Fly America Act

What is the Fly America Act?

https://www.gsa.gov/policy-regulations/policy/travel-management-policy/fly-america-act

The Fly America Act was enacted to mandate use of U.S. flag air carriers for federally funded travel. In general, it requires travelers to use a US Carrier, a carrier that code shares with a US carrier, or to qualify for an exception to the law for air travel funded by the U.S. Government.

Who has to comply with the Fly America Act?

When booking airfare and charging to Federal sponsored awards, travelers* must comply with the Fly America Act which requires travelers to use:

- A U.S. Flag air carrier (an airline owned by an American company)
- A foreign carrier that operates under a U.S. Flag air carrier code-sharing agreement and identifies the U.S. air carrier's designator code and flight number.
- The flight is a "code share" flight.
  - Code sharing occurs when two or more airlines "code" the same flight as if it were their own. In other words, the flight may be on a non-domestic air carrier's plane but is considered the same as one operated by an U.S. flag air carrier when a U.S. carrier's 2-letter code is recorded next to the flight number (ex: DL 388 identifies the flight as Delta Airlines). The airline receipt or other supporting documentation must show the U.S. flag air carrier's designator code in the area next to the flight numbers.

Travelers include University faculty, staff, students, AND non-employees/participants

Travelers are responsible for compliance. If a non-compliant air carrier is used, travelers and/or the department may not be reimbursed.

Review the Certified Air Carriers list to ensure your travel will be compliant.

How do you comply with The Fly America Act?

To comply with the Fly America act, the traveler's flight(s) must meet one of the following three criteria.

1. The flight is on a **U.S. flag air carrier.**
2. Falls under an Open Skies Agreement
   - There are over 100 Open Skies Agreements but **only 4 meet Fly America** conditions:
     - European Union (28 countries) (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece,

Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, including Iceland and Norway)
- o   Australia
- o   Switzerland
- o   Japan
3.   The flight is covered by an allowable exception:
- **What are the exceptions?** Traveler's should check the [GSA sites](#) for the most up to date information.
  - o   When a U.S. air carrier is not available.
  - o   When the use of a U.S. carrier service would extend the travel time by 24 hours or more.
  - o   When a U.S. carrier does not offer nonstop or direct service between origin and destination; and,
    - ▪   Increases the number of aircraft changes outside the United States by two or more.
    - ▪   Extends travel time by at least six hours or more.
    - ▪   Requires a connecting time of four hours or more at an overseas interchange point.
  - o   Short Distance Travel – When the flight time from origin to destination is less than 3 hours and the use of a U.S. flag carrier doubles the time en-route.
  - o   When there is an applicable Open Skies Agreement in effect that meets the requirements of the Fly America Act.

If you do have to use a non-US carrier because one was not available, you must document the unavailability of the US carrier at the time of booking, <u>not after the travel has taken place</u>. This should be included in your Chrome River travel expense report.

Please note:

- There is no Open Skies treaty with Canada, so flights on Air Canada, WestJet and Porter Airlines are unallowable on federal awards.
- The Open Skies exception does not apply for any awards funded either directly or as pass-through awards by any branch of DOD.
- The United Kingdom is no longer a part of the European Union so the use of a UK airline (ex: British Airways) is not allowed unless you are using a different Fly America exception.