

Fly America

Fly America Act and Open Skies Agreements Guidance

A person traveling on funds provided by the federal government must use a U.S. flag carrier (an airline owned by an American company), regardless of cost or convenience.

When scheduling international travel that is federally funded, you must ensure that all flights, where possible, are scheduled on **U.S. flag carriers or on foreign air carriers that code share** with a U.S. flag carrier. Code sharing: when two or more airlines “code” the same flight as if it was their own.

A U.S. airline may sell a seat on the plane of a foreign air carrier; this seat is considered the same as one on a plane operated by a U.S. flag carrier. Compliance with the **Fly America Act** is satisfied when the U.S. flag air carrier's designator code is present in the area next to the flight numbers on the airline ticket, boarding pass, or on the documentation for an electronic ticket (passenger receipt) – see example below, where Delta Airlines (DL) has a code share agreement with Air France (AF) to Paris, France.

DEPARTURE: WEDNESDAY 10 AUG • ARRIVAL: THURSDAY 11 AUG <small>Please verify flight times prior to departure</small>			
DELTA AIR LINES INC DL 8399 <small>Operated by: AIR FRANCE</small> <small>Duration: 08hr(s) :35min(s)</small>	BOS BOSTON, MA Departing At: 05:25pm (Wed, Aug 10) Terminal: TERMINAL E	CDG PARIS DE GAULLE, FRANCE Arriving At: 06:00am (Thu, Aug 11) Terminal: AEROGARE 2 TERMINAL E	Aircraft: AIRBUS INDUSTRIE A343 JET Distance (in Miles): 3444 Stop(s): 0
COMPLIANT			
AIR FRANCE AF 0337 <small>Duration: 08hr(s) :35min(s)</small>	BOS BOSTON, MA Departing At: 05:25pm (Wed, Aug 10) Terminal: TERMINAL E	CDG PARIS DE GAULLE, FRANCE Arriving At: 06:00am (Thu, Aug 11) Terminal: AEROGARE 2 TERMINAL E	Aircraft: AIRBUS INDUSTRIE A343 JET Distance (in Miles): 3444 Stop(s): 0
NOT COMPLIANT			

US Flag Air Carriers - U.S. flag carriers and their codes are below to assist you.

In order for a flight to be in compliance with the Fly America Act, the code of a U.S. flag air carrier must be noted as part of the flight number on the airline ticket, flight coupon (boarding pass*), or passenger receipt. Each airline has a two letter alpha code. From this list, you will be able to compare airline codes on the ticket with those on the list and thereby be able to ascertain whether the flight is on a US Flag air carrier.

US flag air carriers:

Airtran Airways (FL)	Alaska Airlines (AS)	American Airlines (AA)
Continental Airlines (CO)	Delta Airlines (DL)	Frontier Airlines (F9)
Hawaiian Airlines (HA)	JetBlue Airways (B6)	Midwest Express (YX)
Southwest Airlines (WN)	Spirit Airlines (NK)	United Airlines (UA)
USAirways (US)		

Exceptions to the Fly America Act

The biggest exception to the Fly America Act is the [Open Skies Agreement](#). On October 6, 2010, the United States and European Union (EU) Open Skies Air Transport Agreement was published by the U.S. General Services Administration. This multilateral agreement is in place so that qualifying travelers, whose travel is supported by federal funds, may travel on EU airlines as well as U.S. Flag Air Carriers. There are also Open Skies agreement with Australia, Switzerland, and Japan. Please see the Flow Chart on page 4.

There are other exceptions to the Fly America Act which may be appropriate as well. A list of exception criteria may be found in the [Federal Travel Regulation Guidelines](#) – FTR sections 301-10.135-138. Please note that lower cost and personal convenience are not acceptable criteria for justifying the non-availability of a U.S. –flag air carrier.

Please note: Travelers using Department of Defense (DOD), Air Force, Army or Navy are not permitted to take advantage of Open Skies Agreements. These travelers must use an American carrier, unless they qualify for an exemption as noted in FTR 301-10.135, sections (a), (d), (e), (f), and (g).

FLY AMERICA ACT WAIVER CHECKLIST

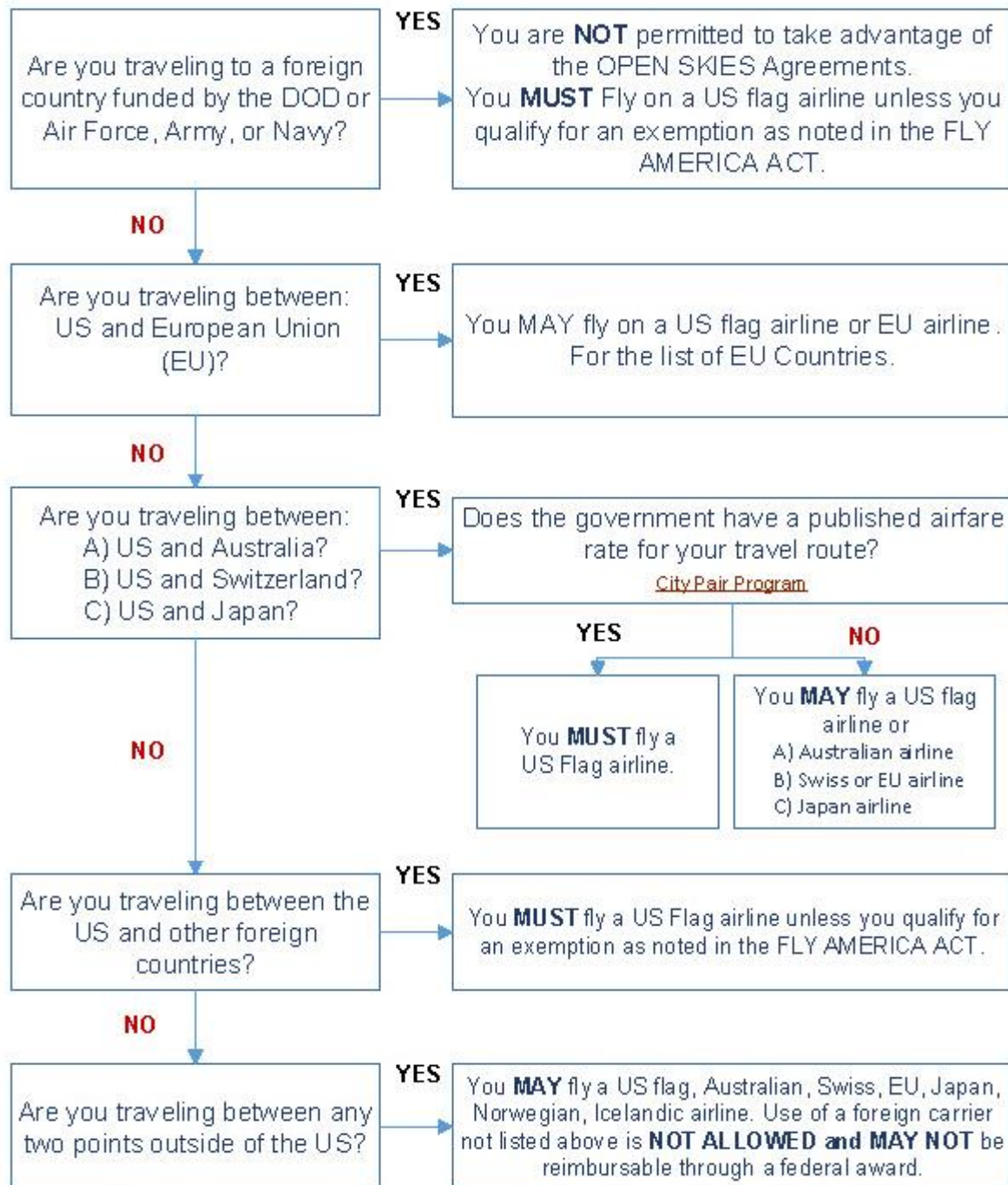
Provided as a courtesy to help you determine whether you qualify for a waiver from the Fly America Act as outlined in 41 CFR Part 301-10 of Uniform Guidance

One of the following conditions (numbered 1-8) must be met.

1. Use of foreign air carrier is a matter of necessity. A U.S. flag air carrier cannot provide the air transportation needed because *(one of the following must apply)*:
 - a. Use of foreign air carrier is necessary for medical reasons.
 - b. Use of foreign air carrier is required to avoid unreasonable risk to traveler's safety. *(See 41 CFR 301-10.138(b)(2) for supporting evidence needed.)*
 - c. Seat on U.S. air carrier in authorized class of service is unavailable; seat on foreign air carrier in authorized class of service is available.
2. Code sharing agreement exists. This two letter alpha code of a U.S. flag air carrier is clearly noted as part of the flight number on the airline ticket, flight coupon (boarding pass), or passenger receipt.
3. Bilateral or multilateral air transportation agreement. U.S. is a party and Dept. of Transportation determines agreement meets requirements of Fly America Act.
4. No U.S. flag air carrier provides service on a particular leg of your route *(Travelers can only use foreign air carrier to or from the nearest interchange point to connect with a U.S. carrier)*.
5. A U.S. flag air carrier involuntarily reroutes traveler on a foreign air carrier.
6. Service on a foreign air carrier is three hours or less, and use of U.S. flag air carrier doubles en route travel time.
7. Air travel is between the U.S. and another country and use of a U.S. carrier on a nonstop flight extends travel time by 24 hours or more.
8. Travel occurs solely outside the United States and a U.S. flag air carrier provides service between the origin and destination. *(One of the following conditions must be met to qualify for a waiver of the Fly America Act restrictions in this section)*
 - a. Use of a U.S. carrier increases the number of aircraft changes outside the U.S. by two or more.
 - b. Use of a U.S. carrier extends travel time by six hours or more.
 - c. Use of a U.S. carrier requires a connecting time of four hours or more at an overseas interchange point.

Remember, you **must use a U.S. flag air carrier on every portion of the route where it provides service** unless you qualify for a waiver.

Information for travelers who have questions about flying from US to a foreign country on Federal funds



Travel to a European Union Country, Norway and Iceland

According to the Open Skies agreement between the U.S. and [European Union \(EU\) countries](#), Norway or Iceland, you may fly on any EU airline but ONLY when both of the following conditions are met:

1. Travel is NOT funded by U.S. DOD (**Department of Defense**) or U.S. Military, AND
2. Flight touches down in an EU country, Norway or Iceland

For example, you are flying from...

- Frankfurt (E.U.) → San Francisco (U.S.)
- San Francisco (U.S.) → Paris (EU)
- Dublin (EU) → NYC (U.S.) → Vancouver (Non-U.S./Non-EU country)
- Mexico City (Non-U.S./Non-EU country) → NYC (U.S.) → Madrid (EU)
- Cleveland (U.S.) → Montreal (Non-U.S./Non-EU country) → Barcelona (EU)
- Vienna (EU) → Toronto (Non-U.S./Non-EU country) → Denver (U.S.)
- Istanbul (Non-U.S./Non-EU country) → Amsterdam (EU) → Memphis (U.S.)
- Orlando (U.S.) → London (EU) → Moscow (Non-U.S./Non-EU country)
- Washington DC (U.S.) → Sarajevo (ECAA - European Common Aviation Area)
- Belgrade (ECAA - European Common Aviation Area) → Washington DC (U.S.)

When both conditions are met, you may travel on any of the following airlines:

- | | |
|---|--------------------------------------|
| • U.S. flag airlines | • Olympic Air (Greece) |
| • Austrian (Austria) | • Malev Hungarian Airlines (Hungary) |
| • Brussels Airlines (Belgium) | • Icelandair (Iceland) |
| • Cyprus Airways (Cyprus) | • Alitalia (Italy) |
| • Czech Airlines (Czech Republic) | • airBaltic (Latvia) |
| • Finnair (Finland) | • Luxair (Luxembourg) |
| • Air France (France) | • Air Malta (Malta) |
| • Air Berlin (Germany) | • KLM (The Netherlands) |
| • Lufthansa (Germany) | • LOT Polish Airlines (Poland) |
| • British Airways (Great Britain) | • TAP Portugal (Portugal) |
| • British Midland International (Great Britain) | • TAROM (Romania) |
| • Virgin Atlantic (Great Britain) | • Adria Airways (Slovinia) |
| • Aegean Airlines (Greece) | • Iberia (Spain) |
| | • SAS (Sweden) |

This is not a complete list, but covers most common EU airlines.

Please be aware that Aeroflot and Turkish Air do not qualify under the U.S.-EU Open Skies Agreement. (Russia and Turkey are not part of the EU.)

Travel to Australia

According to the Open Skies agreement between the U.S. and Australia, you may fly on any Australian airline but ONLY when both of the following conditions are met:

1. Travel is NOT funded by U.S. DOD (**Department of Defense**) or U.S. Military, AND
2. U.S. government DOES NOT have a published airfare rate for your travel route (City-Pair Agreement)

The GSA's [City Pair Program](#) offers government negotiated fares for flights between certain cities. If a city-pair agreement is in effect, you may not claim an Open Skies exception and must fly on a US flag carrier or US code share carrier.

Check [Airfares City-Pair Search](#) before booking flights to determine if a city-pair agreement is in effect. After entering your departure and arrival cities, the search tool will either display the city pair agreement fares, or will report "There are no awards for the requested city-pair," in which case the Open Skies Exemption can be used.

When both conditions are met, you may travel on any of the following airlines:

- U.S. flag airlines
- Qantas Airways
- Virgin Australia

Additional Exceptions

Other strictly limited circumstances in which an exception may be allowed include:

- A U.S. flag carrier does not provide service on a particular leg of your trip,
- The use of a U.S. carrier will unreasonably delay your travel time
- You are involuntarily rerouted
- Medical or safety reasons

Travel to Japan

According to the Open Skies agreement between the U.S. and Japan, you may fly on any Japanese airline but ONLY when both of the following conditions are met:

1. Travel is NOT funded by U.S. DOD (Department of Defense) or U.S. Military, AND
2. U.S. government DOES NOT have a published airfare rate for your travel route (City-Pair Agreement)

The GSA's [City Pair Program](#) offers government negotiated fares for flights between certain cities. If a city-pair agreement is in effect, you may not claim an Open Skies exception and must fly on a US flag carrier or US code share carrier.

Check [Airfares City-Pair Search](#) before booking flights to determine if a city-pair agreement is in effect. After entering your departure and arrival cities, the search tool will either display the city pair agreement fares, or will report "There are no awards for the requested city-pair," in which case the Open Skies Exemption can be used.

When both conditions are met, you may travel on any of the following airlines:

- U.S. flag airlines
- Japan Airlines
- All Nippon Airways

Additional Exceptions

Other strictly limited circumstances in which an exception may be allowed include:

- A U.S. flag carrier does not provide service on a particular leg of your trip,
- The use of a U.S. carrier will unreasonably delay your travel time
- You are involuntarily rerouted
- Medical or safety reasons

Travel to Other Countries

When travel is supported by federal funds, you must fly on a U.S. flag airline unless you qualify for an exemption as noted in the Fly America Act. See Additional Exceptions section below.

Additional Exceptions

Other strictly limited circumstances in which an exception may be allowed include:

- A U.S. flag carrier does not provide service on a particular leg of your trip,
- The use of a U.S. carrier will unreasonably delay your travel time
- You are involuntarily rerouted
- Medical or safety reasons

Important Links

Fly American Links

DOD <https://www.defensetravel.dod.mil/site/faqflyus.cfm>

NIH http://grants.nih.gov/grants/policy/nihgps_2011/nihgps_ch4.htm

NSF <https://www.defensetravel.dod.mil/site/faqflyus.cfm>

FAQ <https://www.omegatravel.com/government-travel/fly-america-act.asp>

Fly America Act Exception Form

Traveler's name(s): _____ Sponsor: _____ Index Number: _____	Travel from: _____ Travel to: _____ Travel Dates: _____
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The Fly America Act requires travelers whose air travel is financed by the US government to use US flag air carrier service when available for all international air travel unless certain exceptions apply. Please note that cost and or personal convenience are not allowable exceptions.

Use of this exception form and provision of related documentation (i.e. search results sorted by trip duration) is intended to streamline the reimbursement of international air fare charged to a federally sponsored program. Keep the completed form along with relevant documentation and explanations with your departmental records in accordance with the university retention schedule. Provide copies to Grants Accounting upon request.

Reasons for Exception(s):

- ☐ The transportation was provided under an "Open Skies Agreement" with:
☐ European Union (plus Norway & Iceland); ☐ Switzerland; ☐ Australia; ☐ Japan
(Note – not applicable to Department of Defense-supported travel);
- ☐ No U.S. flag air carrier provides service on a particular leg of the route, specific Legs
- ☐ Use of a foreign air carrier was determined to be a matter of necessity in accordance with [§301-10.138](#);
- ☐ A U.S. flag air carrier involuntarily reroutes my travel on a foreign air carrier (*Itinerary change*).

If a U.S. flag air carrier offers nonstop or direct service (no aircraft change) from your origin to your destination, you must use the U.S. flag air carrier service unless:

- ☐ Such use would have extended my travel time, including delay at origin, by 24 hours or more.
- ☐ Such service would be three hours or less on a foreign air carrier, and use of the U.S. flag air carrier would at least double my en route travel time.

If a U.S. flag air carrier does not offer nonstop or direct service (no aircraft change) between you origin and your final destination, a U.S. flag air carrier must be used on every portion of the route where it provides service unless:

- ☐ Service would be three hours or less on a foreign air carrier, and use of the U.S. flag air carrier would at least double my en route travel time; or
- ☐ It would increase the number of aircraft changes I must make outside of the U.S. by 2 or more; or
- ☐ It would extend my travel time by at least 6 hours or more; or
- ☐ It would require a connecting time of 4 hours or more at an overseas interchange point.

I certify that the above factors justify exception to the Fly America Act as evidenced by attached documentation from Travelocity, Orbitz etc, or a travel agent. I understand that Matters of Necessity will be reviewed on a case-by-case basis.

Project Director Signature

Date