

"Reguire

DECISION



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

FILE: B-221656

DATE: July 14, 1986

MATTER OF: Transferred Service Members--Shipment of
Privately Owned Vehicles

DIGEST:

The Department of Defense Per Diem, Travel and Transportation Allowance Committee asks whether the Joint Travel Regulations may be amended to allow shipment of privately owned vehicles at Government expense for certain service members who receive orders for a change of permanent station within the continental United States. Since nothing in the applicable statute prohibits transportation of the privately owned vehicles under the circumstances presented, the Comptroller General has no objection to the proposed changes.

This action is in response to a request for a decision from the Per Diem, Travel and Transportation Allowance Committee regarding a proposed change to the Joint Travel Regulations which would allow the services to ship privately owned vehicles in connection with a change of permanent station within the continental United States by certain members of the uniformed services.^{1/} Since the applicable statute contains no prohibition against transportation of vehicles for members under the circumstances presented, we have no objection to the proposed changes to the regulations.

Background

The Per Diem, Travel and Transportation Allowance Committee suggests that the current travel regulations may result in hardship for certain members of the uniformed services when they are ordered to a new duty station, are not given sufficient time to drive a privately owned vehicle to the new duty station, and are not permitted to have the vehicle shipped at Government expense. The Committee points out that 10 U.S.C. § 2634 provides general authority for shipment of a privately owned vehicle when a member is transferred to a new permanent duty station but that the

^{1/} The request was made by the Chairman of the Per Diem, Travel and Transportation Allowance Committee.

036024

implementing regulations currently authorize transportation of the vehicle only if a member is ordered to make a permanent change of station to, from or between places outside the continental United States, or upon official change of home port of the vessel to which he is assigned.

The Committee is considering a proposed change in the Joint Travel Regulations which would alleviate the hardship to those members when they are transferred from one duty station to another within the continental United States. The new regulations would, for example, authorize shipment of a member's vehicle if the member was unable to drive to his new duty station due to physical injury or if a member was given insufficient travel time to drive his privately owned vehicle from the old duty station to the new duty station and report to his new duty station as ordered. Under the existing regulations the member may be forced to take leave at a later date and drive to the new duty station. The Committee asks whether the adoption of this proposed amendment to the regulations would be permissible under 10 U.S.C. § 2634, in light of its legislative history.

Analysis and Conclusion

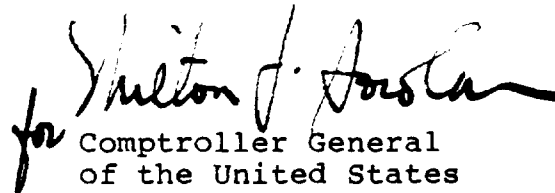
Pursuant to 10 U.S.C. § 2634, a member of an armed force ordered to make a change of permanent station may have his privately owned vehicle transported at Government expense to his new duty station. The "major portion" of the transportation must be on a United States owned, leased or chartered vessel; by privately owned American shipping services; or under limited circumstances, by foreign-flag shipping services. Change of permanent station is defined without geographic limitation in the statute as "the transfer or assignment of a member of the armed forces from one permanent station to another."

Thus, while the major portion of the transportation must be by vessel, the statute does not limit such transportation to individuals who are assigned to an overseas duty station. Neither does the legislative history of the statute show that the provision was specifically intended by the Congress to prohibit such transportation for members transferred between duty stations within the United States.

Section 2634, as added by Public Law 87-651, September 7, 1962, did not expressly prohibit such transportation of vehicles. We also note that since 10 U.S.C. § 2634 was enacted, Congress has amended and broadened the provisions to allow more flexibility to the services in shipment of vehicles. This intent to broaden entitlement is found in the amendments to the statute and throughout the legislative history of the provision. Although the statute authorizes transportation primarily by watercraft and its legislative history contains communications from the Department of Defense to the Congress indicating that the statutory authority would be used primarily for transfers outside the continental United States, there has been no prohibition in the statutory language adopted by the Congress denying over-water transportation of vehicles for members whose change of permanent station has been within the continental United States.^{2/}

Moreover, the current regulations provide for transportation of vehicles for members when there is an authorized change in home yard or home port of the vessel upon which they are stationed. See 1 JTR para. M11002. Thus the regulations already validly provide for the transportation of the vehicles of members whose change of permanent station is within the continental United States under some circumstances.

In conclusion, we are aware of no basis under 10 U.S.C. § 2634 for objection to amendment of the Joint Travel Regulations, in the manner described, to provide that service members who are physically unable to drive or are given insufficient travel time to drive a privately owned vehicle from the old duty station to the new duty station and report to their new duty stations as ordered may be allowed transportation for a privately owned vehicle at Government expense, when the transfer is within the continental United States and over-water transportation for the vehicle is reasonably available.


for Comptroller General
of the United States

^{2/} See, for example, the amendments to 10 U.S.C. § 2634 added by Public Law 89-101, July 30, 1965, 79 Stat. 425; and compare the comments made by officials of the Department of Defense in S. Rep. No. 460, 89th Cong., 1st Sess. 4, reprinted in 1965 U.S. CODE CONG. AND AD. NEWS 2394, 2397.