

## Supplement to Federal Property Management Regulations

### Part 38 Motor Equipment Management

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#### Subpart 114S-38.3 Official Use of Government Vehicles

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#### **1145-38.301-70 Official Use of Government-Owned or -Leased Motor Vehicles.**

In accordance with 31 U.S.C. 638a(c)(2), the use of Government-owned or -leased motor vehicles is restricted to official purposes. Their use in the transportation of employees between their homes and places of employment is specifically prohibited except for those employees engaged in fieldwork, the character of whose duties makes such transportation necessary. In such cases prior authorization by the Secretary of the Interior with concurrence from the Commissioner must be obtained. (See [41 CFR 101-6.](#))

(a) **Personal Use Prohibited.** Authority will not be granted at any level of administrative responsibility for the personal use of any item of Government-owned or -leased property. This includes the use of space in a Government garage or repair shop, and Government-owned tools, parts, and accessories in the maintenance or repair of privately-owned motor vehicles.

(b) **Penalties for Violations.** The following law and regulations prescribe mandatory penalties for the unofficial use of Government-owned or -leased motor vehicles:

(1) 31 U.S.C. 638a(c)(2) provides that:

Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned motor vehicle for other than official purposes, will be suspended from duty by the head of the Department (including independent establishments, other agencies, wholly owned Government corporations and the District of Columbia Government) concerned, without compensation, for not less than 1 month, and will be suspended for a longer period or summarily dismissed from office if circumstances warrant.

(2) By these instructions prohibition against the unofficial use of any type of Government-owned motor vehicle is extended to cover motor vehicles of any type leased or rented by Reclamation, and the penalties provided for unofficial use of Government-owned motor vehicles will be applicable to such use of leased or rented motor vehicles.

(c) **Authorized and Unauthorized Use.** 41 CFR 301-10.201 describes the approved limited use of Government-furnished vehicles while on travel status. Listed below are examples of authorized and unauthorized uses of Government-furnished vehicles.

**(1) Authorized:**

- (a) Going to drug stores.
- (b) Going to grocery stores.
- (c) Attending worship services.
- (d) Going to barber shops.
- (e) Going to restaurants.
- (f) Going to dry cleaning or laundry establishments.
- (g) Similar places necessary for the sustenance, comfort, or health of the employee.

**(2) Unauthorized:**

- (a) Going to antique shops.
- (b) Attending local sporting events or attractions.
- (c) Going to liquor stores, bars, or lounges.

Employees who are in travel status should utilize buses, metros, taxis, etc., to the fullest extent practicable.

**114S-38301-71 Authorization to Use a Government-Owned or-Leased Motor Vehicle Between Employee's Domicile and Place of Employment While in Travel Status.**

(a) **Authority.** Employees in official travel status may use Government-owned or -leased motor vehicles between their residence or lodgings and places of employment in connection with official field duties when alternative arrangements are impractical and meet the following conditions: (Refer to 41 CFR 101-6, 41 CFR 301-10.201, and 410 DM 114-6.)

- (1) Will substantially increase the efficiency and economy of the Government in energy consumption and/or cost savings;
- (2) The comfort and convenience of an employee is not a consideration;
- (3) Required at the beginning or close of a day to initiate, continue, or complete official travel.

(b) **Delegation.** Commissioner, Regional Directors, and the Reclamation Service Center (RSC) Director are delegated authority to authorize an employee's use of a Government-owned or -leased motor vehicle between their place of employment and residence while in travel status. The Regional Director may redelegate this authority to Regional Property Managers, Regional Division/Group Chiefs or equivalent, Accountable Officers, and Area Managers. The RSC Director and the Office of the Commissioner may redelegate this authority to Division/Group Chiefs or equivalent. The redelegation may be made to positions rather than individual names. Area Managers may redelegate to appropriate supervisory levels, as necessary. Further redelegation is not permitted. Delegation must be in writing and will be in effect until revoked.

(c) **Documentation.** The procedures prescribed herein do NOT apply to permanent authorizations, which require Secretarial approval. Authority for such use will be indicated in block 15 of the employee's *Travel Authorization* (Form DI-1020). In addition, *Request For Authorization To Use Government-Owned Or Leased Motor Vehicle Between Employee's Residence And Place of Employment* (Form 7-1523), shall be completed and signed by the authorizing official. The authorization form will be retained in accordance with the records retention schedules.

(d) **Compliance Reviews.** Authorizations are subject to property management reviews.

(e) **Impact of Misuse.** Misuse of a Government vehicle is a serious matter considering the impact on:

(1) **Employee.** A 30-day suspension is mandatory for willful misuse of a Government vehicle.

(2) **Supervisor.** A 30-day suspension is mandatory for authorizing misuse of a Government vehicle.

(3) **Reclamation.** Loss of employee's productivity for 30 days in a period of limited resources.

(4) **Public.** The public's negative perception of the Government's operation.

(f) **Security.** Employees authorized to use Government vehicles between home and work are responsible for vehicle security. At a minimum, this should include removal of keys/credit cards from the vehicle, locking vehicle, removal of all equipment/personal belongings from visible sight, and other safeguards required for surroundings.

#### **114S-38301-72 Transportation of Nonofficial Passengers.**

The sole reason for operation of a Government-owned or -leased motor vehicle is the accomplishment of official business. The transportation of nonofficial passengers in vacant space of a vehicle on official business shall be avoided. An exception may be granted only when the Commissioner, Directors, or other management officials that have been delegated the authority grant written approval to permit the incidental transportation of nonofficial passengers; provided that:

- (a) The vehicle is being used for and the trip is connected with the conduct of official Government business;
- (b) Space is available and is not needed in connection with the accomplishment of official business;
- (c) Must be without expense to the Government;
- (d) Must not delay Government business or result in circuitous routes; and
- (e) Must not involve private profit making activities.

A nonofficial passenger is a passenger who is not expected to participate in any business being conducted by the Government. For example, a spouse or child accompanying an employee on a trip. Nonfederal employees such as Water District employees, State/City employees, contractors, etc., traveling with Reclamation employees and performing work supporting a Reclamation program are considered to be conducting official business and are not classified as nonofficial passengers.

(a) Directors may delegate this authority to any management official with their area of responsibility. Delegation must be in writing.

(b) If authority is delegated, Property Officers at Regional Offices, and RSC shall conduct periodic reviews of authorizations and report their findings in writing, to the Regional Director, or Director, Management Services, as appropriate. Reviews of authorizations shall also be conducted along with field reviews of personal property.

(c) Authorizing officials should limit authorizations and use discretion in sanctioning the transportation of nonofficial passengers. In cases of accident, potential liability is created both for the Government and the operator of the vehicle. It also affords opportunity for criticism and the appearance of misuse of Government vehicles.

(1) Picking up strangers or "hitchhikers" is prohibited.

(d) The following format shall be used when granting written permission for the transportation of nonofficial passengers in a Government-owned or -leased motor vehicle. The authorizations must be approved prior to the trip and be retained in the office where the vehicle is domiciled until the vehicle is no longer in use.

|  |  |      |
|--|--|------|
| <b>Authorization for Incidental<br/>Transportation of Nonofficial Passenger(s)</b>   |  |      |
| <p><u>Name of vehicle operator</u> is authorized to transport the following nonofficial passenger(s)</p>   |  |      |
| <p>in vehicle license No. to <u>(city/state)</u> and return. The circumstances warranting this authorization are as follows:</p>   |  |      |
| <p>I have satisfied myself that the use of this vehicle is not voided or changed by the incidental transportation of the aforementioned individual(s) traveling for personal Convenience in available space not needed in the accomplishment of official business.</p> |  |      |
| Approving Official   |  | Date |

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