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NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE

INSPECTOR GENERAL

REPORT OF INVESTIGATION

24 February 2015

IV-14-0115

Alleged Misuse of Government Vehicle

(U) This report might not be releasable under the Freedom of Information Act or other statutes and regulations. Consult the NSA/CSS Inspector General Chief of Staff before releasing or posting all or part of this report.

Approved for Release by NSA on 10-28-2021, FOIA Case # 85643 (litigation)

Release 2021-11
NSA 17652

(U) OFFICE OF THE INSPECTOR GENERAL

(U) Chartered by the NSA Director and by statute, the Office of the Inspector General conducts audits, investigations, inspections, and special studies. Its mission is to ensure the integrity, efficiency, and effectiveness of NSA operations, provide intelligence oversight, protect against fraud, waste, and mismanagement of resources by the Agency and its affiliates, and ensure that NSA activities comply with the law. The OIG also serves as an ombudsman, assisting NSA/CSS employees, civilian and military.

(U) AUDITS

(U) The audit function provides independent assessments of programs and organizations. Performance audits evaluate the effectiveness and efficiency of entities and programs and their internal controls. Financial audits determine the accuracy of the Agency's financial statements. All audits are conducted in accordance with standards established by the Comptroller General of the United States.

(U) INVESTIGATIONS

(U) The OIG administers a system for receiving complaints (including anonymous tips) about fraud, waste, and mismanagement. Investigations may be undertaken in response to those complaints, at the request of management, as the result of irregularities that surface during inspections and audits, or at the initiative of the Inspector General.

(U) INTELLIGENCE OVERSIGHT

(U) Intelligence oversight is designed to insure that Agency intelligence functions comply with federal law, executive orders, and DoD and NSA policies. The IO mission is grounded in Executive Order 12333, which establishes broad principles under which IC components must accomplish their missions.

(U) FIELD INSPECTIONS

(U) Inspections are organizational reviews that assess the effectiveness and efficiency of Agency components. The Field Inspections Division also partners with Inspectors General of the Service Cryptologic Elements and other IC entities to jointly inspect consolidated cryptologic facilities.

Release 2021-11
NSA 17653

Doc ID: 6743209

I. (U) SUMMARY

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(U//~~FOUO~~) This investigation was conducted in response to a complaint alleging that [redacted], GG-13, Deputy Chief, [redacted] misused a government vehicle.

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(U//~~FOUO~~) The complaint alleged that on [redacted] drove a government vehicle from NSAW to his place of residence in [redacted] to retrieve his [redacted] and government travel credit card prior to going TDY to [redacted] was driving the government vehicle and was accompanied by other members of the [redacted] and one member of the [redacted]. After driving to his residence, [redacted] then drove the government vehicle to the training facility in [redacted].

(U//~~FOUO~~) In addition to obtaining sworn testimony from [redacted], we also interviewed [redacted]'s current and former supervisors, the five passengers who were in the government vehicle with [redacted] on [redacted] and reviewed various documents pertaining to this matter, including [redacted] signed acknowledgement on the use of government vehicles.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] willfully misused a government vehicle by driving that vehicle to his place of residence, while in route to training in [redacted][1]

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(U//~~FOUO~~) A copy of the NSA/CSS OIG report will be forwarded to Employee Relations and the Associate Directorate for Security and Counter Intelligence for information and appropriate action.

[1] The OIG concluded that the five passengers traveling with [redacted] on [redacted] did not violate the government vehicle policy. They were in the government vehicle for official business, and did not benefit from [redacted] decision to take a government vehicle to his place of residence.

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Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: ~~*20400201*~~

Release 2021-11
NSA 17654

II. (U) BACKGROUND

(U) Introduction

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(U//~~FOUO~~) has been assigned to the Associate Directorate for Security and Counter Intelligence (ADS&CI) since starting his employment with NSA. He entered on duty with NSA on as an NSA Police Officer. served as an NSA Police Officer until when he was selected for a position as a In he was selected for a position within the and on he was selected to be the Deputy Chief of the has been required to use a government vehicle as part of his duties since he began employment with NSA.

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(b) (3)-P.L. 86-36

(U//~~FOUO~~) was the leader of a group of ADS&CI employees who were scheduled to attend was designated as the driver of the government vehicle used for travel to the training location. is the direct supervisor of the four passengers who are members of the . The fifth passenger is a member of the NSA Police Force and not in 's direct chain of command.

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(U) According to MAPQUEST directions, a drive from Ft. Meade, MD, to is 175.77 miles. The estimated drive time is 2 hours and 47 minutes. A drive from Ft. Meade, MD, to then to is 231.09 miles. The estimated drive time is 3 hours and 44 minutes.

(U) Applicable Authorities

(U) The following authorities are applicable to this investigation. The details of the following authorities are included in Appendix A.

- (U) 31 U.S. Code § 1344, Passenger Carrier Use
- (U) 31 U.S. Code § 1349, Adverse Personnel Actions
- (U) DoD Regulation 4500.36R, Chapter 2, Official Use of Vehicles
- (U) NSA Office of General Counsel Use of Government-Owned Vehicles Pamphlet
- (U//~~FOUO~~) NSA Commuter & Motor Fleet, Guide to Use of Government-Owned Vehicles

Release 2021-11
NSA 17655

Doc ID: 6743209

III. (U) FINDINGS

(U//~~FOUO~~) Issue: Did [redacted] willfully misuse a Government vehicle on [redacted] by using the Government vehicle for transportation to his place of residence?

(U//~~FOUO~~) **CONCLUSION: Substantiated.** *The preponderance of the evidence supports the conclusion that [redacted] willfully misused a Government vehicle on [redacted] by driving a Government vehicle from the Ft. Meade, MD; to his place of residence, in violation of 31 U.S. Code §§ 1344 and 1349 and DoD Regulation 4500.36R.*

(U) Documentary Evidence

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(U//~~FOUO~~) **Request and Travel Authorization/Expense Report (RTA).** On 27 June 2014 [redacted] submitted an RTA requesting reimbursement for travel expenses related to a TDY to [redacted] that took place [redacted] The claimed purpose of the TDY was [redacted] (Appendix B).

~~(SECRET//REL TO USA, FVEY)~~ [redacted] (Appendix C).

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~~(CONFIDENTIAL//REL TO USA, FVEY)~~ [redacted] (Appendix D).

(U//~~FOUO~~) **Acknowledgement regarding the use of Government Owned Vehicles.** On 16 October 2012, [redacted] acknowledged that he read and agreed to abide by the NSA Office of General Counsel Government-Owned Vehicles pamphlet and the NSA Commuter & Motor Fleet Services, [redacted] Use of Government-Owned Vehicles guide. The documents state that while on TDY, government vehicles may be operated between places where the person's presence is required for official duties, or between such places and temporary lodgings; that government vehicles may not be used to transport DoD or other personnel over all or any part of the route between their domiciles and places of employment; that government vehicles may only be used to travel along the shortest, most direct route between duty stations and that using a government vehicle for transportation between home and work is not considered an "official use, " except in very limited circumstances requiring the approval of the Secretary of Defense. Employees shall never use a government vehicle to accomplish personal business and when operating a government vehicle, the vehicle will be used for official use only. (Appendix E).

(U) Testimonial Evidence

(U//~~FOUO~~) [redacted] **GG-13, Deputy Chief,** [redacted]

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Release 2021-11
NSA 17656

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(U//~~FOUO~~) was interviewed on 4 September 2014 and provided the following sworn testimony.

(U//~~FOUO~~) entered on duty with the NSA Police force and became a with ADS&CI He has been assigned to since Every position that he has had with NSA has required him to use a Government vehicle as part of his routine duties. assignees "spend our life" in government vehicles. He has known since he was a member of the NSA Police that there is a policy regarding the use of government vehicles. He knows that government vehicles are "used for official functions only and, you know, you don't use them to go get food or take care of personal errands and things like that." The rules governing the use of government vehicles have "been known as a way of business since I've been here, I've pretty much always been in a government car."

(U//~~FOUO~~) He was planning to drive a government vehicle TDY from NSA to to attend a There were five other ADS&CI assignees traveling with him in the government vehicle; four assignees that he supervised and one assignee that he did not supervise.

(U//~~FOUO~~) Before leaving NSA for he couldn't find his his driver's license, and his government travel credit card. He keeps his driver's license and government travel credit card He looked through his travel bag and could not find his He thought that he must have left his at his home. He told the other members of the TDY that the would require him to produce a valid driver's license and that he needed to drive the government vehicle from NSA to his house to get them. It was his decision to drive the government vehicle to his home. It also occurred to him that and that some of his subordinates in the government vehicle He "said kind of jokingly at the time" that "

(b) (3)-P.L. 86-36

(U//~~FOUO~~) The was scheduled to start later in the day and he wanted to make sure everyone arrived on time for the class. He said that he thought that this could only be accomplished by driving the government vehicle with all of the passengers from NSA to his home so that he could get the items that he thought he had left there then drive straight to the TDY site in He was concerned that he would not be able to attend the training that the Agency had paid for. He thought he needed to leave right away to drive to his house with all of the TDY passengers so that they would not arrive late for the start of the class. He thought that if he let the other travelers take the government vehicle to and he took his personally owned vehicle (POV) to his house, then to there would be "a lot more expense into this trip, POV mileage, gas that needs to be reimbursed, because I am driving my POV that we wouldn't have spent anywhere close to in the work truck." No other options occurred to him and he did not think it necessary to ask for guidance from his supervisor.

(U//~~FOUO~~) It "never crossed my mind" that he may have been misusing a government vehicle by driving from NSA to his home. He drove the government vehicle to his home because he believed driver's license, and government travel credit card were "essential

Release 2021-11
NSA 17657

equipment" that he needed to have for the TDY. He thought that his home was "acceptable"

(U//~~FOUO~~) After arriving at his home in the government vehicle, he went inside his house but could not find his He returned to the government vehicle, dumped out all of the contents of his travel bag that he had had with him all morning, and found his driver's license, and government travel credit card. These items had been with him, in his travel bag, the entire time. He then drove the government vehicle to the TDY site in

(U//~~FOUO~~) **GG-14, Chief,**

(U//~~FOUO~~) was interviewed on 28 August and 2 October 2014 and provided the following sworn testimony.

(U//~~FOUO~~) has been assigned to the since June 2012 and has been the Chief of the and supervisor, since April 2014.

(U//~~FOUO~~) has been assigned to the longer than him. Everyone on the including , is aware of the rules governing the use of official vehicles. Every assignee to the routinely uses a government vehicle. uses a government vehicle one to three times per week. has "certainly used" government vehicles "many, many, many times" and "had a reasonable knowledge of what is and is not permissible with regard to use of government vehicles, that's the bottom line."

(b) (3)-P.L. 86-36

(U//~~FOUO~~) did not disclose to him that he had taken a government vehicle to his home until after being contacted by the OIG. Had contacted him before taking a government vehicle home, he would have instructed not to do so. explained to him that he was under the misimpression that he had left his at home and that they were needed for the TDY. Even though money had been spent on the TDY and there is pressure for the training to be completed, he would have instructed not to take the government vehicle to his home. Had contacted him before leaving NSA, he would have told the other personnel to take the government vehicle to and told to take his personal car to his home then to

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(U//~~FOUO~~) **GG-15,**

(U//~~FOUO~~) was interviewed on 11 September 2014 and provided the following sworn testimony.

(U//~~FOUO~~) was the Chief, from March 2010 until April 2014. He was supervisor in the from late 2011 until April 2014. was working in the when former assignees to that office were removed from the for misusing government vehicles.[2]

(U//~~FOUO~~) The rules governing the use of official vehicles were frequently discussed with assignees, including . "We often spoke about it, we were very adamant about the misuse of government vehicles pertaining to the because we have our own vehicles and there have been issues in the past by other team members so we were very adamant discussing what you can and cannot do with the government vehicles. It was pretty much beat into their heads what you can and can't do with the government vehicle on official duty with ." He "cannot believe" that thought he could take a government vehicle home without prior approval, because they had been taught otherwise. Even though thought he had left his home, "that would not be a legitimate argument" to take a government vehicle home. Had he still been the Chief of the he "would not have allowed" to take the government vehicle to his home to look for his

(U//~~FOUO~~) "Oh, and by the way, they're going to which is in the opposite direction. I can't buy that as a legitimate route."

(U//~~FOUO~~) is a "good a good member, and it appears to me he's just had a real mental slip in this situation."

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(U//~~FOUO~~) **GG-11,**

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(U//~~FOUO~~) was interviewed on 5 September 2014 and provided the following sworn testimony.

(U//~~FOUO~~) has been assigned to the since September 2011, and is the deputy chief of the and his supervisor. worked as a NSA uniformed police officer prior to joining the .

(U//~~FOUO~~) received training regarding the proper use of government vehicles when working as a NSA police officer and as a member of the . The rules regarding the use of government vehicles are the same for NSA police officers and assignees, the only difference is that assignees take government vehicles further from NSAW in the scope of their duties. Former NSA police officers who have become members have had the rules regarding the use of government vehicles "instilled in us." was taught what the limitations and uses are for government vehicles and that should have that same knowledge based upon the training has received. was taught that you cannot take a government vehicle home.

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[2] was assigned to the when, on 21 March 2011, the OIG issued investigative reports concluding that five assignees had willfully misused government vehicles.

(U//~~FOUO~~) He was a member of a TDY team going to [redacted] to attend a [redacted] was driving a government vehicle to transport the class members to [redacted] Prior to leaving NSA, [redacted] could not find his wallet and [redacted] told the group that he would have to drive everyone to his house so that he could get his identification. [redacted] drove the government vehicle to his house, went inside, but did not find his [redacted] then searched his travel bag that was inside the government vehicle and found the items he thought he had left at his home. [redacted] "had them all along, then we really gave him 'guff' for making us go all the way out of our way when he had them in the bag. He just never searched it thoroughly at work."

(U//~~FOUO~~) His concern at the time was the possibility that [redacted] had lost his [redacted] He had "never gone to a residence in a government vehicle but, at the time he [redacted] was our deputy chief so I'm to assume that he knows the policies."

(U//~~FOUO~~) [redacted] GG-11, [redacted]

(U//~~FOUO~~) [redacted] was interviewed on 15 September 2014 and provided the following sworn testimony.

(b) (3)-P.L. 86-36

(U//~~FOUO~~) [redacted] has been assigned to the [redacted] since July 2013, and has had prior assignments as a Special Agent with ADS&CI and the NSA Police force. "Since day one" he has been made aware of the rules regarding the proper use of a government vehicle. The rules for use of a government vehicle are the same whether you work for the NSA Police, as a Special Agent, or with the [redacted] knows that you cannot take a government vehicle home unless you have special authorization, such as being a K-9 handler.

(U//~~FOUO~~) He was a member of a TDY group that was traveling in a government vehicle to a training class in [redacted] His boss, [redacted], was on this TDY and was driving the vehicle.

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(U//~~FOUO~~) Prior to leaving NSA, [redacted] announced to the group that he could not find his [redacted] It was time to leave NSA and everyone got inside the government vehicle. [redacted] thought that [redacted] would contact the chief of the [redacted] for advice on what to do. He was in the back of the vehicle talking with his wife on the telephone when he realized [redacted] He knew that this was not the way to [redacted] and he asked [redacted] if they were really going to his house. [redacted] answered that it was fine, [redacted] and made a hand gesture of quotation marks.

(U//~~FOUO~~) [redacted] then exited and proceeded to his house, where he went inside. [redacted] came out after a few minutes but did not have his [redacted] returned to the vehicle and searched inside his travel bag and found his [redacted]

(U//~~FOUO~~) [redacted] "absolutely" knows the rules regarding the use of government vehicles. He and [redacted] came through Special Agent training with ADS&CI and learned the policies. [redacted] knew, based on his training, that [redacted] wasn't using the government vehicle properly by taking it to his house. Telling [redacted] to pull over and let him out was

Release 2021-11
NSA 17660

not an option and, as a supervisor, [redacted] should have known better than to put all of the passengers and subordinates in a bad situation.

(U//~~FOUO~~) [redacted] to justify taking a government vehicle to his house. [redacted] knew that he was misusing a government vehicle. "We've learned over and over in Q21 (ADS&CI) that, you know, there's two really easy ways to get your butt kicked out of the Agency and that's misuse of a government vehicle and time card fraud. So they beat it into your head with a sledge hammer."

(b) (3)-P.L. 86-36

(U//~~FOUO~~) [redacted] **GG-12,** [redacted]

(U//~~FOUO~~) [redacted] was interviewed on 9 September 2014 and provided the following sworn testimony.

(U//~~FOUO~~) [redacted] started his assignment with the [redacted] in June 2014 and [redacted] is his supervisor. He has been a Special Agent with ADS&CI since 2008. He has used government vehicles as a routine part of his job with ADS&CI and the government vehicle policy was something that everyone was "mindful of and instructed on." [redacted] was taught that it is not permissible to take a government vehicle home.

(U//~~FOUO~~) He was part of a TDY group going to [redacted] to attend [redacted] This was his first TDY with the [redacted] was driving a government vehicle to the TDY site with five other passengers who were planning to attend the same class. Prior to leaving NSA, [redacted] told everyone that he had left his [redacted] at his home and that he needed to drive everyone to his home to retrieve his items so that he could complete the TDY. Someone spoke up and questioned whether taking a government vehicle to his home was an appropriate use and [redacted] said that it was appropriate because he had to get official government items to complete the TDY. "My thought process was he's the boss and that's what he says is permissible so I guess it is." [redacted] made the decision to drive the government vehicle to his house.

(b) (3)-P.L. 86-36
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(U//~~FOUO~~) After arriving at [redacted] house, [redacted] went inside for a few minutes and then came back to the vehicle. [redacted] then searched the travel bag that had been with him in the vehicle and found his [redacted]

(U//~~FOUO~~) While [redacted] was driving the group to his house, [redacted] made mention that [redacted] house in [redacted] did not justify taking a government vehicle to [redacted] home. [redacted]

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(U//~~FOUO~~) [redacted] **GG-11,** [redacted]

(U//~~FOUO~~) [redacted] was interviewed on 11 October 2014 and provided the following sworn testimony.

(U//~~FOUO~~) entered on duty with NSA as a Special Agent with ADS&CI in December 2011. His assignment with the started in March 2014. He "frequently" used government vehicles as part of his job with ADS&CI. He has received extensive training on the use of government vehicles and knows that government vehicles cannot be taken home unless there is a special, authorized requirement, such as being in the K9 unit and having a working dog. Since the first day of being assigned to the management has talked about using government vehicles properly. You are "never" allowed to take a government vehicle home. has the same base of knowledge that he has regarding the use of government vehicles and "probably better knowledge than I" since was on the when past assignees had previously misused government vehicles.

(U//~~FOUO~~) was a passenger in the government vehicle that was taking employees to , his supervisor, was driving the government vehicle from NSA to the TDY site. Prior to leaving NSA, told the other travelers that he had forgotten his Someone told that he better leave quickly to go to his house to get his He thought that would be taking his privately owned vehicle. told everyone that he would be taking the government vehicle to his house with everyone and, after getting his they would go to the TDY site. He told that taking a government vehicle home would be a misuse but told him that it was okay since he had to get items needed for TDY. He thought it possible that had more knowledge of the vehicle policy than he did since was a supervisor.

(U//~~FOUO~~) "The whole mood of the vehicle was that this was a concern" because the assignees were aware of the vehicle misuse that took place within the in the past.

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(b)(3)-P.L. 86-36

(U//~~FOUO~~) No other options were discussed after he raised his concern to made the determination to take the government vehicle to his house because he needed to get items for a TDY. Because was the Deputy Chief, felt he had "no other option" than to get in the government vehicle while drove to his house. The entire group would have missed the training had they waited at NSA for to return from his home with the government vehicle. The training in was scheduled to start at approximately 11 a.m. and go into the evening.

(U//~~FOUO~~) drove the government vehicle to his home, went inside, and came back to the vehicle without his then searched his travel bag and realized that he had his with him the entire time. then drove the government vehicle to the TDY site where they "barely" arrived to the training on time.

(U//~~FOUO~~) While driving to house, told everyone that they would be to justify going that way. They the exit for home.

(U//~~FOUO~~) would not have taken a government vehicle to his home if he had forgotten items needed for a TDY, he would have taken his personal vehicle. There have been

times when the Agency medical staff has required him to provide medical records from his private physician prior to going TDY. Although these records are needed in preparation for an official TDY, he drives his personal vehicle to get them.

(U//~~FOUO~~) GG-9,

(U//~~FOUO~~) was interviewed on 5 September 2014 and provided the following sworn testimony.

(U//~~FOUO~~) has been assigned to the NSA Police force since April 2010 and has been on the since September 2013. He has been using government vehicles as a routine part of his job since April 2010. He has a clear understanding on the proper use of a government vehicle.

(U//~~FOUO~~) He was part of a group of employees that were going TDY to The had an extra space for the class and he was invited to travel to, and participate in, this class. He met the group at NSA on the morning of and was driving the government vehicle. As wasn't sure where we were going until said that he had forgotten his wallet and that he was taking us to his house so that he could get his wallet and said he needed his due to a mission impact. was sitting in the back of the government vehicle and did not take part in the general discussion that was going on between the members because he was not a part of their team.

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(U//~~FOUO~~) is "clear" on what the NSA Police policies are regarding not being allowed to take government vehicles home but that he was not sure if the had different policies concerning their government vehicles. NSA Police are prohibited from taking government vehicles home and had he been in the same situation as , he would have taken his personal vehicle home to get his

(U//~~FOUO~~) Once the group arrived at house, went inside for a few minutes then came back out. first thought that he had lost his but found them in the government vehicle.

(U) ANALYSIS AND CONCLUSION

(U//~~FOUO~~) 31 U.S. Code § 1344(a) restricts the use of government vehicles to official purposes. The requirement is repeated in DoD 4500.36-R, "Management, Acquisition, and Use of Motor Vehicles" and in guidance applicable to NSA employees. The DoD regulation, dated March 16, 2007, references both 31 U.S. Code § 1344 and 31 U.S. Code § 1349 and requires the Heads of DoD components to "[p]rocure, manage, and operate their motor vehicles consistent with Federal and state laws, regulations, Executive Orders, this Regulation and any supplemental guidance issued." Accordingly, all NSA employees, including members of the must comply with the requirements set forth in the statute and DoD regulation when operating a government vehicle.

Doc ID: 6743209

(U//~~FOUO~~) In June 1996, the NSA Director published a Memorandum to all employees on the use of Government resources (among others, government vehicles). In that memorandum, he stressed each employee's responsibility to ensure that government resources are only used for official purposes. Following the issuance of the Memorandum, the NSA Installations &Logistics has published and maintained a guide on the use of government vehicles. The Guide- an A to Z compendium of specific instructions for government vehicle users- gives detailed guidance on using a government vehicle, including:

- The operation of all NSA vehicles is restricted to "official uses" only. Official uses are those which are necessary to accomplish the Agency's mission. When questions arise concerning the official use of a vehicle, they must be resolved in favor of strict compliance with statutory provisions, and DoD and NSA policies.
- Some activities which are not normally considered official use of Government vehicles are: stopping by any employee's home . . .
- Employees should always take the most direct route when using Government owned and leased vehicles, and should not stray from that route for non-official reasons.
- Except for those limited situations in which a domicile-to-duty (D-T-D) exception has been granted, transportation between place of residence and primary work location or site is the sole responsibility of the employee and Government vehicles shall not be used. Exceptions which allow for D-T-D transportation may be granted only by the Secretary of Defense and the authority for this may not be delegated.
- Employees (with the exception of those on TDY who have a need to stop at places required for personal upkeep, comfort or health) shall never use government vehicles to accomplish personal business (e.g.; pick up dry cleaning, haircuts, etc.).

(U//~~FOUO~~) In addition, the NSA/OGC Administrative Law & Ethics (formerly the Ethics and Fiscal Law practice group) has published and maintained guidance on the use of motor vehicles, dating back to 2001, including an OGC Administrative Law & Ethics Pamphlet "Rules of the Road: Use of Government-Owned Vehicles" which states that government vehicles are for official use only and that when "using a GOV, you must use the shortest and most direct route between two points." The DoD regulation and the NSA guidelines establish that using a government vehicle to drive more than 50 extra miles for the purpose of picking up personal items, even if required for work, is not an official use of the government vehicle.[3]

(U//~~FOUO~~) [redacted] was aware of the restrictions on the use of government vehicles as well as the difference between official and unofficial use. In October 2012, [redacted] signed a document acknowledging that he had read and agreed to adhere to the above guidance on the use of government vehicles. [redacted] has been using government vehicles since he entered on duty with NSA [redacted] He admitted that he has "pretty much always been in a government car" and that government vehicles are "used for official functions only . . . you don't use them to go get food or take care of personal errands and things like that." Every [redacted] assignee in the vehicle on [redacted] including [redacted], testified that they had an awareness of the rules regarding the use of government vehicles and each of the passengers

(b) (3)-P.L. 86-36

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[3] NSA/CSS Policy 9-19, Management, Acquisition, and Use of Motor Vehicles became effective on 28 July 2014 and thus was not in effect at the time of this incident.

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Release 2021-11
NSA 17664

stated they believed his using the government vehicle to drive to his house was improper. [redacted] current and former supervisors testified that the rules regarding proper use of government vehicles were the topic of frequent conversations in [redacted] and there should have been no doubt among [redacted] members that driving a vehicle to their house was improper.

(U//~~FOUO~~) [redacted] said that it did not occur to him at the time he was driving a government vehicle to his house to pick up personal items that he was misusing a government vehicle, despite the fact that at least one subordinate [redacted] informed him that his use was improper prior to leaving NSA. [redacted] offered two reasons why he thought the only option for him was to take the government vehicle and passengers to his home. First, there was not enough time for everyone to get to the TDY site prior to the start of class if everyone waited for him to drive to his house then return to Ft. Meade. Secondly, had he taken his personal vehicle home then driven himself directly to the training site, the government would have incurred additional costs by having to reimburse him for gas and mileage for the use of his personal vehicle. Regarding the issue of time restraints, [redacted] fellow travelers could have taken the government vehicle from NSA to the training site without him. [redacted] could have taken his personal vehicle to his home then to the training site and he would have arrived on time (as he did driving that same route in the government vehicle). Regarding the issue of causing additional costs to the government through a reimbursement claim for personal mileage and gas, any such claim made by [redacted] would not have been allowed.[4] There would have been no additional cost to the government had [redacted] drove his personal vehicle to the training site.

(b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36
(b)(6)

(U//~~FOUO~~) [redacted] also said that he thought that it was "acceptable" for him to drive a government vehicle [redacted] use of this excuse further shows he knew he was not permitted to take the government vehicle to his place of residence. First, one witness, [redacted] testified that [redacted] used the air quotes when saying that [redacted] This gesture indicates that even [redacted] believed [redacted] Second, [redacted] himself noted that he "somewhat jokingly" informed his subordinates [redacted] Finally, [redacted] manager testified that [redacted] RTA documents make no mention of [redacted] gets home does not justify driving a government vehicle to his home.

(U//~~FOUO~~) In several cases, the Merit Systems Protection Board (MSPB) has found no violation of 31 U.S. Code § 1344 as the misuse was *de minimis* in relation to the primary official use of the government vehicle. *See Arnold v. Department of Energy*, 36 MSPR 561 (1988) (reasonable use

[4] (U) Joint Travel Regulations, Chapter 4, Part G, POC Travel, Section 4795, C. GOV Makes the Trip. "When a traveler is directed to use a GOV as a passenger or as a driver, with one or more other travelers, but instead uses a POC, mileage reimbursement is not authorized if the GOV made the trip without the traveler."

of government vehicle for one-time lunch stop while waiting to conduct official business with nearby bank whose opening was delayed); *see also Lynch v. Department of Justice*, 32 MSPR 33 (1986) (Primary use of government vehicle for official trip between two locations and stop en route to see dentist not a violation of 1349; however, stop in a government vehicle violated agency rule against intermingling private and public interest); *Ferguson v. Department of the Army*, 8 MSPB 274 (1981) (driving government vehicle to employee's house for colleague to pick up his car was minor personal use where primary purpose of the trip was to unload Government equipment to be repaired at employee's house); *Ford v. Department of Housing and Urban Development*, 450 F. Supp. 559 (1978) (no misuse where employee stopped at his house while engaged in "three-legged" official trips on behalf of the agency). While it is clear that [redacted] did not use the government vehicle solely for personal reasons, the evidence does not support a finding of *de minimis* use. [redacted] stop at his house, which caused a failure to use the most direct route, required driving a significant extra distance, required longer driving time, required additional use of resources, and was not merely incidental to an official trip. *See Madrid v. Department of the Interior*, 37 MSPR 418 (1988) (the Board found that short deviation from his return route to transport unauthorized passenger for personal reasons was willful misuse of the government vehicle).

(U//~~FOUO~~) Furthermore, [redacted] misuse of the government vehicle was a "willful" violation of 31 USC 1344 and agency regulations pertaining to the use of government vehicles. The MSPB has interpreted the "willful" standard as the voluntary and conscious use of a government vehicle "with knowledge or reckless disregard of whether use was for other than an official purpose." *Woody v. GSA*, 6 MSPR 486 (1981), citing *Keane v. Berry*, Civ. No. 75-493 (D. Ariz., Jan. 3, 1978). As discussed above, [redacted] read and acknowledged the rules and regulations limiting the use of government vehicles to official purposes and he admitted that he was well aware of the regulations limiting use of government vehicles to official purposes, yet he chose to disregard them. Even if [redacted] alleged that he had no knowledge at the time of the misuse, proof of actual knowledge is "not the only basis for finding a violation of 31 USC 1349(b); proof of reckless disregard as to whether use of a government vehicle is authorized is another means of establishing such a violation." *Aiu v. Department of Justice*, 70 MSPR 509, 515 (1996), aff'd *Aiu v. Department of Justice*, 98 F.3d 1359 (Fed. Cir. 1996, non precedential No. 96-3289) (appellant failed to query whether his use of a government vehicle to attend law school as improper). One of [redacted] subordinates in the government vehicle informed him that his using the vehicle to drive to his house was improper. Furthermore, both [redacted] current and former supervisors testified that had they been asked if [redacted] could take the government vehicle to his house to pick up his personal items, they would have told him no. [redacted]'s failure to heed the information provided by his subordinate, as well as his failure to seek additional guidance, constitute reckless disregard of whether the use was for other than an official purpose.

(b)(3)-P.L. 86-36
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(U//~~FOUO~~) The OGC advisement regarding the use of government vehicles states that, when using a government vehicle, you must travel along the shortest, most direct route between duty stations and that deviations for unofficial purposes are not authorized. This OGC advisement also states that government vehicles may not be used to transport DoD or other personnel over all or part of the route between their domiciles and places of employment. The route taken by [redacted]

[redacted] was not a direct route to the training site. By driving to his home, [redacted] deviated from the shortest route and caused the trip to be more than 55 miles longer than required.

(U//~~FOUO~~) Based on the above information, we conclude that [redacted] willfully misused a government vehicle by driving that vehicle to his home on [redacted] [redacted] failed to adhere to the standards set in 31 U.S. Code § 1344 and DoD Regulation 4500.36-R (C2.5), and because his misuse was willful, 31 U.S. Code § 1349 and DoD Regulation 4500.36-R (C1.3.1.1) apply.

(b)(3)-P.L. 86-36
(b)(6)

Release 2021-11
NSA 17667

IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//~~FOUO~~) The OIG's Tentative Conclusion was sent to [redacted] on 9 February 2015. On 9 February 2015 [redacted] provided the following reply to the OIG's Tentative Conclusion.

> Thank you for touching base with the update/conclusion. I respectfully acknowledge the decision made by the OIG and accept any consequences that come with it. Again, I would just like to not that I, at no point, made my decision that day with any ill intent.

(b)(3)-P.L. 86-36
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Release 2021-11
NSA 17668

V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] willfully misused a government vehicle by driving that vehicle to his home on [redacted] in violation of 31 United States Code § 1344 and DoD Regulation 4500.36R. Due to the willful nature of the violation, 31 United States Code §1349 also applies.

(b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36
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Release 2021-11
NSA 17669

VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) This report of investigation will be provided to Employee Relations and the Associate Directorate for Security and Counter Intelligence for information and appropriate action.

[redacted]
Senior Investigator

(b)(3)-P.L. 86-36

Concurred by:

[redacted]
Assistant Inspector General
for
Investigations

Release 2021-11
NSA 17670

Appendix A

Applicable Authorities

(U) 31 United States Code § 1344 Passenger Carrier Use

(U) Funds available to a Federal agency, by appropriation or otherwise, may be expended by the Federal agency for the maintenance, operation, repair of any passenger carrier only to the extent that such carrier is used to provide transportation for official purposes.

...

(U) 31 United States Code § 1349 Adverse Personnel Actions

(U) (b) An officer or employee who willfully uses or authorizes the use of a passenger motor vehicle or aircraft owned or leased by the United States Government...or otherwise violates section 134 shall be suspended without pay by the head of the agency. The officer or employee shall be suspended for at least one month, and when circumstances warrant, for a longer period or summarily removed from office.

...

(U) DoD Directive 4500.36R, Management, Acquisition, and Use of Motor Vehicles

(U) Chapter 2, Operation & Resource Management, C2.5. Official Use of Vehicles

(U) The use of all DoD motor vehicles, including those leased using DoD funds, or from other Government Agencies or commercial sources shall be restricted to official purposes only. FMR, Section 102-34.220-260 provides that each Federal Agency shall ensure that Government carriers are used for official purposes only; e.g., to perform the mission of the DoD Components as authorized by the DoD Components. When questions arise about the official use of a motor vehicle, they shall be resolved in favor of strict compliance with statutory provisions and this Regulation.

C2.5.1 (U) The determination as to whether a particular use is for official purposes is a matter of administrative discretion to be exercised within applicable law and regulations. In making such a determination, consideration shall be given to all pertinent factors including whether the transportation is the following:

C2.5.1.1 (U) Essential to the successful completion of a DoD function, activity, or operation, and

C2.5.1.2 (U) Consistent with the purpose for which the motor vehicle was acquired.

...

Release 2021-11
NSA 17671

(U) NSA Office of General Counsel Rules of the Road: Use of Government-Owned Vehicles, dated May 2008

(U) 2. Is the use of the GOV consistent with the purpose for which it was acquired?

(U) You must use the GOV only to travel along the shortest, most direct route between duty stations. Deviations for unofficial purposes are not authorized.

(U) 3. Where are the pick up and drop off points?

(U) GOVs may not be used to transport DoD or other personnel over all or any part of the route between their domiciles and places of employment (home to work). The exceptions to this rule are extremely limited and require Secretary of Defense approval.

(U) 6. What are the rules for using GOVs while on temporary duty (TDY)?

(U) b. While on TDY, GOVs may be operated between places where the person's presence is required for official duties, or between such places and temporary lodgings.

(U) 14. May I use a GOV for transportation between my home and work?

(U) No. This is not considered an "official use," except in very limited circumstances requiring the approval of the Secretary of Defense.

...

(U//~~FOUO~~) NSA Commuter & Motor Fleet, LL31, Guide to Use of Government-Owned Vehicles

(U//~~FOUO~~) DOMICILE-TO-DUTY (D-T-D) TRANSPORTATION

(U//~~FOUO~~) Except for those limited situations in which a domicile-to-duty (D-T-D) exception has been granted, transportation between place of residence and primary work location or site is the sole responsibility of the employee and Government vehicles shall not be used.

(U//~~FOUO~~) MEALS AND PERSONAL STOPS

(U//~~FOUO~~) Employees (with the exception of those on TDY who have a need to stop at places required for personal upkeep, comfort or health) shall never use government vehicles to accomplish personal business (e.g.; pick up dry cleaning, haircuts, etc.).

(U//~~FOUO~~) OFFICIAL USE OF NSA VEHICLES

(U//~~FOUO~~) Some activities which are not normally considered official use of Government vehicles are: stopping by any employee's home; personal errands....

(U//~~FOUO~~) OPERATOR RESPONSIBILITIES

(U//~~FOUO~~) In operating any NSA motor vehicle, operators shall: 1. Operate NSA motor vehicles for official use only. 2. Comply with this guidance and any other applicable regulations including Federal, State, and local laws pertaining to the proper safe and efficient operation of DoD vehicles.

(U//~~FOUO~~) TEMPORARY DUTY TRAVEL (TDY) IN NSA VEHICLES

(U//~~FOUO~~) When an NSA vehicle is authorized for use while TDY, the vehicle shall only be operated between places where the person's presence is required for official business, or between such places and temporary lodgings.

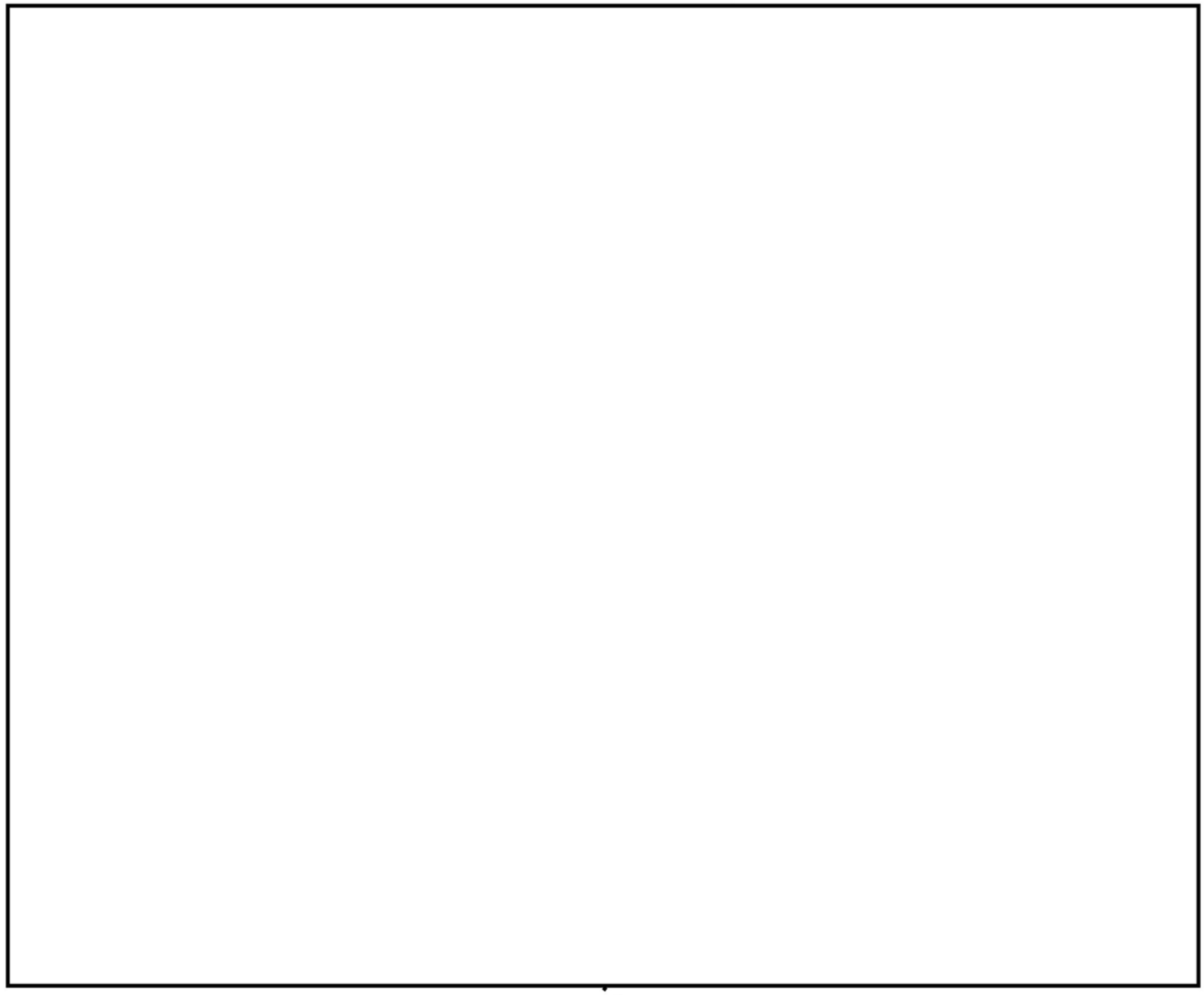
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Appendix B

(U//~~FOUO~~) Request and Travel Authorization/Expense Report

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NSA 17674



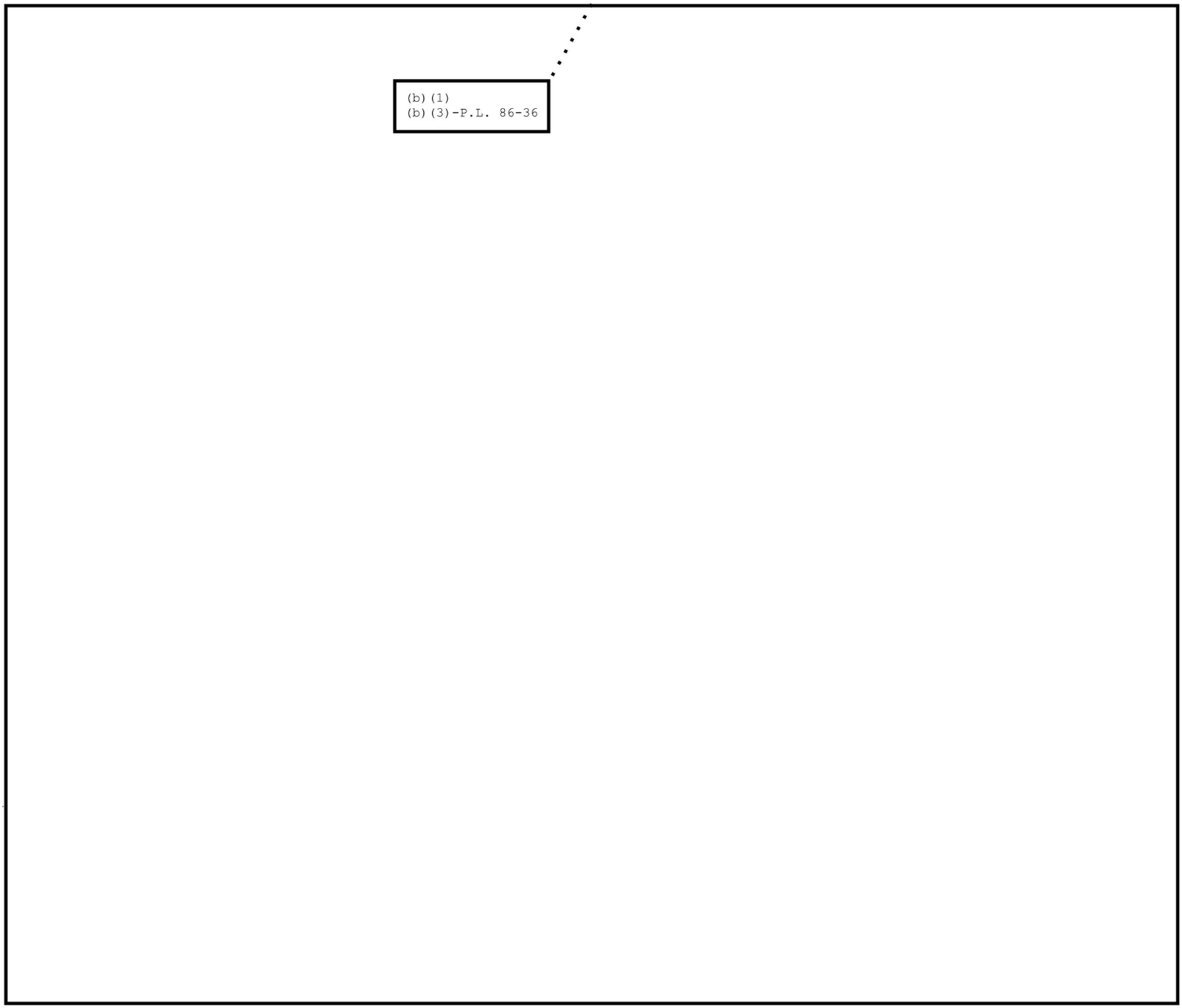
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Appendix C

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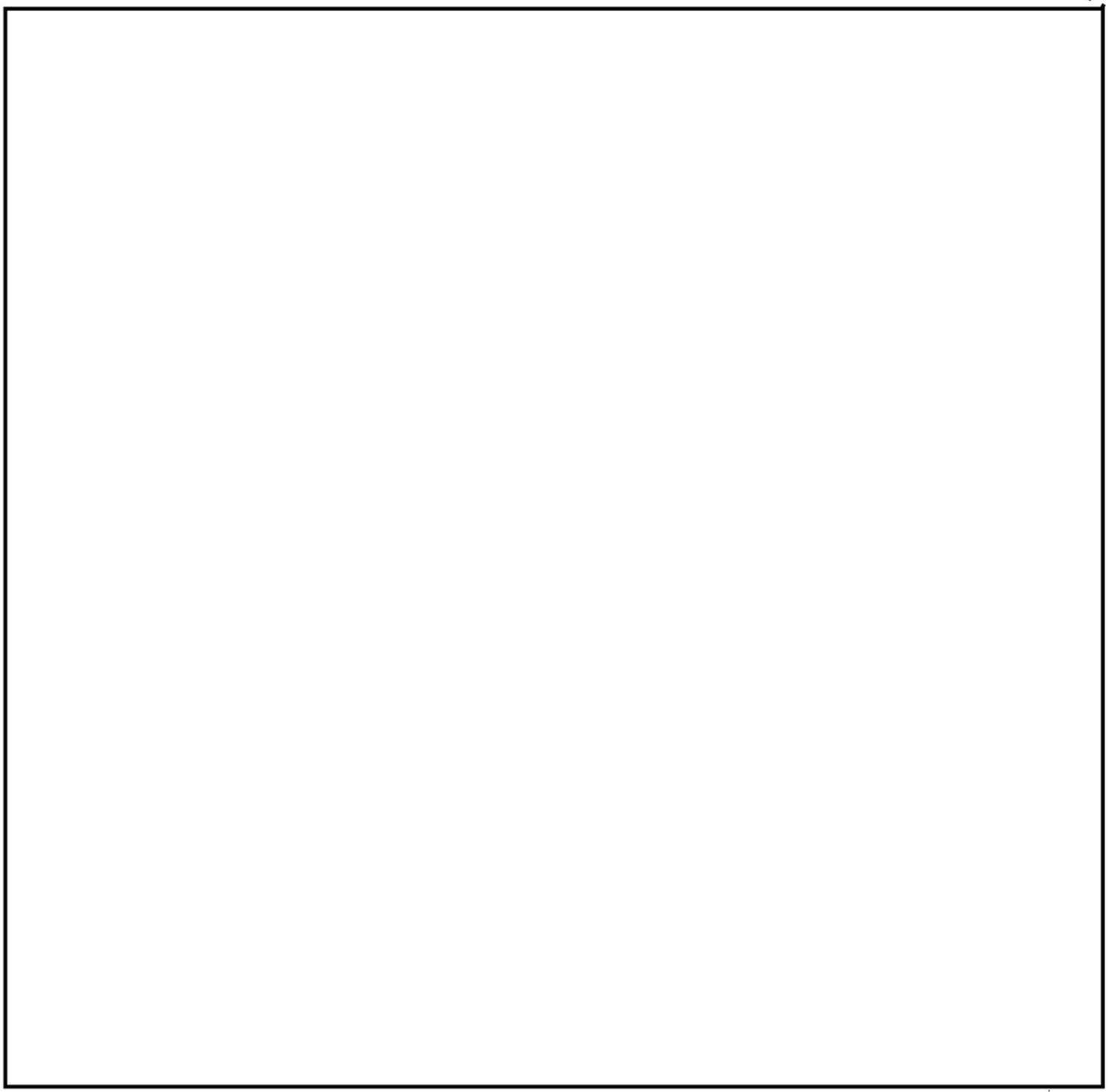
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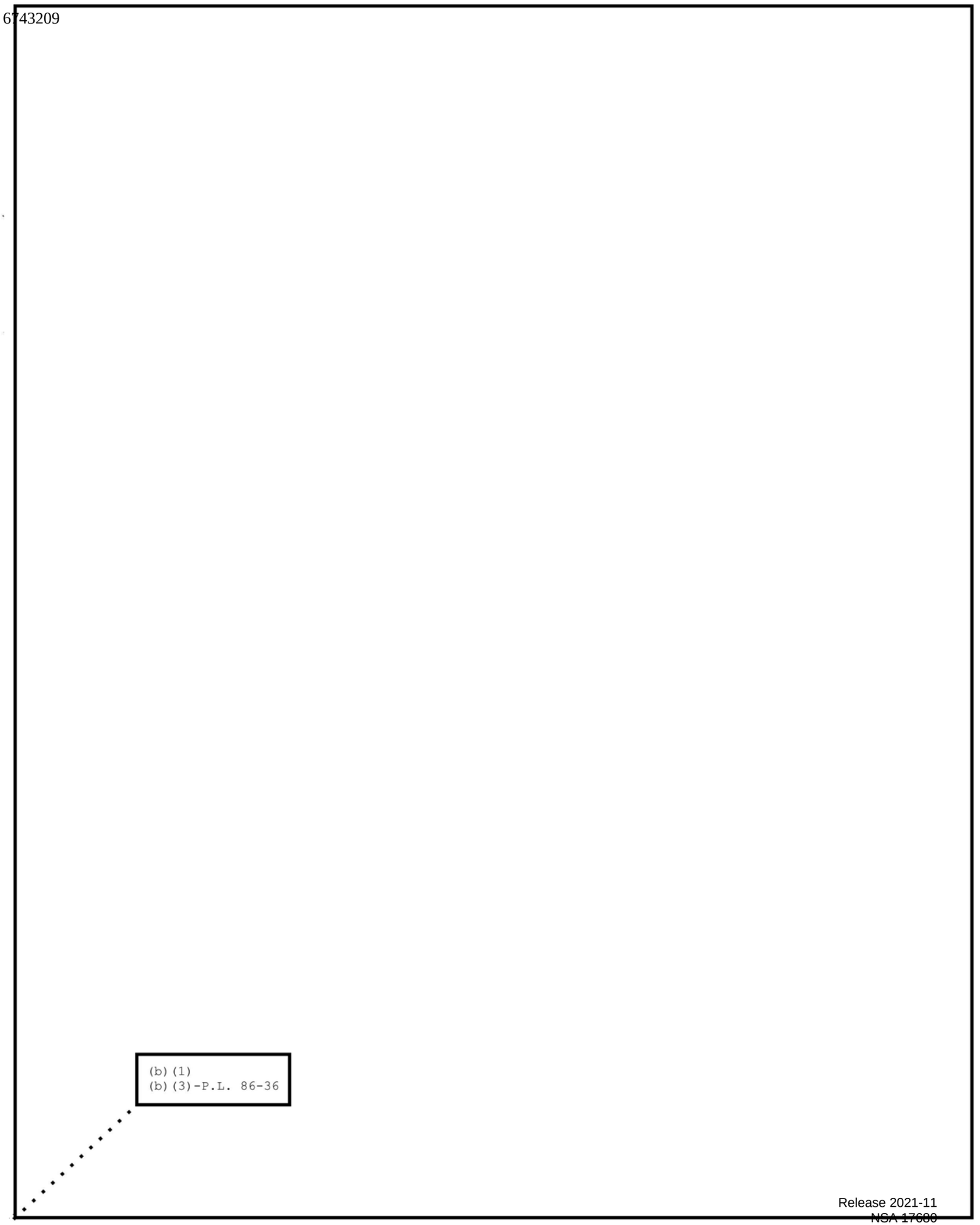
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Release 2021-11
NSA 17679



Release 2021-11
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Release 2021-11
NSA 17681

Appendix E

(U//~~FOUO~~) Acknowledgement regarding the use of Government-Owned Vehicles

Rules of the Road: NSA Vehicle Guide:

Government Owned Vehicle Pamphlet:

[redacted]

Guide to Use of Government Owned Vehicles; provided by [redacted] (Commuter & Motor Fleet Services):

[redacted]

X [redacted] Date 16 OCT 2012

My signature above acknowledges that I have read the referenced documents pertaining to use of Government Owned Vehicles and agree to abide by the terms pertaining to their use.

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[redacted]

Release 2021-11
NSA 17683

Doc ID: 6743209

authorized your use of the GOV and notify that person of your intent to veer off your route in order to drop off the other employee.

9. May I use a GOV for transportation to a social function?

It depends on whether you have been invited to participate in the event in an official capacity. Only a very few employees have the obligation to attend purely social functions in an official capacity as representatives of the Agency (for example, social functions at embassies or involving visiting foreign dignitaries). Some functions are mixed, official and social (for example, award ceremonies followed by a dinner), and these might be attended in an official capacity by any invitee.

If your participation is official, it may justify use of a GOV. However, because GOVs aren't available to enhance your personal comfort or convenience, you may not use a GOV to attend a private social function, even if the function is on the way to an official business location.

You must also keep in mind that GOVs are not authorized for home-to-work transportation, so even if your participation in an event is official, it must be from duty station to the function (duty station), and not from home to the function.

10. What constitutes a private social function?

It isn't always easy to tell the difference, but generally, a private social function includes any function that is purely social. If you receive an invitation on a basis unrelated to your job, the function is a private social function. For example: private social functions include most political events and events you are invited to because of your home state, ethnic, religious or education background.

11. What would be an "official social event"?

An official social event is one you attend in order to carry out a function of the Agency. For instance, it includes any event or meeting you are invited to attend in order to discuss a program administered by the Agency or a matter in which the Agency is involved. This would include social events with foreign counterparts where official representation activities will take place. It would not include a reception where there is no official program or purpose, even if you voluntarily talked business with another guest at the reception.

12. What if I'm unexpectedly required to work beyond my regular duty hours, and I miss my usual ride home or carpool? May I use a GOV to get home after completing work?

No. Government employees are responsible for their own commuting arrangements and costs. Using a GOV for transportation home would constitute an impermissible use of the car. Carpool and vanpool users may be eligible for emergency transport through a business consortium in which NSA participates. Contact the Commuter Transportation Center for more information.

13. What if I'm unexpectedly required to report back to work after duty hours? May my office send a car to pick me up and take me to the office?

Only if it's an emergency. If your immediate presence is required at work, but you can't find any transportation, either private, commercial or public, someone with proper authority (i.e., SSOC) could dispatch a GOV to pick you up and bring you to work.

14. May I use a GOV for transportation between my home and work?

No. This is not considered an "official use," except in very limited circumstances requiring the approval of the Secretary of Defense. Note that TDY begins the moment you step out the door of your home, therefore you may be afforded transportation to a departure terminal in a GOV if using a GOV would be less expensive than commercial transportation.

15. Do these rules prohibit me from taking a GOV home overnight and then proceeding on TDY the next day?

Yes. This is a change from past DoD policy. Overnight retention is treated like other home to work transportation. Requests for overnight retention of a GOV must be submitted for staffing through the Transportation Policy Office. See preceding question for information about getting to a departure terminal in a GOV when traveling TDY.

16. What if my meeting ran over and I know the cafeteria at the destination and also back at work are closed?

NSA Policy disallows stopping for food if you're within 10 miles of your normal duty station. If you're outside that radius and need sustenance, you may take the GOV to the nearest available food source along the route between your destination and your duty station. Generally, the best approach is to return the GOV and use personally-provided transportation to get food.



FOR FURTHER INFORMATION CONTACT:

NSA Ethics and Fiscal Law Office
Office of General Counsel
National Security Agency
9800 Savage Road
Suite 6205
Fort Meade, MD 20755-6205

[redacted]

May 2008

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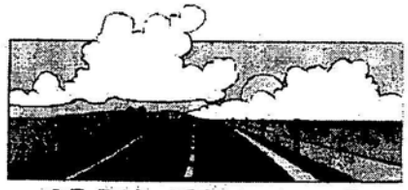
Rules of the Road:

USE OF GOVERNMENT-OWNED VEHICLES

Release 2021-11
NSA 17684

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Government-Owned Vehicles



ARE FOR OFFICIAL USE ONLY

Questions and answers from the NSA Office of General Counsel to help you stay on the right track:

1. Is the use of the Government owned vehicle (GOV) essential to the successful completion of a DoD function, activity, or operation?

If it is essential, then it is probably an acceptable use. Use of the GOV must be directly and indisputably undertaken to perform a mission function.

2. Is the use of the GOV consistent with the purpose for which it was acquired?

You must use the GOV only to travel along the shortest, most direct route between duty stations. Deviations for unofficial purposes are not authorized.

3. Where are the pick up and drop off points?

GOVs may not be used to transport DoD or other personnel over all or any part of the route between their domiciles and places of employment (home to work). The exceptions to this rule are extremely limited and require Secretary of Defense approval.

4. What about stopping for food?

When in a GOVs you may not stop for lunch or other food if there was food available at the destination or if you are within a 10 mile radius of your normal duty station. If you MUST stop, you are required to go to the nearest available place, not the one you prefer.

5. What about passengers (spouses, contractors, etc)?

A spouse (but no other relative or friend, except in rare situations) may be transported in a GOV only when accompanying the Federal employee on a space-available basis, when the use already has been authorized to accomplish official business. Transportation of a spouse must not create an additional cost to the Government, and the size of the vehicle must be no larger than that required for the performance of official business.

Contractors in GOVs (or Federal employees riding in cars owned or operated by contractor employees) can create problems, including liability issues, preferential treatment concerns, and appearances of impropriety. For more on this, please see our separate document on ridesharing at URL: "go ethics" under use of resources.

6. What are the rules for using GOVs while on temporary duty (TDY)?

a. Use of a GOV may be authorized while on TDY when it is essential to the completion of a DoD function, activity or operation.

b. While on TDY, GOVs may be operated between places where the person's presence is required for official duties, or between such places and temporary lodgings.

c. When public transportation is unavailable or its use is impractical, the use of GOVs while on TDY is authorized for health and comfort purposes, such as between places of business or lodging and eating establishments, drugstores, barber shops, places of worship, cleaning establishments, and similar places required for the comfort or health of the member that foster continued efficient performance of Government business.

d. Using a GOV for transportation to or from entertainment or recreational facilities is prohibited even while on TDY.

e. When it is cheaper than other transportation, a GOV may be dispatched to pick you up at home for transport to a departure terminal as part of TDY and also to pick you up when you return from TDY for transport back to your home.

f. Rental car agreements are contracts between Agency employees and car rental agencies. Therefore, a rental car may be used like a personally-owned vehicle, even if the Government reimburses the employee for the costs attributable to official use of the vehicle.

7. Does rank have its privileges?

RANK DOES NOT HAVE ITS PRIVILEGES. Transportation in a GOV may not be provided when the justification is based solely on reasons of rank, position, prestige, or personal convenience.

8. What are the penalties for willful misuse?

Willful misuse of a GOV by a civilian employee will result in a 30-day suspension without pay at a minimum (31 U.S.C. 1349). Military personnel may be disciplined under provisions of the uniform code of military justice or other administrative procedures deemed appropriate.

FREQUENTLY ASKED QUESTIONS ABOUT USE OF GOVs:

1. If I'm sent from one duty point to another, may I use a GOV for transportation between these two places?

Yes. If you're initially sent to Point A and later told to report to Point B, you may use the GOV for transportation between these two points. The key is that you are needed at another location incident to official business.

2. If I'm using a GOV to travel between two or more duty points, and I want to take leave, may I deviate from my route to take the leave?

No. When using a GOV, you must use the shortest and most direct route between points. Deviating from this route is known as a frolic and detour and is not permitted. If you must take leave while traveling between duty points, make arrangements to secure the GOV at one of the duty points or another Government installation, take the leave, and return for the GOV to proceed on official travel.

3. What if I receive a traffic ticket while using a GOV, am I responsible for the fine?

Yes. You are responsible for any fines imposed on you for violation of state or local motor vehicle traffic laws, even if you violated the law while performing official duties. This includes fines for parking and moving violations.

4. Are there any restrictions on my use of a GOV to travel to a restaurant while on TDY?

Yes. Use of a GOV during TDY for sustenance, health or comfort is considered official use. However, when using a GOV, you should go to a restaurant near your hotel or duty point. If there are restaurants nearby which offer meals adequate to the needs of most people, it isn't proper to use a GOV to go to a particular restaurant some distance away just because it is more appealing to your personal tastes. For example, it would be improper to use a GOV to travel into the countryside so you may dine at a great French restaurant you heard about from friends.

5. May I stop to drop off film for developing, deposit my paycheck on the way to my duty station?

Not if you are driving a GOV. An "official use" doesn't include transportation to, from, or between duty stations on personal business or errands.

6. May a member of my family accompany me in a GOV?

Your spouse may travel within a GOV with you on a space available basis if you are using the GOV for official purposes. No upgrade in size of the GOV is allowable solely to accommodate a spouse who is not an employee on official business. You must have express permission for other members of your family to accompany you. For instance, transportation may be allowable from NSA to your Government sponsored award ceremony in which your family members will participate.

7. If I'm using a GOV, may I drop off another employee on the way to their duty location?

It depends on where the other employee will be dropped off and the purpose of the stop. If the other employee has official business there, ar authorized to go to that location, you may give other employee a ride.

8. What if I have to veer off my route in order to drop off another employee?

When you are assigned use of a GOV, you are receiving authority to use the vehicle for a specific purpose; that is, travel to and from a specific location. It is your responsibility to use the shortest and most direct route between these locations. If you would have to deviate from this route in order to drop off the other employee, it is a good idea to first make sure the employee is authorized to go to the drop off point. Then go back to the person who

Release 2021-11
NSA 17685

INTRODUCTION:

We developed this guide to provide NSA vehicle users with information on varied topics relating to the use of Government vehicles. We supply this information to you to help minimize not only the potential for abuse, but also the perception of any misuse. All of us must be diligent in ensuring we operate NSA's vehicles only for official purposes (DIRNSA MEMO, dated 12 June 1996).

In this guide, the term "vehicles", unless otherwise specified, refer to any NSA owned, leased, or controlled motor vehicle. The term includes any vehicles acquired through contracts. It excludes rental vehicles acquired by individuals for their own use while on travel, even when the Government reimburses for the costs attributable to official activities.

The basis for most of this information is DoD Regulation 4500.36-R, "Management, Acquisition, and Use of Motor Vehicles," March 2007 NSA's Motor Fleet Services Center (MFS) serves as the focal point for all vehicle guidance issues, and is pleased to address any questions or concerns you may have.

MFS is located in [redacted], phone 963-6452s/[redacted]

ACCIDENT AND DAMAGE REPORTING

Before using a vehicle, the operator should perform a visual check and note any damage found. Report any damage to the Motor Fleet Services (MFS) dispatcher or to the organization's vehicle coordinator before using the vehicle.

The following procedures should be followed when in an accident in an Agency vehicle:

1. Render assistance to anyone injured by calling for police and emergency assistance. If no injuries, call police; in either case, request that a police report of the accident be completed.
2. Warn other motorists of any existing highway hazards, using flares or reflectors if available.
3. Agency drivers should obtain the driver's license number and insurance information from other drivers involved in the accident and should note the names of any witnesses.
4. The Agency driver should provide all possible claimants with his/her driver's license number and the tag number from the Agency vehicle. In addition, the phone numbers to the Office of the General Counsel should be provided. These are [redacted]
5. Drivers shall not express opinions (orally or in writing) to claimants or their agents concerning liability, investigation findings, or the possibility of a claim approval.
6. Notify MFS as soon as possible [redacted] about all accidents regardless of severity. Call collect if necessary.
7. Within 24 hours of accident, complete accident form SF 91 and submit it to MFS.

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Release 2021-11
NSA 17686

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ACQUISITION AND ASSIGNMENT OF NSA VEHICLES

The vehicles which make up NSA's fleet are procured and leased from both the Government Services Administration (GSA) and various commercial sources. All vehicles, with the exception of armored vehicles are to be procured thru [redacted] Motor Fleet Services.
NSA's Motor Fleet Services (MFS) supports the overall needs of the Agency through a U-Drive-It Service. Other vehicles are assigned to individual organizations to support daily recurring missions, either on an indefinite basis or for specified periods.

When it is determined that an assignment of a vehicle may benefit your organization, a justification should be submitted to MFS on form K6211, Vehicle Request/Justification Form. MFS will review the justification and notify you of approval/disapproval and the most economical means of fulfilling your requirement(s).

ARMORED VEHICLES

Requirements for non-tactical heavy armored vehicles (HAVs) and non-tactical light armored vehicles (LAVs) should be sent to Q14 for threat assessment validation and then obtain any necessary approvals prior to acquisition, in accordance with DoD Directive C-4500.51, "DoD Non-Tactical Armored Vehicle Policy," dated May 4, 1987. Q14 will assist with procurement.

ASSIGNED VEHICLES, COOPERATIVE USES

In order to permit optimum use of all assigned vehicles, organizations should dispatch their vehicle(s) to support other functions/processes upon request when not in use. The exception to this rule would be "project type" vehicles which contain sensitive equipment or tools that should not be operated by those not qualified for such use.

(b)(3)-P.L. 86-36

AWARDS, LOCAL VEHICLE TRAVEL TO

When the DIR or D/DIR determines that the presence of an awardees' family materially enhances a government sponsored award ceremony held locally, official travel supporting the event may include the transport of awardees' family members, when such travel is directly from NSA to the site of the ceremony and back to NSA. If the ceremony is not a government sponsored awards ceremony, official travel shall not include the family of the award recipient.

BREAKDOWN (on-road failure)

In the event of a breakdown, take the vehicle to the nearest service station or park off the traveled portion of highway and place warning devices (if available) to the front and rear of vehicle and activate emergency flashers. Notify Motor Fleet Services (MFS) [redacted] and give your exact location. Call collect if necessary. Return to the vehicle and wait until assistance arrives. Do not move the vehicle after you have called for assistance.

Release 2021-11
NSA 17687

Doc ID: 6743209

unless you first notify MFS to cancel the wrecker service. Please call the SOC [redacted] weekdays between 1630 and 0600 hours, and on weekends.

(b)(3)-P.L. 86-36

CLEANING VEHICLES

Organizations that have assigned vehicle(s) are responsible for keeping them reasonably clean. Eating and drinking and the use of tobacco products is not permitted in any NSA vehicle.

COMMERCIAL DRIVER'S LICENSES

DoD civilian employees, who operate vehicles having a gross vehicle weight rating (GVWR) or combined GVWR of 26,001 or more pounds on public highways, must have a Commercial Driver's License (CDL). When it is determined that an employee requires a CDL as a condition of employment, then use of a government vehicle may be authorized for the purpose of training and testing. Please contact MFS for instructions.

CONTRACTOR USE OF GOVs

There are basically two types of contract clauses that the Agency uses when it comes to travel for contractor employees: flat-rate and cost-reimbursable. In flat-rate contract clauses, the contractor has included their anticipated travel expenses as part of the cost of the contract. The cost-reimbursable contract clause is one when the contractor charges the Government for each expense incurred. The type of clause has a significant impact on whether or not contractor employees may ride in government transportation.

If a contractor wants to reserve a Government vehicle to drive somewhere, you must check with the COR and be sure the contract states that the Government will support their vehicle needs. If that is not in the contract, the contractor must not be given a vehicle.

If a contractor wants to ride in a Government vehicle he/she should be allowed to do so only if his/her contract is a cost-reimbursable one. If the contract is a fixed-rate, then the contractor should not be allowed to ride in a Government vehicle. When the Government allows a contractor to use our vehicles (either driving or riding) in connection with a fixed-rate contract, we are providing a resource to him that he has budgeted for in the contract and is in effect receiving a gift from the Government that we have no authority to provide. If, on the other hand, a contractor is on a cost-reimbursable contract, he is going to bill the Government for each travel expense he incurs. If we have a Government vehicle going to the same destination as a contractor employee, then allowing the contractor to ride in the vehicle saves the Government the cost of that particular travel claim.

COURSE ATTENDANCE

Vehicles may be reserved to attend Agency-sponsored/off-campus courses. Other mission priorities will be considered before vehicles are dispatched for courses because of the

Release 2021-11
NSA 17688

limited number of vehicles at NSA. The Agency's bus system may be used for transportation to courses within the bus service area.

CREDIT CARDS, GSA

GSA Government credit cards may be used for purchasing fuel, oil, and related supplies and services for GSA vehicles at the lowest available cost to the Government. GSA cards are vehicle specific, therefore the tag number for the vehicle that appears on the card is the only vehicle for which fuel and services may be purchased. GSA approval must be obtained to purchase fuel grades higher than Regular Unleaded, as well as for all minor repairs exceeding $100 (phone [redacted]. Notify Motor Fleet Services immediately if the credit card is lost or stolen. Some individual franchise owners will not accept government credit cards, so always ask before making purchases! Gas cans, lawnmowers, etc., may not be fueled with the GSA card.

CREDIT CARDS, NSA

(b)(3)-P.L. 86-36

NSA Government credit cards may be used for purchasing fuel, oil, and related supplies and services for NSA vehicles at the lowest available cost to the Government. NSA cards are vehicle specific, therefore the administrative vehicle number that appears on the credit card is the only vehicle for which fuel and services may be purchased. NSA approval must be obtained to purchase fuel grade higher than Regular Unleaded, as well as for all minor repairs exceeding $100 (phone [redacted]. Notify Motor Fleet Services immediately if the credit card is lost or stolen. Some individual franchise owners will not accept government credit cards, so always ask before making a purchase! The NSA Government credit card may be issued to other NSA equipment, i.e. forklifts, ATV's, propane heaters etc. as required with submission of a justification to [redacted]

NSA Credit Cards are available from MFS at [redacted]

DISPATCHING ASSIGNED VEHICLES

Each organization/process having assigned vehicles is responsible for knowing at all times where their vehicles are located. In order to accomplish this, each organization shall have in place a central dispatch point for all assigned vehicles. When a vehicle is in use, the person responsible for central dispatch shall maintain the following information:

The name of the driver
Destination(s), including building name(s) or address(es)
Time the vehicle was checked out
Estimated time of arrival at destination(s)
Estimated time of return

At the end of every month, each vehicle's "Vehicle Daily Log" (form K4874), shall be compared against the dispatch log for accuracy, prior to sending the K4874's to Motor Fleet Services (MFS).

Release 2021-11
NSA 17689

Doc ID: 6743209

DISPOSING OF VEHICLES

All vehicles located at NSA Ft. Meade area will be disposed of through the Motor Fleet Services (MFS). Please contact MFS for turn-in information. Field sites generally dispose of vehicles through their local Defense Reutilization and Marketing Offices (DRMO).

DISTANCES, PERMISSIBLE OPERATING (POD)

The permissible operating distance (POD) for chauffeur-driven vehicles is 65 miles one-way, while the POD for u-drive-it vehicles is limited to one-day trips, with a maximum radius of 100 miles from Fort Meade. Due to a limited number of vehicles, Motor Fleet Services (MFS) makes few exceptions for overnight TDYs and other trips beyond this distance or time. For longer trips or overnight stays, the use of rental cars or voluntary use of privately owned vehicles (with reimbursement) should be considered whenever possible. Organizations may use their assigned vehicles to support trips of any distance or time, but we recommend that use of NSA's vehicles remain as localized as possible (in the event a vehicle breaks down over 100 miles from Fort Meade/NSA, towing assistance is generally not available. Local arrangements must be made by the organization.

DOMICILE-TO-DUTY (D-T-D) TRANSPORTATION

Except for those limited situations in which a domicile-to-duty (D-T-D) exception has been granted, transportation between place of residence and primary work location or site is the sole responsibility of the employee and Government vehicles shall not be used. Exceptions which allow for D-T-D transportation may be granted only by the Secretary of Defense and the authority for this may not be delegated. Contact Motor Fleet Services for specifics on these exceptions.

EMERGENCY CONDITIONS

National Security Agency
Emergency Transportation Plan
February 2003

In emergency conditions that prevent individuals from driving to work (i.e., unusually heavy snow or other states of emergency affecting travel), one-time Agency-provided emergency transportation may be authorized for Federal employees whose presence is critical to support NSA's mission.

Authorization is based on judgment and common sense under the circumstances of the moment. The use of Agency vehicles for emergency transportation is a last resort and not to be exercised until all other options have been exhausted. Such authorization depends upon the facts of the situation, including the following:

Release 2021-11
NSA 17690

Doc ID: 6743209

1) an emergency condition exists that prevents individuals from driving to work,

2) the employees to be transported are essential,

3) absent authorization, imminent loss or damage to the Agency's primary operational mission is likely, and

4) such damage or loss would adversely affect national security.

Emergency transportation may not be authorized in situations where employees are simply "uncomfortable" driving themselves (i.e., during light or moderate snowfall). When inclement weather conditions are predictable, essential employees must be encouraged to report early before conditions become too severe to drive.

The Director, NSA, is the deciding official to declare that emergency conditions are so bad that government-provided one-time emergency transportation may be provided to mission-essential personnel on a resource-available basis. If the Director is unavailable to make this decision, the decision may be made by the Deputy Director, NSA. If the Deputy Director, NSA, is unavailable, the authority to make the decision will pass to the Associate Director, Installation and Logistics (ADIL) and, if ADIL is unavailable, the senior employee in SOC.

The Commuter Transportation Center (CTC) has the responsibility for the management of vehicle resources. Senior managers in mission-essential organizations at the Alpha+1 level must coordinate with CTC personnel regarding transportation requests from essential personnel in their respective organizations in accordance with these guidelines.

When emergency transportation is authorized, a log containing the following information must be maintained:

1. The names and positions of all transported employees.

2. The name and title of the person authorizing the transportation.

3. The type of vehicle used.

4. The date, time, point of departure point, pick-up point, and drop-off location for the emergency transport occurred.

5. The mission project name that will be degraded should the employee not make it to work.

If an essential employee has been brought from home to the Agency in a Government vehicle during emergency conditions, return transportation back to the essential employee's residence also may be authorized while emergency conditions remain in effect. However, it is the emergency condition, not the convenience of the employee that

Release 2021-11
NSA 17691

Doc ID: 6743209

warrants authorization of such transportation. Therefore, just as when an employee's personal vehicle breaks down in the Agency parking lot, essential employees who have been brought to the Agency in Government vehicles are not entitled to a ride home after the emergency has ended (i.e., roads are cleared). Limited allowances may be made if an employee has been brought to the Agency in a Government vehicle during emergency conditions and is subsequently unable to find private return transportation within a reasonable period of time (i.e., employee's shift ends in the middle of the night and there's a three hour wait for a taxi).

Employees who have not been brought to the Agency in Government vehicles may not be taken home in Government vehicles, regardless of conditions.

The Office of the Assistant Deputy Under Secretary of Defense for Transportation Policy has reviewed and acquiesced to this plan for emergency transportation. No further reporting is necessary when transportation is authorized in accordance with this plan.

(Also see DOMICILE-TO-DUTY-TRANSPORTATION)

EMISSIONS INSPECTIONS

All Agency owned vehicles and GSA leased vehicles are screened under the State of Maryland emissions control inspections program. Motor Fleet Services coordinates dates with vehicle holders to ensure inspections occur every two years.

E-Z PASS

E-Z Pass transponders, to be used with (U-DRIVE-IT) vehicles in conjunction with official travel, are available for any toll facility where accepted.

FINES, TRAFFIC VIOLATIONS

Drivers are responsible for all fines from tickets received from Federal, State, local, or military police. Any violation received using a Government vehicle must be reported immediately to Motor Fleet Services or [redacted]

FOOD

[redacted] (b)(3)-P.L. 86-36

No food or drinks are allowed by passenger or driver.

FUEL TYPES

All vehicles will use unleaded regular grade gasoline, standard diesel fuel or an approved alternative fuel. For gasoline purchases on GSA or NSA credit cards, the same guidelines must be followed unless prior written approval is secured from MFS.

Release 2021-11
NSA 17692

Doc ID: 6743209

FUNERALS AND MEMORIAL SERVICES

Funeral attendance is normally a personal decision by the employee, who must use leave when it is held during duty hours. The provision of transportation may only occur when a determination is made by the DIRNSA (or Chief of Station, for field sites), that attendance at the funeral is for an official purpose.

HOUSING REFERRALS

NSA housing management offices may use Government vehicles to transport DoD personnel and their families to inspect Living Quarters Allowance (LQA) and DoD housing when public transportation is not convenient or unavailable. However, this support is only recommended to those persons who do not have privately-owned-vehicles (i.e., new arrivals).

IMPAIRED DRIVING

Drivers are responsible to determine and report if he/she is physically incapable of operating an Agency vehicle. Employees may be considered negligent for accidents determined to be caused by their sleepiness, use of medications, alcohol, etc.

INSURANCE

Employees are personally not required to buy insurance to use Government vehicles. Claims against the Government by non-employees, when Agency responsibility is established, are covered under the Federal Tort Claims Act, or by other acts or agreements for sites outside the continental U.S. (OCONUS) as appropriate. This coverage would apply to claims for personal or property injury arising from the negligent act or omission of a Government employee operating a Government vehicle within the scope of his employment (for official purposes). Personal injuries sustained by the employee under similar circumstances would be covered under Workmen's Compensation. At some OCONUS locations, certain host governments require insurance in order to operate the Government vehicle.

KEYS

For vehicles located within the NSA Ft. Meade area, please contact Motor Fleet Services for assistance in obtaining additional keys needed due to loss, theft, or breakage. A set of keys will be kept with the vehicle log book, and the book and all other keys will be kept in a location accessible only to those authorized use of the vehicle. Field sites should keep spare sets of keys separate from the vehicle and log books.

LAWS, COMPLIANCE WITH

Operators of any NSA vehicle shall comply with all applicable Federal, State, local, and host country laws and no employee may be directed or compelled to disregard these laws.

Release 2021-11
NSA 17693

Doc ID: 6743209

LIABILITY FOR LOSS, DAMAGE, OR DESTRUCTION

Civilian and Military employees shall be assessed financial responsibility when Government property is lost, damaged or destroyed as a result of their negligence, willful misconduct, or deliberate unauthorized use, in accordance with DoD Directive 7200.11, "Liability for Government Property Lost, Damaged, or Destroyed," October 26, 1993. For vehicles, this means financial liability will be assessed up to the full amount of the loss, damage or destruction, but in no case more than 1 month's regular military compensation as defined in 37 U.S.C. 101(25) in the case of military members and one-twelfth of annual pay in the case of civilian employees.

LICENSING

Normally, only a valid state operator's license is required, and must be of the appropriate class for the Agency owned or leased vehicle being driven. A Commercial Drivers License (CDL) is required to operate any vehicle over 26,000 GVWR. Field sites should follow the provisions required by agreements with the host country.

LOG BOOKS

Every Agency vehicle will have a log book containing an administrative number, a tag number, a set of keys, a credit card and the Vehicle Daily Log, Form K4874.
This log book is an official utilization record that serves as your vehicle registration, and must accompany the vehicle on all trips. The log shall be kept up to date daily, with each individual driver listed as a separate entry. If on TDY, a separate entry should be made for each day the vehicle is used. All appropriate fields on the logs must be completed legibly in ink. Logs shall only contain a single month of entries, (i.e., Oct, Nov), and shall be turned in to Motor Fleet Services at the end of every month.

MAINTENANCE

Preventative maintenance is normally scheduled for Agency owned vehicles once a year or 6,000 miles, whichever comes first, and is accomplished through a contract with a local repair facility. Contact Motor Fleet Services [redacted] for any deficiencies noted between scheduled maintenance dates. In addition, every NSA Headquarters vehicle is Maryland State inspected once a year.

(b)(3)-P.L. 86-36

MEALS AND PERSONAL STOPS

Meal stops should be avoided if possible. Stops, should they be necessary, shall occur only along the most direct route. In addition, for appearance reasons, stops shall always be avoided within 10 miles of any NSA facility. Vehicle operators shall not schedule their local travel itinerary to include stopping for lunch at the beginning or end of their trip (i.e., early checkout). In addition, NSA vehicles shall not be used to transport employees to non-official luncheons (if individuals pay for their own lunch, it's not

Release 2021-11
NSA 17694

Doc ID: 6743209

official). Employees (with the exception of those on TDY who have a need to stop at places required for personal upkeep, comfort or health) shall never use government vehicles to accomplish personal business (e.g.; pick up dry cleaning, haircuts, etc.).

MEDICAL TREATMENT

The Joint Travel Regulations authorizes military members and their dependents, who live in areas remote from any adequate medical care, to receive transportation for medical treatment under the following conditions:

Military Members - The travel must be ordered in accordance with the regulations of the member's parent service.

Military Dependents - The travel must be ordered in accordance with the regulations of the member's parent service, and the orders must be supported by a

medical official's statement of the seriousness of the condition and the absence of any adequate medical facilities, either military or civilian, in the vicinity.

MODIFICATIONS AND MARKINGS

NSA's owned and leased vehicles should not be repaired, modified, or marked in a permanent manner without prior approval from Motor Fleet Services. This includes (but is not limited to) engine overhauls, painting, tire replacement, damage repair, window tints, manufacturer's radio/stereo replacement, permanent antenna mounts (holes drilled), stripes, and painted-on organizational decals.

MORALE, WELFARE, AND RECREATION (MWR)

MWR are those activities (exclusive of non-Federal entities operating independently on the installations) located on military installations or on property controlled by a Military Department or furnished by a DoD contractor that provide for the comfort, pleasure, contentment, and mental and physical improvement of authorized DoD personnel including recreational and free-time programs, self-development programs, resale merchandise and services, or general welfare. Support to these functions may only occur as authorized by regulation as part of an established MWR program, and not at the behest of an individual who concludes that the purpose of the vehicle use is for MWR purposes (i.e., the use of the vehicle would boost morale). Please refer to DoD 4500.36-R, Chapter 5, section 5-8 for detailed information.

NSAW vehicles will not be used for MWR purposes. Military personnel should contact the Ft. Meade Transportation Motor Pool (TMP), 301-677-2752/2753 to inquire about MWR support.

MOTOR FLEET SERVICES, USE OF

The Transportation Division provides for the movement of Agency personnel to other government agencies and commercial concerns through the use of a limited number of

Release 2021-11
NSA 17695

Doc ID: 6743209

pooled vehicles at the Headquarters and FANX complexes. Transportation reservations should be made electronically via our homepage, [redacted] Commuter & Motor Fleet Services and shall not be accepted more than 30 days in advance of the trip. Make your reservation under the category you wish to use (i.e., Chauffeured Vehicles, U-Drive-It Vehicles, Group Travel or Shuttle Bus). The following describes the various services available:

(b)(3)-P.L. 86-36

CHAUFFEURED STAFF VEHICLES FOR SENIOR EXECUTIVES

This service is provided for Agency employees to any local destination within a 65 mile radius. The information required for this service is the name of the person to be driven, total number of persons, date, time, place of pick up, destination, approximate time of return, purpose, and the name and non-secure telephone number of the person responsible for the arrangements. The determination about the type of vehicle used is based on availability and the number of persons being driven. Because of the limited number of drivers, this service is on mission requirement basis.

U-DRIVE-IT VEHICLES

This service is available to all Agency employees traveling to local destinations on one day trips for official business where shuttle bus service is not available. Drivers must present a valid state drivers license and identify the destination of the trip and estimated return time. This service is provided on a first come-first served basis. "Bumping" may occur based on mission requirements. U-Drive-It vehicles are not normally used for TDY (no overnights)

CHAUFFEURED BUS, GROUP TRAVEL

Chauffeured bus service is provided for groups of 14 people or more. The requirements for this service are the same as those for chauffeured staff cars, with the exception of names of persons - only the name of the lead passenger is needed. Generally, Government buses will be used to transport groups of this size; however, in cases where government buses are not available, commercial bus service may be provided. The requesting organization will be required to provide funding for commercially leased bus support.

MOTOR VEHICLE, DEFINED

A motor vehicle is an item of equipment which, as originally designed and purchased, is roadworthy and/or licensable, regardless of whether or not it is actually licensed. A vehicle is roadworthy when it is designed and operated principally for highway transportation of passengers or things.

NON-FEDERAL ENTITIES (FORMERLY PRIVATE ORGANIZATIONS)

Independent non-Federal entities that are not MWR organizations (e.g., model clubs, stamp/coin/other collectors, golf leagues, professional/scientific/ management organizations, religious groups) may not receive transportation support.

Release 2021-11
NSA 17696

Doc ID: 6743209

OFFICIAL FUNCTIONS (REPRESENTATIONAL)

Official representational functions, for purposes of authorizing transportation, include events such as receptions, ceremonies, or meals hosted by a foreign government. NSA or other public or government activities for which an NSA official at the appropriate level has determined that NSA representation at the event will serve an agency purpose (such as improving working relationships with host nation agencies or yielding a diplomatic or public relations benefit to the U.S.). At field sites, "officials at the appropriate level" are the field chiefs. At headquarters. Deputy Directors are the appropriate officials. All transportation support will originate and return to headquarters (no pick-ups or drop-offs at home), and will be consolidated to the maximum extent possible (i.e., van, bus).

GOVs cannot be used for social functions when invitation is not because of job or does not further DoD interests (e.g., political events or events with ethnic, home state, religious or educational flavor).

NOTE: The determination that an event qualifies as an official representational function for transportation purposes is separate from a decision that Official Representation Funds (ORFs) may be expended on the event. ORFs expenditures are controlled by DoD Directive No. 7250.13 and by guidance issued by DDP (see REPRESENTATIONAL USE).

OFFICIAL USE OF NSA VEHICLES

The operation of all NSA vehicles is restricted to "official uses" only. Official uses are those which are necessary to accomplish the Agency's mission. When questions arise concerning the official use of a vehicle, they must be resolved in favor of strict compliance with statutory provisions, and DoD and NSA policies. Employees are subject to strict penalties when they operate vehicles for other than official uses. (See PENALTIES FOR MISUSE.)

Normally, the answer to what constitutes official use is a matter of management discretion, to be exercised within applicable laws and regulations. Supervisors should ensure that all vehicles under their control are being used solely in direct support of the NSA mission. Before requesting or using NSA vehicles, the following questions must be asked:

1.Is the use of the vehicle for official business and in the best interest to the Government?
2.Have other means of completing the task been ruled out (i.e.; telephone, fax, mail)?
3.Have scheduled government bus and public transportation been reviewed and determined not to service the destination?

If the answers to all of these are yes, then use of an NSA vehicle may be considered.

Release 2021-11
NSA 17697

Doc ID: 6743209

Employees should always take the most direct route when using Government owned and leased vehicles, and should not stray from that route for non-official reasons. Any deviation from the authorized route could result in civil liability to the employee in the event of an accident.

Some activities which are not normally considered official use of Government vehicles are: stopping by any employee's home; personal errands; going to pick up food, coffee mess goods, or travel to luncheons; transporting supplies to organizational picnics; and sightseeing. With the exception of parking in conjunction with official business, Agency vehicles should not, as a general rule, stop in NSA employee parking areas (i.e.; to transfer items, retrieve personal goods or coffee mess items).

OPERATION OF VEHICLES

Agency motor vehicles will be used in such a way as to maximize fuel economy and to extend the life of the vehicle. By following the below guidance, operators will ensure the vehicle fleet is used in the most efficient manner possible:

1. Travel at reduced speeds. Fuel use increases significantly with speed.
2. Avoid sudden bursts of speed, tailgating and pumping the accelerator pedal while vehicle is in motion.
3. Use routes with minimum number of traffic signals and stop signs, if feasible. Plan ahead to avoid waiting for a traffic signal by gradually slowing prior to the signal. Avoid sudden stops to the extent practicable.
4. Do not idle engines for long periods. The "break even" point for the idle time for most vehicles is approximately one minute. Use the "right-turn-on-red" privilege where allowable to reduce idling time. In extremely cold/hot weather, the initial vehicle warming-up period should not exceed five minutes.
5. Eliminate weighty items unnecessary to the particular trip; empty trunk and storage compartments of excess tires, chains, tools, etc. to the extent practicable.
6. Use the air-conditioner sparingly, but operate at least ten minutes each week throughout the year.
7. Encourage two or more people to travel together.
8. Travel during off-peak traffic times if possible.
9. Use the most fuel efficient vehicle feasible for the job.
10. Keep tires inflated to the maximum pressure recommended by the manufacturer. Check and adjust the pressure to the desired level when the tire is cold, e.g., when the vehicle has been sitting for three hours or more.

OPERATOR RESPONSIBILITIES

In operating any NSA motor vehicle, operators shall:

1. Operate NSA motor vehicles for official use only.

Release 2021-11
NSA 17698

Doc ID: 6743209

2. Comply with this guidance and any other applicable regulations including Federal, State, and local laws pertaining to the proper safe and efficient operation of DoD vehicles.

3. Report traffic violations, accidents, or damage occurring while having custody of, or when operating an NSA vehicle.

4. Perform operator maintenance and submit documents incident to motor vehicle operation as required by Motor Fleet Services (MFS).

PARKING OR GARAGING OF VEHICLES

Whenever possible, Government vehicles should be parked inside the confine of the installation where assigned, where the safety and security of the vehicle can be assured. To minimize the chance of theft or tampering, all vehicles will be secured when parked. This includes shutting off the engine, setting the parking brake, closing all windows, and locking all doors.

PASSES TO ENTER NSA SECURE AREA ENTRANCES

NSA vehicles with non-government tags must have an Authorized Government Vehicle Plaque visible in the windshield to enter controlled NSA compounds in the Ft. Meade area. To obtain a plaque, send a memorandum to Q121, entitled "Request for Authorized Government Vehicle Plaque." Include a complete justification which describes why entry into controlled areas is necessary. Also provide the tag number, description, and vehicle identification number of the vehicle, and where it will be located. Vehicle plaques are non-transferable; therefore, separate requests must be made if you have more than one vehicle requiring entry. Agency vehicles should not, as a general rule, be used to transfer Government material or personal goods to NSA employee parking areas through any controlled area vehicle entrance.

PENALTIES FOR MISUSE

Penalties for unauthorized or willful misuse of an NSA motor vehicle shall be cause for disciplinary actions as follows:

Civilian Personnel. Any officer or employee of the Government who willfully uses or authorizes the use of any U.S. Government-owned or -leased motor vehicle except for official purposes as authorized by 31 USC 1344 (b), or otherwise violates section 1344 shall be suspended from duty by the Head of the DoD Component concerned, without compensation, for not less than one month, and shall be suspended for a longer period or summarily removed from office if circumstances warrant (31 USC 1349(b). Other administrative actions, as warranted by the offense, shall apply if the misuse is determined not to be of a willful nature.

Military Personnel. Military personnel who willfully use or authorize the use of any U.S. Government-owned or -leased motor vehicle (except for official purposes as authorized by section 1344) or otherwise violate section 1344 can be disciplined under

Release 2021-11
NSA 17699

Doc ID: 6743209

provisions of the Uniform Code of Military Justice, or other administrative procedures deemed appropriate.

PERMANENT CHANGE OF STATION (PCS)

The Government is responsible for transportation of employees and dependents under PCS status from their permanent or temporary housing from their departing station to the permanent or temporary housing at their new duty station. Should the employee be placed in temporary housing upon arrival at the new duty station, then it becomes their responsibility to get both their family and personal goods moved to their permanent housing. If their POV has not yet arrived in-country, then they should elicit help from their sponsor to assist in the move to permanent housing.

POLITICAL ACTIVITIES

Reference Deputy Under Secretary of Defense memorandum subject "Civilian Employees' Participation in Political Activity" dated 2 Nov 1994, Part I. Prohibitions Applicable to All Civilian Employees of the Department of Defense, states "All DoD employees must take care that their activities do not create a conflict or apparent conflict of interest with the full and impartial performance of their official duties. To that end, DoD employees may not:...E. engage in political activities...while using a Government vehicle." As a general rule, Government vehicles should not be used for political purposes. This includes transporting political materials and attending political functions.

PRIVATELY OWNED VEHICLES (POV)

In most locations, there remains ample services available (either bus, shuttle, or motor pool services), to accommodate virtually every official need for transportation. In those cases when a GOV is unavailable and the trip cannot be rescheduled, the voluntary use of POVs is an option to employees. The greatest concern of employees when POVs are used is the liability issue should an accident occur. The following information provides guidance on liability concerns, and identifies the various transportation methods available to all employees at NSA.

When an employee requires transportation in conjunction with the performance of their job, they should consider the following prioritized list of alternatives:

1. DoD-scheduled bus and shuttle bus service
2. Scheduled public transportation
3. DoD motor vehicle (Motor Pool)
4. Voluntary use of POV on reimbursable basis
5. Taxicab (on reimbursable basis)

These methods of providing transportation are consistent with DoD Regulation 4500.36-R, entitled, "Management, Acquisition, and Use of Motor Vehicles."

Release 2021-11
NSA 17700

The movement of personnel on official Agency business is usually accomplished using a, b, or c as identified in paragraph two. In those instances when an employee is authorized to use their POV to accomplish official (NOT PERSONAL) business, the following information provided by the NSA's Office of the General Counsel applies:

If the employee is involved in an accident, the other injured party may make a claim against or sue either the employee or the Federal Government. In either case, under the Federal Tort Claims Act, the Federal Government will ultimately be the defendant and may be liable for the other party's damages. Generally, the employee's personal insurance is the primary carrier. The Government will be liable for that amount not covered by the employee's insurance. The employee will not be personally liable unless the employee was not acting within the scope of his/her employment or was willfully negligent.

If the employee's POV is damaged, the employee must first make a claim with the employee's personal insurer. If the insurer denies the claim, or requires that the employee meet a deductible amount, the employee can then make a claim against the Federal Government for the entire amount of damages, or just the deductible, as appropriate. This claim will be processed under the Military Personnel and Civilian Employees Claim Act. Each claim is adjudicated on an individual basis. If the employee was responsible for the accident, the employee's claim will be denied.

For the employee's personal injuries, the employee should file a worker's compensation claim with HR through the appropriate integrated personnel activity.

If the employee diverts from an official trip for personal business, such as stopping at a gas station, convenience store, fast food place, etc., the employee is no longer performing official travel and the Federal Government will not assume responsibility for the employee's actions.

We understand that the greatest concern of any employee is who will assume responsibility in the case of an accident. Should a question arise concerning the incidental use of their POV to conduct official business, we suggest employees check with their individual insurance company.

RENTAL VEHICLES

Vehicles may be leased on a short-term basis (no more than 60 days) to satisfy temporary peak workloads. NSA organizations located in the Ft. Meade area should contact Motor Fleet Services (MFS) for further guidance, while site organizations should contact their transportation office.

(b)(3)-P.L. 86-36

REPLACEMENT CRITERIA

The replacement schedule for vehicles currently in the NSA inventory is determined by [redacted] This decision is based on LL policy, criteria established by GSA, vehicle mileage, condition, serviceability, mission requirements, and availability of funds. [redacted] budgets

Release 2021-11
NSA 17701

Doc ID: 6743209

for the replacement of most NSA vehicles (exceptions are addressed on a case-by-case basis). See DoD 4500.36-R, Chapter 12, Motor Vehicle Life Expectancy Chart.

REPRESENTATIONAL USE

Developing and maintaining relationships with foreign officials or high ranking U.S. officials is a necessary part of NSA's mission. Employees may use Government vehicles on those occasions when they are serving in an official representation capacity. For those events that are hosted by other U.S. Government officials and there are no foreign representatives included, then use of a Government vehicle would depend on whether or not the principle purpose of the event is for the conduct of official business. If the purpose of the event was principally personal or social, then use of a Government vehicle would be improper (SEE OFFICIAL FUNCTIONS (REPRESENTATIONAL)).

RETIREMENT CEREMONIES

Retirement lunches/functions are generally not considered official business, and should not receive Government vehicle transportation.

ROTATION OF VEHICLES

MFS may occasionally transfer vehicles between organizations and the Motor Pool as missions and usage levels change. Therefore, no vehicle should be considered a permanent asset.

SEAT BELTS

All passive restraint systems (seat belts) and other personal safety devices provided on Agency vehicles will be used during operation. No attempt shall be made to disengage or alter existing systems.

SMOKING AND USE OF TOBACCO PRODUCTS

The use of tobacco products is prohibited in all NSA motor vehicles.

SPOUSES AND DEPENDENTS

The spouse of a government employee may be transported on a space-available basis in a Government vehicle only when accompanying the employee and the vehicle has already been dispatched for an official purpose. Neither the size of the vehicle nor the route shall be altered to accommodate spouses. However, space may be made available to spouses of employees who are receiving high-level awards. Dependents shall not be transported in GOVs unless they are on official travel orders (i.e., PCS status), or are specifically invited to participate in a DoD/NSA function. (See AWARDS, LOCAL VEHICLE TRAVEL TO)

Release 2021-11
NSA 17702

Doc ID: 6743209

TAGS (GOV'T & NON-GOV'T)

Normally, all Agency vehicles are outfitted with U.S. Government license plates. On occasion, some organizations require that their vehicle be identified with tags issued by an entity other than the U.S. Government. Please contact Motor Fleet Services should you have a need for vehicle anonymity.

TEMPORARY DUTY TRAVEL (TDY) IN NSA VEHICLES

On a limited, case by case basis, temporary duty travel (TDY) may be accomplished using NSA owned and leased vehicles. When an organization's (alpha +2 level or higher) vehicle coordinator has determined that use of an assigned vehicle for a TDY will not impact local mission requirements and a short term rental is impractical, then use of the vehicle may be approved. The use of Motor Fleet Services (MFS) vehicles are not normally used for TDY travel. All personnel using NSA vehicles for overnight travel must be on TDY orders.

When an NSA vehicle is authorized for use while on TDY, the vehicle shall only be operated between places where the person's presence is required for official business, or between such places and temporary lodgings. Additionally, when public transportation is not available or its use is impractical, the use of NSA vehicles is authorized while on TDY between places of business or lodging and eating establishments, drugstores, barber shops, places of worship, cleaning establishments, and similar places required for the comfort or health of the employee, and which foster the continued efficient performance of Government business. Using NSA vehicles for transportation to or from entertainment or recreational facilities is prohibited.

TEMPORARY DUTY TRAVEL (TDY), TRANSPORT TO TERMINALS (e.g., AIRPORTS)

Government vehicles can be used between domicile or workplace and commercial or military transportation terminals only when:

Used by individuals authorized transportation between domiciles and places of employment (D-T-D).

Necessary for emergency situations or to meet security requirements.

The airport is located where other methods cannot meet mission requirements in a responsive manner (in the order shown):

- DoD scheduled bus service.
- Scheduled public transportation.
- DoD motor vehicle.
- Voluntary use of privately-owned-vehicle.
- Taxicab.

Traveling on space-available basis with an employee already authorized D-T-D.

Release 2021-11
NSA 17703

Note: Mission priority and cost effectiveness should be considered before using Government vehicles between domicile or workplace and commercial or military transportation terminals. Use of government vehicles is generally more costly when it involves paying overtime to a driver. In no case should vehicle support be approved for this purpose when its use is based solely on convenience to the TDYer.

TRANSFERRING VEHICLES TO OTHER ORGANIZATIONS

Motor Fleet Services (MFS) acts as the central focal point for vehicle assignments. In order to transfer vehicles from one organization, process or site to another, concurrence must first be obtained from MFS, based on the justification by the receiving organization.

VISITORS TO NSA (DoD)

DoD visitors on temporary duty (TDY) status may be provided transportation, when public or commercial transportation is inadequate or nonexistent, between lodging, visitation points (NSA or other meeting places), eating establishments, drugstores, barber shops, places of worship, cleaning establishments, and similar places required for the comfort or health of the member, but not for entertainment or recreation purposes. DoD visitors on TDY are under the same restrictions as NSA employees under the topics TEMPORARY DUTY TRAVEL (TDY) IN NSA VEHICLES and TEMPORARY DUTY TRAVEL (TDY), TRANSPORT TO TERMINALS.

VISITORS TO NSA (NON-DoD)

Foreign visitors, as well as official non-DoD visitors invited to participate in NSA activities may be transported from transportation terminals, lodging or residence and visitation point, as well as official functions hosted by the Agency.

Release 2021-11
NSA 17704