

# International Travel on Federal Grants

## Fly America Act

The Fly America Act ([41 CFR 301-10.131 through 301-10.143](#)) requires that all federally funded air travel be on a *US flag carrier* or US flag carrier service provided under a *code share agreement*.

## US Flag Air Carrier

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. U.S. flag carriers and their codes are listed below to assist you. 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.

U.S. flag air carriers:

- Alaska Airlines (AS)
- Delta Airlines (DL)
- JetBlue Airways (B6)
- United Airlines (UA)
- Allegiant Air (G4)
- Frontier Airlines (F9)
- Southwest Airlines (WN)
- American Airlines (AA)
- Hawaiian Airlines (HA)
- Spirit Airlines (NK)

## Code Share Agreements

Code sharing occurs when two or more airlines "code" the same flight as if it was their own. In other words, 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.

## COMPLIANT

✈ DEPARTURE: WEDNESDAY 10 AUG ▸ ARRIVAL: THURSDAY 11 AUG Please verify flight times prior to departure		
<b>DELTA AIR LINES INC</b> <b>DL 8399</b> Operated by: AIR FRANCE Duration: 06hr(s) :35min(s)	<b>BOS</b> BOSTON, MA Departing At: <b>05:25pm</b> <b>(Wed, Aug 10)</b> Terminal: TERMINAL E	<b>CDG</b> PARIS DE GAULLE, FRANCE Arriving At: <b>06:00am</b> <b>(Thu, Aug 11)</b> Terminal: AEROGARE 2 TERMINAL E
		Aircraft: AIRBUS INDUSTRIE A343 JET Distance (in Miles): 3444 Stop(s): 0

## NOT COMPLIANT

DEPARTURE: WEDNESDAY 10 AUG ▶ ARRIVAL: THURSDAY 11 AUG			
Please verify flight times prior to departure			
<b>AIR FRANCE</b> <b>AF 0337</b>	<b>BOS</b> BOSTON, MA	<b>CDG</b> PARIS DE GAULLE, FRANCE	Aircraft: AIRBUS INDUSTRIE A343 JET
Duration: 08hr(s) :35min(s)	Departing At: 05:25pm (Wed, Aug 10)	Arriving At: 06:00am (Thu, Aug 11)	Distance (in Miles): 3444
	Terminal: TERMINAL E	Terminal: AEROGARE 2 TERMINAL E	Stop(s): 0

## Exceptions to the Fly America Act:

### Open Skies Agreements

The biggest exception to the Fly America Act are the [Open Skies Agreements](#). The United States and European Union (EU) "[Open Skies" Air Transport Agreement](#) was published by the U.S. General Services Administration, providing full explanation of the multilateral agreement in place so that qualifying travelers, whose travel is supported by federal funds, may travel on European Union airlines as well as U.S. flag air carriers. These agreements with other nations allow travel on foreign airlines under certain conditions when procuring using federal funds. Information about the four Open Skies Agreements along with a list of participating countries is available [on the GSA website](#).

What do these Open Skies Agreements mean to you and your travel?

- European Union, Iceland and Norway:
  - When traveling to a destination in the European Union, Iceland, or Norway travelers flying on federal funds can fly on either a US carrier or an EU (European Union) carrier.
- Australia:
  - Travelers using federal funds can use an Australian airline only if a point of origin/destination is either the US or Australia and there is no city - pair contract flight between the two points (origin and destination).
- Switzerland:
  - When traveling to Switzerland using federal funds, travelers can use a Swiss airline only if a point of origin/destination is either the US or Switzerland and there is no city - pair contract flight between the two points (origin and destination).

- Japan:

- Travelers using federal funds can use a Japanese airline only if a point of origin/destination is either the US or Japan and there is no city - pair contract flight between the two points (origin and destination).

## City Pair Contracts

City pair contracts can be searched on the [GSA website](#).

## Other Exceptions to the Fly America Act

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](#), 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.

If flying under an exception to the Fly America Act, travelers will need to complete a Fly America Act Exceptions Form. This form should be submitted along with the Travel Budget Authorization and Travel Voucher when seeking reimbursement.

In order to qualify for an exception you must answer the following:

### **§301-10.136 What exceptions to the Fly America Act requirements apply when I travel between the United States and another country?**

The exceptions are:

a. 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 extend your travel time, including delay at origin, by 24 hours or more.

b. If a U.S. flag air carrier does not offer nonstop or direct service (no aircraft change) between your origin and your destination, you must use a U.S. flag air carrier on every portion of the route where it provides service unless, when compared to using a foreign air carrier, such use would:

1. Increase the number of aircraft changes you must make outside of the U.S. by 2 or more; or
2. Extend your travel time by at least 6 hours or more; or
3. Require a connecting time of 4 hours or more at an overseas interchange point.

**§301-10.137 What exceptions to the Fly America Act requirements apply when I travel solely outside the United States, and a U.S. flag air carrier provides service between my origin and my destination?**

You must always use a U.S. flag carrier for such travel, unless, when compared to using a foreign air carrier, such use would:

- a. Increase the number of aircraft changes you must make en-route by 2 or more; or
- b. Extend your travel time by 6 hours or more; or
- c. Require a connecting time of 4 hours or more at an overseas interchange point.

**§301-10.138 In what circumstances is foreign air carrier service deemed a matter of necessity?**

1. Foreign air carrier service is deemed a necessity when service by a U.S. flag air carrier is available, but
  1. Cannot provide the air transportation needed; or
  2. Will not accomplish the agency's mission.
2. Necessity includes, but is not limited to, the following circumstances:
  1. When the agency determines that use of a foreign air carrier is necessary for medical reasons, including use of foreign air carrier service to reduce the number of connections and possible delays in the transportation of persons in need of medical treatment; or
  2. When use of a foreign air carrier is required to avoid an unreasonable risk to your safety and is approved by your agency (e.g., terrorist threats). Written approval of the use of foreign air carrier service based on an unreasonable risk to your safety must be approved by your agency on a case by case basis. An agency determination and approval of use of a foreign air carrier 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. An agency determination and approval of use of a foreign air carrier based on a threat against Government employees or other travelers must be supported by evidence of the threat(s) that form the basis of the determination and approval; or
  3. When you cannot purchase a ticket in your authorized class of service on a U.S. flag air carrier, and a seat is available in your authorized class of service on a foreign air carrier.

The *Fly America Act and Open Skies Agreements Decision Matrix* can assist in determining what type of flight arrangement is appropriate.