Washington, D.C.: Sept. 5, 2006), *available at* <https://www.gao.gov/products/GAO-06-1064SP>; Letter from Assistant General Counsel, GAO, to General Counsel, AOC (Dec. 15, 2022).

¹¹ Letter from General Counsel, AOC, to Assistant General Counsel, GAO (Feb. 6, 2023) (Response Letter).

¹² Response Letter, Attachment (Then-Architect's Statement).

recover funds from the then-Architect over substantiated violations found in the AOC OIG Report.¹³

BACKGROUND

In 2021, AOC OIG initiated an investigation into the then-Architect after receiving a hotline complaint from a private citizen concerning potential misuse of an AOC vehicle.¹⁴ On October 26, 2022, AOC OIG issued its Report of Investigation finding the then-Architect abused his authority, misused government property, and wasted taxpayer money among other violations.¹⁵ AOC OIG also publicly released an Investigative Summary of its findings.¹⁶

The AOC OIG Report and Investigative Summary provided facts related specifically to AOC's purchase of the vehicle and associated accessories. In fiscal year 2021, AOC obligated \$49,033.64 against its Capital Construction and Operations appropriation for the purchase of a passenger sport-utility vehicle for the then-Architect's use.¹⁷ AOC also obligated \$37,458.74 against its Capitol Police Buildings, Grounds and Security appropriation for the purchase and installation of emergency vehicle lighting, communications equipment, and a customized seating arrangement in the vehicle.¹⁸

AOC OIG's Investigative Summary also detailed specific incidents of the then-Architect's use of AOC vehicles.¹⁹ It stated that AOC vehicles intended for home-to-work transportation by the then-Architect "were consistently used as personal vehicles by [the then-Architect] and his family for weekend trips to a craft brewery, out-of-town trips and general family use."²⁰ The then-Architect was also observed transporting his daughter to and from school and sporting events in AOC vehicles.²¹ Additionally, AOC OIG confirmed that the then-Architect's spouse and daughter regularly drove AOC vehicles without the presence of the then-Architect.²²

¹³ Letter from Acting Architect of the Capitol to J. Brett Blanton (Apr. 21, 2023).

¹⁴ AOC OIG Investigative Summary, at 1.

¹⁵ AOC OIG Report.

¹⁶ AOC OIG Investigative Summary.

¹⁷ AOC OIG Investigative Summary, at 5; Response Letter, at 1.

¹⁸ AOC OIG Investigative Summary, at 5.

¹⁹ See AOC OIG Investigative Summary (providing further detail on specific incidents of the then-Architect's use of AOC vehicles).

²⁰ AOC OIG Investigative Summary, at 2.

²¹ AOC OIG Investigative Summary, at 5.

²² AOC OIG Investigative Summary, at 2.

DISCUSSION

In this decision, we address the following issues: first, AOC's compliance with a statutory price limitation and the Antideficiency Act when it purchased a passenger motor vehicle for the then-Architect's use; second, AOC's compliance with the purpose statute when it obligated appropriations to purchase and install motor vehicle accessories on the vehicle; and third, AOC's compliance with the purpose statute in relation to the use of AOC vehicles by the then-Architect and his family members.

Purchase of Motor Vehicle

Statutory Price Limitations in Annual Appropriations Acts

Under 31 U.S.C. § 1343(b), an agency may expend an appropriation to buy or lease a passenger motor vehicle only for the use of specified individuals or as specifically provided by law. For fiscal year 2021, AOC received its annual Capital Construction and Operations appropriation that was available in part for "purchase or exchange, maintenance, and operation of a passenger motor vehicle." Legislative Branch Appropriations Act, 2021, Pub. L. No. 116-260, div. I, title I, 134 Stat. 1628, 1644 (Dec. 27, 2020). Thus, AOC had specific statutory authority to purchase a passenger motor vehicle as required by 31 U.S.C. § 1343(b).

In addition to requiring statutory authority for the purchase of a passenger motor vehicle, section 1343 sets specific price limitations on such a purchase. Specifically, section 1343 provides that "an agency may use an appropriation to buy a passenger motor vehicle . . . only at a total cost" that "is not more than the amount specified in a law." 31 U.S.C. § 1343(c)(1).²³ As applicable here, an "agency" is "a department, agency, or instrumentality of the United States Government." 31 U.S.C. § 101. This broad definition encompasses AOC which, therefore, is an "agency" that is subject to the statutory price limitation of section 1343.²⁴

Each year, the Financial Services and General Government Appropriations Act establishes the particular "amount specified in a law" that is the price limitation of section 1343. See, e.g., Pub. L. No. 117-328, div. E, title VII, § 702, 136 Stat. 4459,

²³ 31 U.S.C. § 1343(c) sets additional limitations including a requirement that the total cost of the passenger motor vehicle includes the price of systems and equipment the Administrator of General Services decides is incorporated customarily in standard passenger motor vehicles completely equipped for ordinary operation.

²⁴ Language in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2023 is consistent with this conclusion. It states that AOC must comply with 31 U.S.C. § 1343 and is limited by the statutory controls over motor vehicle acquisition including the price limitation. 168 Cong. Rec. S8553, S9207 (daily ed. Dec. 20, 2022).

4704 (Dec. 29, 2022); Pub. L. No. 117-103, div. E, title VII, § 702, 136 Stat. 49, 293 (Mar. 15, 2022); Pub. L. No. 116-93, div. C, title VII, § 702, 133 Stat. 2317, 2484 (Dec. 20, 2019). For fiscal year 2021, that Act provided that “the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle . . . is hereby fixed at \$19,947.” Pub. L. No. 116-260, div. E, title VII, § 702.

During fiscal year 2021, AOC obligated \$49,033.64 against its Capital Construction and Operations appropriation for the purchase of a passenger motor vehicle for use by the then-Architect.²⁵ Because the obligated amount of \$49,033.64 exceeds \$19,947, AOC violated the statutory price limitation in the annual appropriation act.

Application of the Antideficiency Act

We now consider whether AOC’s violation of the statutory price limitation is also a violation of the Antideficiency Act. An agency violates the Antideficiency Act if it incurs an obligation in excess of legally available amounts. 31 U.S.C. § 1341(a). If a statute specifically prohibits a particular use of appropriated funds, the agency does not have an amount “available” for that purpose. If the agency nevertheless incurs an obligation for that purpose, it has incurred an obligation exceeding an amount available in an appropriation in violation of section 1341(a)(1)(A). See B-330095, July 22, 2020.

Determining the amount available for a particular obligation or expenditure begins with an examination of the agency’s appropriations act, but the inquiry does not end there. B-317450, Mar. 23, 2009. Agencies must also consider the effect of all laws that address the availability of appropriations for that expenditure. If a statute, whether enacted in an appropriation or other law, prohibits or otherwise limits an agency from using its appropriations for a particular purpose, the agency does not have an amount available for that purpose. B-317450, Mar. 23, 2009. See *also Lincoln v. Vigil*, 508 U.S. 182, 193 (1993) (“Congress may always circumscribe agency discretion to allocate resources by putting restrictions in the operative statutes. . . .”); *Thompson v. Cherokee Nation of Oklahoma*, 334 F.3d 1075, 1084 (Fed. Cir. 2003) (“[I]f there is a statutory restriction on available appropriations for a program, either in the relevant appropriations act or in a separate statute, the agency is not free to increase funding for that program beyond that limit”). It is with this foundation in mind that we interpret the scope of the Antideficiency Act.

An agency violates the Antideficiency Act when it obligates or expends appropriated funds in violation of a statutory prohibition. See B-330095, July 22, 2020; B-326944, Dec. 14, 2015. For example, the Office of Science and Technology Policy (OSTP) violated a prohibition in an appropriations act when it participated in the U.S.-China Dialogue on Innovation Policy and the U.S.-China Strategic and Economic Dialogue. B-321982, Oct. 11, 2011. The appropriations act prohibited OSTP from engaging in

²⁵ Response Letter, at 1.

bilateral activities with China or Chinese-owned companies unless specifically authorized. Because OSTP's participation in the events resulted in the obligation of funds in violation of this prohibition, OSTP also violated the Antideficiency Act.

An agency also violates the Antideficiency Act when it obligates or expends appropriated funds without first satisfying a statutory requirement conditioning the use of those funds. For instance, the Environmental Protection Agency (EPA) violated the Antideficiency Act when it failed to comply with a congressional notification requirement before obligating funds in excess of \$5,000 for the purchase and installation of a soundproof privacy booth in the office of the Administrator. B-329603, Apr. 16, 2018; see Financial Services and General Government Appropriations Act, 2017, Pub. L. No. 115-31, div. E, title VII, § 710, 131 Stat. 135, 379 (May 5, 2017). Congress had conditioned the availability of funds over the \$5,000 threshold on the agency's compliance with the notification requirement. Because EPA failed to notify the Committees on Appropriations of its proposed obligation, its funds were not legally available for such a purpose. B-329603, Apr. 16, 2018. As that decision demonstrates, agencies must apply statutory prohibitions, conditions, and limitations when determining whether an appropriation is available.

Applying these principles of law here, we must consider not only the amount provided to AOC in its appropriations, but also AOC's compliance with section 1343 and the corresponding statutory price limitation set in law. Section 1343 establishes that an agency may use an appropriation to buy a passenger motor vehicle "only at a total cost" that "is not more than the amount specified in a law." 31 U.S.C. § 1343(c)(1). By using the language "only," "not more than," and "total cost," Congress set out to cap the amount an agency could use for the purchase of a passenger motor vehicle. The law then specified an exact amount for fiscal year 2021, providing that "the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle . . . is hereby fixed at \$19,947 . . ." Pub. L. No. 116-260, 134 Stat. at 1430. The law also specified that AOC's Capital Construction and Operations appropriation was available for the purchase of one vehicle. Pub. L. No. 116-260, 134 Stat. at 1644 ("for purchase . . . of a passenger motor vehicle. . ."). In other words, for AOC, the total amount available from the Capital Construction and Operations appropriation for the purchase of a passenger motor vehicle was \$19,947.

As previously noted, AOC violated this fiscal year 2021 statutory price limitation when it obligated \$49,033.64 against its Capital Construction and Operations appropriation for the purchase of a passenger motor vehicle. Because no funds were available to AOC beyond the statutory price limitation of \$19,947, AOC also violated the Antideficiency Act.

That AOC may have had sufficient unobligated balances beyond the statutory price limitation in its Capital Construction and Operations appropriation does not change

our conclusion. While the Capital Construction and Operations appropriation vested specific authority in AOC to purchase a passenger motor vehicle, such authority does not render section 1343 and the corresponding statutory price limitation ineffective. It is a well-settled rule of statutory construction that statutes should be construed harmoniously so as to give maximum effect to both whenever possible. See B-330935, May 20, 2019; B-328237, Dec. 15, 2016; B-291241, Oct. 8, 2002. Here, we must read AOC's appropriation and section 1343 harmoniously. With its Capital Construction and Operations appropriation, AOC had authority to purchase a passenger motor vehicle, but section 1343 limited the amount available for such a purchase to the statutory price limitation that Congress set. Because AOC obligated its appropriation for a passenger motor vehicle in excess of the statutory price limitation, AOC violated the Antideficiency Act and should report an Antideficiency Act violation.

Purchase and Installation of Motor Vehicle Accessories

Application of the Purpose Statute

We next consider whether AOC complied with the purpose statute when it obligated its Capitol Police Buildings, Grounds and Security appropriation to purchase and install motor vehicle accessories in the vehicle.

Under the purpose statute, agencies may obligate appropriations only for the purposes for which they were provided. 31 U.S.C. § 1301(a). Because each authorized expense need not be stated explicitly in an appropriation, we apply a three-part test, known as the necessary expense rule, to determine whether an appropriation is available for a particular purpose. Under the necessary expense analysis, an appropriation is available for a particular purpose if the obligation or expenditure: (1) bears a reasonable, logical relationship to the purpose of the appropriation to be charged; (2) is not prohibited by law; and (3) is not otherwise provided for. B-333826, Apr. 27, 2022; B-331419, July 1, 2021. In regard to step 2, we are unaware of any statutory provision that specifically prohibits the use of AOC appropriations for motor vehicle accessories. Accordingly, at issue here are steps 1 and 3.

Step 1: reasonable, logical relationship to the appropriation

Under step 1 of the necessary expense analysis, a reasonable, logical relationship must exist between the appropriation and the expense. The text of the appropriation is the starting point for this analysis. AOC's Capitol Police Buildings, Grounds and Security appropriation was available, in part, for the "resilience and security programs" of AOC. 2 U.S.C. § 1865(b). The law does not define or otherwise limit the scope of the "resilience and security programs" provided for by this appropriation. Where the law does not specifically prescribe the activities to be funded by an appropriation, an agency has discretion to determine how to carry out the objects of its appropriation. See B-331419, July 1, 2021 (the Department of

Homeland Security had discretion to use its appropriations to establish facilities to achieve the objectives of an immigration-related initiative). When we review an expenditure with reference to its availability for the purpose at issue, the question is not whether we would have exercised that discretion in the same manner, but whether the expenditure falls within the agency's legitimate range of discretion. B-333826, Apr. 27, 2022 (the Election Assistance Commission had authority to permit the use of grant funds to provide security and threat-monitoring services to local election officials); B-223608, Dec. 19, 1988 (the U.S. Army Corps of Engineers could not use funds appropriated for establishing and maintaining safety programs to purchase ice scrapers with a promotional safety message written on them).

An illustrative example of the proper exercise of agency discretion can be found in our decision on Capitol Police activities following the September 11, 2001, attacks. In August 2004, the Capitol Police implemented a new counterterrorism security measure called the Security Traffic Checkpoint Program (STCP) in response to an elevated national threat level in Washington, D.C. B-303964, Feb. 3, 2005. The program entailed 14 security traffic checkpoints along two main avenues leading to the Capitol. Capitol Police officers were required to staff the checkpoints around the clock in 12 hour shifts, resulting in considerable overtime expenses. Capitol Police financed the expenses with money transferred to it from the Emergency Response Fund (ERF), which was established by law to fund counterterrorism measures and support national security, among other things. We concluded that the overtime payments were a proper use of the ERF because the Capitol Police had articulated a reasonable nexus between the overtime expenditure and the appropriation charged. *Id.* at 5 (“Law enforcement agencies are entitled to discretion in deciding how best to protect our national institutions, such as the United States Congress, its Members, staff, and facilities. . . . The STCP checkpoints, clearly, were a counterterrorism measure, and certainly fall within the very broad scope of ‘supporting national security’”).

Also illustrative are our conclusions in a pair of decisions involving the Department of Housing and Urban Development’s (HUD) gun buyback programs. In the first decision, we concluded that HUD *did not* have authority to fund a gun buyback program as part of its Public Housing Drug Elimination Grants Program (PHDEG). B-285066, May 19, 2000. HUD justified the gun buyback program as an initiative to reduce drug-related crime, but the underlying PHDEG statute only permitted the use of grants funds for programs to reduce drug use, not drug-related crime. Thus, the structure and language of the PHDEG program statute limited HUD’s discretion to fund gun-buybacks. *Id.* In another decision, however, we concluded that HUD OIG *did* have authority to fund a gun buyback initiative. B-285066.2, Aug. 9, 2000. There, Congress had appropriated funds to HUD OIG to combat violent crime in public and assisted housing under the Operation Safe Home program. Because the Operation Safe Home program did not have a separate authorizing statute, use of funds appropriated for the program were governed by the language of the appropriation itself. Between the broad language of the appropriation and the little statutory language limiting HUD OIG’s discretion, we concluded that HUD OIG had

authority to use funds appropriated for Operation Safe Home for gun buyback programs. *Id.*

In the present case, AOC obligated \$37,458.74 against its Capitol Police Buildings, Grounds and Security appropriation to purchase and install emergency vehicle lighting, communications equipment, and seating equipment in the vehicle.²⁶ Like HUD OIG's appropriation in B-285066.2, AOC's appropriation gave the agency broad discretion to determine what expenditures it needed to accomplish the appropriation's "resilience and security" purposes. AOC justified these expenses as necessary for AOC's resilience, security, and continuity of operations programs, including the Architect's service as a member of the Capitol Police Board.²⁷ AOC purchased the upgraded vehicle package for its safety features and layout, permitting concealment of U.S. Capitol Police radio and other equipment.²⁸ AOC also explained that the lighting kit, sirens, radio, and satellite phone have been installed on all Capitol Police Board member vehicles for their response, emergency access, and communication capability, since shortly after September 11, 2001.²⁹ Given AOC's explanation of these expenses and the broad language of the Capitol Police Buildings, Grounds and Security appropriation, AOC's decision to use this appropriation to purchase these motor vehicle accessories fell within AOC's legitimate range of discretion. We, therefore, find that step 1 of the necessary expense analysis has been met.

Step 3: expense is not otherwise provided for

Under step 3 of the necessary expense analysis, AOC must obligate for the motor vehicle accessories the appropriation most specifically available for this purpose. Where both a general and a specific appropriation are available for a given expenditure, an agency must use the specific appropriation to the exclusion of the more general appropriation. B-332530, Feb. 18, 2021.

In fiscal year 2021, AOC received a Capital Construction and Operations appropriation that was available for the agency's necessary expenses, "in connection with the facilities and activities under the care of [AOC]." Pub. L. No. 116-260, 134 Stat. at 1644. In contrast, AOC's Capitol Police Buildings, Grounds and Security appropriation was available, in relevant part, for AOC "resilience and security programs . . ." 2 U.S.C. § 1865(b).

²⁶ AOC Investigative Summary, at 5. See *also* Response Letter, at 1 (AOC stated that it obligated \$38,763.00 for the purchase and installation of motor vehicle accessories).

²⁷ The Capitol Police Board, comprised of the House and Senate Sergeants at Arms, the Architect of the Capitol, and the Chief of Capitol Police (a non-voting member), is charged with overseeing and supporting the Capitol Police. 2 U.S.C. § 1901a.

²⁸ Response Letter, at 1.

²⁹ *Id.*

We conclude that, as between the two appropriations, the expenditures at issue here were properly obligated against the Capitol Police Buildings, Grounds and Security appropriation. The primary purpose of purchasing and installing these motor vehicle accessories was to achieve the resilience and security objectives of the Capitol Police Buildings, Grounds and Security appropriation, thus making it the more specific appropriation. Even if AOC could conclude that the Capital Construction and Operations appropriation was also available for the purchase and installation of motor vehicle accessories, the security purposes of this equipment make the Capitol Police Buildings, Grounds and Security appropriation more specifically available.

As such, AOC properly obligated against the Capitol Police Buildings, Grounds and Security appropriation in accordance with the purpose statute.

Use of Motor Vehicle

Application of the Purpose Statute to Use by the Then-Architect

Our next consideration is whether AOC appropriations were available for expenses incurred in relation to the then-Architect's use of AOC vehicles. Appropriated funds are available only for the purposes for which they have been provided. 31 U.S.C. § 1301(a). As part of our analysis of whether an appropriation is available for a particular purpose, we must consider whether an expenditure constitutes a personal expense.

In general, appropriated funds are not available for the personal expenses of an employee. See B-332633, June 3, 2021; B-305864, Jan. 5, 2006; *Navy v. Federal Labor Relations Authority*, 665 F.3d 1339, 1349 (D.C. Cir. 2012). Congress may, however, enact a statute that authorizes an agency to use its appropriations for what would otherwise be considered a personal expense. B-330935.2, Oct. 24, 2019. For example, in 1993, Congress enacted the Federal Employees Clean Air Incentives Act authorizing each agency head to establish a program to encourage employees to use means other than single occupancy motor vehicles to commute to and from work. Pub. L. No. 103-172, § 2(a), 107 Stat. 1995 (Dec. 2, 1993), 5 U.S.C. § 7905. See also Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No. 109-59, title III, § 3049, 119 Stat. 1144, 1711–12 (Aug. 10, 2005) (requiring that agencies in the National Capital Region implement a transit benefits program as described in section 2 of Executive Order No. 13150); Exec. Order No. 13150, *Federal Workforce Transportation*, 65 Fed. Reg. 24613 (Apr. 26, 2000).

In the absence of express statutory authority, the expense may still be permissible as a necessary expense of the appropriation in question. Application of the necessary expense analysis in these cases involves a refinement particular to personal expenses: in the absence of express statutory authority, an agency's appropriation is available for personal expenses only if the expense is an essential, constituent part of the effective accomplishment of a statutory responsibility,

notwithstanding the collateral benefit to the individual. B-325023, July 11, 2014. As one would expect of any agency legal determination, a finding that appropriations are available for a personal expense must be rooted in a sound interpretation of applicable statutes as well as in the sound application of relevant legal precedents. It is this framework that informs how we read the extent of AOC's authority pertaining to the use of AOC vehicles by government officials.

Under 31 U.S.C. § 1343(b), an agency may expend an appropriation to buy or lease a passenger motor vehicle only for the use of specified individuals or as specifically provided by law, *i.e.*, for official purposes. In addition, for most agencies, 31 U.S.C. § 1344 strictly limits the circumstances in which agencies may obligate their appropriations to use vehicles to provide home-to-work transportation. Such vehicle use is subject to numerous statutory conditions and limitations. See, *e.g.*, 31 U.S.C. § 1344(a)(2)(B) (permitting limited vehicle use in particular circumstances when approved in writing by the head of the agency involved); 31 U.S.C. § 1344(b) (permitting home-to-work travel for specifically listed high-ranking federal officials); 31 U.S.C. § 1344(e) (requiring the Administrator of General Services to promulgate regulations on the use of these authorities); 31 U.S.C. § 1344(f) (requiring agencies to maintain logs establishing the official purpose of home-to-work travel).

Important to this decision, by law, the Architect of the Capitol is explicitly excluded from the strict vehicle use limitations of 31 U.S.C. § 1344. See 31 U.S.C. § 1344(h)(2)(A)(ii) (defining "Federal agency" for the purposes of section 1344 to exclude "the Senate, House of Representatives, or Architect of the Capitol, or the officers or employees thereof . . ."). Although section 1344 itself does not apply to AOC, AOC's discretion is still limited by the general principles regarding personal expenses.

Under the purpose statute, appropriations generally are not available for personal expenses such as the provision of home-to-work travel. See B-330935.2, Oct. 24, 2019; B-305864, Jan. 5, 2006. We will find exceptions to the general rule against using appropriated funds for personal expenses only after careful consideration of particular factual circumstances in which an agency can demonstrate that the item will directly advance an agency's statutory mission and objectives. B-318386, Aug. 12, 2009. For instance, we concluded that the Daniel K. Inouye Asia-Pacific Center for Security Studies (Center) could use its appropriated funds to purchase COVID-19 self-test kits where the use of the kits would allow the agency to safely carry out its statutory mission. B-333691, Feb. 8, 2022. By statute, the Center served as a forum for research, communication, training, and exchange of ideas involving military and civilian participants. 10 U.S.C. § 342. The purchase of COVID-19 self-test kits was permissible because they would allow the Center to facilitate courses, workshops, and engagements in support of its statutory mission while maintaining a safe workplace environment. In contrast, appropriations were not available to purchase disposable cups, plates, and cutlery for employee use, where the Department of Commerce did not demonstrate that the provision of items directly advanced its statutory mission. B-326021, Dec. 23, 2014.

With this framework in mind, AOC's range of discretion here is informed by specific statutory authorities of AOC and the Architect. As the head of AOC, the Architect is charged with the care and superintendence of the Capitol. 2 U.S.C. § 1812. In the event of an emergency involving the safety of human life or the protection of property, AOC may incur obligations and make expenditures for the support and maintenance of the Office of the Architect if, in the judgment of the Architect, such obligations and expenditures are necessary to respond to the emergency. 2 U.S.C. § 1827.

The Architect also serves as member of the Capitol Police Board, along with the House and Senate Sergeants at Arms. 2 U.S.C. § 1901a(a)(2). The Capitol Police Board has "wide-ranging responsibilities and . . . the Board's scope is unique by comparison" to other oversight bodies. GAO, *Capitol Police Board: Fully Incorporating Leading Governance Practices Would Help Enhance Accountability, Transparency, and External Communication*, GAO-17-112 (Washington, D.C.: Feb. 2017), at 1. Like the Architect, the Capitol Police Board has specific statutory functions related to emergencies and security at the Capitol complex. For example, the Capitol Police Board is charged with overseeing and supporting the Capitol Police, which in turn polices Capitol buildings and grounds. 2 U.S.C. § 1961. The Capitol Police Board also has authority to direct and detail members of the Capitol Police to provide protection to Members of Congress and others. 2 U.S.C. § 1966. The Capitol Police Board's other statutory duties include designing, installing, and maintaining security systems for the Capitol buildings and grounds, 2 U.S.C. §§ 1964–1965; controlling the regulation and movement of all traffic within the Capitol grounds, 2 U.S.C. § 1969; and issuing regulations governing the use of law enforcement authority by Capitol Police, 2 U.S.C. § 1967.

Here, by reference to statutory authorities described above, we find no violation of the purpose statute. By vesting the Architect with these authorities and functions, the law grants the Architect a range of discretion to determine how to fulfill those functions. The then-Architect stated that the nature of his position as a member of the Capitol Police Board and the head of the agency necessitated his use of AOC vehicles for virtually all travel.³⁰ In his view, the use of AOC vehicles was necessary in order to be ready and available to perform his functions in the event of an emergency. The then-Architect stated that the AOC vehicle's special equipment allowed him to expeditiously proceed to Capitol grounds and immediately communicate with Capitol Police and other members of the Capitol Police Board.³¹ Additionally, he stated that limiting his use of AOC vehicles to a direct commute between his residence and the Capitol grounds would thwart the emergency readiness function of the Architect.³²

³⁰ Then-Architect's Statement.

³¹ *Id.*

³² *Id.*

Given the broad authorities conferred on the Architect by law, the then-Architect had discretion to determine how to utilize AOC appropriations to carry out the wide-ranging statutory responsibilities of the agency, Architect, and Capitol Police Board. Additionally, AOC is explicitly excluded by name from the strict limitations on vehicle use on other agencies in 31 U.S.C. § 1344, thus permitting AOC more flexibility in its use of motor vehicles. In light of these considerations, we conclude that the then-Architect had discretion to determine that AOC appropriations were available for his use of AOC vehicles to carry out his statutory duties, provided that the then-Architect properly determined that his use of AOC vehicles was necessary to carry out the emergency functions vested in him by law.

While we recognize the discretion afforded to the Architect in carrying out emergency functions, there are reasonable questions raised regarding whether it was prudent or necessary for AOC to obligate or expend its appropriations in this manner. There is often more than one way an agency may accomplish its statutory duties. It may have been possible for the then-Architect to fulfill his critical statutory duties without the use of an AOC vehicle. However, the existence of a reasonable alternative use of the funds at issue does not, standing alone, necessarily render the then-Architect's determinations improper. Instead, the proper question is whether an agency's use of funds falls within a permissible range of discretion. See B-329446, Sept. 17, 2020. Beginning in fiscal year 2023, Congress has since constrained such discretion by including a prohibition on the use of AOC appropriations for a home-to-work vehicle for the Architect or a duly authorized designee in the annual appropriations act. Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, div. I, title I, 136 Stat. 4459, 4927 (Dec. 29, 2022).

We note that our conclusions on the vehicle's availability for official purposes focus on an evaluation of the legal availability of AOC appropriations. Even if some of the then-Architect's vehicle use was permitted by law, such usage could still have fallen short of a prudent use of taxpayer dollars and may also have been wasteful and abusive.³³

Application of the Purpose Statute to the Use by Family Members

AOC OIG also presented additional facts related to the use of AOC vehicles, namely the use of AOC vehicles by family members.³⁴ Specifically, AOC OIG confirmed that

³³ Nor do we opine on the application of AOC policies and procedures. Such issues are addressed by the AOC OIG in its report on this matter. See 2 U.S.C. § 1808; AOC OIG Report; AOC OIG Investigative Summary. Based on the findings and substantiated allegations as determined in the AOC OIG Report, AOC informed the then-Architect that \$12,516.76 would be withheld from his final payment from the agency. Letter from Acting Architect of the Capitol to J. Brett Blanton (Apr. 21, 2023).

³⁴ Investigative Summary, at 2.

the then-Architect's spouse and daughter regularly used AOC vehicles without the presence of the then-Architect in the vehicle.³⁵

The then-Architect had discretion to determine that agency appropriations were available for his use of AOC vehicles to carry out his statutory duties. However, such discretion is not limitless. Appropriations are not available for personal expenses that lack any relationship to government business. Accordingly, we have declined to find appropriations available for the use of government vehicles by non-government persons. See B-211586-O.M., July 8, 1983 ("We think that agency funds were never appropriated for the purpose of accommodating non-government persons traveling unaccompanied by their governmental sponsor on presumably personal errands."). Government vehicles are to be used for official purposes, which generally would not extend to permitting non-AOC persons to operate the vehicle while the Architect was not present. In this case, there is no such explanation or justification for the personal use of AOC vehicles by the then-Architect's family, nor would this fall within the AOC's discretion in carrying out emergency functions. As such, AOC violated the purpose statute when it obligated appropriations for expenses related to the use of AOC vehicles by the then-Architect's family members.

CONCLUSION

AOC violated the Antideficiency Act when it obligated appropriations for the purchase of a passenger motor vehicle in excess of the fiscal year 2021 statutory price limitation. AOC did not violate the purpose statute when it obligated appropriations for the purchase and installation of motor vehicle accessories on a vehicle for the then-Architect's use. The then-Architect had statutory discretion to determine that agency appropriations were available for his use of AOC vehicles to carry out his statutory duties, provided that he properly determined that such use was necessary to carry out the emergency functions vested in him by law. However, such discretion does not extend to permitting family members of the then-Architect to use the vehicle. Thus, AOC violated the purpose statute when it obligated appropriations for expenses incurred in relation to the use of AOC vehicles by the then-Architect's family members. Our conclusions here are limited to an evaluation of the legal availability of the appropriation for the specified use. We recognize that even where we find no violation of appropriations law, an agency official's use of appropriations can still be wasteful and abusive and fall short of a prudent use of taxpayer dollars.



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General Counsel

³⁵ *Id.*