

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

As prescribed in [47.405](#) , insert the following clause:

Preference for U.S.-Flag Air Carriers (June 2003)

(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 air carrier holding a certificate under [49 U.S.C. Chapter 411](#).

(b) Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 ([49 U.S.C. 40118](#)) (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 Comptroller General of the *United States*, in the absence of satisfactory proof of the necessity for foreign-flag air transportation, to 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) 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) 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) 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]