



JUSTIFICATION FOR USE OF FOREIGN-FLAG AIR CARRIER OR VESSEL

(References: 14 FAM 583.2, FTR 301-10.136 thru 301-10.143)

Date: _____ (mm/dd/yyyy)

I certify that it (is) (was) necessary for (name of traveler) _____ to use

(Name of foreign-flag air carrier(s) or vessel(s))

or to transport (Flight or vessel identification number)

(personal effects)/(freight) between _____ and _____

en route from _____ to _____, on (date) _____ (mm/dd/yyyy)

at a cost of \$ _____ for the following reasons:

Date: _____ (mm/dd/yyyy) Signature of Traveler: _____

Bureau or Office: _____

Certification by Agency Travel Agent that American Carrier is considered
unavailable: _____

Regulatory review and clearance by M/MS/TTD Chief/designee or GC/DEO: _____

***Financial responsibility for unauthorized use of a foreign air carrier lies with the traveler.**

Note: If a justification is not submitted with the employee's reimbursement voucher, or a justification statement is not in the travel voucher, the employee may be liable for the total cost of the foreign-flag air fare segment(s). If this justification is not submitted with freight documentation, the authorizing officer (normally the post EXO or GSO) may be liable for the total cost of the foreign-flag air segment(s).

Use of United States Flag Air Carriers

(FTR 301.10-136) What exceptions to the Fly America Act requirements apply when I travel between the United States and another country?

The exceptions are: (a) If a U.S. flag air carrier offers nonstop or direct service (no aircraft change) from your origin to your destination, you must use the U.S. flag air carrier service unless such use would extend your travel time, including delay at origin, by 24 hours or more. (b) If a U.S. flag air carrier does not offer nonstop or direct service (no aircraft change) between your origin and your destination, you must use a U.S. flag air carrier on every portion of the route where it provides service unless, when compared to using a foreign air carrier, such use would: (1) Increase the number of aircraft changes you must make outside of the U.S. by 2 or more; or (2) Extend your travel time by at least 6 hours or more; or (3) Require a connecting time of 4 hours or more at an overseas interchange point.

(FTR 301.10-137) What exceptions to the Fly America Act requirements apply when I travel solely outside the United States, and a U.S. flag air carrier provides service between my origin and my destination?

You must always use a U.S. flag carrier for such travel, unless, when compared to using a foreign air carrier, such use would: (a) Increase the number of aircraft changes you must make en route by 2 or more; or (b) Extend your travel time by 6 hours or more; or (c) Require a connecting time of 4 hours or more at an overseas interchange point.

(FTR 301.10-138) In what circumstances is foreign air carrier service deemed a matter of necessity?

(a) Foreign air carrier service is deemed a necessity when service by a U.S. flag air carrier is available, but cannot provide the air transportation needed; or will not accomplish the agency's mission. (b) Necessity includes, but is not limited to, the following circumstances:

(1) When the agency determines that use of a foreign air carrier is necessary for medical reasons, including use of foreign air carrier service to reduce the number of connections and possible delays in the transportation of persons in need of medical treatment; or (2) When use of a foreign air carrier is required to avoid an unreasonable risk to your safety and is approved by your agency (e.g., terrorist threats). Written approval of the use of foreign air carrier service based on an unreasonable risk to your safety must be approved by your agency on a case by case basis. An agency determination and approval of use of a foreign air carrier based on a threat against a U.S. flag air carrier must be supported by a travel advisory notice issued by the Federal Aviation Administration and the Department of State. An agency determination and approval of use of a foreign air carrier based on a threat against Government employees or other travelers must be supported by evidence of the threat(s) that form the basis of the determination and approval; or (3) When you can not purchase a ticket in your authorized class of service on a U.S. flag air carrier, and a seat is available in your authorized class of service on a foreign air carrier.

(FTR 301.10-139) May I travel by a foreign air carrier if the cost of my ticket is less than traveling by a U.S. flag air carrier?

No. Foreign air carrier service may not be used solely based on the cost of your ticket.

(FTR 301.10-140) May I use a foreign air carrier if the service is preferred by or more convenient for my agency or me?

No. You must use U.S. flag air carrier service, unless you meet one of the exceptions in Sec. 301-10.135, Sec. 301-10.136, or Sec. 301-10.137 or unless foreign air carrier service is deemed a matter of necessity under Sec. 301-10.138.

(FTR 301.10-141) Must I provide any special certification or documents if I use a foreign air carrier?

Yes, you must provide a certification, as required in section 301-10.143 and any other documents required by your agency. Your agency cannot pay your foreign air carrier if you do not provide the required certification.

(FTR 301.10-142) What must the certification include?

The certification must include your name, the dates that you traveled, the origin and the destination of your travel, a detailed itinerary of your travel, name of the air carrier and flight number for each leg of the trip, and a statement explaining why you met one of the exceptions in Sec. 301-10.135, Sec. 301-10.136, or Sec. 301-10.137 or a copy of your agency's written approval that foreign air carrier service was deemed a matter of necessity in accordance with Sec. 301-10.138.

(FTR 301.10-143) What is my liability if I improperly use a foreign air carrier?

You will not be reimbursed for any transportation cost for which you improperly use foreign air carrier service. If you are authorized by your agency to use U.S. flag air carrier service for your entire trip, and you improperly use a foreign air carrier for any part of or the entire trip (i.e., when not permitted under this regulation), your transportation cost on the foreign air carrier will not be payable by your agency. If your agency authorizes you to use U.S. flag air carrier service for part of your trip and foreign air carrier service for another part of your trip, and you improperly use a foreign air carrier (i.e., when neither authorized to do so nor otherwise permitted under this regulation), your agency will pay the transportation cost on the foreign air carrier for only the portion(s) of the trip for which you were authorized to use foreign air carrier service. The agency must establish internal procedures for denying reimbursement to travelers when use of a foreign air carrier was neither authorized nor otherwise permitted under this regulation.