

§ 301-10.137

41 CFR Ch. 301 (7-1-03 Edition)

§ 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.

§ 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

- (1) Cannot provide the air transportation needed; or
- (2) 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.

§ 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.

§ 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 § 301-10.135, § 301-10.136, or § 301-10.137 or unless foreign air carrier service is deemed a matter of necessity under § 301-10.138.

§ 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 § 301-10.142 and any other documents required by your agency. Your agency cannot pay your foreign air carrier fare if you do not provide the required certification.

[FTR Amdt. 74, 63 FR 63419, Nov. 13, 1998, as amended by FTR Amdt. 108, 67 FR 57964, Sept. 13, 2002]

§ 301-10.142 What must the certification include?

The certification must include:

- (a) Your name;
- (b) The dates that you traveled;
- (c) The origin and the destination of your travel;
- (d) A detailed itinerary of your travel, name of the air carrier and flight number for each leg of the trip; and
- (e) A statement explaining why you met one of the exceptions in § 301-10.135, § 301-10.136, or § 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 § 301-10.138.

Temporary Duty (TDY) Travel Allowances

§ 301-10.162

§ 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.

TRAIN

§ 301-10.160 What classes of train accommodations are available?

(a) *Coach-class*—The basic class of accommodations offered by a rail carrier to passengers that includes a level of service available to all passengers regardless of the fare paid. Coach-class includes reserved coach accommodations as well as slumber coach accommodations when overnight train travel is involved.

(b) *Slumber coach*—Includes slumber coach accommodations on trains offering such accommodations, or the lowest level of sleeping accommodations available on a train that does not offer slumber coach accommodations.

(c) *First-class*—Includes bedrooms, roomettes, club service, parlor car accommodations, or other premium accommodations.

(d) *Business-class*—A class of service offered on Amtrak Acela or Metroliner extra fare train service.

[FTR Amdt. 70, 63 FR 15955, Apr. 1, 1998, as amended by FTR Amdt. 108, 67 FR 57965, Sept. 13, 2002]

§ 301-10.161 What class of train accommodations must I use?

You must use coach-class accommodations for all train travel, except when your agency authorizes first-class service.

§ 301-10.162 When may I use first-class train accommodations?

Only when your agency specifically authorizes/approves your use of first-class train accommodations under paragraphs (a) through (d) of this section.

(a) No coach-class accommodations are reasonably available. “Reasonably available” means available and scheduled to leave within 24 hours of the employee’s proposed departure time, or scheduled to arrive within 24 hours of the employee’s proposed arrival time.

(b) When use of first-class is necessary to accommodate a disability or other special need. A disability must be substantiated in writing by competent medical authority. A special need must be substantiated in writing according to your agency’s procedures. If you are authorized under § 301-13.3(a) of this chapter to have an attendant accompany you, your agency also may authorize the attendant to use first-class accommodations if you require the attendant’s services en route.

(c) When exceptional security circumstances require first-class travel. Exceptional security circumstances include, but are not limited to:

(1) Use of other than first-class accommodations would endanger your life or Government property;

(2) You are an agent on protective detail and you are accompanying an individual authorized to use first-class accommodations; or

(3) You are a courier or control officer accompanying controlled pouches or packages.

(d) Inadequate foreign coach-class train accommodations. When coach-