§ 301–10.137  
(b) 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:

(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.

§ 301–10.137  What exceptions to the Fly America Act requirements apply when I travel solely outside the United States, and a U.S. flag air carrier provides service between my origin and my destination?

You must always use a U.S. flag carrier for such travel, unless, when compared to using a foreign air carrier, such use would:

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

§ 301–10.138  In what circumstances is foreign air carrier service deemed a matter of necessity?

(a) Foreign air carrier service is deemed a necessity when service by a U.S. flag air carrier is available, but
(1) Cannot provide the air transportation needed; or
(2) Will not accomplish the agency’s mission.

(b) 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).

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§ 301–10.139  May I travel by a foreign air carrier if the cost of my ticket is less than traveling by a U.S. flag air carrier?

No. Foreign air carrier service may not be used solely based on the cost of your ticket.

§ 301–10.140  May I use a foreign air carrier if the service is preferred by or more convenient for my agency or me?

No. You must use U.S. flag air carrier service, unless you meet one of the exceptions in §301–10.135, §301–10.136, or §301–10.137 or unless foreign air carrier service is deemed a matter of necessity under §301–10.138.

§ 301–10.141  Must I provide any special certification or documents if I use a foreign air carrier?

Yes, you must provide a certification, as required in §301–10.142 and any other documents required by your agency. Your agency cannot pay your foreign air carrier fare if you do not provide the required certification.