Fly America Act and Open Skies Agreements

The Fly America Act mandates the use of U.S. flag carriers when traveling on funds provided by the federal government unless permitted exceptions exist. U.S. flag carriers are airlines owned by an American company. The choice to “Fly American” is made regardless of cost or convenience, travel by a foreign air carrier must be necessary, meeting the exception criteria as defined by the Fly America Act. Federally sponsored trips must utilize U.S. flag carriers at the lowest available rates, federal regulations prohibit the charging of business class or first class air travel to federally sponsored projects. Travel should adhere to UMass travel procedures unless sponsor requirements impose greater restrictions. The act does not apply to non-federally funded awards.

Travel that is federally funded is indicated by fund codes (53104-6, 53214-6, 53314-6, and 53414-6). If you are scheduling federally funded travel, unless a permitted exception exists, flights must be scheduled on U.S. flag carriers or on foreign air carriers that code share with a U.S. Flag carrier. It is necessary to present proof of U.S. flag air carrier’s designator codes for all legs of a trip when traveling on federal funds. An air carrier’s designator code is present in the area next to the flight numbers on the airline ticket, boarding pass or on the documentation for an electronic ticket (passenger receipt). There are several resources online which provide airlines and designator codes, be sure that the airline used is a major US airline. The key to compliance is making sure the trip either complies or is eligible for exemption before the trip is taken. Reimbursement for foreign air carriers must be denied unless a foreign air carrier is permitted under this regulation.

Code sharing occurs when two or more airlines “code” the same flight as if it was their own. In other words, a U.S. airline may sell a seat on a plane of a foreign air carrier and this seat is considered the same as one on a plane 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 shown. If you believe that you were on a code share flight, but there is no documentation showing the carrier code, you cannot charge the flight to a federally sponsored project. If your travel was originally booked on a U.S. carrier and the air carrier involuntarily re-routed you to a non-U.S. air carrier, document this situation and the exceptional circumstances, your travel will be supported by federal funds.

Permitted exceptions must be documented in advance with the UMass Fly America Act Exception Form. This form must accompany the Travel & Expense Report whenever a foreign carrier is used for any leg of a trip. Federal Travel Regulation Guidelines provide exceptions to the Fly America Act as well as documentation requirements. These exceptions and documentation requirements are available on the UMass exception form for your convenience. For travel between the U.S. and another country or for travel solely outside the U.S., the same exceptions apply. A foreign carrier is deemed necessary only when the use of a U.S. carrier cannot provide the air transportation needed, will not accomplish the agency’s mission, cannot meet the medical needs of the traveler, and poses an unreasonable risk to the safety of the traveler.
Open Skies

The biggest exception to the Fly America Act is the Open Skies Agreement. On October 6, 2010, the United States and European Union (EU) “Open Skies” Air Transport Agreement was published by the U.S. General Services Administration (GSA) providing full explanation of the multilateral agreement in place so that the qualifying travelers, whose travel is supported by Federal funds, may travel on European Union (EU) airlines as well as U.S. flag air carriers. There are also Open Skies agreements with Australia, Switzerland, and Japan.

When traveling to a destination serviced by a European Union airline, UMass travelers flying on a Federal grant can fly on either a US carrier or an EU carrier as long as they touch down in an EU Country.

UMass travelers flying on a Federal grant can use an Australian airline if the origin/destination is either the US or Australia and no city-pair contract flight between the two points (origin and destination) exists.

UMass travelers flying on a Federal grant can use a Swiss airline if a point of origin/destination is either the US or Switzerland and no city-pair contract flight between the two points (origin and destination) exists.

UMass travelers flying on a Federal grant can use a Japanese airline if a point of origin/destination is either the US or Japan and no city-pair contract flight between the two points (origin and destination) exists.

UMass travelers on Federal Funds cannot use city-pair contracts. See this website to search city-pair contracts GSA City-Pair Contract Search.

Travelers using Secretary of Defense (DOD) or Secretary of a military department such as the Air Force, Army or Navy are not permitted to take advantage of the open sky agreements. Travelers using these funds must use a U.S. flag carrier, unless they qualify for a permitted exception of the Fly America Act. If you are unsure if an exception exists, contact the responsible grant accountant for the award.

The cost of travel subject to the Fly America Act that does not adhere to this regulation will be borne by the Principal Investigator’s department or will need to be transferred to a suitable non-federal funding source.