52.247-63 Preference for U.S.-Flag Air Carriers.

As prescribed in 47.405(a) , insert the following clause:

Preference for *U.S.-Flag Air Carriers* (Jan 2025)

(a) *Definitions*. As used in this clause-

"International air transportation" means transportation by air between a place in the *United States* and a place outside the *United States* or between two places both of which are outside the *United States*.

United States means the 50 States, the District of Columbia, and *outlying areas*.

U.S.-flag air carrier means an entity granted authority to provide air transportation in the form of a certificate of public convenience and necessity under 49 U.S.C. 41102.

(b) *U.S. Government-financed international air transportation.* 49 U.S.C. 40118, Government-financed air transportation (commonly referred to as the Fly America Act), requires that all *Federal agencies* and Government contractors and subcontractors use *U.S.-flag air carriers* for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. It requires the General Services Administration to issue regulations that, in the absence of satisfactory proof of the necessity for foreign-flag air transportation, disallow expenditures from funds, appropriated or otherwise established for the account of the *United States*, for international air transportation secured aboard a foreign-flag air carrier if a *U.S.-flag air carrier* is available to provide such services.

(c) *Use of U.S.-flag carriers for international air transportation.* If available, the Contractor, in performing work under this contract, *shall* use U.S.-flag carriers for international air transportation of personnel (and their personal effects) or property.

(d) *Statement of unavailability of U.S.-flag air carriers. Use of U.S.-flag carriers for international air transportation.* In the event that the Contractor selects a carrier other than a *U.S.-flag air carrier* for international air transportation, the Contractor *shall* include a statement on vouchers involving such transportation essentially as follows:

Statement of Unavailability of *U.S.-Flag Air Carriers*

International air transportation of persons (and their personal effects) or property by *U.S.-flag air carrier* was not available or it was necessary to use foreign-flag air carrier service for the following reasons (see section 47.403 of the Federal *Acquisition* Regulation): *[State reasons]:*_____

(End of statement)

(e) *Subcontracts.* The Contractor *shall* include the substance of this clause, including this paragraph (e), in each subcontract or purchase under this contract that *may* involve international air transportation.

(End of clause)

Parent topic: 52.247 [Reserved]