FLY AMERICA ACT AND OPEN SKIES AGREEMENTS

Fly America Act Overview:
http://www.gsa.gov/portal/content/103191

- The Fly America Act is a federal regulation that states that any foreign air travel that is financed by federal funds must be booked on U.S. Flag Air Carriers, regardless of cost or convenience.

- This federal regulation must be followed by all Northeastern University staff, students, trainees, consultants and collaborators who are reimbursed for air travel with federal funds, including both primed or pass through funds.

- The Principal Investigator’s (PI) or his/her designee is responsible for ensuring that all air travel charged to federally funded awards are in compliance with this regulation.

- If scheduling international travel that is federally funded, you must ensure that all flights, where possible, are scheduled on U.S. flag carriers (an airline owned by an American Company) or on foreign air carriers that code share with a U.S. flag carrier.

Code Share:

- Code sharing occurs when two or more airlines “code” the same flight as if it was their own. Therefore, a U.S. airline may sell a seat on a plan of a foreign air carrier and the seat is considered the same as one on a plan 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 passenger receipt.

- For example Delta has a code share agreement with Air France. If the ticket or boarding pass identifies a flight as DL##, the requirement of the Federal Travel Regulations are met, even if the flight is on an Air France airplane.

Exceptions to the Fly America Act

Open Skies Agreement
http://www.state.gov/e/eb/tra/ata/

- The biggest exception to the Fly America Act is the Open Skies Agreement. Although there are over 100 open skies agreements that have been negotiated with various countries, currently there are only four Open Skies Agreements with the U.S. that meet the requirements of the Fly America Act- Switzerland, Australia, Japan, and European Union (30 countries).
- When traveling to a destination serviced by a European Union Airline, travelers using federal funds can fly on either a U.S. carrier or an EU carrier as long as they touch down in an EU country.

- When traveling to Australia using federal funds, an Australian airline can be used 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).

- When traveling to Switzerland using federal funds, a Swiss airline can be used 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).

- When traveling to Japan using federal funds, a Japanese airline can be used 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).

**Federal Travel Regulation Exceptions**


- There are other exceptions to the Fly America Act. 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 use of a non-U.S. flag air carrier.

- Please note that travelers using Department of Defense (DOD) funds are not allowed to take advantage of the Open Skies Agreements. Travelers using DOD funds MUST use a U.S. flag carrier, unless they qualify for an exemption as noted in FTR 301-10.135-138.

- To document travel exceptions, you must provide certification, including a statement explaining why an exception according to FTR 301-10 was met.