

47.403-1 Availability and unavailability of U.S.-flag air carrier service.

(a) If a *U.S.-flag air carrier* cannot provide the *international air transportation* needed or if the use of *U.S.-flag air carrier* service would not accomplish an agency's mission, foreign-flag air carrier service may be deemed necessary.

(b) *U.S.-flag air carrier* service is considered available even though-

(1) Comparable or a different kind of service can be provided at less cost by a foreign-flag air carrier;

(2) Foreign-flag air carrier service is preferred by, or is more convenient for, the agency or traveler; or

(3) Service by a foreign-flag air carrier can be paid for in excess foreign currency (unless *U.S.-flag air carriers* decline to accept excess or near excess foreign currencies for transportation payable only out of such monies).

(c) Except as provided in paragraph [47.403-1\(a\)](#), *U.S.-flag air carrier* service shall be used for U.S. Government-financed commercial foreign air travel if service provided by *U.S.-flag air carriers* is available. In determining availability of a *U.S.-flag air carrier*, the following scheduling principles shall be followed unless their application would result in the last or first leg of travel to or from the *United States* being performed by a foreign-flag air carrier:

(1) *U.S.-flag air carrier* service available at point of origin shall be used to destination or, in the absence of direct or through service, to the farthest interchange point on a usually traveled route.

(2) When an origin or interchange point is not served by a *U.S.-flag air carrier*, foreign-flag air carrier service shall be used only to the nearest interchange point on a usually traveled route to connect with *U.S.-flag air carrier* service.

(3) When a *U.S.-flag air carrier* involuntarily reroutes the traveler via a foreign-flag air carrier, the foreign-flag air carrier may be used notwithstanding the availability of alternative *U.S.-flag air carrier* service.

(d) For travel between a *gateway airport in the United States* and a *gateway airport abroad*, passenger service by *U.S.-flag air carrier* shall not be considered available if-

(1) The *gateway airport abroad* is the traveler's origin or destination airport and the use of *U.S.-flag air carrier* service would extend the time in a travel status, including delay at origin and accelerated arrival at destination, by at least 24 hours more than travel by a foreign-flag air carrier; or

(2) The *gateway airport abroad* is an interchange point and the use of *U.S.-flag air carrier* service would require the traveler to wait 6 hours or more to make connections at that point, or if delayed departure from, or accelerated arrival at, the *gateway airport in the United States* would extend time in a travel status by at least 6 hours more than travel by a foreign-flag air carrier.

(e) For travel between two points outside the *United States*, the rules in paragraphs [47.403-1\(a\)](#), (b), and (c) shall be applicable, but passenger service by a *U.S.-flag air carrier* shall not be considered to

be reasonably available if-

- (1) Travel by a foreign-flag air *carrier* would eliminate two or more aircraft changes en route;
 - (2) One of the two points abroad is the gateway airport en route to or from the *United States* and the use of a *U.S.-flag air carrier* would extend the time in a travel status by at least 6 hours more than travel by a foreign-flag air *carrier*, including accelerated arrival at the over seas destination or delayed departure from the overseas origin, as well as delay at the gateway airport or other interchange point abroad; or
 - (3) The travel is not part of the trip to or from the *United States* and the use of a *U.S.-flag air carrier* would extend the time in a travel status by at least 6 hours more than travel by a foreign-flag air *carrier* including delay at origin, delay en route, and accelerated arrival at destination.
- (f) For all short-distance travel under either paragraph (d) or paragraph (e) of [47.403-1](#), U.S. air *carrier* service *shall* not be considered available when the elapsed travel time on a scheduled flight from origin to destination airport by foreign-flag air *carrier* is 3 hours or less and service by a *U.S.-flag air carrier* would involve twice such travel time.

Parent topic: [47.403 Guidelines for implementation of the Fly America Act.](#)