

FLY AMERICA/OPEN SKIES PARTNERSHIP

FREQUENTLY ASKED QUESTIONS

WHAT IS THE FLY AMERICA ACT?

The Fly America Act (49 U.S.C. 40118) generally provides that foreign air travel funded by Federal Government money may only be conducted on United States (U.S.) air carriers. Airline tickets for grantees traveling on federal funds must be ticketed with a U.S. flag carrier code. It is understood that U.S. flag carriers are not always available to the final destination; however, a U.S. flag carrier must be used to the furthest destination possible. Additionally, a grantee must fly on a U.S. airline even if a foreign airline would be less expensive, provide preferred routing, or be more convenient. There also are exceptions to the Act, in which federal funding could be used for non-U.S. carriers (see below).

WHAT IS CODE SHARING AND HOW DOES FLY AMERICA APPLY?

“Code sharing” is when a ticket is issued by one airline but operated by another. When a U.S. flag carrier leases seats on a foreign carrier and the ticketing code is from the U.S. airline, it meets the Fly America Act requirements. For example, on a flight from San Francisco, California, to Hong Kong on the same Cathay Pacific Airways flight:

- American Airlines flight 6117 (ticketed as AA6117) is considered a U.S. carrier;
- Cathay Pacific Airways flight 873 (ticketed as CX873) is **not** considered a U.S. carrier.

ARE THERE ANY EXCEPTIONS TO THE FLY AMERICA ACT?

Federal Travel Regulation allows for limited exceptions to Fly America Act and a non-U.S. airline is permissible when:

- Transportation is provided under a bilateral or multilateral air transportation agreement, such as the Open Skies;
- The use of a foreign air carrier is determined to be a matter of necessity – mission, non-availability of flight, medical, safety/terrorist threats, non-availability of authorized class of service;
- There is no U.S. flag carrier service on a particular leg of the route. Under this exception, a U.S. carrier must be used as far as possible and a foreign carrier is only allowed from the nearest interchange point;
- A U.S. flag carrier reroutes travel on a foreign carrier;
- Short-distance travel on a foreign carrier is allowed when the travel on the foreign carrier would be less than 3 hours and the equivalent travel on a U.S. carrier would at least double travel time;
- If a U.S. flag carrier offers nonstop service from origin to destination, the grantee must fly the U.S. carrier unless such use would extend travel time (including delay at origin) by 24 hours or more;
- If a U.S. flag carrier does not offer non-stop service (i.e., there are layovers) between origin and destination, the traveler must use a U.S. flag carrier on every portion of the route where it provides service unless, when compared to a foreign carrier, such use would:
 - ✓ Increase the number of aircraft changes a traveler must make outside of the U.S. by two or more; or
 - ✓ Extend travel time by at least six hours or more; or
 - ✓ Require a connecting time of four hours or more at an overseas interchange point.

WHAT IS THE OPEN SKIES AGREEMENT?

A foreign flag air carrier may be used under an air transportation agreement between the U.S. and a foreign government, which the Department of Transportation has determined meets the requirements of the Fly America Act. These agreements are called “Open Skies Agreements.” There are four Open Skies Agreements that meet the requirements of the Department of Transportation: the U.S. and the European Union (EU), Switzerland, Australia and Japan. When other agreements become eligible, the U.S. [General Services Administration \(GSA\) website](#) will be updated.

For the agreement between the [U.S. and the European Union](#) (30 countries), flights are allowed:

- From any point in the U.S. to any point outside the U.S. on an EU airline whose country belongs to the agreement;
- On an EU carrier between any two points outside the U.S.

For the U.S. agreements with [Australia](#), [Switzerland](#) and [Japan](#), flights are allowed:

- For travel between any point in the U.S. and any point in Australia, Switzerland, or Japan:
- If a [City-Pair Program](#) contract exists between the origin and the destination city, only a U.S. airline can be used unless one of the aforementioned Fly America Act exceptions is authorized;
- If no City Pair Program exists between the origin and the destination city, an American carrier can be used or a Swiss, Australian, or Japanese airline from the U.S. to the destination or from the destination to the U.S.;
- For any two points outside the U.S. on a Swiss, Australian or Japanese airline.

WHAT IF YOU ARE PAYING FOR SOMEONE TO TRAVEL FROM ONE NON-US CITY TO ANOTHER NON-US CITY?

Few U.S. carriers fly between two points outside the U.S., so you probably do not need to worry about the Fly America Act in most of those cases. Simply put, there would not be a U.S. carrier to use. In those rare instances when a U.S. carrier does operate between two points outside the U.S. a U.S. carrier would need to be used.

DO YOU NEED TO PROVIDE DOCUMENTATION IF YOU CANNOT GO ANY FURTHER ON A U.S. CARRIER

This question should be addressed to the grant program officer who is usually happy to provide details that will allow you to correctly spend the funds. Every funding agency is different and may require different documentation or proof.

HOW ABOUT SUBURBAN AIRPORTS WITH NO CITY PAIR CONTRACTS?

Travelers on federal funds are required by the Fly America Act to use U.S. air carrier services regardless of the size of airport. If a [City-Pair Program](#) contract exists between the origin and the destination city, only a U.S. airline can be used. The [GSA](#) is responsible for negotiating these city-pair contracts with U.S. air carriers. If there is no city-pair contract between a suburban airport and an international destination, then you may use a U.S. carrier or a foreign carrier covered under one of the Open Skies agreements.

IF A TRAVELER HAS MULTIPLE BUSINESS PURPOSES, ACROSS MULTIPLE COUNTRIES, OVER THE COURSE OF A SINGLE TRIP, HOW DOES FLY AMERICA/OPEN SKIES APPLY?

Fly America/Open Skies would only apply to travel to and/or from the U.S. Separately ticketed trips entirely outside the U.S. may use any air carrier.

IS THE UNITED KINGDOM STILL AN EU COUNTRY AND CAN WE STILL USE BRITISH AIRWAYS?

Until the United Kingdom officially withdraws from the European Union, UK air carriers are still covered by the Open Skies Agreement. Note: "Brexit" was simply a referendum telling the British Government that the voters wanted the UK to withdraw. It is anticipated that it will take at least 2 years for the UK to negotiate full withdrawal and until then will remain party to the EU's treaties, conventions and agreements.

CONTRACTS & GRANTS LOOKS AT THE 2-LETTER FLIGHT CODE TO DETERMINE COMPLIANCE WITH FLY AMERICA – IS IT CORRECT THAT AS LONG AS THE TICKET WAS PURCHASED FROM A U.S. CARRIER IT COMPLIES?

The ticket should bear the two-letter flight code of a U.S. carrier or of a carrier allowed under one of the relevant Open Skies Agreements. This is especially important on flights that are code-shared with a foreign airline that is not covered by an Open Skies agreement. If a flight is operated by a foreign airline not covered by a relevant Open Skies agreement, it is imperative that the ticket you purchase be coded with the code-sharing U.S. carrier's flight code. A list of the countries and major airlines covered under the U.S./EU Open Skies Agreement is provided at the end of this FAQ.

IS THERE NOTIFICATION FROM BCD/BALBOA TRAVEL INDICATING WHEN A FLIGHT IS COMPLIANT AND CAN WE COUNT ON IT BEING CORRECT?

If you use Connexus and search for itineraries online through BCD/Balboa Travel, look for a little shield insignia above the price button. If you click on that little shield insignia, you will see a little pop-up box with the following text: "This option is Fly America Act with Open Skies Exceptions compliant." For any itinerary involving a U.S. carrier or U.S. carrier

code-shared flight(s), or any EU carrier or EU carrier code-shared flight(s), you can – for the most part – rely on the itinerary being Fly America/Open Skies compliant. However, travelers are responsible for checking and carefully selecting itineraries involving Australian, Japanese, or Swiss airlines – for travel between the U.S. and a third country beyond Australia, Japan, or Switzerland.

HOW DO WE KNOW IF AN AIRLINE IS FROM AN EU COUNTRY?

There is no one site that comprehensively lists all EU airlines. The following list provides a list of the 28 EU countries + Iceland and Norway covered by the U.S. – EU Open Skies Agreement, the major carriers of those countries and their two-letter IATA ticketing code. This is not an exhaustive list of the airlines of those countries, but it does list most of the major ones you are likely to encounter.

European Open Skies countries and major European international carriers

<u>Country</u>	<u>Airline</u>	<u>2-letter IATA code</u>
Austria	Austrian Airlines	OS
Austria	Niki	HG
Belgium	Brussels Airlines	SN
Belgium	TUI fly	TB
Bulgaria	Bulgaria Air	FB
Croatia	Croatia Airlines	OU
Czech Republic	Czech Airlines (ČSA)	OK
Denmark	Scandinavian Airlines (SAS)	SK
Finland	Finnair	AY
France	Air France	AF
France	XL Airways	SE
Germany	Lufthansa	LH
Germany	Condor	DE
Germany	Air Berlin	AB
Germany	Eurowings	EW
Greece	Aegean Airlines	A3
Hungary	Wizz Air	W6
Iceland	Icelandair	FI
Iceland	WOW	WW
Ireland	Aer Lingus	EI
Ireland	Ryanair	FR
Italy	Alitalia	AZ
Latvia	Air Baltic	BT
Luxembourg	Luxair	LG
Malta	Air Malta	KM
Netherlands	KLM	KL
Netherlands	Transavia	HV
Norway	Norwegian (Air Shuttle)	DY
Poland	LOT Polish Airlines	LO
Portugal	TAP Portugal	TP
Portugal	Azores Airlines – SATA	SP
Romania	TAROM	RO
Romania	Blue Air	OB
Slovenia	Adria Airways	JP
Spain	Iberia	IB

Spain	Air Europa	UX
Spain	Vueling	VY
Sweden	Scandinavian Airlines (SAS)	SK
Switzerland	Swiss (International Air Lines)	LX
United Kingdom	British Airways	BA
United Kingdom	Virgin Atlantic	VS
United Kingdom	EasyJet	U2

Cyprus, Estonia, Lithuania and Slovakia are Open Skies countries, but do no international carrier.