Fly America Act (41 CFR §301), Decision Flowchart

This decision flowchart is designed to determine if you may use a foreign air carrier for foreign air travel. U.S. domestic travel MUST be on a U.S. air carrier.

Step 1: Determine if an Open Skies Agreement applies to your travel

1. Is your foreign air travel being paid for with U.S. Government funds?
   - Yes: Proceed to Step 2.
   - No: You can choose any airline. <END>

2. Is your air travel funded with U.S. Department of Defense funds?
   - Yes: Proceed to Step 3a.
   - No: You must use a U.S. airline, unless you have a documented exception. <Go to Step 2.>

3a. Does your travel include a stop in the EU, Iceland, or Norway?
   - Yes: You may choose a U.S., EU, Icelandic or Norwegian airline. <END>
   - No: Proceed to Step 3b.

3b. Are you traveling between the U.S. and Australia, Japan or Switzerland?
   - Yes: You may choose a U.S., EU, Icelandic, or Norwegian airline. <END>
   - No: Proceed to Step 3c.

3c. Are you traveling between the U.S. and an ECAA country?
   - Yes: You must use a U.S. airline, unless you have a documented exception. <Go to Step 2.>
   - No: Proceed to Step 3d.

3d. Are you traveling between cities listed on the Government’s City Pair Program?
   - Yes: You may choose a U.S., EU, Icelandic, or Norwegian airline. <END>
   - No: Proceed to Step 3e.

3e. Are you traveling between the US and an ECAA country?
   - Yes: You may choose a U.S., EU, Icelandic, or Norwegian airline. <END>
   - No: You must use a U.S. airline, unless you have a documented exception. <Go to Step 2.>

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1. A carrier operating under a code share agreement with a US carrier is considered a US flag carrier as long as the ticket is issued using the US flag carrier’s airline designator and flight number.
3. The Government’s City Pair search tool is at https://cpsearch.fas.gsa.gov/
4. Destinations can include EU member countries as well as Croatia, Macedonia, Albania, Bosnia and Herzegovina, Kosovo, Serbia, and Montenegro.
Step 2: Determine if you have an eligible exception to the Fly America Act

<From Step 1>
Do only foreign airlines provide service on that leg of the route? [Exception §301-10.135(d)]

Yes

You may use a U.S or Foreign Flag Air Carrier. Document the exception you’re using. <END>

No

Has the chosen U.S. airline involuntarily rerouted your travel on a foreign airline? [Exception §301-10.135(e)]

Yes

If you were to use a U.S air carrier, does it pose an inconvenience*? [Exception §301-10.137]

Yes

You must use a U.S. Flag Air Carrier. <END>

No

If you were to use a foreign airline, would use of a foreign carrier constitute a necessity**? [Exception §301-10.138]

Yes

No

Would service on a foreign airline be three hours or less and use of a U.S. airline would double your travel time? [Exception §301-10.135(f)]

Yes

No

* An “inconvenience” would occur if the route on U.S. carrier 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; 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.

** A “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 cannot 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.