

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 234

To prohibit the use of United States Government aircraft for political or personal travel, limit certain benefits for senior Government officers, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 27 (legislative day, JANUARY 5), 1993

Mr. DECONCINI introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To prohibit the use of United States Government aircraft for political or personal travel, limit certain benefits for senior Government officers, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senior Government  
5 Officer Benefit Limitation Act of 1993”.

6 **SEC. 2. PROHIBITION OF PERSONAL OR POLITICAL USE OF**  
7 **UNITED STATES GOVERNMENT AIRCRAFT.**

8 (a) IN GENERAL.—(1) Notwithstanding any other  
9 provision of law, no aircraft which is owned or leased by

1 the United States Government (including military air-  
2 craft) may be used for—

3 (A) any personal, political, or authorized special  
4 use travel; or

5 (B) any official travel which is mixed with per-  
6 sonal or political activities.

7 (2) For purposes of this section the term “authorized  
8 special use” means use of a Government aircraft for the  
9 travel of an executive agency officer or employee, where  
10 the use of the Government aircraft is required because of  
11 bona fide communications or security needs of the agency  
12 or exceptional scheduling requirements.

13 (b) EXCEPTIONS.—Subsection (a) shall not apply to  
14 use of aircraft by—

15 (1) the President or his immediate family (sub-  
16 ject to reimbursement as provided under law);

17 (2) the Vice President or his immediate family  
18 if the full costs, including the costs of operating and  
19 maintaining such aircraft, for such travel are reim-  
20 bursed to the United States Government; or

21 (3) civilian personnel and their dependents in  
22 remote locations for space available travel as author-  
23 ized under section 4744 of title 10, United States  
24 Code.

1 (c) CERTAIN POLITICAL TRAVEL.—Notwithstanding  
2 any other provision of law or regulation, the reimburse-  
3 ment for political travel on Government aircraft during a  
4 Presidential election campaign shall be the commercial  
5 equivalent rate for applicable charter aircraft for such  
6 travel.

7 (d) REPORTS ON USE.—(1) Each executive agency  
8 which maintains or uses Government owned or leased air-  
9 craft (including military aircraft) shall—

10 (A) require each traveler, except immediate  
11 family members and the spouse of such a traveler  
12 who is a Federal officer or employee, to certify that  
13 any travel on such aircraft is necessary for official  
14 purposes; and

15 (B) beginning on April 15, 1993, and on the  
16 fifteenth day of every third month thereafter, submit  
17 a report to the Administrator of the General Serv-  
18 ices Administration with regard to the preceding 3-  
19 month period that—

20 (i) certifies that the use of such aircraft  
21 complied with Office of Management and Budg-  
22 et Circular A-126 as modified by the provisions  
23 of this Act; and

24 (ii) identifies each traveler on such air-  
25 craft.

1       (2) After the receipt of each report, the Adminis-  
2 trator shall review each certification to ensure that the use  
3 of such aircraft complied with Office of Management and  
4 Budget Circular A-126 as modified. The Administrator  
5 shall make the information in any such report available  
6 to the public.

7       (e) LEGISLATIVE AGENCIES.—Each agency in the  
8 legislative branch of the Government (including each office  
9 and committee of the Congress) shall submit reports com-  
10 parable to the reports submitted under subsection (c),  
11 with the appropriate administrative office of such agency.  
12 The reports submitted under this subsection shall be made  
13 available to the public for inspection.

14 **SEC. 3. GOLF COURSES.**

15       (a) LIMITATION.—No funds appropriated or other-  
16 wise made available to any agency may be expended to  
17 equip, operate, or maintain any golf course owned or oper-  
18 ated by an agency. Any such golf course shall be operated  
19 by concessionaire contract and open to use by the general  
20 public.

21       (b) EXCEPTION.—Subsection (a) shall not apply to—  
22           (1) any golf course located in a remote or iso-  
23 lated area or those for the use of patients or resi-  
24 dents at Veterans' Administration Hospitals, United

1 States Soldiers' and Airmen's Home, or the National  
2 Institutes of Health; or

3 (2) funds made available from gift funds or rep-  
4 resentation funds for activities authorized under law.

5 (c) USE OF FUNDS.—No more than 10 percent of  
6 the gross revenues generated from the operations of any  
7 golf course to which subsection (a) applies may be retained  
8 by the contracting military base to support morale, welfare  
9 or recreational purposes of the personnel at such base.  
10 The Secretary of Defense shall submit annual reports to  
11 the Congress which identify in detail how the funds re-  
12 tained have been expended. The Secretary of Defense is  
13 authorized to subsidize the golf fees for active and retired  
14 enlisted personnel utilizing such contracted courses and  
15 give priority access for military personnel.

16 (d) EFFECTIVE DATE.—The provisions of this sec-  
17 tion shall take effect no later than June 1, 1993.

18 **SEC. 4. EXECUTIVE DINING FACILITIES.**

19 No funds appropriated or otherwise made available  
20 to any executive agency may be expended to subsidize the  
21 costs to equip, operate, or maintain dining rooms or kitch-  
22 en facilities for the exclusive use of senior Government of-  
23 ficers or to purchase or prepare food for consumption by  
24 such officers. This section shall not apply to dining rooms,  
25 facilities, or food for—

1 (1) the exclusive use or consumption of the  
2 President of the United States or his immediate  
3 family; or

4 (2) use to carry out the official representational  
5 functions of the President or for those official activi-  
6 ties conducted by executive branch departments or  
7 agencies for which representation funds have been  
8 authorized and appropriated.

9 **SEC. 5. LUXURY VEHICLES FOR TRANSPORTING GOVERN-**  
10 **MENT OFFICERS.**

11 (a) LUXURY VEHICLES.—No funds appropriated or  
12 otherwise made available to any agency or the Congress  
13 may be expended to acquire, through lease or purchase,  
14 luxury vehicles for the purpose of transporting senior Gov-  
15 ernment officers, except for—

16 (1) a Government officer as authorized under  
17 section 1344 of title 31, United States Code;

18 (2) a Government officer who holds the office of  
19 Assistant Secretary or higher;

20 (3) the head of any executive agency and the  
21 second highest ranking officer in such agency;

22 (4) officials commissioned by the President or  
23 paid at a rate of pay equal to or greater than the  
24 rate payable for level IV of the Executive Schedule  
25 in the Executive Office of the President; or

1           (5) Members of Congress serving in leadership  
2           positions (including any former President pro tem-  
3           pore of the Senate) or elected or appointed officers  
4           of the Congress.

5           (b) DRIVERS.—(1) Subject to paragraph (2), no  
6           funds appropriated or otherwise made available to any  
7           agency may be expended to employ drivers for the exclu-  
8           sive use of transporting senior Government officers, except  
9           the officers described under subsection (a)(1) through (5).

10          (2) The provisions of this subsection shall not be con-  
11          strued to prohibit the expenditure of funds to employ driv-  
12          ers of multipassenger vehicles, such as vans or buses,  
13          which are not luxury vehicles.

14          (c) PURCHASE OR LEASE OF LUXURY VEHICLES.—  
15          The General Services Administration, in consultation with  
16          the Office of Management and Budget shall prescribe reg-  
17          ulations and uniform guidelines for all executive agencies  
18          for the purchase or lease of luxury vehicles for or by the  
19          United States Government, that shall ensure the least cost  
20          to the United States Government. On October 1, 1993,  
21          and on October 1 of each year thereafter, the General  
22          Services Administration shall submit a report to the Con-  
23          gress on—

24                 (1) executive agency compliance with such regu-  
25                 lations;

1           (2) the number of all vehicles purchased or  
2 leased by each executive agency;

3           (3) the costs of executive agency vehicle pur-  
4 chases or leases;

5           (4) the type of each such executive agency vehi-  
6 cle and the purpose for which it is used; and

7           (5) the identification of executive agency Fed-  
8 eral officers and employees who used such vehicles.

9           (d) LEGISLATIVE AGENCIES.—Each agency in the  
10 legislative branch of the Government (including each office  
11 and committee of the Congress) shall submit reports com-  
12 parable to reports submitted under subsection (c) with the  
13 appropriate administrative offices of such agency.

14          (e) DEFINITION.—For purposes of this section the  
15 term “luxury vehicle” means a vehicle that is—

16           (1) a class IV or V sedan (as classified under  
17 section 101–38.101–1 of title 41 of the Code of Fed-  
18 eral Regulations as in effect on the date of the en-  
19 actment of this Act) or other large sedan-type vehi-  
20 cle with above standard features; and

21           (2) owned or leased by the United States Gov-  
22 ernment.

23          (f) EXCEPTION.—The provisions of this section shall  
24 not apply with regard to emergency vehicles or vehicles  
25 equipped for law enforcement purposes.

1 (g) REGULATIONS.—The Administrator of General  
2 Services shall issue regulations subject to the approval of  
3 the Office of Management and Budget, to implement the  
4 provisions of this section for executive agencies.

5 **SEC. 6. PHYSICAL FITNESS FACILITIES.**

6 (a) COSTS AND FEES.—Subject to the provisions of  
7 subsection (c), no appropriated funds made available to  
8 any executive or legislative agency (including any office  
9 or committee of the Congress) shall be expended for the  
10 costs of membership or other fees for the use of physical  
11 fitness facilities, including exercise equipment and classes.

12 (b) ADMINISTRATIVE LEAVE.—No executive or legis-  
13 lative agency (including any office or committee of the  
14 Congress) may grant administrative leave to an employee  
15 for the purpose of physical fitness activities, except with  
16 regard to an employee described under subsection (c).

17 (c) EXCEPTION.—(1) The provisions of subsections  
18 (a) and (b) shall not apply to any agency with regard to—

19 (A) employees in positions which require such  
20 employees to meet physical fitness standards as a  
21 condition of employment; or

22 (B) benefits provided to employees under a col-  
23 lective bargaining agreement.

1 (2) Funds for purposes described under subsection  
2 (a), may be expended only for the costs of maintaining  
3 the physical fitness of such employees.

4 (d) DEFINITION.—For purposes of this section the  
5 term “physical fitness facility” means any facility used for  
6 physical exercise that provides equipment and services for  
7 such use in addition to lockers and showers.

8 **SEC. 7. MEDICAL SERVICES.**

9 (a) LIMITATION.—No funds appropriated or other-  
10 wise made available to an executive or legislative agency  
11 may be used for the provision of medical services provided  
12 by the Public Health Service, the employing agency, any  
13 other Federal agency or other medical service provider to  
14 a Government officer or employee.

15 (b) EXCEPTION.—Subsection (a) shall not apply to  
16 medical services—

17 (1) provided by agencies to Government officers  
18 or employees in cases of emergency;

19 (2) determined by the head of an agency to be  
20 in the best interest of the agency such as occupa-  
21 tional health and safety programs, preventive health  
22 care, or environmental safety programs;

23 (3) provided to uniformed military personnel  
24 and military retirees under law;

1 (4) including medical and dental care provided  
2 under section 1074 of title 10, United States Code,  
3 and regulations issued pursuant thereto;

4 (5) agency contributions for employee health  
5 plans under chapter 89 of title 5, United States  
6 Code, or any other provision of law; or

7 (6) services required under the Americans with  
8 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

9 (c) REGULATIONS.—The Secretary of Health and  
10 Human Services and the Department of Defense, in con-  
11 sultation with the Office of Personnel Management, shall  
12 issue regulations for executive agencies that provide addi-  
13 tional guidance including uniform fee schedules, as appro-  
14 priate, to implement this section.

15 **SEC. 8. SOUVENIRS.**

16 (a) LIMITATION.—No funds appropriated or other-  
17 wise made available to any executive or legislative agency  
18 or Congress may be used for the purchase or distribution  
19 of souvenirs.

20 (b) EXCEPTION.—Subsection (a) shall not apply to  
21 those tokens or mementos authorized—

22 (1) in guidelines to be issued by the Director of  
23 the Office of Management and Budget prepared in  
24 consultation with the Comptroller General of the  
25 United States; or

1 (2) by law or resolution of the Congress.

2 **SEC. 9. REDUCTION OF NONCAREER SENIOR EXECUTIVE**  
3 **SERVICE POSITIONS AND SCHEDULE C POSI-**  
4 **TIONS.**

5 (a) LIMITATIONS.—The total number of Senior Exec-  
6 utive Service positions in all executive agencies filled by  
7 noncareer appointees and the total number of positions in  
8 all executive agencies of a confidential or policy-determin-  
9 ing character under schedule C of subpart C of part 213  
10 of title 5 of the Code of Federal Regulations, shall each  
11 be reduced—

12 (1) on no later than October 1, 1993, by 5 per-  
13 cent of the respective total numbers of such posi-  
14 tions as existed on September 30, 1991;

15 (2) on no later than October 1, 1994, by an ad-  
16 ditional 5 percent of the respective total numbers of  
17 such positions as existed on September 30, 1991;  
18 and

19 (3) on no later than October 1, 1995, and  
20 thereafter, by an additional 5 percent of the respec-  
21 tive total numbers of such positions as existed on  
22 September 30, 1991.

23 (b) CONFORMING AMENDMENTS.—(1) Section 3133  
24 of title 5, United States Code, is amended by adding at  
25 the end thereof the following new subsection:

1       “(f) This section is subject to the limitations of sec-  
2 tion 9 of the Senior Government Officer Benefit Limita-  
3 tion Act of 1993.”.

4       (2) Section 3134 of title 5, United States Code, is  
5 amended by adding at the end thereof the following new  
6 subsection:

7       “(f) This section is subject to the limitations of sec-  
8 tion 9 of the Senior Government Officer Benefit Limita-  
9 tion Act of 1993. The provisions of this subsection shall  
10 apply notwithstanding any other provision of this section.  
11 In the administration of this section, the percentages re-  
12 ferred to in subsections (b), (c), (d), and (e) (relating to  
13 authority to employ certain appointees) shall each be re-  
14 duced as necessary to carry out the provisions of this sub-  
15 section.”.

16 **SEC. 10. DEFINITIONS.**

17       For purposes of this Act the term—

18           (1) “executive agency” means an Executive  
19 agency as such term is defined under section 105 of  
20 title 5, United States Code (except for the General  
21 Accounting Office) and includes the Executive Office  
22 of the President; and

23           (2) “senior Government officer” means any per-  
24 son—

1 (A) employed at a rate of pay specified in  
2 or fixed according to subchapter II of chapter  
3 53 of title 5, United States Code;

4 (B) employed in a position in an executive  
5 agency, including any independent agency, at a  
6 rate of pay payable for level I of the Executive  
7 Schedule or employed in the Executive Office of  
8 the President at a rate of pay payable for level  
9 II of the Executive Schedule;

10 (C) employed in an executive agency in a  
11 position that is not referred to under paragraph  
12 (1) (other than a position that is subject to pay  
13 adjustment under section 1009 of title 37,  
14 United States Code) and for which the basic  
15 rate of pay, exclusive of any locality-based pay  
16 adjustment under section 5304 of title 5, Unit-  
17 ed States Code (or any comparable adjustment  
18 pursuant to interim authority of the President),  
19 is equal to or greater than the rate of basic pay  
20 payable for level V of the Executive Schedule;

21 (D) appointed by the President to a posi-  
22 tion under section 105(a)(2) (A) or (B) of title  
23 3, United States Code, or by the Vice President  
24 to a position under section 106(a)(1) (A) or (B)  
25 of title 3, United States Code; or

1 (E) who is a Member of Congress, or an  
2 elected or appointed officer of the Congress.

3 **SEC. 11. REPORT.**

4 (a) IN GENERAL.—No later than September 30,  
5 1994, and on September 30 of each year thereafter the  
6 Office of Management and Budget shall submit a report  
7 to the Congress on the compliance of the executive branch  
8 of Government with the provisions of this Act.

9 (b) SENIOR POSITION REDUCTIONS.—No later than  
10 September 30, 1993, and again on September 30, 1994,  
11 the Office of Management and Budget shall submit a re-  
12 port to the Congress on the compliance of the executive  
13 branch of Government with the provisions of section 8 of  
14 this Act.

15 **SEC. 12. GIFT FUNDS.**

16 In the administration of sections 3, 4, 5 and 8, re-  
17 strictions on expenditures shall not be deemed to apply  
18 to gift funds that an agency is otherwise authorized to  
19 collect under law.

20 **SEC. 13. REGULATIONS.**

21 Except as otherwise provided by this Act, regulations  
22 implementing the provisions of this Act shall be promul-  
23 gated—

24 (1) by the President, or his designee, with re-  
25 gard to each executive agency; and

1           (2)(A) by the Majority Leader and Minority  
2           Leader of the Senate, or their designee, with regard  
3           to each office and committee of the Senate;

4           (B) by the Speaker of the House of Representa-  
5           tives, or his designee, with regard to each office and  
6           committee of the House of Representatives; and

7           (C) by the Majority Leader and Minority Lead-  
8           er of the Senate and the Speaker of the House of  
9           Representatives, or their designee, with regard to  
10          any joint committee of the Congress, or any agency  
11          of the legislative branch of Government.

12 **SEC. 14. NONAPPLICABILITY.**

13          The provisions of this Act shall not apply to the judi-  
14          cial branch of the Government.

15 **SEC. 15. EFFECTIVE DATE.**

16          (a) IN GENERAL.—Except as provided in subsection  
17          (b), the provisions of this Act shall be effective on and  
18          after October 1, 1993.

19          (b) EXCEPTION.—The President, the Office of Man-  
20          agement and Budget, and the Office of Personnel Manage-  
21          ment shall take such necessary actions on and after the  
22          date of the enactment of this Act to carry out the provi-  
23          sions of sections 9(a) and 11(b) of this Act.

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S 234 IS—2