TO:	Distribution
FROM:	W/Assistant Inspector General for Auditing
SUBJECT:	Final Report on Home-to-Work Use of Government Vehicles Assignment Number A-HA-98-052 Report Number IG-99-015

The subject final report is provided for your use. Please refer to the Executive Summary for the overall audit results. Our evaluation of your responses has been incorporated into the body of the report. Your comments on a draft of this report were responsive to our recommendations. Regarding corrective actions planned for recommendations 1, 2, and 3, please notify us when actions have been taken, including the extent of testing performed to ensure corrective actions are effective. Those recommendations are undispositioned and will remain open until completion of corrective actions and until corrective actions are determined to be effective.

If you have questions concerning the report, please contact Mr. Lorne Dear, Program Director, Procurement Audits, at (818) 354-3360, or Mr. Patrick A. Iler, Auditor-in-Charge, at (216) 433-5408. We appreciate the courtesies extended to the audit staff. See Appendix G for the report distribution.

## [Original signed by]

Russell A. Rau

Enclosure

W

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**IG-99-015** 

AUDIT REPORT

# HOME-TO-WORK USE OF VEHICLES

MARCH 24, 1999



**OFFICE OF INSPECTOR GENERAL** 

National Aeronautics and Space Administration

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#### Acronyms

CFR	Code of Federal Regulations
GRC	Glenn Research Center
GSA	General Services Administration
GSFC	Goddard Space Flight Center
KSC	Kennedy Space Center
MFSC	Marshall Space Flight Center
OIG	Office of Inspector General
USC	United States Code

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# **NASA Office of Inspector General**

IG-99-015 A-HA-98-052

March 24, 1999

# Home-to-Work Use of Vehicles

# **Executive Summary**

**Background.** NASA Centers maintain fleets of general-purpose vehicles to meet basic transportation needs for NASA and contractor personnel.<sup>1</sup> Federal law and regulations restrict use of Government vehicles to the conduct of official business and provide guidance on the appropriate use of vehicles. Currently, Federal law and regulations generally prohibit home-to-work use of Government vehicles. However, some limited exceptions to the general prohibition are permitted with the approval of the Agency head. The Centers have established local policies or practices that supplement Agency guidance on the use of vehicles.

**Objectives.** The overall objective of the audit was to evaluate the effectiveness of NASA's Government vehicle program. Specifically, we determined whether four NASA Centers<sup>2</sup> complied with the law and regulations governing home-to-work use of Government vehicles. Additional information on the objectives, scope, and methodology is in Appendix A.

**Results of Audit.** All four Centers had instances of improperly authorized home-to-work use of Government vehicles. We found no indication of fraud, waste, or abuse in the approvals granted; the officials who made the determinations did so based on faulty policies that did not ensure the required approvals were obtained. As a result, Agency use of Government vehicles has not complied with Federal law and regulations that limit home-to-work vehicle use.

The General Services Administration (GSA) is proposing an amendment to the statutory requirements governing home-to-work use of Government vehicles. The amendment would permit delegations of approval for home-to-work vehicle use below the level of agency head so that determinations could more readily be made when such vehicle usage is in the best interest of the Government.

During the audit, we issued an overall related report on the Centers' vehicle acquisition and use, a report to MSFC, and a management letter to GSFC (see Appendix B).

<sup>&</sup>lt;sup>1</sup> Based on a review at the Goldstone Deep Space Communications Complex, the Assistant Inspector General for Inspections, Administrative Investigations, and Assessments, is preparing a report specifically on contractor home-to-work use of Government vehicles.

<sup>&</sup>lt;sup>2</sup> Glenn Research Center (GRC), Goddard Space Flight Center (GSFC), Kennedy Space Center (KSC), and Marshall Space Flight Center (MSFC).

**Recommendations.** We recommended that NASA support GSA's efforts to amend the law governing home-to-work use of vehicles and that the Centers revise policies and establish procedures to ensure compliance with Federal law and regulations.

**Management's Response.** Management concurred with all recommendations and will take actions to support GSA's efforts and to ensure compliance with the law and regulations governing home-to-work use of Government vehicles.

# Introduction

NASA needs a variety of general-purpose and specialty vehicles to support its programs and accomplish its research missions. Transportation Officers at each Center are responsible for managing and operating the vehicle fleets and for complying with Federal laws and regulations that govern fleet operations. While each Center operates its own fleet, NASA's Office of Management Systems and Facilities provides oversight through its Security, Logistics, Aircraft and Industrial Relations Division. The Division Transportation Manager oversees the motor vehicle program to ensure optimal support to NASA missions and efficient use and effective stewardship of the Government assets.

NASA Policy Directive 6000.1, "Transportation Management," provides guidance to ensure that only essential transportation services and equipment are acquired and that all applicable Federal laws and regulations are followed. Three of the four Centers reviewed have local policies that supplement the Agency guidance.

# Home-to-Work Use of Vehicles

Instances of improperly authorized home-to-work use of Government vehicles occurred at GRC, GSFC, KSC, and MSFC. Although Center Transportation Officers or Vehicle Managers screened home-to-work use of vehicles to prevent abuses, existing Center policies and practices have not incorporated Federal law and regulations and current NASA policy. Consequently, Center authorizations for home-to-work use of vehicles did not comply with Federal law and regulations that were designed by Congress to eliminate perceived abuses.

### Federal Law and Regulations and NASA Policy

Federal law, the Code of Federal Regulations (CFR) (see Appendix C), and NASA policy severely limit the home-to-work use of Government vehicles. In general, Federal agencies use Government vehicles only for official business. As defined in 31 USC 1344, official business specifically excludes transporting individuals between their homes and places of employment except in rare circumstances. Exceptions to the general prohibition on home-to-work use of vehicles require written approval by the NASA Administrator. Taking vehicles home before the start of temporary duty travel and returning them after the completion of temporary duty travel is not authorized. According to the CFR, a contractor may use Government vehicles for home-to-work transportation only if such use is specified in the NASA contract and approved in writing by the Agency contracting officer.

NASA Policy Directive 6000.1, "Transportation Management," May 6, 1997, states that the use of Government motor vehicles for the transportation of employees between their residences and work is not authorized, except for specified positions overseas, individuals on valid temporary duty orders, and Office of Inspector General personnel performing criminal law enforcement functions.<sup>3</sup>

The statutory restrictions have had a significant effect on the Federal agencies' ability to effectively manage resources. In a collaborative effort with other agencies, the GSA is proposing an amendment to 31 USC 1344 to streamline the current administrative processes required to manage home-to-work use of vehicles and to allow Agency heads to delegate the authority to approve exceptions. GSA's proposed amendment is in Appendix D.

<sup>&</sup>lt;sup>3</sup> The Inspector General sought and obtained authorization from the Administrator for home-to-work use of vehicles under the law enforcement exception.

#### **Centers Allow Home-to-Work Use of Vehicles**

In accordance with Center policies and practices, NASA and contractor employees used Government vehicles for transportation between their work locations and residences. Center policies are summarized in Appendix E. The approval of home-to-work use of vehicles generally resulted from managers attempting to exercise prudent business judgment and to more efficiently use staff time and resources. The home-to-work use of vehicles, however, did not meet the highly restrictive criteria for an exception to the general prohibition. Although we identified noncompliance with the statute at all four Centers, we did not expand the audit work to quantify the extent of the violations.

**GRC Policy.** GRC did not have formal local policies or procedures addressing home-towork use of vehicles. Based on existing Center practices, however, supervisors permitted employees to take Government vehicles home before and after temporary duty travel and in conjunction with local travel, if approved by the vehicle manager. The justifications given for taking vehicles home did not meet the criteria for exceptions to the Federal law and CFR and do not include the required approval by the head of the Agency. Justifications included, for example:

- "more convenient and efficient to leave directly from my residence,"
- "would save about 1 hour of time," and
- "traveler returning late (10:00 p.m.) from TDY [temporary duty travel]."

**GSFC Policy.** GSFC allowed travelers to take Government vehicles home overnight before temporary duty travel. The Center's policy allows such use if the traveler's residence is at least 10 miles from GSFC and in the same direction as the travel destination and if the traveler received supervisory approval. Supervisors based their approval on the determination that the home-to-work use of vehicles was in the best interest of the Agency. However, the justifications did not meet the criteria for exceptions to the general prohibition. In addition, the required approval by the Agency head was not incorporated into the Center's policy and had not been obtained.

**KSC Policy.** At KSC, Agency and contractor employees drove Government vehicles home after unscheduled overtime, in conjunction with temporary duty travel and in conjunction with local travel. KSC policy allows Government vehicles to be used for transportation between residence and work locations with management authorization. However, Center policy requires authorization at the Center level and not from the head of the Agency as required by law. In addition, the contracts we reviewed did not contain provisions authorizing such use or the required written approval by the contracting officers. During our review of vehicle use logs, we found that employees of two contractors drove Government vehicles home after working unscheduled overtime, picked up vehicles 1 day before driving to training sessions, and transported a fellow employee to his vehicle at another location. None of these instances were authorized under the statute or CFR.

**MSFC Policy.** MSFC supervisors permitted employees to take Government vehicles home the night before commencement of temporary duty travel. The Center requires documented supervisory approval. In addition, an MSFC contractor at KSC permitted employees to drive Government vehicles home after working unscheduled overtime and before and after temporary duty travel. The contract did not contain provisions authorizing such use.

### Conclusion

NASA Centers improperly authorized home-to-work transportation because the Centers' policies did not incorporate Federal law and regulations. The law and the CFR allow home-to-work use of Government vehicles only for special circumstances specifically authorized by the head of the agency, or in the case of contractors as specified in the contract and approved in writing by the contracting officer. However, Center policies and practices allow local authorizations for home-to-work transportation. The Centers need to revise their policies to implement existing law and regulations and to establish associated procedures.

### **Recommendations, Management's Response, and Evaluation of Response**

The Associate Administrator for Management Systems and Facilities should:

- 1. Prepare a letter to GSA for the Administrator's signature supporting GSA's efforts to amend 31 USC 1344 and suggesting that the proposed amendment expand the "compelling operational consideration" exception to include home-to-work use of vehicles prior to or immediately following temporary duty travel when it is judged to be in the best interest of the Agency.
- 2. Require Center Directors to revise polices and establish procedures that implement the Federal statutory and regulatory requirements governing home-to-work use of Government vehicles.
- **3.** Coordinate with the Associate Administrator for Procurement to assure that contracting officers are alerted to the specific statutory, regulatory, and contractual requirements governing contractors home-to-work use of Government vehicles.

**Management's Response:** Concur. NASA has supported GSA efforts to amend the legislation governing home-to-work use of vehicles through its work on the Interagency FedFleet Council and will reiterate its position in a formal letter to GSA. In addition, the Office of Management Systems and Facilities will direct Centers to implement procedures to ensure compliance with the current requirements and coordinate efforts to ensure contractor compliance with the Office of Procurement. The complete text of management's comments is in Appendix F.

**Evaluation of Management's Response:** Management's comments are fully responsive to the recommendations.

### Objectives

This report is based on work performed on an audit of NASA's acquisition and use of Government vehicles. The overall audit objective was to evaluate the effectiveness of NASA's Government vehicle program. For this report, we determined whether four NASA Centers complied with Federal law and regulations governing home-to-work use of Government vehicles.

### **Scope and Methodology**

We focused on the Centers' policies and practices for monitoring and authorizing home-to-work use of vehicles. We performed work at NASA Headquarters, GRC, GSFC, KSC, and MSFC.

To determine Center practices for ensuring that vehicle use complied with law and regulations and the rationale for the various approaches used, we:

- interviewed Center and Headquarters officials regarding the processes Centers' used to monitor and authorize home-to-work use of vehicles,
- interviewed contracting officers and reviewed contract files,
- reviewed Center and Agency policies regarding vehicle use, and
- reviewed Federal law and regulations that define and govern vehicle use.

### **Management Controls Reviewed**

We reviewed NASA management policies, procedures, and guidelines for ensuring that use of Government vehicles is properly authorized and that vehicles are used only for official business. As discussed in the finding, we identified a weakness in the controls to authorize home-to-work use of vehicles.

### **Audit Field Work**

We conducted field work from January through October 1998 at NASA Headquarters, GRC, GSFC, KSC, and MSFC. The audit was performed in accordance with generally accepted government auditing standards.

**"NASA General-Purpose Vehicles Acquisition and Use," Audit Report No. IG-98-035, September 25, 1998.** The report discussed potential savings from reducing the size of the Centers' vehicle fleets and converting from NASA-owned to GSA-leased vehicles. Management agreed to implement policy changes to require Centers to use mileage criteria as a key factor for justifying the need for vehicles, to dispose of vehicles determined to be excess, and to convert to leasing unless owning is determined to be more cost-effective.

**"MSFC Vehicle Fleet Conversion: Additional Savings Possible," Audit Report No. IG-97-036, September 9, 1997.** The report discussed the need for management to reduce the number of contractor vehicle maintenance staff. Management subsequently eliminated four contractor maintenance positions, which resulted in estimated annual savings of \$163,000.

"Observations Regarding Reporting of Vehicle Utilization Data for Commercial Leases," Management Letter No. M-IG-97-013, September 30, 1997. The letter discussed reducing GSFC contract costs by eliminating contractor tracking and reporting of the use of 16 commercially leased vehicles. Management subsequently agreed to delete the vehicle reporting requirement from the contract and to discontinue reporting these vehicles in the annual Agency Report of Motor Vehicle Data.

# Appendix C. Summary of the Law and Regulations on Home-to-Work Use of Government Vehicles

#### Federal Law Governing Vehicle Use

The primary law that addresses home-to-work use of Government vehicles is 31 USC 1344, "Passenger Motor Vehicle and Aircraft Use." The law was amended in 1986 to clarify the restrictions on home-to-work transportation, to bring uniformity to the approval procedures, and to eliminate abuses Congress believed had occurred under the previous version of the statute.

Funds available to a Federal agency, by appropriation or otherwise, may be expended by the Federal agency for ... any passenger carrier only to the extent that such carrier is used to provide transportation for official purposes. Notwithstanding any other provision of law, transporting any individual other than the individuals [enumerated elsewhere in the statute] ... between such individual's residence and such individual's place of employment is not transportation for an official purpose.

The law allows exceptions to the general prohibition when home-to-work use of a Government vehicle is:

- required for the performance of field work;
- essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties; or
- necessary due to highly unusual circumstances that present a clear and present danger, the existence of an emergency, or some other compelling operational consideration that makes such transportation essential to the conduct of official business.

These exceptions must be approved in writing by the head of the Federal agency, and the authority to approve exceptions cannot be delegated. The written approval must include the name and title of the employee being given authorization to use the vehicle, the reason for the authorization, and the duration of the authorization. Use of the compelling operational consideration exception also requires notification of Congress. In addition, the law states that exception determinations may not be based solely or principally on the comfort or convenience of the employee.

Authorizations for home-to-work use of a vehicle that are based on the existence of a clear and present danger, emergency, or other compelling operational consideration are also limited to 15 calendar days, but the agency head can make subsequent determinations that extend the authorizations for 90-day periods.

### Appendix C

In the 1986 amendments, Congress also demonstrated its intent to eliminate abuse by strictly defining the allowable exceptions to the general prohibition against home-to-work transportation. For the "field work" exception, the House Report 99-451 (1986) explained that the exception was meant to cover an employee whose job requires the employee's presence at various locations far from the place of employment. Examples included mine inspectors, meat inspectors, and certain law enforcement officers whose jobs required travel to several locations during the workday.

### **Code of Federal Regulations Restricting Use of Government Vehicles**

In addition to statutory restrictions on home-to-work use of Government vehicles, Title 41, CFR 101-6.4 limits Government employee and contractor use of Government vehicles for home-to-work transportation. The CFR state that the comfort and convenience of an employee should not be considered as sufficient justification to authorize home-to-work transportation.

Title 41, CFR 101-38.3 directs Government employees to comply with the requirements of 31 USC 1344 and to establish procedures to monitor and control the use of its vehicles at all times. The CFR also state that contractor and subcontractor employees may use Government vehicles for transportation between home and work only if such use is provided for under the terms of a contract and has been approved in writing by the contracting officer or otherwise provided by law.

The CFR also prescribe penalties for improper use of Government vehicles. The CFR state that any officer or employee who uses <u>or authorizes the use</u> of such vehicle for other than official purposes is subject to a suspension of at least 1 month or, up to and including, removal by the head of the agency. Contractors and subcontractors are directed to establish and enforce suitable penalties for their employees who use or authorize the use of such vehicles for other than official purposes. In addition, contractors and subcontractors must assume any cost or expense incident to use not related to the performance of the contract without the right of reimbursement from the Government. GSA has also emphasized the restrictions on home-to-work use of Government vehicles, by stating that operators of GSA vehicles may not use the vehicle for transportation to or from work and may not park the vehicle at their residence without valid authorization from the head of the agency.

#### **A Proposed Bill**

The following is part of the text of GSA's proposed amendment to the law governing home-towork use of Government vehicles.

To revise Sections 1344 (d) (2), (3) and (4) of Title 31, U.S.C. (Public Law 99-550), regarding official use of Government passenger carriers between residence and place of employment, to allow an agency head to delegate to the appropriate senior level officers, the authority to determine home-to-work eligibility and to allow an agency to extend the period for conducting determinations after an initial period from 90 calendar days to 365 calendar days. To allow an agency to designate and report determinations according to job classifications as opposed to employee name as currently required.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 1344 (d) (2) of Title 31, United States Code, is amended by Substituting "365" for references to "90", and that section 1344 (d) (3) of Title 31, U.S.C., is amended by changing the first sentence to read: "The authority to make designations under subsection (b) (1) of this section and to make determinations pursuant to subsections (a) (2), (b) (3) (B) and (b) (9) of this section and pursuant to paragraph (2) of this subsection may be delegated by the head of a Federal agency to the appropriate senior level officers." Also, to amend Section 1344 (d) (4) to read: "Any determinations made under subsection (b) (9) of this section shall be in writing and shall include the job classification of the officer or employee affected...."

# Appendix E. Summary of Center Policies on Home-to-Work Use of Vehicles

#### **Glenn Research Center**

GRC had not established policies that address vehicle use issues. Based on current Center practice, employees are permitted to take motor pool vehicles home when their supervisor and the GRC Vehicle Manager agree that it is beneficial. In most instances, this involves employees needing to use vehicles early in the morning or late in the evening in conjunction with temporary duty travel and local travel. Generally, to receive authorization, the employee's residence must be between the Center and the travel destination. Justification and approval of home-to-work use of vehicles is documented on Government Vehicle Overnight Request/Authorization forms.

#### **Goddard Space Flight Center**

GSFC Announcement 90-50, "Use of Government Vehicles for Travel," May 14, 1990, states:

Requests to take Government vehicles home overnight will not be granted unless all the following criteria are met:

- a. Traveler's residence is 10 or more miles from GSFC (Greenbelt, Maryland and Wallops Island, Virginia locations);
- b. Traveler's residence must be in the same direction as his/her travel destination; and
- c. Traveler's supervisor approves a memorandum that clearly identifies that taking the vehicle home overnight is advantageous to the Government. The memorandum must be submitted to the Transportation Dispatch Office. Wallops Flight Facility allowed supervisory approval to be documented on travel orders.

#### **Kennedy Space Center**

Kennedy Handbook 6000.1C, "Transportation Support System Handbook," March 1993, states that authorization to drive a vehicle to an employee's residence on the last official workday prior to temporary duty travel departure, may be given by the Chief, Transportation Branch, when circumstances warrant such action. The Chief, Transportation Branch, may also authorize returning travelers to retain a vehicle at the traveler's residence until the next scheduled work day if the return flight arrives after 2:00 p.m., or other circumstances warrant such action.

KSC contractors also allow employees to use Government vehicles for transportation from their work locations to their residences when unscheduled emergency overtime occurs after they report to work and have no other available transportation. Employees must obtain management approval prior to using a vehicle for transportation between work and home.

### Appendix E

#### **Marshall Space Flight Center**

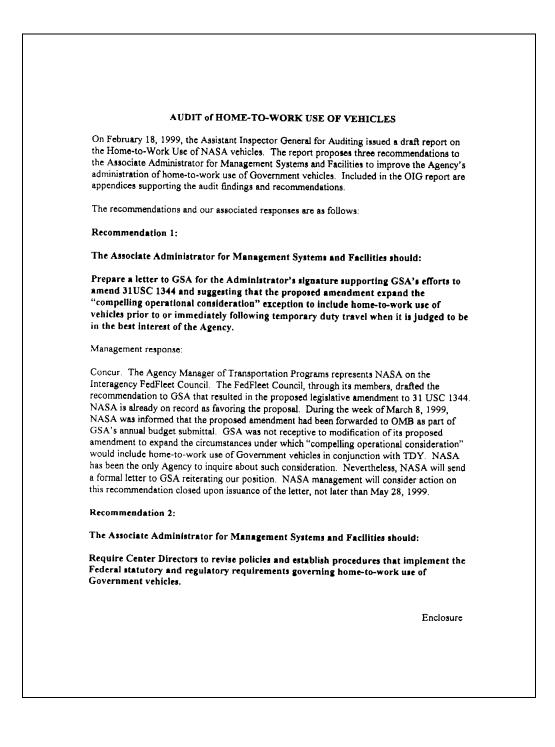
Marshall Management Instruction 6730.2H, "Vehicle Authorization, Acquisition, Justification, Operation and Control," July 1993, states:

Employees may be permitted to take a Government vehicle home at night before commencement of temporary duty travel provided the following conditions are met:

- a. Each dispatch of a Government vehicle for travel between an employee's residence and his or her official place of business coincident to temporary duty travel must be preceded by a written determination that the use of the vehicle in this manner is in the Government's interest.
- b. The supervisor of the employee will make this determination.
- c. A copy of the determination must be received by the Transportation Management Division prior to such planned use and will be maintained on file an used as a basis for responding to any alleged vehicle misuse notification.

# Appendix F. Management's Response

National Aeronautics and Space Administration Headquarters Washington, DC 20546-0001 Reply to Attn of: MAR 1 9 1999 ЛL TO: W/Assistant Inspector General for Auditing FROM: J/Associate Administrator for Management Systems and Facilities SUBJECT: Draft Report on the Audit of Home-to-Work Use of Vehicles (Assignment Number A-HA-98-052) Enclosed is our response to the OIG Draft Report on the Audit of Home-to-Work Use of Vehicles, which is based upon a review at 4 NASA Centers (GSFC, GRC, KSC, and MSFC). We concur with each of the stated recommendations in the draft report. Your findings and recommendations for the improvement of the NASA vehicle management program are welcomed. We are pleased that your audit found no indication of fraud, waste, abuse or willful mismanagement. We are especially appreciative of the cooperative spirit and attitude displayed by the auditors and their willingness to work with the transportation management community during the audit period. If you have any questions or comments regarding the response, or need further explanation, please contact me at 358-2800, or the Agency Manager for Transportation Programs, James W. Hawkins, Jr., at 358-2292. Jeffrey E. Sutton Enclosure



#### Appendix F

Management response: Concur. A letter will be sent to Center Directors and Officials-in-Charge of Headquarters Offices reiterating statutory and regulatory requirements for government and contractor employees and emphasizing existing Agency policy governing home-to-work use of Government vehicles. Addressees will be asked to implement procedures to assure compliance and will be reminded what the current requirements stipulate. NASA management will consider action on this recommendation closed upon issuance of the letter, not later than May 28, 1999. **Recommendation 3:** The Associate Administrator for Management Systems and Facilities should: Coordinate with the Associate Administrator for Procurement to ensure that contracting officers are alerted to the specific statutory, regulatory, and contractual requirements governing contractors home-to-work use of Government vehicles. Management response: Concur. The Associate Administrator for Procurement has been contacted and a staff member was designated to coordinate the reemphasis of Agency policy to Contracting Officers to assure compliance with the statutory and regulatory requirements governing home-to-work use of Government vehicles by contractors. The letter described in our response to Recommendation 2, above, will reiterate the provisions of 31 USC 1344 that pertain to contractors. NASA management will consider action on this recommendation closed upon issuance of the letter, not later than May 28, 1999.

#### National Aeronautics and Space Administration (NASA) Headquarters

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### **NASA Centers**

Director, Ames Research Center Director, Dryden Flight Research Center Director, John H. Glenn Research Center at Lewis Field Director, Goddard Space Flight Center Director, Lyndon B. Johnson Space Center Director, John F. Kennedy Space Center Director, Langley Research Center Director, George C. Marshall Space Flight Center Director, John C. Stennis Space Center

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Ames Research Center Glenn Research Center Goddard Space Flight Center Jet Propulsion Laboratory Lyndon B. Johnson Space Center John F. Kennedy Space Center

### Appendix G

### NASA Offices of Inspector General (Continued)

Langley Research Center George C. Marshall Space Flight Center John C. Stennis Space Center

#### Jet Propulsion Laboratory

Director

#### Non-NASA Federal Organizations and Individuals

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Associate Director, National Security and International Affairs Division,
General Accounting Office
Special Counsel, House Subcommittee on National Security, International Affairs, and Criminal Justice
Professional Assistant, Senate Subcommittee on Science, Technology, and Space
Chairman and Ranking Minority Member Congressional Committees and Subcommittees

Senate Committee on Appropriations Senate Subcommittee on VA, HUD and Independent Agencies Senate Committee on Commerce, Science and Transportation Senate Subcommittee on Science, Technology and Space Senate Committee on Governmental Affairs House Committee on Appropriations House Subcommittee on VA, HUD and Independent Agencies House Committee on Government Reform and Oversight House Committee on Science House Subcommittee on Space and Aeronautics, Committee on Science

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Honorable Pete Sessions, U.S. House of Representatives

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