

Fly America and Open Skies Guidance

All air travel and cargo transportation services funded by the federal government are required to use a "US flag" air carrier service. You can find a [complete list of certified US flag air carriers on transportation.gov](#).

This requirement applies to:

- Federal government employees and their dependents;
- Consultants, contractors, and grantees; and
- Other travelers whose travel is paid for by the federal government.

You cannot cross the US border to use a foreign airline to avoid being subject to the Fly America Act. If your travel does not comply with the Fly America Act, the government will not reimburse your airline ticket.

Things to Consider:

- **CodeSharing:** Two or more airlines will "codeshare" a flight by publishing and marketing the same flight under their own airline designators and flight numbers.
- **Open Skies:** Agreements between the US Government and the governments of foreign countries that allow travelers to use foreign air carriers from these countries for government-funded international travel.
- **Exceptions/Documentation:** Some circumstances where it's not reasonable to use a US flag air carrier.

Authority for the Fly America Act comes from [49 USC 40118](#).

Codesharing

Occasionally, two or more airlines will "codeshare" a flight by publishing and marketing the same flight under their own airline designators and flight numbers. You can purchase a seat on each airline's designator and flight number, but the flight is only operated by one of the cooperating airlines. To comply with Fly America regulations, you must purchase the flight via the US airline's designator and flight number if the flight is shared between a US and a foreign airline.

A foreign carrier that operates under a US Flag air carrier code-sharing agreement and identifies the US air carrier's designator code and flight number. For example: If you are flying on a Lufthansa flight with a United Code Share, your flight number will show up as UA 8903. In this instance, the Lufthansa flight would be allowed.

The US designator code (AA, DL, UA, etc) **must** be present for the flight to be compliant.

– see the example below. This flight is compliant because it has an American Airlines Code (AA6925), even though it says it is operated by British Airways. They have a codeshare agreement in a

New York, NY to London, United Kingdom
Wednesday, June 30, 2021 to Thursday, July 1, 2021

Flight	Depart	Arrive	Tr
6925 American Airlines Operated by British Airways	6:30 PM JFK	6:30 AM LHR	71

US Flag Air Carriers

US flag carriers and their codes are below to assist you. In order for a flight to be in compliance with the Fly America Act, the code of a US flag air carrier must be noted as part of the flight number on the airline ticket, flight coupon (boarding pass*), or passenger receipt. Each airline has a two-letter alpha code. From this list, you will be able to compare airline codes on the ticket with those on the list and thereby be able to ascertain whether or not the flight is on a US Flag air carrier.

US flag air carriers (examples):

- Airtran Airways (FL)
- Continental Airlines (CO)
- Hawaiian Airlines (HA)
- Southwest Airlines (WN)
- USAirways (US)
- Alaska Airlines (AS)
- Delta Airlines (DL)
- JetBlue Airways (B6)
- Spirit Airlines (NK)
- American Airlines (AA)
- Frontier Airlines (F9)
- Midwest Express (YX)
- United Airlines (UA)

Full List Available: <https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list>

Exceptions to the Fly America Act

There are some circumstances where it's not reasonable to use a US flag air carrier, and you can make an exception to the Fly America Act. These circumstances are:

1. When a US air carrier is not available.
2. When using a US carrier service would extend the travel time by 24 hours or more.
3. When a US carrier does not offer a nonstop or direct flight between origin and destination, and using a US carrier:
 4. Increases the number of aircraft changes outside the United States by two or more;
 5. Extends travel time by six hours or more; or
 6. Requires a connecting time of four hours or more at an overseas interchange point.
7. When the flight time from origin to destination is less than three hours and using a US flag carrier doubles the flight time.
8. When there is an applicable Open Skies Agreement in effect that meets the requirements of the Fly America Act.

Note: Ticket cost and convenience are NOT exceptions to the Fly America Act. **Please note that lower cost and personal convenience are not acceptable criteria for justifying the non-availability of a US – flag air carrier.**

Open Skies Agreements

"Open Skies Agreements" are bilateral or multilateral agreements between the US Government and the governments of foreign countries that allow travelers to use foreign air carriers from these countries for government-funded international travel. Many Open Skies Agreements exist but only (4) four agreements meet Fly America Act requirements which the key factor is the statement for "US Government Procured Transportation: in either the Article or Annex of the agreement.

The United States currently has Open Skies Agreements in effect with:

- European Union (28 countries) (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, including Iceland and Norway)
- Australia

- Switzerland
- Japan

The agreement with the European Union permits the use of an EU air carrier for travel outside the United States. Iceland and Norway are not EU members, but are members of the EU air treaty. This is the only one of these four agreements that allows for an origin or destination in a third country as long as the flight stops in the EU.

Note: As of January 1, 2021, The United Kingdom is no longer a member of the EU. Consequently, the Open Skies Agreement with the EU does not pertain to the UK. Travelers must use a US Flag Carrier to travel from the US to the UK and not a UK airline (e.g., British Airways), unless they use a different Fly America Act exception. Travelers may continue to use an EU agreement for travel from the US to the UK as long as the flight stops in the EU prior to arrival in the US or the UK.

- [European Union](#) (April 30, 2007)
 - [Amendment 1 \[PDF\]](#) (June 24, 2010)
 - [Amendment 2](#) (June 21, 2011)

The agreements with Australia, Switzerland, and Japan permit the use of an Australian, Swiss, or Japanese air carrier for international travel between the US and these countries as long as a "[City Pair](#)" fare is not available between the cities of origin and destination.

- [Australia \[PDF - 4 MB\]](#) (October 1, 2008)
- [Switzerland \[PDF - 3 MB\]](#) (October 1, 2008)
- [Japan \[PDF\]](#) (October 1, 2011)

You can find more information on the four Open Skies Agreements and other specific country agreements on the [Department of State's website](#). You can also find more general information about Open Skies Agreements in Federal Travel Regulation [Bulletin 11-02 \[PDF - 111 KB\]](#) and [Bulletin 12-04 \[PDF - 81 KB\]](#).

Documenting exceptions

To document a Fly America exception or waiver, including under an Open Sky Agreement, you must include the following information in your travel reimbursement:

1. A completed and signed internal agency Fly America exception form.
2. A detailed travel itinerary from a travel agent or online travel service (i.e. Sanditz, Travelocity, Orbitz, or Expedia).
3. The search results performed at the time of booking from an online travel service that document all available flights and the existence of the Fly America exception identified on the Fly America exception form, if applicable.

You must use as US Carrier throughout your trip, leaving the US and following legs. If you fly on a non US Carrier, please utilize the waiver as applicable.

If you are unsure:

NDTO is happy to review and assess the compliance of flights prior to your trip to ensure they are compliant with the Fly America Standards and they are able to be covered by the grants.

SEE FLY AMERICA ACT WAIVER CHECKLIST BELOW:

FLY AMERICA ACT WAIVER CHECKLIST

Please provide documentation for all checked items

To assist in determining the qualification for a waiver of the restrictions of the Fly America Act under 41 CFR Part 301-10, check the applicable statement(s) below.

Foreign air travel on a non-U.S. air carrier is financed by US Government, or will be claimed as costs under an award.
(If you do not check this block, the restrictions of the Fly America Act do not apply. Check at least one of the statements below to qualify for a waiver of the restrictions of the Fly America Act.)

Use of foreign air carrier is a matter of necessity because of. (Must check one below)

- US flag air carrier cannot provide the air transportation needed, e.g.
- Use of foreign air carrier is necessary for medical reasons.
- Use of foreign air carrier is required to avoid unreasonable risk to traveler's safety.
(See 41 CFR 301-10.138(b)(2) for supporting evidence needed.)
- Seat on US air carrier in authorized class of service is unavailable, seat on foreign air carrier in authorized class of service is available.
- Other (Provide detailed explanation.)
- Use of US flag air carrier will not accomplish the Department's mission. (Provide detailed justification)
- Bilateral or multilateral air transportation agreement. US is a party and Dept. of Transportation determines agreement meets requirements of Fly America Act.
- No US flag air carrier provides service on a particular leg of your route (Travelers can only use foreign air carrier to or from the nearest interchange point to connect with a U.S.carrier).
- A US flag air carrier involuntarily reroutes traveler on a foreign air carrier.
- Service on a foreign air carrier is three hours or less, and use of US flag air carrier doubles en route travel time.
- Air travel is between the US and another country and use of a US carrier on a nonstop flight extends travel time by 24 hours or more.
- Any other air travel. (You must check at least one of the following statements to qualify for a waiver of the FlyAmerica Act restrictions in this section).
 - Use of a US carrier increases the number of aircraft changes outside the US by two or more.
 - Use of a US carrier extends travel time by six hours or more.
 - Use of a US carrier requires a connecting time of four hours or more at an overseas interchange point.

Remember, you must use a US flag air carrier on every portion of the route where it provides service unless you qualify for a waiver. **Please note that lower cost and personal convenience are not acceptable criteria for justifying the non- availability of a US –flag air carrier.** *This checklist is meant as a helpful guide and not as a final determination on applicability or scope of Fly America. Please refer to 41 CFR Part 310-10 for official guidance on Fly America and its exemptions.*

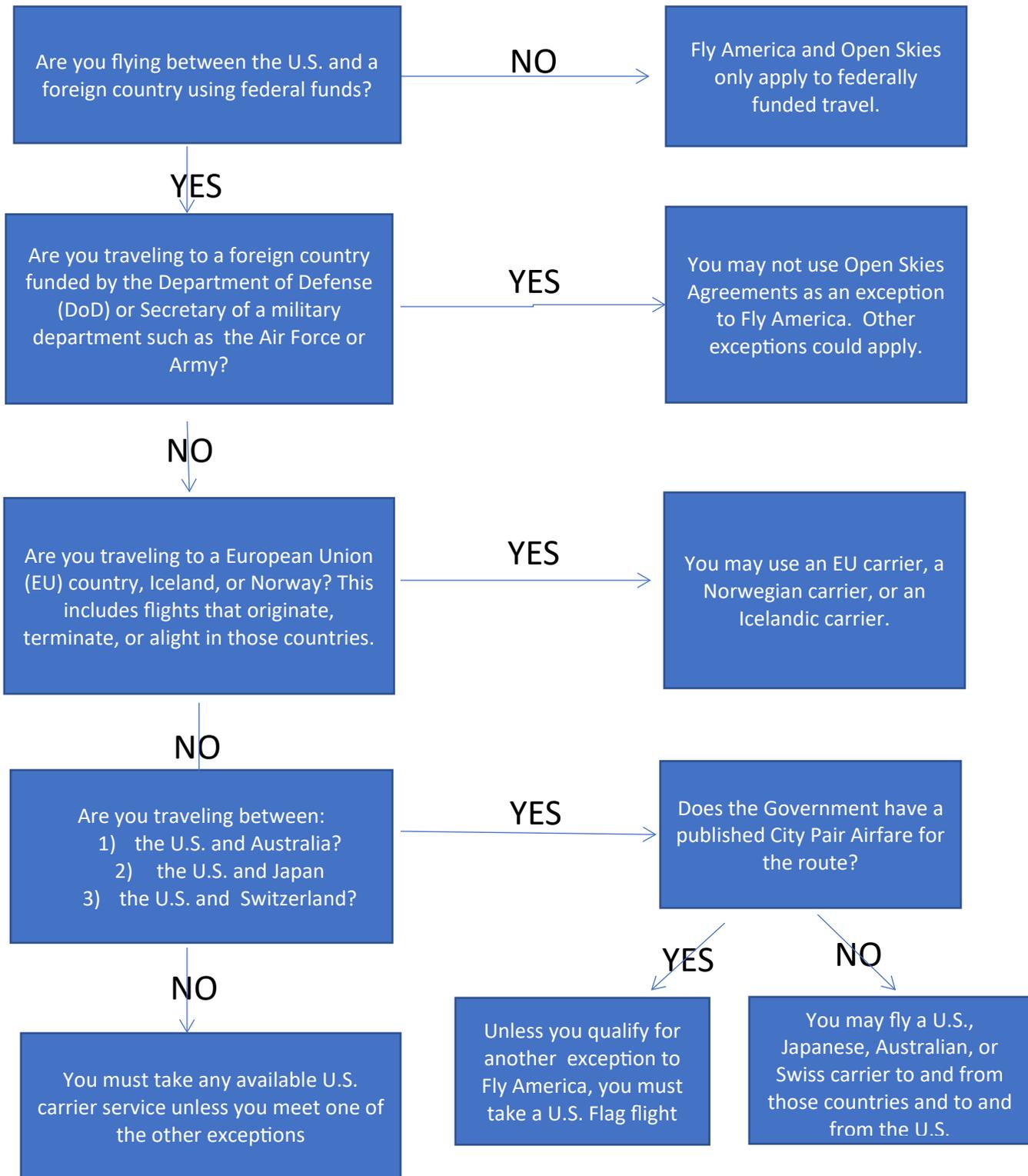
Remember, you **must use a US flag air carrier on every portion of the route where it provides service** unless you qualify for a waiver item above. If a travel expense is disallowed, the company accepts liability of charges.

NAME OF TRAVELER: _____ **DATE:** _____

SIGNATURE: _____

***for full guidance on FLY America as it relates to your travel see: <https://www.gsa.gov/policy-regulations/policy/travel-management-policy-overview/fly-america-act>**

Fly America and Open Skies Agreements



Still Unsure:

NDTO is happy to review and assess the compliance of flights prior to your trip to ensure they are compliant with the Fly America Standards and they are able to be covered by the grant.

Fly America Act: <https://www.gsa.gov/policy-regulations/policy/travel-management-policy-overview/fly-america-act>