



# 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

- ▶ 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

## Instructions

This form is a statement executed by the traveler justifying the use of a foreign flag air carrier for travel charged to a federally-funded sponsored project. Please use this form in conjunction with the foreign travel topical [guide](#) to document exceptions to the Fly America Act.

**1. Is the foreign airfare charged to a federally-funded sponsored project?**

- ☐ **Yes** – Complete the rest of the certification form.
- ☐ **No** - STOP! Fly America Act does not apply and certification is not required.

**2. Certification is required.** Please complete the following travel information.

Traveler Name: \_\_\_\_\_

Dates of Travel: \_\_\_\_\_

Origin and Destination of Travel: \_\_\_\_\_

**3. Check the appropriate allowable exception(s).**

- ☐ Code sharing agreement exists. U.S. is party to a code sharing and Department of Transportation determines agreement meets requirements of the Fly America Act.
- ☐ Destination city is located in a country shown on the [Open Skies Partner List](#).
- ☐ Use of foreign air carrier is a matter of necessity due to medical reasons.
- ☐ Use of foreign air carrier is required to avoid unreasonable risk to safety.
- ☐ Seat on U.S. flag air carrier in authorized class of service is unavailable.
- ☐ Use of U.S. flag air carrier will not accomplish the sponsoring agency's mission.
- ☐ No U.S. flag air carrier provides service on a particular leg of the route.
- ☐ A U.S. flag air carrier involuntarily rerouted travel via on a foreign air carrier.
- ☐ Service on a foreign air carrier is three hours or less and use of the U.S. flag air carrier doubles in-route travel time.
- ☐ Air travel is between the U.S. and another country and use of a U.S. flag air carrier on a nonstop flight extends travel time by 24 hours or more.
- ☐ Use of a U.S. flag air carrier increases the number of aircraft changes outside the U.S. by two or more.
- ☐ Use of a U.S. flag air carrier extends travel time by six hours or more.
- ☐ Use of a U.S. flag air carrier requires a connecting layover time of four hours or more at an overseas interchange point.

I attest that the exception(s) noted is (are) true and accurate. I understand that I am required to retain this form, travel itinerary, tickets and boarding passes with my travel authorization.

\_\_\_\_\_  
Signature of Traveler or Authorized Account Signer

\_\_\_\_\_  
Date



# 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 Qantas Airways (QF) 4321
- ▶ **Unallowable:** Qantas Airways (QF) 4321 operated by American Airlines (AA) 1234



# Code Sharing Doc Ex.

**DATE: Fri, Oct 23**

**Flight: AMERICAN AIRLINES 9076 Operated by: ETIHAD AIRWAYS**

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

**DATE: Sat, Oct 24**

**Flight: AMERICAN AIRLINES 9080 Operated by: ETIHAD AIRWAYS**

From	ABU DHABI INTL, UNITED ARAB EMI	Departs	10:20pm
To	ISLAMABAD, PAKISTAN	Arrives	2:50am (+1 day)
Departure Terminal	3		
Duration	3hr(s) 30min(s)	Class	Economy
Type	AIRBUS INDUSTRIE A321 JET	Meal	Meals
Stop(s)	Non Stop		
Seat(s) Details	SEATON/TARA NONE	Seat(s) - 10C	

# Open Skies Agreement

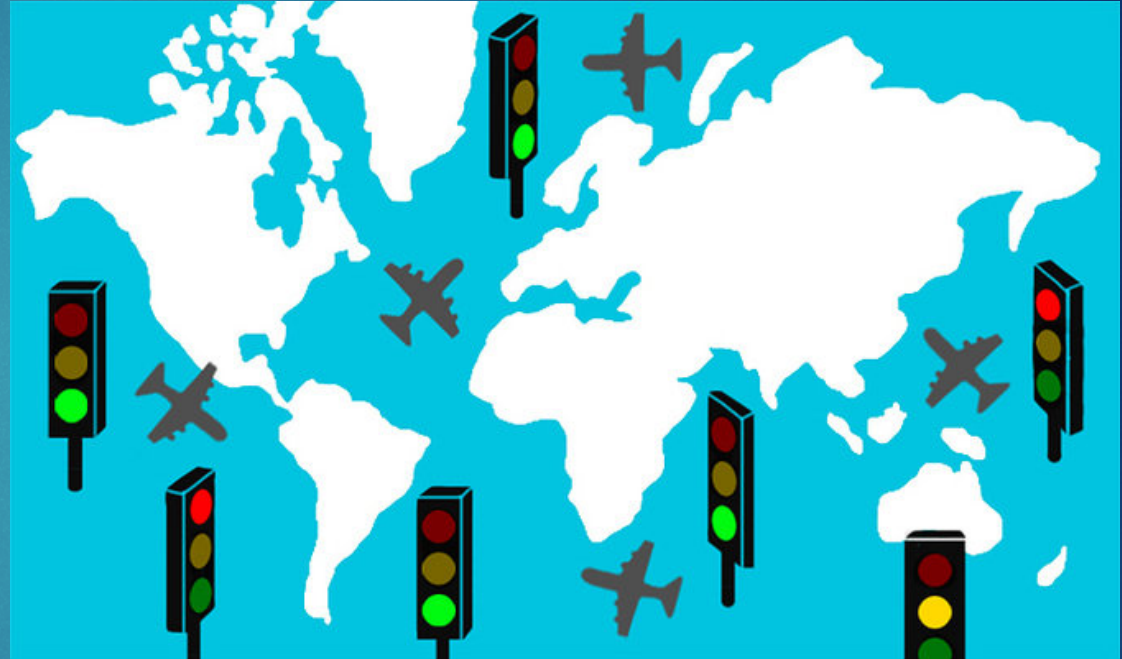
- ▶ A bilateral or multilateral air transport agreement to which the U.S. and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirement of the *Fly America Act*.





# 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.



# Case Studies

- ▶ 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?



# Case Studies

- ▶ 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://www.transportation.gov/sites/dot.gov/files/docs/Certificate d%20Air%20Carrier%20List\\_1.pdf](https://www.transportation.gov/sites/dot.gov/files/docs/Certificate%20Air%20Carrier%20List_1.pdf)
- ▶ <https://cfo.asu.edu/travel-guide> (How to book travel)