

Fly America Act

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- Use of a foreign air carrier is determined to be a matter of necessity (see the matter of necessity criteria below)
- The transportation is provided under a bilateral or multilateral air transportation agreement to which the United States 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
- You are an officer or employee of the Department of State, United States International Development Cooperation Agency, or the Arms Control Disarmament Agency, and your travel is paid with funds appropriated to one of these agencies, and your travel is **between two places outside the United States**; or
- No U.S. flag air carrier provides service on a particular leg of the route, in which case foreign air carrier service may be used, but only to or from the nearest interchange point on a usually traveled route to connect with U.S. flag air carrier service; or
- A U.S. flag air carrier involuntarily reroutes your travel on a foreign air carrier; or
- Service on a foreign air carrier would be three hours or less, and use of the U.S. flag air carrier would at least double your en route travel time; or
- When the costs of transportation are reimbursed in full by a third party, such as a foreign government, international agency, or other organization.

The exceptions to the Fly America Act requirements when travel is **between the United States and another country** are:

- 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.
- 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:
 - o Increase the number of aircraft changes you must make outside of the U.S. by 2 or more; or
 - o Extend your travel time by at least 6 hours or more; or
 - o Require a connecting time of 4 hours or more at an overseas interchange point.

The exceptions to the Fly America Act requirements when travel is **solely outside the United States** and a U.S. flag air carrier provides service between the origin and the destination are if, when compared to using a foreign air carrier, such use would:

- Increase the number of aircraft changes you must make en route by 2 or more; or
- Extend your travel time by 6 hours or more; or
- Require a connecting time of 4 hours or more at an overseas interchange point.

Foreign air carrier service is deemed a “matter of 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. Necessity includes, but is not limited to, the following circumstances:

- 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
- 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
- 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.