

6284
DECISION



O. Easterwood
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

Transp.

FILE: B-188227

DATE: May 8, 1978

MATTER OF: District Containerized Express

DIGEST:

1. Section 101-41.310-4 of GSA's Federal Property Management Regulations state that in order for a bill (or voucher) to be payable to an agent, it must be submitted in the name of the principal carrier or forwarder.
2. Regulations in 4 C.F.R. part 52 implementing Section 5 of the Fly America Act require as a condition precedent to payment of bills (or vouchers) involving a non-United States-flag air carrier that there be a certificate justifying the use of non-United States-flag air carriers.
3. Bills (or vouchers) not complying with the GSA or GAO regulations will be returned to the billing carrier or forwarder.

An authorized certifying officer of the U.S. General Accounting Office (GAO) requests an advance decision on the propriety of certifying for payment a voucher for \$237.50. The voucher was presented for payment by District Containerized Express (District) and covers the freight charges allegedly due on a shipment of personal effects shipped from a warehouse in the United States to Frankfurt, Germany.

The authorized certifying officer is entitled to an advance decision by the Comptroller General on the question of law whether the freight charges should be certified for payment. 31 U.S.C. 82d (1970). And as required by our procedures, the certifying officer has submitted the original voucher presented for certification. 52 Comp. Gen. 83 (1972).

Government bill of lading (GBL) No. K-0283598 was issued in July 1976 by GAO and authorized "District Containerized Express Van Pac Carriers" to transport about 875 pounds of personal effects from Sterling, Virginia, to Frankfurt, Germany. Payment has been made to District for transporting 443 pounds of the personal effects from Sterling to Frankfurt under this

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GBL. District's voucher covers the transportation in September 1976 of an additional 190 pounds of personal effects that moved from a warehouse, presumably in Bladensburg, Maryland, to Dulles airport; from Dulles to Paris, France, via Trans World Airlines, Inc. (TWA); and from Paris to Frankfurt via Lufthansa, the German national airline.

Assuming that the additional 190 pounds of personal effects properly is a part of the larger 443-pound shipment, there are two defects in District's voucher for \$237.50 that must be corrected before it can be certified for payment.

The first defect in District's voucher is that District is shown to be the payee rather than Van Pac Carriers. The billing regulations in effect at the time of the shipment are found in section 1 01-41.310-4 of the General Services Administration's (GSA) Federal Property Management Regulations Temporary Regulation G-23, which state that a bill is payable to an agent so long as the bill is submitted in the name of the principal carrier or forwarder, in this case Van Pac Carriers. District has to be an agent of Van Pac Carriers because District has no operating authority of its own for the kind of transportation provided and because District is designated an agent on GBL No. K-0283598, presumably the authorizing document for the 190-pound shipment.

The second defect in District's voucher is that the air waybill given to District by TWA showing that Lufthansa transported the shipment from Paris to Frankfurt is not accompanied by a certificate signed by a Government representative which explains why a non-United States-flag air carrier (Lufthansa) was used when there were apparently United States-flag air carriers available between Dulles and Frankfurt. Regulations implementing Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974, Pub. L. 93-623, 49 U.S.C. 1517 (Fly America Act), are contained in 4 C.F.R. part 52. They require the use of United States-flag air carriers to transport Government-financed international shipments of property to the extent that they are "available", and require as a condition precedent to payment of bills that there be a certificate justifying the use of non-United States-flag air carriers.

The certifying officer should return District's voucher with a request for compliance with the pertinent regulations.

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If District resubmits the voucher in the name of the principal, it may be certified for payment provided that it is payable under the Fly America Act, see, also, 56 Comp. Gen. 209 (1977), and that the 190-pound shipment was in fact authorized to move by air as part of the 443-pound shipment.

Deputy

R. F. Kellum
Comptroller General
of the United States