

108TH CONGRESS  
1ST SESSION

# S. 1783

To provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2003

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Federal Employee  
3 Commuter Benefits Act of 2003”.

4 **SEC. 2. TRANSIT PASS TRANSPORTATION FRINGE BENE-**  
5 **FITS.**

6       (a) IN GENERAL.—Effective as of the first day of the  
7 next fiscal year beginning after the date of the enactment  
8 of this Act, each covered agency shall implement a pro-  
9 gram under which all qualified Federal employees serving  
10 in or under such agency shall be offered transit pass trans-  
11 portation fringe benefits, as described in subsection (b).

12       (b) BENEFITS DESCRIBED.—The benefits described  
13 in this subsection are, as of any given date, the transit  
14 pass transportation fringe benefits which, under section  
15 2 of Executive Order 13150, are then currently required  
16 to be offered by Federal agencies in the National Capital  
17 Region.

18       (c) DEFINITIONS.—In this section—

19               (1) the term “covered agency” means any agen-  
20 cy, to the extent of its facilities in the National Cap-  
21 ital Region;

22               (2) the term “agency” means any agency (as  
23 defined by 7905(a)(2) of title 5, United States Code)  
24 not otherwise covered by section 2 of Executive  
25 Order 13150, the United States Postal Service, the

1       Postal Rate Commission, and the Smithsonian Insti-  
2       tution;

3           (3) the term “National Capital Region” in-  
4       cludes the District of Columbia and every county or  
5       other geographic area covered by section 2 of Execu-  
6       tive Order 13150;

7           (4) the term “Executive Order 13150” refers to  
8       Executive Order 13150 (5 U.S.C. 7905 note);

9           (5) the term “Federal agency” is used in the  
10      same way as under section 2 of Executive Order  
11      13150; and

12          (6) any determination as to whether or not one  
13      is a “qualified Federal employee” shall be made ap-  
14      plying the same criteria as would apply under sec-  
15      tion 2 of Executive Order 13150.

16      (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
17      tion shall be considered to require that a covered agency—

18          (1) terminate any program or benefits in exist-  
19      ence on the date of the enactment of this Act, or  
20      postpone any plans to implement (before the effec-  
21      tive date referred to in subsection (a)) any program  
22      or benefits permitted or required under any other  
23      provision of law; or

24          (2) discontinue (on or after the effective date  
25      referred to in subsection (a)) any program or bene-

1 fits referred to in paragraph (1), so long as such  
 2 program or benefits satisfy the requirements of sub-  
 3 sections (a) through (c).

4 **SEC. 3. AUTHORITY TO USE GOVERNMENT VEHICLES TO**  
 5 **TRANSPORT FEDERAL EMPLOYEES BETWEEN**  
 6 **THEIR PLACE OF EMPLOYMENT AND MASS**  
 7 **TRANSIT FACILITIES.**

8 (a) IN GENERAL.—Section 1344 of title 31, United  
 9 States Code, is amended—

10 (1) by redesignating subsections (g) and (h) as  
 11 subsections (h) and (i), respectively; and

12 (2) by inserting after subsection (f) the fol-  
 13 lowing:

14 “(g)(1) A passenger carrier may be used to transport  
 15 an officer or employee of a Federal agency between the  
 16 officer’s or employee’s place of employment and a mass  
 17 transit facility (whether or not publicly owned) in accord-  
 18 ance with succeeding provisions of this subsection.

19 “(2) Notwithstanding section 1343, a Federal agency  
 20 that provides transportation services under this subsection  
 21 (including by passenger carrier) shall absorb the costs of  
 22 such services using any funds available to such agency,  
 23 whether by appropriation or otherwise.

24 “(3) In carrying out this subsection, a Federal agency  
 25 shall—

1           “(A) to the maximum extent practicable, use al-  
2           ternative fuel vehicles to provide transportation serv-  
3           ices;

4           “(B) to the extent consistent with the purposes  
5           of this subsection, provide transportation services in  
6           a manner that does not result in additional gross in-  
7           come for Federal income tax purposes; and

8           “(C) coordinate with other Federal agencies to  
9           share, and otherwise avoid duplication of, transpor-  
10          tation services provided under this subsection.

11          “(4) For purposes of any determination under chap-  
12          ter 81 of title 5, an individual shall not be considered to  
13          be in the ‘performance of duty’ by virtue of the fact that  
14          such individual is receiving transportation services under  
15          this subsection.

16          “(5)(A) The Administrator of General Services, after  
17          consultation with the National Capital Planning Commis-  
18          sion and other appropriate agencies, shall prescribe any  
19          regulations necessary to carry out this subsection.

20          “(B) Transportation services under this subsection  
21          shall be subject neither to the last sentence of subsection  
22          (d)(3) nor to any regulations under the last sentence of  
23          subsection (e)(1).

24          “(6) In this subsection, the term ‘passenger carrier’  
25          means a passenger motor vehicle, aircraft, boat, ship, or

1 other similar means of transportation that is owned or  
2 leased by the United States Government or the govern-  
3 ment of the District of Columbia.”.

4 (b) FUNDS FOR MAINTENANCE, REPAIR, ETC.—Sub-  
5 section (a) of section 1344 of title 31, United States Code,  
6 is amended by adding at the end the following:

7 “(3) For purposes of paragraph (1), the transpor-  
8 tation of an individual between such individual’s place of  
9 employment and a mass transit facility pursuant to sub-  
10 section (g) is transportation for an official purpose.”.

11 (c) COORDINATION.—The authority to provide trans-  
12 portation services under section 1344(g) of title 31,  
13 United States Code (as amended by subsection (a)) shall  
14 be in addition to any authority otherwise available to the  
15 agency involved.

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