Fly America Act

REGULATING THE USE OF FOREIGN AIR TRAVEL ON FEDERALLY FUNDED AWARDS
History

- Air Commerce Act – 1926
- Bureau of Air Commerce – 1936
- Civil Aeronautics Act – 1938
- Federal Aviation Act – 1958
- Fly America Act – 1974, 1979
Definition of Foreign Travel

- Travel outside the 50 states, the District of Columbia, and the territories and possessions of the United States.
- Review award T&Cs for additional exceptions.

**Inhabited U.S. Territories:**
- Puerto Rico
- Guam
- Northern Marianas Islands
- U.S. Virgin Islands
- American Samoa
Examples of Certified US Flag Carriers

- American Airlines
- United Airlines
- US Airways
- Delta Airlines
- Alaska Airlines
- Frontier Airlines
- Hawaiian Airlines
- JetBlue Airways
Exceptions to the Fly America Act:

- Non-Federal Awards
- Code Sharing
- Open Skies Agreement
- Medical Emergency
- Excessive Layovers
- No U.S. Flag Carrier Available
- Safety Considerations
Code Sharing

- Airline places its designator code on a flight operated by another airline, and sells tickets for that flight.
- Strengthen and expand competitive ability.

- **Allowable**: American Airlines (AA) 1234 operated by Quantas Airways (QF) 4321

- **Unallowable**: Quantas Airways (QF) 4321 operated by American Airlines (AA) 1234
**Code Sharing Doc Ex.**

### Fri, Oct 23

**Flight:** AMERICAN AIRLINES 9076 Operated by: ETIHAD AIRWAYS  
**From:** LOS ANGELES, CA  
**To:** ABU DHABI INTL, UNITED ARAB EMIR  
**Departs:** 4:55pm  
**Arrives:** 8:00pm (+1 day)  
**Departure Terminal:** B  
**Arrival Terminal:** 3  
**Duration:** 16hr(s) 5min(s)  
**Class:** Economy  
**Meal:** Meals  
**Type:** BOEING 777 JET  
**Meal:** Meals  
**Stop(s):** Non Stop  
**Seat(s) Details:** SEATON/TARA NONE  
**Seat(s) - 18D**

### Sat, Oct 24

**Flight:** AMERICAN AIRLINES 9080 Operated by: ETIHAD AIRWAYS  
**From:** ABU DHABI INTL, UNITED ARAB EMIR  
**To:** ISLAMABAD, PAKISTAN  
**Departs:** 10:20pm  
**Arrives:** 2:50am (+1 day)  
**Departure Terminal:** 3  
**Class:** Economy  
**Meal:** Meals  
**Duration:** 3hr(s) 30min(s)  
**Type:** AIRBUS INDUSTRIE A321 JET  
**Meal:** Meals  
**Stop(s):** Non Stop  
**Seat(s) Details:** SEATON/TARA NONE  
**Seat(s) - 10C**
Open Skies Agreement

- A bilateral or multilateral air transport agreement to which the U.S. and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirement of the Fly America Act.
Open Skies Agreement

There are currently four bilateral/multilateral “Open Skies Agreements” (U.S. Government Procured Transportation) in effect:

- European Union
- Australia
- Switzerland
- Japan
Roles and Responsibilities

- PNT
- Financial Services
- AMT
- Departments
Case Studies

Scenario 1:

One of our visiting scholars has been having some medical issues and we have all determined that she can't complete the program and needs to return home.

The quickest and safest way for her to do that is to take an international carrier out of New York right into her home city of Lahore.

There is no American carrier that flies into Lahore, so the Fly America act adds stops and layovers that would increase the risk of a medical situation occurring.
Scenario 1 Answer:

When foreign air carrier service is deemed a matter of necessity, the following exceptions apply:

- U.S. air flag carrier cannot provide the air transportation necessary or will not accomplish the agency’s mission.
- Medical reasons, including use of foreign air carrier to reduce number of connections and possible delays in the transportation of persons in need of medical treatment.
Case Studies

- Scenario 2:
  The PI is booking a flight on a US carrier but the only seat available is in first class. However, there are several economy seats available on a foreign carrier. Which ticket should be PI purchase to remain in compliance with the Fly America Act?
Scenario 2 answers:

Foreign air travel is allowable as an exception.

If the service provided by the two carriers is distinguished only by the class of accommodations available, and if there is no independent justification for first-class air travel, the employee's travel should be scheduled aboard a foreign air carrier.
Case Studies

- Scenario 3:
  - A PI is traveling from Tempe to Dubrovnik, Croatia. There are connections in Philadelphia and Madrid with seats available on U.S. carriers for the duration of the trip. There are two flights available departing Madrid.

- Madrid Flight Options:
  - A U.S. Airways flight with an 18 hour layover.
  - Emirates Airlines flight with a three hour layover on a foreign carrier.
Case Studies

- Scenario 4:
- The department purchased foreign airfare which did not comply with the Fly America Act.
Best Practices

- Verify the award is federally funded.
- Verify all flights are on US flag carriers.
- DOD Awards
- Award Terms and Conditions
- Sponsor General Terms and Conditions
- Certification of Exception(s)
Resources

- https://researchadmin.asu.edu/topical-guide/foreign-travel
- http://www.gsa.gov/portal/content/103191
- https://cfo.asu.edu/travel-guide (How to book travel)