

DECISION

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

FILE: B-210454

DATE: March 29, 1983

MATTER OF: Reimbursement For Cost of Reconnecting
Catalytic Converters

DIGEST:

1. Department of Defense civilian employees participating in a Privately Owned Vehicle Import Control Program may be reimbursed for cost of reinstallation of catalytic converters upon reentry of vehicles into the United States. Cost of securing a bond allowing the vehicle to be admitted to the United States incurred by nonparticipants may also be reimbursed since it is required for those who do not participate in the program.
2. Members of the uniformed services are reimbursed miscellaneous expenses incurred incident to a permanent change under 37 U.S.C. 407, a set allowance, which does not require an itemization of the expenses. Accordingly, no authority exists for any additional reimbursement of the costs of reconnecting a catalytic converter or the costs of securing a bond to allow the vehicle to be admitted to the United States on return from an overseas assignment.

This advance decision responds to a request from the Assistant Secretary of the Army (Manpower and Reserve Affairs), concerning whether the cost of reconnecting a catalytic converter on a vehicle for a civilian employee or a member of the uniformed service who is a member of the Privately Owned Vehicle (POV) Import Control Program may be reimbursed as a miscellaneous expense incident to relocation on returning to the United States after an overseas assignment. We are also asked whether the cost of securing a bond allowing the entry of the vehicle of an individual not participating in the program may be reimbursed. The matter has been assigned control number 138 by the Per Diem, Travel and Transportation Allowance Committee (PDTATAC).

For the following reasons such reconnection and bond costs may be included as allowable miscellaneous expense items for civilian employees but may not be reimbursed for members of the uniformed services.

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The Department of Defense POV Import Control Program was implemented in 1976 with Environmental Protection Agency approval. It is a voluntary program designed to assist Defense personnel assigned overseas to protect catalytic converters on their vehicles from contamination by leaded gasoline, unleaded gasoline being generally unavailable in foreign assignment areas. Under the program, participants have catalytic converters removed prior to shipment and then reinstalled upon subsequent return to the United States. Pursuant to 40 C.F.R. 85.1509, nonparticipants are denied reentry of their vehicles into the United States until they post a cash bond with the Customs Service, equal to the value of the vehicle, pending replacement of the catalytic converter. Such replacement is required if the converter has been contaminated by the use of leaded gasoline overseas.

Under the provisions of 5 U.S.C. 5724a, civilian employees of the Government may be reimbursed certain expenses incurred incident to a relocation within certain limitations. Paragraph C9000, Joint Travel Regulations, Volume 2, (2 JTR), applicable only to civilian employees, provides a miscellaneous expenses allowance "for the purpose of defraying various contingent costs associated with relocation of a residence in connection with an authorized or approved permanent change of station." Item 5 of paragraph C9000, 2 JTR, lists as costs to be reimbursed: "automobile registration, driver's license and use taxes imposed when bringing automobiles into some jurisdictions." A similar provision is contained in the Federal Travel Regulations. It is to be noted that Volume 1 of the Joint Travel Regulations, applicable to military members, contains no analogous provision.

We held in Matter of Zimmerman, B-202520, January 4, 1982, that a Defense civilian employee transferred to Germany, a participant in the POV Import Control Program, was not entitled to reimbursement for the cost of removing the catalytic converter prior to shipment because such removal was not a registration related requirement of his new duty station, and was, therefore, not authorized as a miscellaneous expense as enumerated in paragraph C9000. However, we held in Matter of Grills, 56 Comp. Gen. 53 (1976), that the cost of installing a pollution control device to comply with mandatory California pollution standards was proper for inclusion as a cost associated

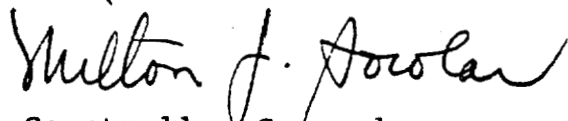
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with registration of the vehicle at the employee's new duty station for miscellaneous expense allowance purposes.

We believe the cost of reinstalling the catalytic converter when an employee who has disconnected it before using the vehicle abroad is an expense similar to that incurred in Grills, supra, since a functioning catalytic converter is necessary for the car to be admitted to the United States, and to be registered in most jurisdictions in the United States. This is distinguishable from the cost of repairing or replacing damaged parts, which we have held may not be included as miscellaneous expenses. See B-163107, May 18, 1973. Accordingly, the cost of reinstalling the catalytic converter of a POV Import Control Program participant upon reentry of the vehicle into the United States may be included in determining miscellaneous expense reimbursement.

Similarly, the cost of securing a bond for release of the vehicle on return to the United States and insuring that emission standards are met may also be included as a miscellaneous expense. This may be done since it must be provided by those who do not participate in the program in order for their vehicles to be admitted to the United States.

Miscellaneous expenses incurred by members of the uniformed services incident to a relocation are not reimbursable in the same manner as that provided for civilian employees under 5 U.S.C. 5724a. Members of the uniformed services are authorized a dislocation allowance under 37 U.S.C. 407, which is equal to 1 month's basic allowance for quarters as provided for his pay grade and dependency status. This allowance was designed to cover miscellaneous costs incurred incident to a permanent change of station and does not require itemization of the expenses incurred. Accordingly, no authority exists to reimburse members of the uniformed services for the reconnection of the catalytic converter or the cost of securing a bond to allow the vehicle to be admitted to the United States.



Acting Comptroller General
of the United States