

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

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FILE: B-210555.5

DATE: December 8, 1983

MATTER OF: Home-to-Work Transportation for
Ambassador Donald Rumsfeld**DIGEST:**

Statute prohibiting, in the absence of statutory authority, use of Government vehicles to provide Government officials transportation between their homes and work sites does not apply to officials on temporary duty. Federal travel regulations specifically authorize such transportation when public transportation is unavailable or impractical. If State Department can make this determination in support of the use of a car for Ambassador Donald Rumsfeld, Personal Representative of the President to the Middle East, while on temporary duty in Washington, D.C., this Office will not object.

This is in response to a letter dated November 25, 1983, from the Under Secretary of State for Management, requesting the opinion of this Office as to whether Ambassador Donald Rumsfeld, the Personal Representative of the President to the Middle East, may be transported in a Government vehicle between his hotel and various work sites, including the White House and the Department of State, while in Washington, D.C. As explained below, we conclude that Ambassador Rumsfeld may properly receive such transportation while he is engaged in official business in Washington.

The letter indicates that Ambassador Rumsfeld is serving without compensation, based in Chicago, and draws per diem for his living expenses while in Washington. It specifically notes that Ambassador Rumsfeld's duties in Washington entail "unusual security risks and irregular hours."

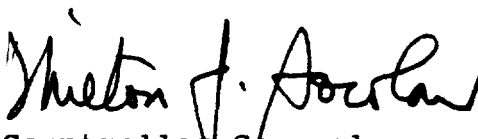
The question was raised because a recent decision of our Office, 62 Comp. Gen. ____, B-210555, June 3, 1983, reaffirmed our position that, except for certain statutory exceptions and a few narrowly limited circumstances, "agencies may not properly provide home-to-work transportation for their officers and employees, unless otherwise provided by statute." See 31 U.S.C. § 1344. However, in the instant case, that decision is not applicable. Ambassador Rumsfeld's Government-provided lodging

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in Washington is not his home. The statute prohibiting transportation of Government officials in a Government vehicle between home and work uses the term "home" in the sense of a residence occupied while the employee is commuting to his home base or headquarters.

Further, the Federal Travel Regulations specifically permit the use of Government-furnished vehicles to transport Government employees on temporary duty between their lodgings and work sites. See generally Federal Travel Regulations, ~~FPMP-101-7~~ (November 1, 1981) (FTR) Chapter 1. Paragraph 1-2.6 of the FTR permits such use of Government vehicles "when public transportation is unavailable or its use is impractical." FTR paragraph 1-2.2(b) provides that the method of transportation selected for official travel shall be that method "which will result in the greatest advantage to the Government, cost and other factors considered." This is in accord with 5 U.S.C. § 5733 (1976) which provides, "The travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel."

In the case of Ambassador Rumsfeld, if the Department of State can support an administrative determination that the transportation of Ambassador Rumsfeld in other than a Government-furnished vehicle would be "impractical" in view of "the unusual security risks and irregular hours his duties entail," and that a Government-furnished vehicle is the method of transportation most "commensurate with the nature and purpose of the duties" of the Personal Representative of the President to the Middle East, this Office would have no reason to object.

for 
Comptroller General
of the United States