

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1018

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

MAY 12, 2005

Mr. SARBANES introduced the following bill; which was read twice and referred to the Committee on Homeland Security and 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Employee  
5 Commuter Benefits Act of 2005”.

1 **SEC. 2. TRANSIT PASS TRANSPORTATION FRINGE BENE-**  
2 **FITS.**

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

9 (b) BENEFITS DESCRIBED.—The benefits described  
10 in this subsection are the transit pass transportation  
11 fringe benefits which, under section 2 of Executive Order  
12 13150, are required to be offered by Federal agencies in  
13 the National Capital Region on the date of enactment of  
14 this Act.

15 (c) DEFINITIONS.—In this section—

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

19 (2) the term “agency” means any agency (as  
20 defined by 7905(a)(2) of title 5, United States  
21 Code), the United States Postal Service, the Postal  
22 Rate Commission, and the Smithsonian Institution;

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

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

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

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

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

12           (1) terminate any program or benefits in exist-  
13     ence on the date of the enactment of this Act, or  
14     postpone any plans to implement (before the effec-  
15     tive date referred to in subsection (a)) any program  
16     or benefits permitted or required under any other  
17     provision of law; or

18           (2) discontinue (on or after the effective date  
19     referred to in subsection (a)) any program or bene-  
20     fits referred to in paragraph (1), so long as such  
21     program or benefits satisfy the requirements of sub-  
22     sections (a) through (c).

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

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

7 (1) by redesignating subsections (g) and (h) as  
8 subsections (h) and (i), respectively; and

9 (2) by inserting after subsection (f) the fol-  
10 lowing:

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

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

21 “(3) In carrying out this subsection, a Federal agency  
22 shall—

23 “(A) to the maximum extent practicable, use al-  
24 ternative fuel vehicles to provide transportation serv-  
25 ices;

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

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

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

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

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

21           “(6) In this subsection, the term ‘passenger carrier’  
22 means a passenger motor vehicle, aircraft, boat, ship, or  
23 other similar means of transportation that is owned or  
24 leased by the United States Government or the govern-  
25 ment of the District of Columbia.”.

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

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

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

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