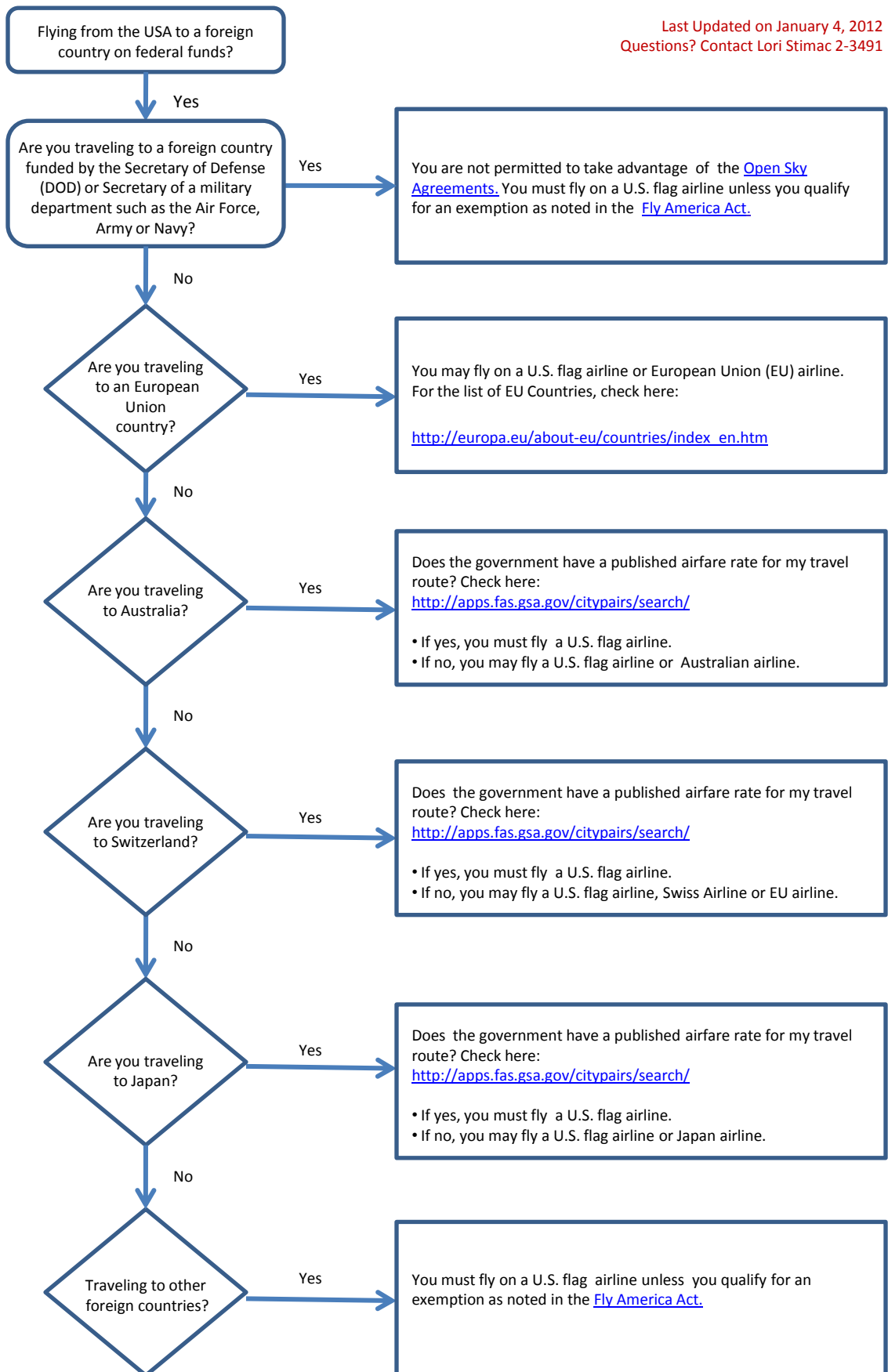


Fly America Act and Open Skies Agreements

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FLY AMERICA ACT

Guidelines for International Travel Paid for by the United States Government

In order to help clarify the basic rules and regulations of the Fly America Act, the University has prepared this guideline to assist those people traveling on international trips being paid for by the U.S. Government.

USE OF UNITED STATES FLAG AIRLINES

DEFINITIONS

- **Fly America Act.** All travelers who will be reimbursed from federal grants or contracts are required to use U.S. flag airline service (AirTran Airways, Alaska Airlines, American, Continental, Delta, Frontier, Hawaiian, JetBlue, Southwest Airlines, Spirit Airlines, Sun Country, United, and US Airways).
- **U.S. Flag Airliner.** The term "*U.S. Flag Airliner*" means an airline holding a certificate under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1371). Foreign airlines operating under permits are excluded.
- **United States.** For purposes of the Fly America Act, "*United States*" means the 50 states, the District of Columbia, and the territories and possessions of the United States.
- **Gateway Airport in the United States.** "*Gateway Airport in the United States*" means the last airport in the United States from which the traveler's flight departs, or the first airport in the United States at which the traveler's flight arrives.
- **Gateway Airport Abroad.** "*Gateway Airport Abroad*" means the airport abroad from which the traveler last embarks enroute to the United States.

GENERAL REQUIREMENTS OF THE FLY AMERICA ACT AND LIMITED EXCEPTIONS

The Fly America Act requires Federal employees and their dependents, consultants, contractors, grantees, and others to use U.S. flag airlines for travel that will be reimbursed from federal grants and contracts. Compliance with the Fly America Act is the responsibility of each University Department.

This requirement must be observed even in instances where foreign airlines are cheaper, provide preferred routing, more convenient, or part of a frequent-flyer agreement such as Star Alliance. There are limited exceptions contained in the act.

Use of a non-U.S. airline is permissible if:

Travel to and from the U.S.

- The airport abroad is the origin or destination airport, and use of a U.S. airline would extend the total travel time 24 hours or more than would travel by non-U.S. airline; or
- The airport abroad is an interchange point, and use of a U.S. airline would require the traveler to wait four (4) hours or more to make an overseas connection or would extend the total travel time six (6) hours or more than would travel by non-U.S. airline.

Travel between Points outside the U.S.

- Travel by non-U.S. airline would eliminate two (2) or more aircraft changes en route; or
- Travel by U.S. airline would extend the total travel time six (6) hours or more than would travel by non-U.S. airline; or
- For all short distance travel, regardless of origin and destination, use of a non-U.S. airline is permissible if the elapsed travel time on a scheduled flight from origin to destination airport by non-U.S. airline is three (3) hours or less and service by U.S. airline would double the travel time.

Further exceptions in the Code of Federal Regulations include:

- When the U.S. airline only has seats in first and/or business class, and economy class service is available from a non-U.S. airline.
- When non-U.S. airline service is deemed a matter of necessity per the following:
 - When the U.S. Government Sponsor determines that use of a non-U.S. airline is necessary for medical reasons, including use of non-U.S. airline service to reduce the number of connections and possible delays in the transportation of persons in need of medical treatment; or
 - When use of a non-U.S. airline is required to avoid an unreasonable risk to the traveler safety and is approved by the U.S. Government Sponsor (e.g. terrorist threats). Written approval of the use of non-U.S. airline service based on an unreasonable risk to the traveler safety must be approved by the U.S. Government Sponsor on a case by case basis. The U.S. Government Sponsor determination and approval of use of a non-U.S. airline based on a threat against a U.S. flag air carrier must be supported by a travel advisory notice issued by the Federal Aviation Administration and the Department of State. The U.S. Government Sponsor determination and approval of use of a non-U.S. airline based a threat against U.S. Government employees or other travelers must be supported by evidence of the threat(s) that form the basis of the determination and approval; or
 - When you cannot purchase a ticket in your authorized class of service on a U.S. flag airline, and a seat is available in your authorized class of service on a non-U.S. airline.

PROCEDURES

If one is using a non-U.S. airline for federal government funded travel, it is important that the following steps are observed:

- Documentation is retained supporting the specific exception claimed. This includes:
 - Travel site data indicating the absence of US-based airlines.
 - The specific amount of time that use of a U.S. airline would require any safety information such as State Department travel advisories that recommend that U.S. airlines not be used.
 - Documentation, from a licensed practitioner, of any medical condition that requires use of a foreign airline, and for what reason (e.g. shorter elapsed time, wider seats, etc.).
 - Screen print of GSA site showing absence of a published airfare rate for the travel route.
<http://apps.fas.gsa.gov/citypairs/search/>

REMINDERS

Consider what is an appropriate interchange point, or gateway city, when a foreign airline must be used. Generally an interchange point will not be in the United States (i.e. not JFK, EWR, LAX), but will likely be the capital, or large city, near the destination. Examples of improper gateway cities found recently:

- Baltimore was indicated as the gateway city for flying to Oslo, Norway, and the traveler flew on SAS, a non-U.S. airline. However, Oslo is served by several U.S. airlines from New York airports. This flight was not eligible for federal grant reimbursement.
- New York was indicated as the interchange point for a flight to Johannesburg, South Africa, with a plane change there for Lusaka, Zambia. However, several U.S. airlines serve Johannesburg, which should have been used. This flight was not eligible for federal grant reimbursement.
- Lower cost is not an acceptable criterion for exception.
- “Code Sharing,” a process by which a ticket may be issued by one airline but flown by another, requires that the ticketing airline be the U.S. Carrier. The “carrier” is defined by the airline designator noted on the ticket. Examples:
 - American flight 4332, shown as AA 4332 on the ticket, flown by British Airways, is considered a U.S. carrier.
 - Japan Airways 324, shown on the ticket as JL 324, flown by American Airlines, is not considered a U.S. Carrier.
 - American flight 467, shown on the ticket as AA467, that happens to be the same plane as JL 324 above, is a U.S. Carrier.