

# Welcome to the Tri-University Research Administration Conference.

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### Technical Support

Call 480-965-9065 Ext 1.

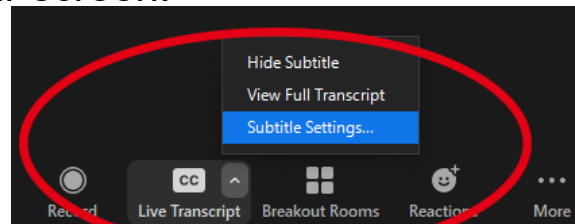
## About this Session

### Recording

Today's session is being recorded and will be made available for later viewing

### Closed Captioning

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## We'd Love Your Feedback!

To help us plan next year's Tri-University Research Administration Conference, we would love to get your feedback.

If you want to provide feedback for the presenters of today's session, make sure to complete the survey you will receive via email at the end of the day.



# FLY AMERICA ACT: REGULATING THE USE OF FOREIGN AIR TRAVEL OF FEDERALLY FUNDED AWARDS

Tanya Dalton  
Samantha Munguia

# Introductions

Tanya Dalton

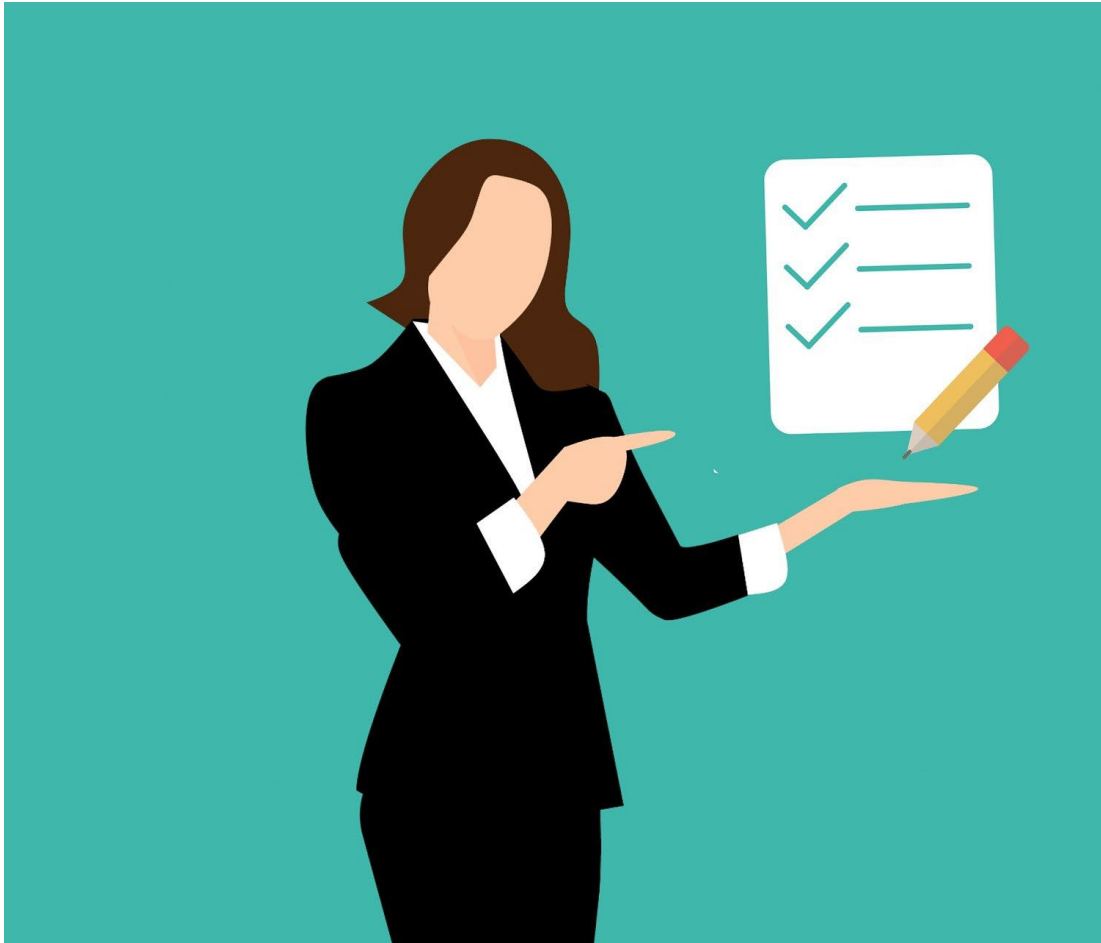
Research Advancement  
Administrator

ASU The Polytechnic School (TPS)

Sam Munguia


Grant + Contract Officer, Principal  
ASU Fiscal Oversight

# Poll Time



Tell us about you!

# LEARNING OBJECTIVES

- Describe the Fly America Act
  - Describe when the Fly America Act should be applied to sponsored travel
  - Identify when to use and how to document exceptions to the Fly America Act
  - Describe the relevance of code sharing
  - Describe the meaning of the Open Skies Agreement
- 

# Who Should Know About This?

- Anyone traveling with Federal funds
- Any PI who is approving travel on Federal funds
- Administrative staff with significant travel responsibility on Federal funds
- Research Accounts, Compliance Teams, and Auditors advising/approving travel on Federal Funds



# Fly America Act

- Travelers are required by 49 U.S.C. 40118, commonly referred to as the "Fly America Act," to use United States flag air carrier service for all air travel and cargo transportation services funded by the United States Government.

## Fly America Act – requires the use of a U.S. Flag air carrier even if:

- A foreign air carrier service is less expensive, **or**
- A foreign air service is preferred by the traveler, **or**
- A foreign air service is more convenient.

# Examples of Certified U.S. Flag Carriers

## List of Airlines:

- American Airlines
- United Airlines
- Delta Airlines
- Alaska Airlines
- Frontier Airlines
- Hawaiian Airlines
- JetBlue Airways





## U.S. CARRIER TO DESTINATION SAMPLE



**IN compliance** with the Fly America Act (FAA). The flights are booked on U.S. carrier to the business destination in Beijing.

Leave	Mon, Mar 12	Non-stop	Total Duration: 12hr 16min	<a href="#">Choose departure</a>
	Depart: 1:09pm	San Francisco, CA (SFO)	<b>United Airlines 889</b> Economy   <a href="#">View seats</a> Boeing 747   12hr 16min	
	Arrive: 4:25pm	Beijing, China (PEK)		
This is an overnight flight, landing on <b>Tue, Mar 13</b>				
Return	Fri, Mar 16	Non-stop	Total Duration: 11hr 14min	<a href="#">Choose return</a>
	Depart: 1:40pm	Beijing, China (PEK)	<b>United Airlines 888</b> Economy   <a href="#">View seats</a> Boeing 747   11hr 14min	
	Arrive: 9:54am	San Francisco, CA (SFO)		



**NOT in compliance** with the Fly America Act. The flight from Beijing to Hong Kong is booked on a foreign carrier DragonAir and not FAA compliant as there is a U.S. carrier that services the route from Beijing to SFO.

Leave	Mon, Mar 12	Non-stop	Total Duration: 12hr 16min	<a href="#">Choose departure</a>
	Depart: 1:09pm	San Francisco, CA (SFO)	<b>United Airlines 889</b> Economy   <a href="#">View seats</a> Boeing 747   12hr 16min	
	Arrive: 4:25pm	Beijing, China (PEK)		
This is an overnight flight, landing on <b>Tue, Mar 13</b>				
Return	Fri, Mar 16	1 stop	Total Duration: 16hr 40min	<a href="#">Choose return</a>
	Depart: 8:00am	Beijing, China (PEK)	<b>DragonAir 905</b>	
	Arrive: 11:45am	Hong Kong, Hong Kong (HKG)	Economy Airbus A330   3hr 45min	
Change Airline. Time between flights: 1hr 5min				
	Depart: 12:50pm	Hong Kong, Hong Kong (HKG)	<b>United Airlines 862</b> Economy   <a href="#">View seats</a> Boeing 747   11hr 50min	
	Arrive: 9:40am	San Francisco, CA (SFO)		

# Fly America Act Exceptions

Fly America Act requires the use of a U.S. Flag air carrier for all travel supported by federal funds unless:

- U.S. flag carrier is not available
- When using a U.S. carrier service would extend the travel time by 24 hours or more
- When a U.S. carrier does not offer a nonstop or direct flight between origin and destination, and using a U.S. carrier:
  - Increases the number of aircraft changes outside the United States by two or more;
  - Extends travel time by six hours or more; or
  - Requires a connecting time of four hours or more at an overseas interchange point.
- When the flight time from origin to destination is less than three hours and using a U.S. flag carrier doubles the flight time.
- When there is an applicable Open Skies Agreement in effect that meets the requirements of the Fly America Act.
  - \* \* The exceptions provided by the Open Skies Agreements for government-funded travel do not apply if your transportation is funded by the Department of Defense.

# Poll Time



**Knowledge Check!**



# Code Sharing

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

Allowable	Unallowable
American Airlines (AA) 1234 operated by Quantas Airways (QF) 4321	Quantas Airways (QF)4321 operated by American Airlines (AA)1234

## CODE SHARE SAMPLE



**IN compliance** with the Fly America Act (FAA); even though the flights are not on Delta planes. Delta coded the Aeroflot seat as if it was their own through a code share arrangement. For example, if the e-ticket identifies a flight as DL ##, the FAA requirements are met even if the flight was on an Aeroflot airplane.

Leave	Mon, Jun 25	1 stop	Total Duration: 14hr 50min	<a href="#">Choose departure</a>
	Depart: 1:50pm	San Francisco, CA (SFO)	Delta Air Lines 4784 operated by SKYWEST DBA DELTA CONNECTION	
	Arrive: 3:10pm	Los Angeles, CA (LAX)	Economy   <a href="#">View seats</a> Canadair 900   1hr 20min	
Change planes. Time between flights: 1hr 15min				
	Depart: 4:25pm	Los Angeles, CA (LAX)	Delta Air Lines 6717 operated by Aeroflot Russian Airlines - SU 0107	
	Arrive: 3:40pm	Moscow, Russia (SVO)	Economy   <a href="#">View seats</a> Airbus A330   12hr 15min	
This is an overnight flight, landing on Tue, Jun 26				
Return	Thu, Jun 28	1 stop	Total Duration: 19hr 47min	<a href="#">Choose return</a>
	Depart: 2:46pm	Moscow, Russia (SVO)	Delta Air Lines 6712 operated by Aeroflot Russian Airlines - SU 0102	
	Arrive: 5:00pm	New York, NY (JFK)	Economy   <a href="#">View seats</a> Airbus A330   10hr 20min	
Change planes. Time between flights: 2hr 30min				
	Depart: 7:36pm	New York, NY (JFK)	Delta Air Lines 199	
	Arrive: 11:27pm	San Francisco, CA (SFO)	Economy   <a href="#">View seats</a> Boeing 752   6hr 57min	



**NOT in compliance** with the Fly America Act. The flight numbers are Aeroflot flight numbers, therefore the requirements of FAA would not be met. This would not be considered a Delta code share booking even though the same plane could be used (see sample on the left).

Leave	Mon, Jun 25	1 stop	Total Duration: 15hr 50min	<a href="#">Choose departure</a>
	Depart: 12:50pm	San Francisco, CA (SFO)	Alaska Airlines 6677 operated by SKYWEST DBA DELTA CONNECTION - DL 4577	
	Arrive: 2:10pm	Los Angeles, CA (LAX)	Economy   <a href="#">View seats</a> Canadair 900   1hr 20min	
Change Airline. Time between flights: 2hr 15min				
	Depart: 4:25pm	Los Angeles, CA (LAX)	Aeroflot Russian Airlines 107	
	Arrive: 3:40pm	Moscow, Russia (SVO)	Economy Airbus A330   12hr 15min	
This is an overnight flight, landing on Tue, Jun 26				
Return	Thu, Jun 28	1 stop	Total Duration: 19hr 47min	<a href="#">Choose return</a>
	Depart: 2:40pm	Moscow, Russia (SVO)	Aeroflot Russian Airlines 102	
	Arrive: 5:00pm	New York, NY (JFK)	Economy Airbus A330   10hr 20min	
Change Airline. Time between flights: 2hr 30min				
	Depart: 7:30pm	New York, NY (JFK)	Alaska Airlines 5037 operated by DELTA AIR LINES - DL 0199	
	Arrive: 11:27pm	San Francisco, CA (SFO)	Economy   <a href="#">View seats</a> Boeing 752   6hr 57min	

# Poll Time



**Knowledge Check!**



# Open Skies Agreement

- A bilateral or multilateral air transport agreement between the U.S. Government and the government of foreign countries that allow travelers to use foreign air carriers from these countries for government-funded international travel.



# Open Skies Agreement Continued...

## Open Skies Agreements with the U.S.:

- 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

- As of January 1, 2021, The United Kingdom (U.K.) is no longer a member of the EU. Consequently, the Open Skies Agreement with the EU does not pertain to the U.K. Travelers must use a U.S. Flag Carrier to travel from the U.S. to the U.K. and not a U.K. 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 U.S. to the U.K. as long as the flight stops in the EU prior to arrival in the U.S. or the U.K.



# Differences Between European Union and Other Open Skies Agreements

## European Union Open Skies Agreement

You may fly on an EU airline when:

- Travel is NOT funded by U.S. DOD or U.S. Military, AND
- Flight touches down in an EU country, Norway or Iceland.

## Open Skies Agreement for Australia, Japan or Switzerland:

You may fly on an airline of Australia, Japan or Switzerland when:

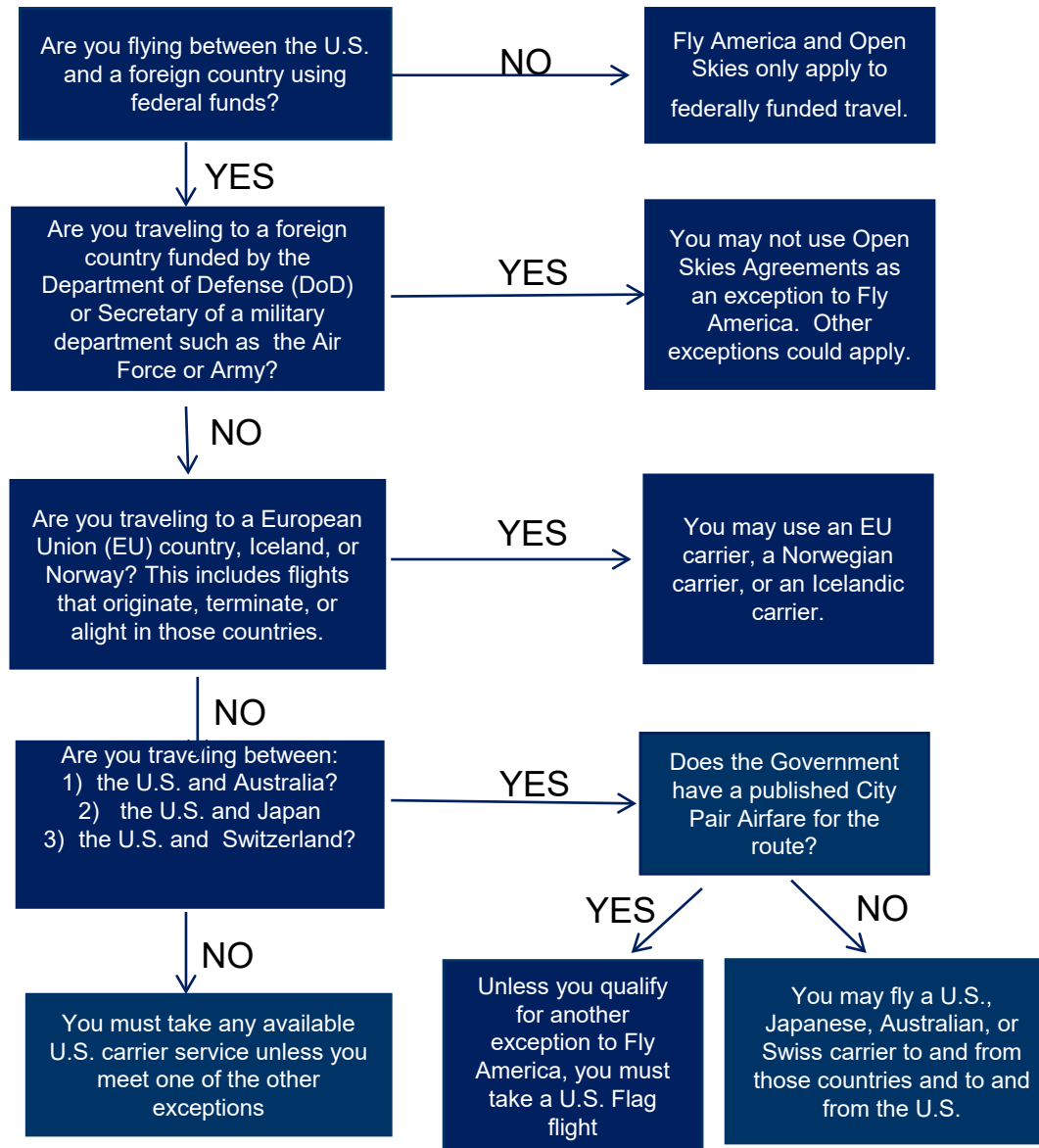
- Travel is NOT funded by U.S. DOD or U.S. Military, and
- U.S. Government does NOT have a published City-Pair Agreement for your travel route.



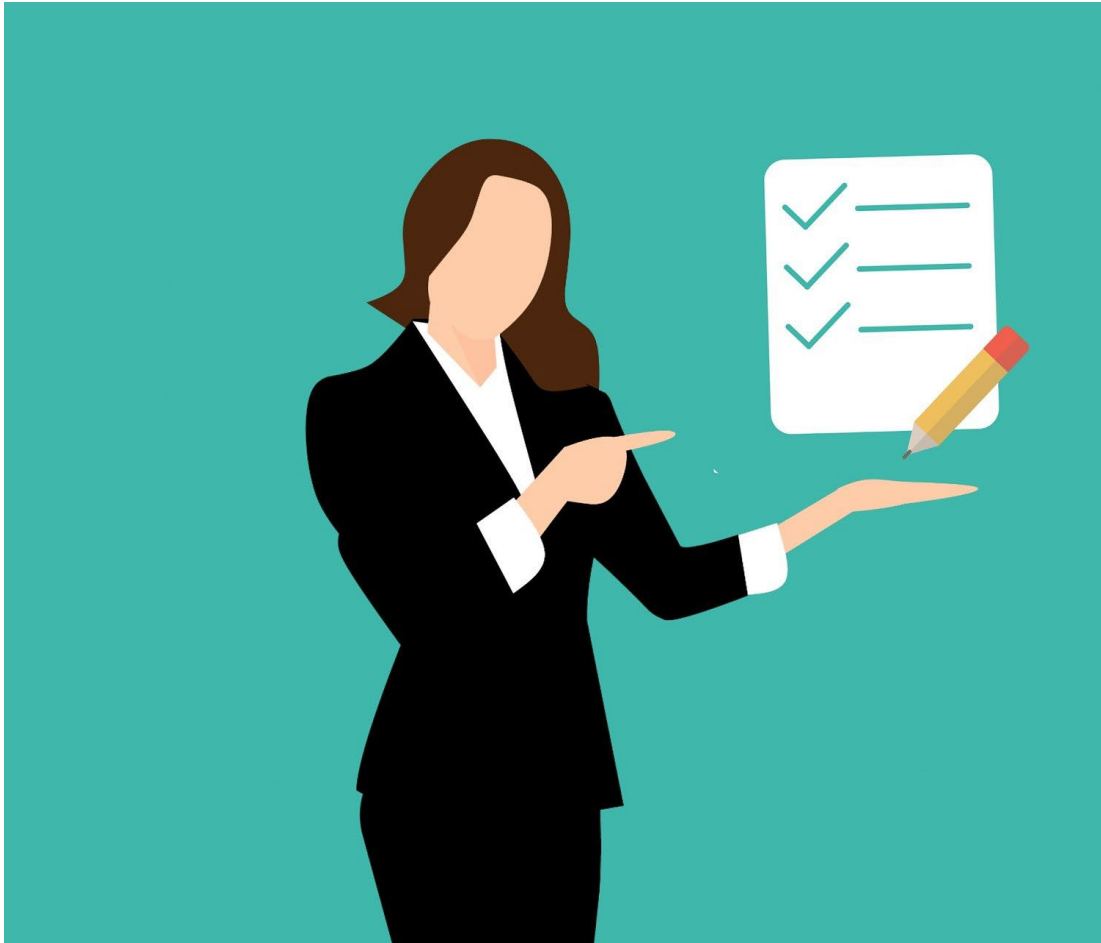
## City-Pair Agreement

- The GSA's City Pair Program offers government negotiated fares for flights between certain cities. City-Pair Agreement discounted fares are only available to Federal Government employees; however, if a city-pair agreement is in effect, you may not claim an Open Skies exception and must fly on a US flag carrier or US code share carrier.

# Fly America and Open Skies Agreements



# Poll Time



**Knowledge Check!**



# Case Study # 1

- PI needs to travel to Beijing for his grant related research. While reviewing flight options on-line, he finds two different options. Which flight can he select?
  1. A direct flight on a U.S. carrier from San Francisco to Beijing for \$2,500
  2. A flight from San Francisco on a U.S. carrier to Beijing with:
    - A layover in Hong Kong
    - A foreign air carrier change (DragonAir) from Hong Kong to Beijing. No code share available.
    - Flight costs \$1,300

# Case Study #1

## Answer

- Option 1.
  - If a traveler is traveling on funds provided by the federal government, he/she must use a U.S. flag carrier (an airline owned by an American company), regardless of cost or convenience.
  - There is a U.S. carrier that services the flight to the destination

# Case Study # 2

One of the visiting scholars has been having some medical issues and it has been determined that they cannot complete the program and needs to return home.

## Flight Options:

1. There is a direct flight from an international carrier that would get her home the fastest.
2. There is an American carrier that can get her home, but it has stops and layovers which extend her travel time and increase the risk of a medical situation occurring.

# Case Study #2

## Answer

- When foreign air carrier services 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 in the transportation of persons in need of medical treatment.



# Documenting Fly America 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.

# Documenting Fly America Exceptions

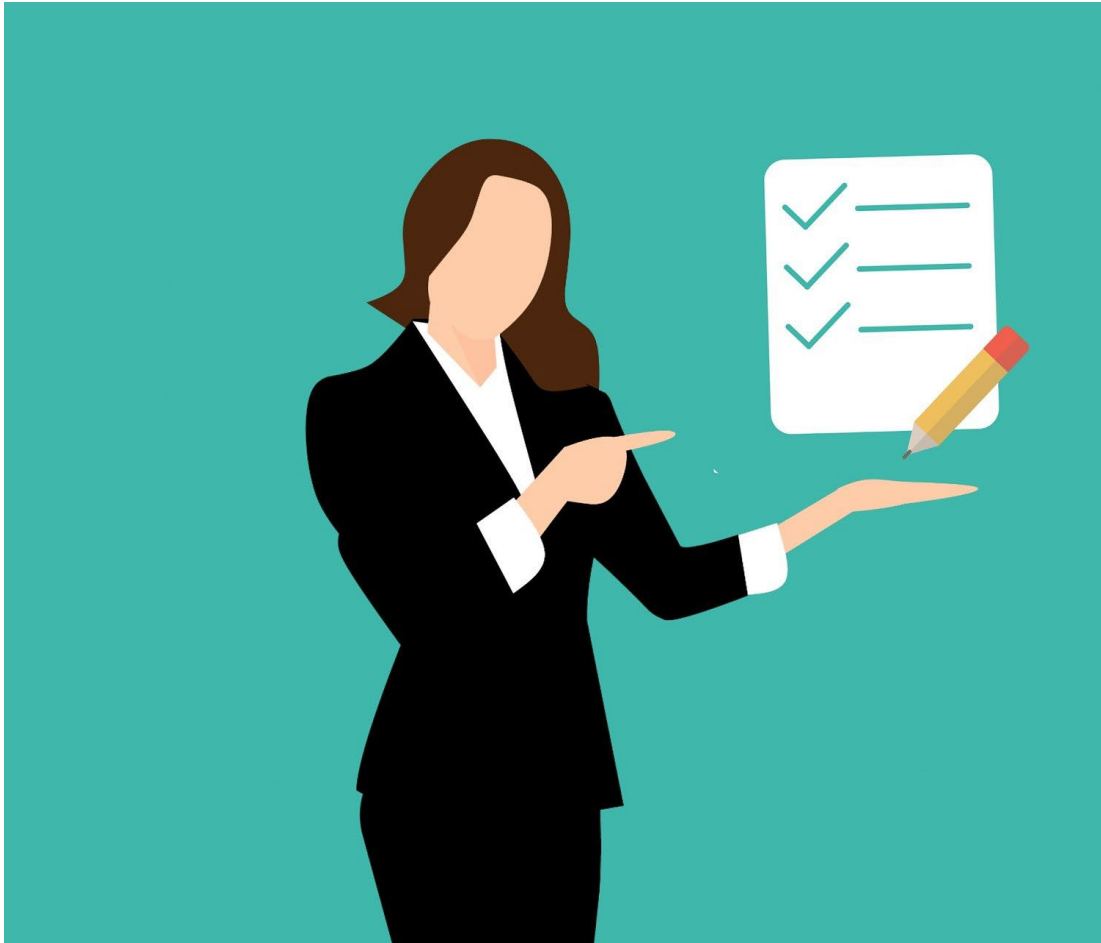
- Fly America Exception Form: There is not an official federal form to document an exception to Fly America Act but many examples are available online. Links to the sites are included below:
- Arizona State University: [Certification of Exception to Fly America Act](#)
- University of Arizona: [Fly America Waiver Checklist](#)
- Yale: [Documentation for Travel on a Non-U.S. Air Carrier](#)

# Documenting Fly America Exceptions

## 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 Agreements](#) page.
- 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.

# Poll Time



**Knowledge Check!**



# Other Important Reminders

- Before booking, make sure that foreign travel is allowed on the project.
- If your project includes subawards to other institutions, they too must adhere to the Fly America Act when booking travel on federally funded sponsored projects.
- Booking airfare through a travel agent does not remove the need to adhere to the Fly America Act. If booking through a travel agent, make sure they are familiar with the policy. For ASU: Anthony Travel is experienced with the Fly America Act.

# Additional Resources for In-Depth Review

- [U.S. General Services Administration Fly America Act page.](#)
- [U.S. General Services Administration City Pair Program \(CPP\).](#)
- [Arizona State University Foreign Travel sitelet.](#)
- [Northern Arizona University Travel Policy 530-03.](#)
- [University of Arizona Foreign Travel resource page.](#)

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## Questions?

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- Sam Munguia – [Samantha.Munguia@asu.edu](mailto:Samantha.Munguia@asu.edu)

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THANK YOU!