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Policies and Procedures

Title: Use of United States Flag Air
Carriers for Foreign Travel (Fly America Act)

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This DIRECTIVE states policy, guidelines, and conditions for requiring use of U.S. flag air carriers for foreign travel.

U.S. Government agencies are required to ensure that only U.S. flag air carriers are used for transportation of persons or property by air between the United States and a place outside the United States, or between two places outside the United States. The Comptroller General of the United States will disallow any expenditures from appropriated funds for payment of transportation on foreign air carriers unless satisfactory justification is provided.

Table of Contents

1.	ABBREVIATIONS	3
2.	DEFINITIONS	3
3.	AUTHORITIES	3
4.	POLICY	3
5.	REQUIREMENTS FOR USE OF U.S. FLAG AIR CARRIERS	3
6.	GUIDELINES FOR DETERMINING AVAILABILITY AND UNAVAILABILITY OF U.S. FLAG AIR CARRIERS	4
7.	CONDITIONS FOR USE OF FOREIGN AIR CARRIERS	5

1. ABBREVIATIONS

- FTR - Federal Travel Regulations
- U.S.C. - United States Code

2. DEFINITIONS

Foreign air carriers are air carriers of foreign Nations.

U.S. flag air carriers are air carriers holding certificates under section 401 of the Federal Aviation Act of 1958.

3. AUTHORITIES

- Comptroller General Decisions B-138942 and B-184136
- 49 U.S.C. 1517
- FTR 301-3
- Public Law 96-192
- Public Law 480

4. POLICY

ARS employees and other travelers whose travel costs are paid directly from ARS funds or from funds controlled or made available by ARS shall use U.S. flag air carriers for foreign travel as provided in this DIRECTIVE.

The requirement to use U.S. flag air carriers shall not be influenced by factors of cost, convenience, or personal travel preference of the traveler.

5. REQUIREMENTS FOR USE OF U.S. FLAG AIR CARRIERS

ARS Employees and Other Travelers Whose Travel Costs are Paid Directly from ARS Funds.

- U.S. flag air carriers are required to be used to the maximum extent possible for commercial air transportation between the United States and a foreign country or between foreign countries.

- The requirement for using U.S. flag air carriers applies to employees and their dependents, consultants, contractors, or other travelers whose transportation costs are paid from funds controlled or granted by ARS.

Grantee Employees Whose Travel Costs are Paid from Funds Included in Grants from ARS.

Grantee employees must use U.S. flag air carriers for foreign travel financed by ARS funds. This requirement applies especially to foreign organizations performing research under grants made by ARS from foreign currencies appropriated under Public Law 480.

6. GUIDELINES FOR DETERMINING AVAILABILITY AND UNAVAILABILITY OF U.S. FLAG AIR CARRIERS

Availability of U.S. Flag Air Carrier Service.

Passenger or freight service by a U.S. flag air carrier is considered "available" even though:

- Comparable or a different kind of service by a foreign air carrier can be provided at less cost.
- Service by a foreign air carrier can be paid for in excess foreign currency. Exception is authorized when U.S. flag air carriers will not accept the foreign currency appropriated under Public Law 480 for carrying out foreign research programs (see Section 6, Unavailability of U.S. Flag Air Carrier Service, last bulleted paragraph).
- Services a foreign air carrier is preferred by or more convenient for ARS or the traveler.
- For personal reasons, the employee schedules travel to permit taking leave in conjunction with the travel.

Unavailability of U.S. Flag Air Carrier Service.

Passenger or freight service by a U.S. flag air carrier is considered "unavailable" when:

- The traveler, while en route, would have to wait 6 hours or more to transfer to a U.S. flag air carrier to proceed to the intended destination.
- Any flight by a U.S. flag air carrier is interrupted by a stop anticipated to be 6 hours or more and no other flight by a U.S. flag air carrier is available during the 6-hour period.
- Service by a U.S. flag air carrier, or combination of U.S. flag or foreign air carriers (if U.S. flag air carriers are "unavailable"), would take 24 or more hours longer from the origin airport to the destination airport, than would service by a foreign air carrier.
- For short distance travel, the elapsed travel time on a scheduled flight from the origin airport to the destination airport by foreign air carriers is 3 hours or less and service by U.S. flag air carriers would involve twice the scheduled travel time.
- ARS foreign travel can be financed only with foreign currencies appropriated under Public Law 480 for carrying out foreign research programs, and U.S. flag air carriers will not accept such currencies.

7. CONDITIONS FOR USE OF FOREIGN AIR CARRIERS

The use of foreign air carriers may be authorized only when U.S. flag air carrier service is unavailable as determined by the guidelines in section 6, under Unavailability of U.S. Flag Air Carrier Service.

- When direct service by U.S. flag air carriers is not available between the origin and destination airports, a foreign air carrier may be used to the nearest practicable interchange point to connect with available U.S. flag air carrier service.
- The interchange point must be consistent with scheduled connections and authorized stopovers. The additional travel also must not unduly interfere with the conduct of official business.

- A statement justifying the use of a foreign air carrier must be included on the travel authorization or travel voucher. Expenditure for transportation on a foreign air carrier may be disallowed if the justification statement is not provided. (See FTR 301-3.6 for guidance in preparing the justification statement.)

T. J. CLARK
Deputy Administrator
Administrative Management