SEC. ___. DURATION OF AUTHORIZATION OF DOMICILE-TO-DUTY TRANSPORTATION FOR DEFENSE PERSONNEL DESIGNATED TO BE PROVIDED SUCH TRANSPORTATION WHEN ESSENTIAL TO THE CONDUCT OF OFFICIAL BUSINESS.

(a) DESIGNATION OF ELIGIBLE PERSONNEL.—Section 2637 of title 10, United States Code, is amended—

(1) by inserting "(a) AREAS OUTSIDE THE UNITED STATES.—" before "The Secretary of Defense";

(2) by striking the last sentence of subsection (a), as designated by paragraph (1); and

(3) by adding at the end the following new subsections:

"(b) DOMICILE-TO-DUTY TRANSPORTATION.—In the application of section 1344 of title 31 to the Department of Defense, an authorization made pursuant to subsection (b)(9) of such section, and an extension of such an authorization made pursuant to subsection (d)(2) of such section, may be effective for a period not to exceed one year (notwithstanding the otherwise applicable time periods specified in such section).

"(c) REGULATIONS.—Transportation under subsection (a) and the implementation of subsection (b) shall be provided in accordance with regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"2637. Transportation in certain areas outside the United States; transportation between

residence and place of work".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

"2637. Transportation in certain areas outside the United States; transportation between residence and place of work.".

(c) CONFORMING CROSS-REFERENCE AMENDMENT.—Section 1344(c) of title 31, United States Code, is amended by striking "section 2637" and inserting "section 2637(a)".

Section-by-Section Analysis

Section 2637 of title 10, United States Code, provides authority to use Government owned or leased vehicles outside the United States and applies to the Department of Defense (DoD) only. The broader legislation for duty-to-domicile (D-T-D transportation is prescribed in section 1344 of title 31, United States Code, which applies to all Federal agencies.

This proposal would amend section 2637 of title 10, United States Code, and reference section 1344 of title 31 as it relates to the Department of Defense only. The proposed change to section 2637 would extend the D-T-D authorization period for the DoD in certain circumstances.

Section 1344 of title 31 limits the D-T-D period of approval to 15 days, extendable to not more than 90 days, for transportation that is for official purposes including clear and present danger, emergencies, or compelling operational considerations. The D-T-D period of approval is unspecified in current statutory law for home to work transportation that is for field work, intelligence, counterintelligence, protective services or criminal law enforcement duties. As a matter of practice, the Secretary of Defense has approved these types of requests for up to one year. This proposal seeks to set forth the duration of authorization for home to work transportation in these specific cases. In accordance with the proposal, the Secretary of Defense would authorize home-to-work transportation in cases of intelligence, counterintelligence, protective services, and criminal law enforcement duties for a period of up to one year. This proposed statutory amendment would in effect ensure that oversight for DTD authorization is still retained at the highest levels of the Department and also preserves the requirement for Congressional notification.

The Department processes and approves 91 D-T-D authorizations each year based on official purposes for clear and present danger, emergencies, or compelling operational considerations. Of these, 100 percent are renewed every 90 days because of the continual need for D-T-D under these same circumstances. Processing D-T-D requests every 90 days includes an extensive coordination process with multiple organizations and can take up to 60 days prior to the Secretary's signature. This proposal to clearly set forth the period of approval to one year for DTD in these cases would reduce the administrative burden on the Secretary of Defense from having to review and approve repetitive paper work on a quarterly basis, and on other senior

DoD officials from the administrative approval process that is currently completed every 90 days.

A clearly specified approval period for all D-T-D authorizations that is set forth in statute would simplify policy and streamline procedures while continuing to ensure that adequate safeguards are in place to prevent abuse. All D-T-D must be approved, in writing, at a level that is not lower than the Service Secretary level. Each approval authority at the Service Secretariat has established procedures to review the continued need for D-T-D authorizations and maintains vehicle logs of D-T-D use. DoD Manual 4500.36, "Acquisition, Management, and Use of DoD Non-Tactical Vehicles," that is the primary DoD policy and procedural guide on home to work transportation sets forth records management and reporting requirements and ensures proper monitoring of D-T-D transportation.

D-T-D transportation is for official purposes, and in accordance with statutory requirements only certain government officials are eligible beneficiaries of D-T-D authorizations. D-T-D authorizations protect users and facilitate the performance of key mission requirements. DoD component missions often require Senior Leader D-T-D authorizations based on threat level assessments and geographic location risks. This proposal will ensure the continued protection of DoD personnel who are in need of home-to-work transportation in order to accomplish their work that is essential to complete mission requirements. For example, the DoD geographic Combatant Commanders require continuing D-T-D based on compelling operational considerations that include rapid mobility afforded by official vehicles and reliable, instantaneous communications capability installed therein.

Budget Implications: Personnel authorized D-T-D transportation use existing government owned or leased vehicles that are funded within the baseline budget from Operations & Maintenance appropriations. This proposal will not increase funding requirements beyond what is currently supported by the Uniformed Services. The resources reflected in the table below are funded within the FY 2017 President's Budget.

CURRENT RESOURCE REQUIREMENTS ($BILLIONS)								
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
Army does not intend to use this funding, which would have been funded from the following account: Operation and Maintenance, Army.								
Navy does not intend to use this funding, which would have been funded from the following account: Operation and Maintenance, Navy.								
Air Force	0.040	0.041	0.042	0.043	0.043	Operation and Maintenance, Air Force	01	011Z
Total	0.040	0.041	0.042	0.043	0.043			

Changes to Existing Law: This proposal would make the following changes to section 2637 of

title 10, United States Code:

§ 2637. Transportation in certain areas outside the United States; transportation between residence and place of work

(a) AREAS OUTSIDE THE UNITED STATES.—The Secretary of Defense may authorize the commander of a unified combatant command to use Government owned or leased vehicles to provide transportation in an area outside the United States for members of the uniformed services and Federal civilian employees under the jurisdiction of that commander, and for the dependents of such members and employees, if the commander determines that public or private transportation in such area is unsafe or not available. ~~Such transportation shall be provided in accordance with regulations prescribed by the Secretary of Defense.~~

(b) DOMICILE-TO-DUTY TRANSPORTATION.—In the application of section 1344 of title 31 to the Department of Defense, an authorization made pursuant to subsection (b)(9) of such section, and an extension of such an authorization made pursuant to subsection (d)(2) of such section, may be effective for a period not to exceed one year (notwithstanding the otherwise applicable time periods specified in such section).

(c) REGULATIONS.—Transportation under subsection (a) and the implementation of subsection (b) shall be provided in accordance with regulations prescribed by the Secretary of Defense.