

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 JetBlue has a code share agreement with Emirates Air to Dubai, UAE.

jetBlue JetBlue¹ 10:55a IAD 08:05a DXB Nonstop 13h 10m \$1,030.50

¹ JetBlue 5002 operated by Emirates Air **COMPLIANT**

Emirates Air 10:55a IAD 08:05a DXB Nonstop 13h 10m \$995.50

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 or not the flight is on a US Flag air carrier.

U.S. 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) | | |

It is highly recommended that you book your international travel, when federally funded, through Travel Leaders, GW's contract Travel Agency. Travel Leaders has agents that are well versed in the Fly America Act. *Please be sure to advise them that your trip is federally funded.* For more information please visit Travel Services at: <https://ibuy.gwu.edu/travel-services>

Exceptions to the Fly America Act

To document the exceptions, you must complete the [Fly America Act Exception Form](#). **Please see a copy of the form on page 8.**

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 agreements with Australia, Switzerland, and Japan. **Please see the Flow Chart on page 3.**

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 a U.S. carrier, unless they qualify for an exemption as noted in FTR 301-10.135, sections (a), (d), (e), (f), and (g).

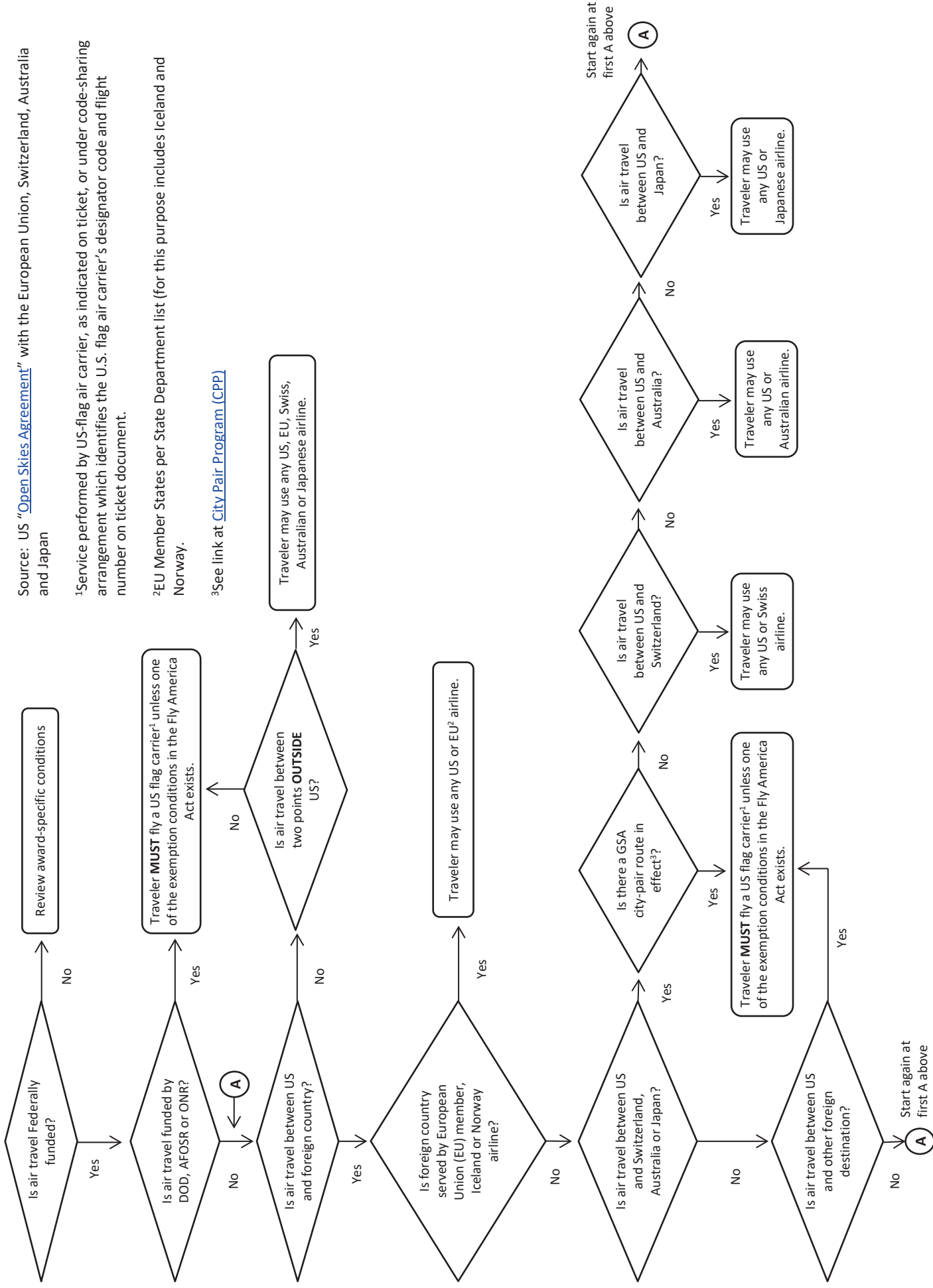
Fly America Act and Open Skies Agreements Decision Matrix

Source: US "[Open Skies Agreement](#)" with the European Union, Switzerland, Australia and Japan

¹Service performed by US-flag air carrier, as indicated on ticket, or under code-sharing arrangement which identifies the U.S. flag air carrier's designator code and flight number on ticket document.

²EU Member States per State Department list (for this purpose includes Iceland and Norway).

³See link at [City Pair Program \(CPP\)](#)



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:



Travel is NOT funded by U.S. DOD (Department of Defense) or U.S. Military, AND



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

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

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:



Travel is NOT funded by U.S. DOD (Department of Defense) or U.S. Military, AND



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, or
- 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:



Travel is NOT funded by U.S. DOD (Department of Defense) or U.S. Military, AND



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, or
- 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, or
- medical or safety reasons.

Important Links

Fly America Act Links

NIH <https://www.fic.nih.gov/grants/pages/foreign-travel.aspx>

NSF https://www.nsf.gov/pubs/policydocs/pappguide/nsf15001/aag_6.jsp

(go to F. INTERNATIONAL CONSIDERATIONS)

Applicable for Federal Funded Sponsored Projects ONLY

In order to document a waiver of the restrictions of the Fly America Act (49 U.S.C. 40118) under 41 CFR Part 301 -10, please provide the information at the top of the form and check the applicable statement box(es) below. This form should be completed prior to purchasing non-U.S. flag carrier tickets to alleviate any concerns about the allowability of flights taken.

Award PTA #:	Traveler Name:
Principal Investigator:	Email/Telephone:
Travel From/To:	Travel Dates:
Foreign Carrier/Flight #:	

FLY AMERICA ACT EXCEPTIONS

All air travel on federal awards must comply with the Fly America Act. In some instances, you may use a non-U.S. flag air carrier if it meets one or more of the exception criteria listed in the Federal Travel Regulation (FTR) guidelines sections [301-10.135-138](#).

Please check all applicable boxes below where exception criteria are met. Please note that lower cost and personal convenience are not acceptable criteria for justifying the non-availability of a U.S. flag air carrier.

- I. If traveling to and from the United States, and 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 travel time, including delays at origin, by 24 hours or more.
- II. If a U.S. flag air carrier does not offer nonstop or direct service from your origin to your destination for travel between the U.S. and another country, or if travel is solely outside of the U.S. and results in one of the following:**
 - ☐ Use of a U.S. flag air carrier increases the number of aircraft changes you must make outside of the U.S. by 2 or more.
 - ☐ Use of a U.S. flag air carrier extends your travel time by 6 hours or more.
 - ☐ Use of a U.S. flag air carrier requires a connecting time of 4 hours or more at an overseas interchange point.
- III. Use of a Foreign air carrier is necessary if one of the following applies:**
 - ☐ For medical reasons when the use of foreign carrier service is necessary to reduce the number of connections and possible delays in the transportation of persons with medical disability. A written statement by a competent medical authority stating that special accommodation is necessary must be attached to this form and must be submitted and approved by EEO/ER prior to booking travel. Send documents to: ceo@gwu.edu For more information please see [Fly America Act and Open Skies Agreements Guidance](#).
 - ☐ Seat on U.S. flag air carrier in authorized class of service (lowest economy fare) is unavailable; seat on foreign air carrier in authorized class of service is available
 - ☐ Short-distance travel on a foreign carrier is three hours or less, and use of U.S. flag air carrier doubles the travel time
 - ☐ No U.S. flag air carrier provides service on a particular leg of the route, in which case foreign air carrier service may be used, but only to or from the nearest interchange point to connect with U.S. flag air carrier service
- IV. Travel meets U.S. [Open Skies Agreements](#) with the European Union (EU), Switzerland, Australia, or Japan (Does not apply to Department of Defense funds):**
 - ☐ Travel on a EU air carrier and point of origin/destination or a layover is one of the 29 EU Countries
 - ☐ Switzerland, Australia or Japan: Point of origin/destination was Switzerland, Australia or Japan and there was no city pair contract air carrier in place ([City Pair Program](#))

Remember, you must use a U.S. flag air carrier on every portion of the route where it provides service unless an enumerated exception applies.

Certification: I hereby certify that no U.S. flag air carriers meets the Fly America Act criteria at the time of my trip and that traveling on the foreign air carrier was a matter of necessity.

Traveler Signature: _____ Date: _____

Procurement & Travel Services _____ Date: _____

Please forward the signed form to GW Procurement & Travel Services (travel@gwu.edu) for final certification.