

## **6 FAM 130**

# **PERFORMING TRAVEL**

*(CT:GS-125; 05-07-2004)*  
*(Office of Origin: A/LM/OPS/TTM/TM)*

## **6 FAM 131 GENERAL POLICIES**

### **6 FAM 131.1 Within Workweek**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service and Civil Service)*

Title 5, U.S.C., section 6101(b)(2), establishes the U.S. Government-wide policy that, to the maximum extent practicable, the head of an agency shall schedule the time to be spent by an employee in official travel status within the employee's regularly scheduled workweek.

### **6 FAM 131.2 Routing**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

a. Travel on official business shall be by the method of transportation *that* will result in the greatest advantage to the U.S. Government, considering cost and other factors. In selecting a particular method of transportation to be used, give consideration to energy conservation and to the total cost to the U.S. Government.

b. Travel by common carrier (air, rail, or bus) generally results in the most efficient use of energy resources and in the least costly and most expeditious performance of travel. Therefore, this method shall be used whenever it is reasonably available. Other methods of transportation may be authorized as advantageous only when the use of common carrier transportation would seriously interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier would exceed the cost by some other method of transportation. The determination that another method of transportation would be more advantageous to the U.S. Government than common carrier transportation shall not be made on the basis of personal preference or minor inconvenience to the traveler resulting from common carrier scheduling.

c. Selecting the most advantageous method of common carrier transportation:

(1) Contract air service: The use of discount fares offered by contract air carriers between certain cities (city-pairs) is considered advantageous to the U.S. Government (see 6 FAM 128.3);

(2) Rail or bus service: Rail or bus service may be used when determined to be advantageous to the U.S. Government (cost, energy and other factors considered) and when compatible with the requirements of the official travel. The use of contract or other discount fares offered to the U.S. Government by rail or bus carriers between selected cities (city-pairs) is considered advantageous. Whenever these discount fares are offered and the accompanying service will fulfill mission requirements, they should be used to the maximum extent possible;

(3) Surface transportation or a combination of air and surface is authorized, subject to the provisions of 6 FAM 131.4 and 6 FAM 131.3;

(4) Use of vessel transportation is authorized when use of air transportation by the traveler would be detrimental to the traveler's health or well-being (see 6 FAM 134.2-3);

(5) Alternatively, travel by vessel may be permitted, provided travel expenses (including per diem, incidental expenses, fare, and travel time) are limited to those which would accrue by authorized air travel. Leave is charged for excess travel time;

(6) Ferry travel is authorized when expedient and necessary to the mission; and

(7) Travel by privately owned vehicle is governed by 6 FAM 146.

### **6 FAM 131.3 Using U.S.- and Foreign-Flag Vessels**

*(CT:GS-125; 05-07-2004)*

*(Uniform State/BBG/USAID/Commerce/Agriculture)*

*(Foreign Service)*

In accordance with the Merchant Marine Act of 1936, all travel and transportation of effects shall be on vessels registered under the laws of the United States where such vessels are available unless the necessity of the mission requires the use of vessels under a foreign flag. Exceptions to the use of U.S.-flag vessels are provided in 6 FAM 134.2.

**NOTE:** Although Executive Order 11223 dated May 12, 1965, exempts USAID from section 901 of the Merchant Marine Act of 1936, this exemption shall not be exercised by USAID in connection with this regulation.

## 6 FAM 131.4 Using U.S.-Flag Air Carriers

*(CT:GS-125; 05-07-2004)*

*(Uniform State/BBG/USAID/Commerce/Agriculture)*

*(Foreign Service)*

a. The Fly America Act, 49 U.S.C. 1517, as amended by Section 21 of Public Law 96-192, February 15, 1980, 94 Stat. 43, establishes as a legal requirement that all U.S. Government-financed air travel be performed on U.S.-flag air carriers unless such travel by foreign air carrier is a matter of necessity as defined in 6 FAM 135.1 or when U.S.-flag carrier air service is not available within the guidelines of 6 FAM 135. The relevant Comptroller General Guidelines for implementing this Act are found in B-138942, March 31, 1981 (see 6 FAM 135.6 for travel between two points abroad).

b. A code-share flight is one in which a U.S. carrier has been approved by the Department of Transportation (DOT) to fly between two points, and the U.S. carrier has chosen to lease seats from a foreign carrier rather than put its own airplane on the route. Code-share flights, in most cases, qualify as available U.S.-flag air carrier service (see 6 FAM 135.9 for more information).

c. In the case of travel between two points abroad, Section 706 of the Foreign Relations Authorization Act, Fiscal Year 1979 (Public Law 95-426, 92 Stat. 992), provides that notwithstanding Section 1117 of the Fly America Act (49 U.S.C. 1517), U.S. Government-financed air travel by officers and employees of State, USAID, their eligible family members, and accompanying baggage may be performed on foreign-flag air carriers between two places both of which are outside the United States.

**NOTE:** The provision under paragraph c does **not** apply to employees of Commerce and their eligible family members and accompanying baggage.

## 6 FAM 131.5 Authorities

*(CT:GS-125; 05-07-2004)*

*(Uniform State/BBG/USAID/Commerce/Agriculture)*

*(Foreign Service)*

In addition to the authorities listed in 6 FAM 111.4, 6 FAM 130 refers to the following authorities:

- (1) Merchant Marine Act of 1936;
- (2) Fly America Act, 49 U.S.C. 1517, as amended by Section 21 of Public Law 96-192, February 15, 1980, 94 Stat. 43;
- (3) 49 U.S.C. 1502(b);

- (4) 49 U.S.C. 40118 (Public Law 95-426, 92 Stat. 992);
- (5) 5 U.S.C. 6101(b)(2); and
- (6) Comptroller General Decisions:
  - B-118904 of 6/29/54;
  - B-181352 of 10/8/74;
  - B-202413 of 11/16/81;
  - B-218819 of 10/30/85;
  - B-2330371 of 4/5/88;
  - B-232576 of 8/24/89.

## **6 FAM 132 DIRECT AND INDIRECT TRAVEL**

### **6 FAM 132.1 Direct Travel**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

All official travel must be by a usually traveled route, referred to as "direct travel," or "direct route" (see *these definitions under 6 FAM 111.3*). A usually traveled route is one or more routes which are essentially the same in travel time and cost to the U.S. Government. See 6 FAM 111.1-1 for a listing of types of official travel.

### **6 FAM 132.2 Indirect Travel**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

See *definition under 6 FAM 111.3*.

#### **6 FAM 132.2-1 Personal Financial Responsibility**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

When a traveler deviates from a usually traveled route for personal convenience, the traveler must bear the extra expense for the portion of the journey *that* is by an indirect route or for accommodations superior to those authorized.

## **6 FAM 132.2-2 Reimbursement Limitations**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

a. Reimbursement for costs incurred on that portion of the journey which is traveled by an indirect route is limited to the total cost of per diem, incidental expenses, and transportation by less than premium-class air accommodations (regardless of mode of travel used in indirect travel, except as provided in paragraph e below), which would have been incurred by traveling on a usually traveled route.

b. In no case may reimbursement for indirect travel exceed the allowable costs actually incurred for such indirect travel.

c. Leave is charged for any excess travel time (see 6 FAM 144 requiring use of round-trip tickets, through tickets, etc.).

d. Reimbursement for excess baggage carried on indirect air travel is limited to the costs by a usually traveled route for excess weight actually carried upon departure from point of origin or 10 kilograms or 22 pounds, whichever is lesser.

e. When travel is authorized and actually performed by privately owned vehicle, reimbursement is limited to the total cost of per diem and mileage which would have been incurred by direct travel (see 6 FAM 146.2-1).

## **6 FAM 133 DELAYED AND INTERRUPTED TRAVEL**

### **6 FAM 133.1 Interrupted Travel on a Usually Traveled Route**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

Direct travel may be interrupted for the convenience of the traveler. The employee is charged annual leave, if available, or approved leave without pay for excess time spent, and shall receive no per diem for periods of leave. The traveler bears any extra expense caused by the interruption.

## **6 FAM 133.2 Time Limitations on Performance of Travel and Transportation**

### **6 FAM 133.2-1 Appointment, Transfer, or Leave at U.S. Government Expense**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

a. The actual departure of an employee under a travel authorization may be directed by administrative determination. The family and effects may accompany, precede, or follow the employee. However, after the employee completes travel pursuant to the authorization, unless the time limitation is extended, the actual departure of all members of the family and the shipment of all effects are not deferred more than 12 months on international travel, or six months for domestic (stateside) travel. When only domestic travel is involved (USAID Handbook 19), it may require issuance of a new travel authorization within the subsequent fiscal year, even within the six-month period. If no travel of the employee is involved in connection with an appointment, the actual departure of all members of the family and the beginning of transportation of all effects is not deferred more than six months after the employee enters on duty.

b. Unless waived by the appropriate officials in the headquarters agency, any employee appointed for a 12-month tour of duty abroad must have eligible family members travel and shipment of effects commence within three months. If the agency extends this three-month time limitation for eligible family members to travel or to ship effects, the employee's tour of duty is extended so that the employee and eligible family members remain at post at least one year after the eligible family members' arrival. A repayment agreement is required of the employee in accordance with 6 FAM 126.2-4. For liquidation or refund of repayment, see 6 FAM 126.2-6.

### **6 FAM 133.2-2 Separation from the Foreign Service**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

a. When an employee is separated from the Foreign Service and qualifies for travel and shipment of effects in accordance with 3 FAM, the actual departure of the employee, the departure of the employee's family, and the transportation of all effects shall not be deferred more than 12 months (six months if only domestic travel is involved). The time limitation will be calculated from the employee's last day in pay status, unless an earlier or later limitation is specified in the travel authorization or the time limita-

tion is extended. Such later time limit or extension shall not exceed 18 months after the employee's last day in pay status.

b. If travel or transportation of effects is interrupted for personal convenience in connection with a separation, the final departure of persons and effects from any point(s) of interruption must take place within the time limitation specified in the separation order.

c. When only domestic travel is involved, it may require issuance of a new travel authorization in the subsequent fiscal year, even within the six-month period.

### **6 FAM 133.2-3 Limitation on Interrupted Travel and Transportation**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

When travel or transportation of effects is interrupted for the convenience of the traveler for an aggregate period in excess of 12 months, expenses for travel or transportation shall be allowable only to the last point of interruption unless additional delay is specifically authorized. For separation, see 6 FAM 133.2-2.

### **6 FAM 133.3 Return to Post before Completion of Temporary Duty Assignment**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

Transportation expenses to an employee's designated post of duty and per diem en route are allowable whenever the employee becomes incapacitated because of illness or injury, not due to employee's own misconduct, while en route to or while at the temporary duty station before completion of temporary duty assignment (see 6 FAM 155.5-3 for per diem payable during illness or injury).

### **6 FAM 133.4 Rest Stop**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

a. Any scheduled flights in excess of 14 hours on a usually traveled route, including scheduled stopovers when traveling by less than premium-class accommodations, may be interrupted for a rest period of up to 24

hours. The point of interruption should be midway in the journey or as near to it as the schedule permits. Per diem and necessary miscellaneous expenses are authorized.

b. Rest stops are not authorized when indirect travel is performed.

c. Rest stops are not authorized for travelers using premium-class accommodations, except when certified as necessary by competent medical authority.

## **6 FAM 133.5 Time Zone Dislocations**

*(CT:GS-125; 05-07-2004)*

*(Uniform State/BBG/USAID/Commerce/Agriculture)*

*(Foreign Service)*

a. Travelers flying on a direct route, without interruption, except for flight connections, with a difference of five or more time zones between authorized points of travel should, whenever possible, arrange departure to allow arrival at destination a full day before commencing duty.

b. When the flight is of such duration that it includes an authorized rest stop, as provided in 6 FAM 133.4, the same efforts should be made to allow arrival at destination a full day before commencing duty, provided there is a difference of five or more time zones between the rest stop and the destination point.

c. In cases meeting the criteria in either paragraph a or b of this section, excused absence without charge to leave may be granted for any part of the 24-hour adjustment period following arrival at the duty point which happens to fall within working hours.

d. Per diem during the adjustment period is payable to temporary duty travelers, including eligible family members authorized to travel at U.S. Government expense when accompanying employees to temporary duty points, in accordance with 6 FAM 126.5.

## **6 FAM 134 USE OF U.S.- AND FOREIGN-FLAG VESSELS**

### **6 FAM 134.1 Policy**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

In accordance with the provisions of the Merchant Marine Act of 1936, travel and transportation of effects shall be on vessels registered under the laws of the United States where such vessels are available unless the necessity of the mission requires use of a vessel under a foreign flag.

### **6 FAM 134.2 Foreign-Flag Vessels**

#### **6 FAM 134.2-1 When Permissible**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

- a. See also 6 FAM 131.2.
- b. When travel by vessel is authorized or permitted under 6 FAM 131.2, paragraph b, a foreign-flag vessel may be used only if:
  - (1) U.S.-flag vessels do not operate between the ports servicing the points of origin and destination which are reasonably accessible by adequate surface transportation; or
  - (2) U.S.-flag vessels do operate, but space or service is unavailable and the traveler would be delayed more than 15 days awaiting available U.S.-flag service, or a period of time deemed inadvisable for medical or safety reasons.
- c. When possible, make payment by using excess foreign credits or currency owned by the United States or from USAID trust funds.

## **6 FAM 134.2-2 Routing**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

When use of a foreign-flag vessel is permissible under the conditions stated in 6 FAM 134.2-1, such use should be limited to the maximum extent possible by:

(1) Using an available U.S.-flag vessel to the farthest interchange point from which a foreign-flag vessel provides service to complete the journey; or

(2) Using a foreign-flag vessel to the nearest interchange point from which an available U.S.-flag vessel provides service to complete the journey.

## **6 FAM 134.2-3 Documentation**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

a. In circumstances covered by 6 FAM 134.2-1, an authorizing officer or traveler will certify to the facts involved and a copy of such certification must also be included with the travel voucher (see 6 FAM 135 Exhibit 135.7).

b. When travel by vessel is authorized under 6 FAM 131.2, the Medical Director of the Department of State (M/DGHR/MED) must certify to the fact that use of air transportation would be hazardous or detrimental to the traveler's (employee's or family member's) health or well-being. Travelers departing from the United States must obtain the required certification directly from M/DGHR/MED. Travelers departing from a post abroad will submit a request for the required certification to M/DGHR/MED with a recommendation by the post medical officer or medical adviser. The Medical Director's certification must be included with the employee's travel voucher.

## **6 FAM 134.2-4 Accompanying Family Members**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

If the employee or any member of the employee's family is authorized or permitted to travel by vessel under the conditions stated in 6 FAM 131.2, all members of the family accompanying the employee or accompanying such family member are also permitted to travel aboard the foreign-flag vessel.

## **6 FAM 134.3 Use of Freight Vessels**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

Employees and family members are not required to travel by freight vessels. However, when freight vessels are used, the rules pertaining to travel on U.S.- and foreign-flag passenger vessels shall apply.

## **6 FAM 134.4 Penalty for Failure to Comply**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

Failure to comply with the provisions of 6 FAM 134 will subject the employee to personal financial responsibility. Section 901(a) of the Merchant Marine Act of 1936 also vests in the Comptroller General of the United States special enforcement responsibilities.

## **6 FAM 135 USE OF U.S.-FLAG AND FOREIGN AIR CARRIERS**

### **6 FAM 135.1 General Rule**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

The Fly America Act generally requires use of a U.S. air carrier even if the cost of a ticket is less on a foreign air carrier and even if a foreign air carrier's service is preferred by, or more convenient for, the agency or the traveler. See 6 FAM 135 Exhibit 135.1, Frequently Asked Questions (FAQs), as a result of this Act.

## **6 FAM 135.2 State/BBG/USAID Officers, Employees and Eligible Family Members on State/BBG/USAID-Funded Travel between the United States and Another Country and Travel between Two Points Abroad**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID)*  
*(Foreign Service)*

For State, BBG, and USAID-funded travel of Department of State and USAID officers, employees and their eligible family members:

(1) A U.S. air carrier must be used if the trip is between the United States and a foreign country and the U.S. air carrier offers nonstop or direct service (no aircraft change) from origin to destination unless such use would extend travel time (scheduled departure to scheduled arrival, including delay at origin) by 24 hours or more; or

(2) If the trip is between the United States and a foreign country and a U.S. air carrier does not offer nonstop or direct service (no aircraft change) from origin to destination, then a U.S. air carrier must be used if it provides service for the leg of the trip that is between the United States and another country, unless using a U.S. air carrier would:

(a) Increase the number of aircraft changes abroad by two (2) or more; or

(b) Extend travel time (scheduled departure to scheduled arrival) by six (6) hours or more; or

(c) Require a connecting time of four (4) hours or more at an interchange point abroad;

(3) A foreign air carrier may be used for official travel between two points abroad. This includes travel between two points abroad that is part of a trip to or from the United States (i.e., the foreign leg of a trip to or from the United States).

## **6 FAM 135.3 Non-State/Non-BBG/Non-USAID-Funded Travel between the United States and Another Country**

*(CT:GS-125; 05-07-2004)*  
*(Commerce and Agriculture Only)*  
*(Foreign Service)*

Non-State/*non*-BBG/*non*-USAID travelers must use U.S. air carriers for travel between the United States and another country unless:

(1) Use of a U.S. air carrier offers nonstop or direct service (no aircraft change) from origin to destination, but such use would extend travel time (scheduled departure to scheduled arrival), including delay at origin, by 24 hours or more; or

(2) A U.S. air carrier does not offer nonstop or direct service (no aircraft change) between origin and destination. In such cases, a U.S. air carrier must be used on every portion of the route where U.S. air service is provided. Exceptions can be made when such use, as compared to use of a foreign air carrier, will:

(a) Increase the number of aircraft changes abroad by two (2) or more; or

(b) Extend travel time (scheduled departure to scheduled arrival) by at least six (6) hours or more; or

(c) Require a connecting wait time of four (4) hours or more at an exchange point abroad.

## **6 FAM 135.4 Non-State/*Non-BBG*/Non-USAID-Funded Travel Solely Outside the United States**

*(CT:GS-125; 05-07-2004)*  
*(Commerce and Agriculture Only)*  
*(Foreign Service)*

Non-State/*non-BBG*/non-USAID travelers must use U.S. air carriers for travel between two points abroad that is solely outside of the United States unless, when compared to using a foreign air carrier, such use would:

(1) Increase the number of aircraft changes made outside the United States by two (2) or more; or

(2) Extend travel time (scheduled departure to scheduled arrival) by at least six (6) hours or more; or

(3) Require a connecting time of four (4) hours or more at an exchange point abroad.

## **135.5 All Travelers - Agency Mission or Necessity**

*(CT:GS-125; 05-07-2004)*

*(Uniform State/BBG/USAID/Commerce/Agriculture)*

*(Foreign Service)*

Use of a foreign air carrier by all travelers is authorized when the authorizing official (bureau executive officer, post management officer or USAID executive officer at post) determines that:

(1) A U.S. air carrier cannot accomplish the agency's mission (as stated in the travel orders); or

(2) Use of a foreign air carrier is a necessity because a U.S. air carrier cannot provide the needed air transportation. Necessity includes, but is not limited to, the following circumstances:

(a) Medical reasons: Use of a foreign air carrier is necessary for medical reasons, including the need to reduce the number of connections and possible delays when transporting people in need of medical treatment. This includes arrangements to protect the traveler's health and to facilitate emergency visitation travel or a medical evacuation. Travel of medically authorized attendant(s) is also authorized, if the need is certified by M/DGHR/MED or regional medical officer; or

(b) Traveler's safety: On a case-by-case basis, use of a foreign air carrier is required to avoid an unreasonable risk to the traveler's safety. This includes ensuring that unaccompanied children (16 years of age or younger at the time of travel) are not required to change airports at interchange points abroad or are otherwise hindered in their safe and speedy passage. An agency determination and approval of use of a foreign air carrier based on a threat against a U.S. 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 U.S. Government employees or other travelers must be supported by evidence of the threat(s) that forms the basis of the determination and approval; or

(c) Ticket not available in required class of service: When there is no ticket available in the authorized class of service on a U.S. air carrier and a seat is available in the authorized class of service on a foreign air carrier.

## **6 FAM 135.6 Other Exceptions**

*(CT:GS-125; 05-07-2004)*

*(Uniform State/BBG/USAID/Commerce/Agriculture)*

*(Foreign Service)*

Use of a foreign air carrier for all travelers is authorized in the following exceptional circumstances:

(1) Treaty: The transportation is provided under the terms of a bilateral or multilateral air transportation agreement to which the U.S. Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act; or

(2) No service: No U.S. air carrier provides service on a particular leg of the route, in which case a foreign air carrier must be used, but only to and from the nearest interchange point on a usually traveled route to connect with a U.S. air carrier service; or

(3) Involuntary routing: The U.S. air carrier involuntarily reroutes a traveler on a foreign air carrier; or

(4) Three-hour trip or less: Travel time (scheduled departure to scheduled arrival) on a foreign air carrier would be three hours or less, and use of the U.S. air carrier would double the travel time; or

(5) Costs paid by third party: The costs of transportation are reimbursed in full by a third party, such as a foreign government, international agency, or other organization.

## **6 FAM 135.7 Justification**

*(CT:GS-125; 05-07-2004)*

*(Uniform State/BBG/USAID/Commerce/Agriculture)*

*(Foreign Service)*

a. Travelers must sign a justification for use of a foreign air carrier or vessel (6 FAM 135 Exhibit 135.7) for foreign air carrier travel authorized by 6 FAM 135.2, subparagraphs (1) and (2), 6 FAM 135.3, 6 FAM 135.4, and 6 FAM 135.6. A justification is not required for 6 FAM 135.2, subparagraph (3). A copy of the justification must be provided to the travel agent before the ticket is issued and the original justification must be attached to the travel voucher upon completion of travel.

b. Either a post management officer or USAID executive officer at post or a Department of State bureau executive officer or the Chief of Travel and Transportation in Washington, DC must sign the justification for use of a foreign air carrier or vessel for foreign air carrier travel circumstances outlined in 6 FAM 135.5. The traveler must provide a copy of a signed justification (6 FAM 135 Exhibit 135.7) to the travel agent before the ticket is issued and the original justification must be attached to the travel voucher upon completion of travel.

c. Financial responsibility for unauthorized use of a foreign air carrier lies with the traveler except when foreign air carrier travel is justified by a management officer or USAID executive officer at post or a Department of State bureau executive officer, or the Chief of Travel and Transportation in Washington, DC (see 6 FAM 135.5).

### **6 FAM 135.8 Traveler's Liability and Financial Responsibility for Improper Use of a Foreign Air Carrier**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

a. The traveler will not be reimbursed for any improperly used foreign air carrier service. If the traveler is authorized to use U.S.-flag air carrier service for the entire trip, and improperly uses a foreign air carrier for any part of or all of the trip (i.e., when not permitted under this regulation), transportation costs on the foreign air carrier will not be paid.

b. If the traveler is authorized to use U.S.-flag air carrier service for part of the trip, and improperly uses a foreign air carrier (i.e., when neither authorized to do so nor otherwise permitted under this regulation), only the portion(s) of the trip for which foreign air carrier service was authorized will be paid.

### **6 FAM 135.9 Code-Share Flights**

*(CT:GS-125; 05-07-2004)*  
*(Uniform State/BBG/USAID/Commerce/Agriculture)*  
*(Foreign Service)*

a. Code-share flights reflect an agreement between U.S. carriers and foreign carriers that allows U.S. carriers to lease seating space on aircraft belonging to (and operated by) foreign carriers. Code-share flights comply with the Fly America Act.

b. A code-share flight qualifies as U.S. certificated-service flag air service provided the ticket identifies the U.S. carrier's code and flight number. The U.S. carrier is identified by the carrier code written on the ticket. Carrier codes of major U.S. airlines are listed below:

AMERICAN .....	AA
CONTINENTAL .....	CO
DELTA .....	DL
NORTHWEST.....	NW
UNITED .....	UA
USAIRWAYS .....	US

## **6 FAM 136 THROUGH 139 UNASSIGNED**

## 6 FAM 135 EXHIBIT 135.1 FREQUENTLY ASKED QUESTIONS (FAQS)

(CT:GS-125; 05-07-2004)  
(Uniform State/BBG/USAID/Commerce/Agriculture)  
(Foreign Service)

- (1) **FAQ:** I am a USAID officer and need to fly from Dulles to Frankfurt to attend a conference. Am I required to take a U.S. airline nonstop flight to Frankfurt?

**Answer:** Yes, State and USAID employees, like all other U.S. Government travelers, are required to fly U.S. air carriers or code-share carriers that provide direct or nonstop service from your point of origin to your destination.

- (2) **FAQ:** I am a Department of State office management specialist and need to travel to Madrid for TDY duty. There are no direct or non-stop U.S. air carriers from Dulles to Madrid. I would like to take Spanair's direct flight from Dulles to Madrid. The travel agency, however, says that I have to fly to New York to catch a nonstop code-share flight to Madrid. Going to New York will add four hours to my travel time. What should I do?

**Answer:** Your trip originates in Washington, DC and concludes in Madrid. You cannot fly from Washington, DC, to Madrid on a foreign air carrier, but you can fly from Washington, DC, to Frankfurt (a major interchange point on a usually traveled route) on a U.S. carrier and then fly a foreign carrier from Frankfurt to Madrid. Or you can fly from New York to Madrid on a U.S. air carrier. Either way, you have to fly a U.S. carrier on the leg of the trip that is to and from the United States. This is because flying on a U.S. carrier either to Madrid or to Frankfurt will not, as compared to a foreign carrier, extend your travel to Madrid by at least six hours, require you to wait four hours or more abroad, or change planes at least twice abroad. Since you are a State employee, you have the flexibility of flying on a foreign carrier from Frankfurt to Madrid, an option that would not work for other travelers and thus you may opt to fly via Frankfurt rather than via New York. Travelers other than State or USAID employees and eligible family members do not have this option; they have to fly every trip leg (from origin to destination) on U.S. air carriers or code shares when available.

## Continuation—6 FAM 135 Exhibit 135.1

- (3) **FAQ:** I am a State Department employee stationed in Suriname and I need to go to Washington, DC, for training. There is no U.S. carrier nonstop or direct flight from Suriname to Washington, DC. However, there is a foreign carrier from Suriname to Miami and then a U.S. carrier from Miami to Washington, DC. What do I do? Do I have to take a foreign air carrier from Suriname to Curaçao and then wait three hours to board the American Airlines flight to Reagan National Airport in Washington, DC? Could I fly a foreign air carrier from Suriname to Miami?

**Answer:** You have to wait three hours in Curaçao. All U.S. Government travelers including State and USAID employees and eligible family members must fly U.S. air carriers to and from the United States unless such use (as compared to a foreign air carrier) would (a) increase the number of aircraft changes abroad by two or more; or (b) extend travel time by six or more hours; or (c) require a connecting time of four hours or more at an airport abroad. So, unless the routing to fly American Airlines from Curaçao to Washington, DC, requires you to wait more than 4 hours or more (which it does not) or extends your travel time from Suriname (origin) to Washington, DC (final destination) by six hours or more, you'll have to wait in Curaçao.

- (4) **FAQ:** I'm a Department of State officer and my spouse and I want to spend our R&R on Maryland's Eastern Shore. We want to return to Kathmandu, Nepal, from Baltimore- Washington International Airport (BWI). I don't know how to plan my route using these new rules although I understand that the most expeditious route is via Frankfurt, Germany and New Delhi, India. What would you suggest?

**Answer:** Your destination is Kathmandu; your origin is BWI. For the leg of the trip from BWI to a point abroad on a usually traveled route (e.g., Frankfurt), you have to fly a U.S. air carrier. This is because flying on a U.S. carrier for the leg from BWI to Frankfurt will not extend your travel by six hours or more, require you to wait four hours abroad, or change planes twice abroad. You may fly U.S. or foreign carriers from Frankfurt to New Delhi and then on to Kathmandu, although preference should first be given to U.S. air carriers.

- (5) **FAQ:** I'm a Fulbright Scholar studying in Mexico City, Mexico. I have to attend a conference in Santiago, Chile. I have heard that we're not required to take U.S. air carriers or code shares when flying between two points abroad. Do I have to fly a U.S. air carrier for all or part of this trip?

## Continuation—6 FAM 135 Exhibit 135.1

**Answer:** Only State and USAID employees and eligible family members using State or USAID-funded travel orders have the option of flying a U.S. or foreign air carrier when traveling between two points abroad. As a Fulbright Scholar, and therefore **not** an employee of the Department of State or USAID, you must use U.S. air carriers between Mexico City and Santiago unless, when compared to using a foreign air carrier, flying a U.S. carrier would increase the number of aircraft changes abroad that you have to make by two or more; or extend your travel time by at least six hours or more; or require you to wait for a connecting time of four or more hours at an interchange point abroad.

- (6) **FAQ:** I am a Department of State political officer assigned to Embassy Budapest. I've been invited to attend a NATO conference in Brussels, Belgium, and the Department of Defense is going to pay for all of my travel. Can I take advantage of these new travel regulations even though DOD is paying for the trip?

**Answer:** No. Only when State and USAID employees travel on State or USAID-funded travel orders do they have the option to use either U.S. or foreign air carriers between two points abroad. When DOD is paying for your air travel to Brussels from Budapest, you have to follow the non-State/non-USAID-funded travel rules. Thus, for this trip, you are required to use U.S. air carriers between Budapest and Brussels unless, when compared to using a foreign air carrier, flying a U.S. carrier would increase the number of aircraft changes abroad by two or more; extend your travel time by more than six hours; or require you to wait for a connecting flight for four or more hours at an airport abroad. 6 FAM 135 retains "necessity" exemptions to the Fly America Act: Travelers may use a foreign air carrier regardless of origin or destination if:

- (a) It is required by mission, medical or safety reasons;
- (b) No U.S. carrier is available;
- (c) The only ticket available in the authorized class of service is on a foreign carrier;
- (d) A foreign carrier's air travel time is three hours or less and use of a U.S. carrier would double the travel time;
- (e) The U.S. carrier reroutes the traveler on to a foreign carrier without his or her consent; or
- (f) Travel costs are reimbursed in full by a third party.

# 6 FAM 135 Exhibit 135.7 FORMAT FOR JUSTIFICATION FOR USE OF FOREIGN-FLAG AIR CARRIER OR VESSEL

(CT:GS-125; 05-07-2004)  
(Uniform State/BBG/USAID/Commerce/Agriculture)  
(Foreign Service)

(Date)

I certify that it (is)/(was) necessary for \_\_\_\_\_  
(Name of traveler or agency)

to use \_\_\_\_\_  
(Name of foreign-flag air carrier(s) or vessel(s))

\_\_\_\_\_ or to transport  
(Flight identification number)

\_\_\_\_\_ (Personal effects) \_\_\_\_\_ (Freight)

between \_\_\_\_\_ and \_\_\_\_\_

en route from \_\_\_\_\_ to \_\_\_\_\_

on \_\_\_\_\_ for the following reasons:  
(Date)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of traveler or authorizing official)

\_\_\_\_\_  
(Organization)

**(NOTE:** If a justification is not submitted with the employee’s travel 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 may be liable for the total cost of the foreign-flag air segment(s).)