



## Fly America Act Waiver Checklist

*Traveler: Use this checklist to determine qualification for a waiver of the restrictions for air travel financed by federal funds, in accordance to the Fly America Act under [41 CFR Part 301-10](#).*

Travelers must use a U.S. flag air carrier on every portion of the route where service is provided, unless circumstances meet the qualifications for a waiver. Check true statements:

1.  The use of a foreign air carrier is a matter of necessity because:
  - The use of a U.S. flag air carrier will not accomplish the funding agency's mission.  
Justification: \_\_\_\_\_
  - The U.S. flag air carrier cannot provide the air transportation needed because:
    - The use of a foreign air carrier is necessary for medical reasons.
    - The use of a foreign air carrier is required to avoid unreasonable risk to the traveler's safety.  
(Supporting evidence is needed, as outlined in 41 CFR 301-10.138(b)(2).)
    - A seat on U.S. air carrier in authorized class of service is unavailable and a seat on foreign air carrier in authorized class of service is available.
    - Other (provide detailed justification): \_\_\_\_\_
2.  A bilateral or multilateral air transportation agreement exists.  
(The Department of Transportation determines whether the agreement meets Fly America Act requirements. [Open Skies Agreements](#) are nullified by the number of [city-pair agreements](#) in place. Therefore, it is likely that a U.S. flag air carrier would still have to be used. Evidence that no city-pair agreement exists must be submitted if box is checked.)
3.  No U.S. flag air carrier provides service on a particular leg of the rout.  
(Travelers can use foreign air carrier only to or from the nearest interchange point to connect with a U.S. carrier.)
4.  The U.S. flag air carrier involuntarily reroutes traveler on a foreign air carrier.
5.  Service on a foreign air carrier is three hours or less and use of U.S. flag air carrier doubles en route travel time.
6.  Costs of transportation are reimbursed in full by a third party, such as a foreign government or international agency.
7.  Air travel is between the U.S. and another country and use of a U.S. carrier on a non-stop flight extends air travel time by 24 hours or more, including any delay at the point of origin.
8.  Air travel occurs solely outside of U.S. and does not involve flying to a U.S. airport.  
(At least one of the following statements must apply to qualify for a waiver of the Fly America Act restrictions):
  - Use of a U.S. carrier increases the number of aircraft changes outside the U.S. by two or more.
  - Use of a U.S. carrier extends travel time by six hours or more.
  - Use of a U.S. carrier requires a connecting time of four hours or more at an overseas interchange point.

**NOTE:** Foreign air carrier service may not be used based on the cost of your ticket. Cost is not an approved exception to the Fly America Act.

If any of the eight qualifying statements above is checked, travel on a foreign air carrier may be allowable. An authorized administrator must certify the circumstances and information on this checklist.



## Certification in Accordance to the Fly America Act

The following must be attached to the voucher or Travel Card Expense Report that pays or reimburses airfare where a request for an exception to the Fly America Act has been made and granted:

- Travel Request with all approval signatures, which includes the name of traveler, travel dates, and the origin and destination of travel. (The Fly America Act Waiver Checklist does not have to be routed with the Travel Request for foreign travel approval, but it must be uploaded as backup documentation to the appropriate voucher or Travel Card Expense Report.)
- Detailed travel itinerary of all flights booked for the trip with the name of the air carrier and the flight number for each leg of trip.
- The completed Fly America Act Checklist and Certification with all required signatures.
- Any additional information needed to explain the requested exception to the Fly America Act.

NOTE: The cost of airfare subject to the Fly America Act that is not properly documented or approved as indicated above will be borne by the Principal Investigator's department or moved to a suitable non-federal funding source.

### CERTIFIED BY:

\_\_\_\_\_ Select  
Traveler's Signature Date

### APPROVED BY:

Angela Hartmann  
Grants & Contracts Director

\_\_\_\_\_ Select  
Signature Date