

Fly America Act and Open Skies Partnerships

What does the Fly America Act require?

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 U.S. air carriers. Airline tickets for grantees traveling on federal funds must be ticketed with a U.S. flag carrier code. We understand 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).

If grantees choose to use non-federal funds for international travel, they do not need to comply with the Fly America Act.

Is code sharing in compliance with the Fly America Act?

“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, CA to Hong Kong:

- American Airlines flight 6117 (ticketed as AA6117), operated by Cathay Pacific Airways, is considered a U.S. carrier.
- Cathay Pacific Airways flight 873 (ticketed as CX873) is **not** considered a U.S. carrier even though it is the same flight as listed above.

What are the exceptions to the Fly America Act?

The Federal Travel Regulation (FTR) allows for limited exceptions to the Fly America Act. Use of a non-U.S. airline is permissible when:

1. The transportation is provided under a bilateral or multilateral air transportation agreement, such as the Open Skies Agreement (see next question).
2. 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.
3. 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.
4. A U.S. flag carrier involuntarily reroutes travel on a foreign carrier.

5. 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.
6. 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.
7. 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 2 or more; or
 - Extend travel time by at least 6 hours or more; or
 - Require a connecting time of 4 hours or more at an overseas interchange point.

What are the Open Skies Agreements?

A foreign flag air carrier may be used if the transportation is provided 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: United States & the European Union, United States & Switzerland, United States & Australia, and United States & Japan. Any other Open Skies Agreement is not acceptable. When other agreements become eligible, GSA will update its website [here](#).

For the agreement between the [U.S. and the European Union](#) (29 countries):

- Grantees may fly from any point in the United States to any point outside the United States on an EU airline whose country belongs to the agreement. Sample allowable itineraries:
 - A point in the U.S. to a point in the European Union: New York to Madrid.
 - A point in the U.S. to a point in the European Union to a further point in a foreign country (as long as there is a stop in an EU country): Washington to London to Moscow.
- Grantees may also fly on an EU carrier between any two points outside the United States.
 - Rome to Amsterdam.

- Frankfurt to Johannesburg, South Africa.

For the agreements between the [U.S. and Switzerland](#), [U.S. and Australia](#), and [U.S. and Japan](#):

- For travel between any point in the United States and any point in Australia, Switzerland, or Japan:
 - If a City-Pair Program contract exists between the origin and the destination city, the grantee must take a U.S. airline unless an above exception is authorized. Grantees need to check the [City-Pair Program website](#) to verify that there is no City-Pair contract.
 - Example: Washington, DC to Zurich has a City Pair Program contract, so the grantee must take a U.S. airline.
 - If no City Pair Program exists between the origin and the destination city, the grantee may take an American carrier or a Swiss, Australian, or Japanese airline from the US to the destination or from the destination to the US.
 - Boston to Osaka, Japan: no City-Pair Program exists, so the grantee can take an American or Japanese airline.
 - Boston to Tokyo, Japan: a City-Pair Program exists, so the grantee must take an American airline.
 - Boston to Toyko, Japan, to Seoul, South Korea: not allowable on a Japanese airline. Under the Agreements with Switzerland, Australia, and Japan, the traveler can only use a foreign airline from a point in the US to a point in one of those three participating countries, or vice-versa. The traveler would have to fly on a U.S. airline from Boston to Korea unless the travel met another exception.
- The grantee can also fly between any two points outside the United States on a Swiss, Australian or Japanese airline.
 - Australia to Indonesia.

How do grantees verify compliance in IRIS?

When submitting a Travel Approval Request (TAR), grantees must certify that their proposed international itinerary is in compliance with the Fly America Act. If the travel is eligible for an exception (such as an Open Skies partnership), the grantee should explain it in the “comments” section.