
Office of Inspector General

*Second Interim Report on Travel Policies
and Practices of Political Appointees*

Department of Transportation

Report Number: FI-2000-107

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July 14, 2000

The Honorable Fred Thompson
Chairman, Committee on Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In response to your request of February 29, 2000, the Office of Inspector General initiated a Departmentwide review of policies and practices regarding political activities and travel by Department of Transportation (DOT) employees. Your request posed seven questions pertaining to DOT.

This letter is our second interim response to your request. On May 1, 2000, we provided the interim results of our review. Our initial response included complete answers to four of your seven questions. The four questions requested (1) DOT's policies and guidelines regarding political activity by employees, (2) the process within DOT to review claims for official travel; (3) DOT policy on combining official travel with political travel, and (4) a description of the systems in place to ensure that employees are abiding by the Hatch Act. The policies and procedures did not change since May 1, so no updated information is necessary. This response provides answers for the remaining three questions concerning political travel and campaigning between April 1, 1998, and May 31, 2000.

Since April 1, 1998, DOT has employed 20 political appointees who were appointed by the President and confirmed by the Senate (PAS officials), 42 noncareer Senior Executive Service (SES) officials, and 51 Schedule C officials. Of the 113 appointees, 29 were no longer employed by DOT as of May 31, 2000.

Committee Question: How many trips taken by DOT employees or officials included a mix of official and political travel?

PAS Officials

We completed our review of the 20 PAS officials by reviewing travel itineraries and vouchers, and reconciling them with accounting records. We also obtained information

through questionnaires and by interviewing the 15 PAS officials who were still employed by DOT as of May 31, 2000. For the 5 officials who no longer work for DOT, we reviewed their travel itineraries and travel vouchers, and interviewed members of their staff to determine whether they mixed official and political travel.

For the period April 1, 1998, through May 31, 2000, we reviewed 992 travel vouchers, conducted interviews, and obtained certified responses to questionnaires. Based on our review, we found that 24 trips included a mix of official and political travel. Of the 24 trips, 23 were taken by the Secretary of Transportation, and 1 trip was taken by the Federal Railroad Administrator.

We determined that all 24 trips were subject to the Hatch Act requirements since they included a mix of official and political travel. The Hatch Act requires an employee to apportion the cost of mixed travel based on the time spent on political activities and the time spent performing official duties. Of the 24 trips, we found that cost allocations were not made for 5 trips. However, no cost allocations were necessary because the Government did not incur any additional costs for these trips, or the costs related to the political portion of the travel was paid directly by the political organization.

We recomputed the cost allocations for the remaining 19 trips and compared our results with the Department's computation to determine whether a reasonable share of travel expenses was allocated to and reimbursed by the political organization. Political organizations reimbursed \$3,649 to DOT for 16 of the 19 trips. We identified three trips for which reimbursement payments of \$1,038 were not made because DOT had not requested the payments. DOT has since requested payment from the three political organizations. We concluded the cost allocations involving political travel by PAS officials were reasonable.

Noncareer SES and Schedule C Officials

Of the 93 noncareer SES and Schedule C officials, 69 were still employed by DOT as of May 31, 2000. Using questionnaires, we obtained certified responses from the 69 officials regarding their travel for the period April 1, 1998, through May 31, 2000. We found one noncareer SES employee's trip included a mix of official and political activity. The cost of the trip was not subject to the Hatch Act allocation requirement because the Government did not incur any additional cost for this trip. The employee took annual leave to participate in the political activity and was considered off duty, which is allowable.

Committee Question: Have any staff, including but not limited to protective details or advance personnel, accompanied political appointees on travel involving a political component?

Only the Secretary of Transportation had any staff accompany him while on travel involving a political event. From April 1, 1998, through May 31, 2000, a total of 42 DOT employees accompanied the Secretary on 23 trips involving political events. The 42 employees consisted of 6 PAS officials, 26 noncareer SES and Schedule C officials, and 10 career employees. We found no violations of the Hatch Act by the 42 employees.

- Of the six PAS officials traveling with the Secretary, only the Federal Railroad Administrator attended and participated in a political event. We reviewed the travel voucher, interviewed the Federal Railroad Administrator, and determined that the cost associated with the political portion of the trip was properly allocated. The political organization reimbursed DOT for the political portion cost of the trip. The other five PAS officials did not attend the political events.
- Of the 26 noncareer SES and Schedule C officials, 15 did not attend the political events. The remaining 11 were advance personnel. We determined that the duties for advance personnel require their attendance at all functions, including political events, while traveling with the Secretary. While the 11 officials attended the political events, they said they did not participate in the political activities.
- Of the 10 career employees, 9 were on the Secretary's security detail, and 1 was responsible for media relations. We reviewed the job descriptions for security detail personnel. We determined that the duties for security personnel require their attendance at all functions, including political events, while traveling with the Secretary. The media person did not attend the political events, and none of the nine security employees participated in the political activities.

The Hatch Act states that an employee is considered to be on duty while protecting or performing official duties for the Secretary regardless of the nature of the function that the Secretary is attending. However, such an employee may not participate in political activity during normal duty hours. We concluded that the advance and security personnel attended the political events with the Secretary as necessary to perform their official duties. However, based on the statements of advance and security personnel, they did not participate in the political activities while attending the political events.

Committee Question: How much time have those employees who are appointed by the President and confirmed by the Senate spent campaigning over the last 2 years?

For the period April 1, 1998, through May 31, 2000, we reviewed travel itineraries and travel vouchers for the 20 PAS officials. We also obtained certified questionnaires and

conducted interviews with the 15 PAS officials still employed by DOT as of May 31, 2000. For the 5 PAS officials who no longer work for DOT, we reviewed their travel itineraries and travel vouchers, and interviewed members of their staff to determine their campaigning activities, if any. Of the 20 PAS officials, 14 did not perform any campaigning. For the remaining 6 officials, 5 estimated that the time they spent campaigning ranged from 1 to 5 days during the period, and totaled about 90 hours. All 5 officials stated the campaigning was performed on their own time and at their own expense. For the 26-month period, the Secretary spent about 400 hours campaigning or at political events, of which about 270 hours were after normal work hours. The Hatch Act allows the Secretary to participate in political activities while on duty.

We are continuing our review. As you requested, we will provide interim reports every 60 days. Our next report will be no later than August 31, 2000.

If I can answer any questions or be of any further assistance, please feel free to contact me at (202) 366-1959, or my Acting Deputy, Todd J. Zinser, at (202) 366-6767.

Sincerely,

Kenneth M. Mead
Inspector General

cc: DOT General Counsel