

Fly America Act

NOTE: The website URL for **Workday reference guides** that are referenced in this section is:
<https://confluence.esg.wsu.edu/display/WKB/Workday>

OVERVIEW

The Fly America Act is a federal regulation stating that any foreign air travel financed by federal funds must be booked on U.S. air carriers, regardless of cost or convenience. (49 USC 40118) NOTE: The applicable fund types for federal-funded transactions are FD043 Grants and Contracts – Federal, or one of the following capacity funds if the expense is charged to a capacity grant (formerly fund 143):

- FD035 Hatch as Amended
- FD036 Regional Research
- FD037 McIntire-Stennis Forestry
- FD038 Animal Health and Disease Research
- FD039 Animal Health and Disease Research - Vet Med
- FD040 Smith-Lever as Amended
- FD041 Smith-Lever "EFNEP"
- FD042 Smith Lever-"RREA"

The principal investigator (PI) or their designee is responsible for ensuring that all air travel charged to federal-funded accounts comply with this regulation.

U.S. AIR CARRIERS

The following list provides the names and designator codes for U.S. air carriers, grouped by travel destinations:

Domestic U.S. and Canada Destinations

- Airtran Airways (FL)
- Alaska Airlines (AS)
- America West Airlines (HP)
- American Airlines (AA)
- American Trans Air (TZ)
- Delta Airlines (DL)
- Frontier Airlines (F9)
- Hawaiian Airlines (HA)
- Jet Blue (B6)
- Midwest Express (YX)
- Southwest Airlines (WN)

TRAVEL
95.45.2
Revised 1-21
Travel Services
509-335-2071
Sponsored Programs Services
509-335-2058

BUSINESS POLICIES AND PROCEDURES MANUAL

Fly America Act

Domestic U.S. and Canada Destinations (cont.)

- Spirit Airlines (NK)
- United Airlines (UA)
- US Airways (US)
- Virgin America (VX)

NOTE: Air Canada is *not* a U.S. air carrier.

International Destinations

The following U.S. air carriers and their foreign code-share partners travel to major cities in Europe, Asia, Africa, Australia and South America:

- Alaska Airlines (AS)
 - American Airlines (AA)
 - United Airlines (UA)
 - US Airways (US)
 - Delta Airlines (DL)
- (Delta also offers flights to Polynesia; check availability.)

CODE-SHARING AGREEMENTS

Code-sharing agreements with foreign air carriers allow U.S. air carriers to purchase or have the right to sell a block of tickets on a foreign carrier. The paper or electronic ticket for a code-share flight must identify the U.S. air carrier's designator code and flight number. Code-sharing agreements comply with the Fly America Act regulations.

NOTE: Some funding sources may not recognize code-sharing as being compliant with Fly America Act regulations. When the specific funding source policy is more restrictive than the Fly America Act, the more restrictive policy applies.

Compliant Purchase Example

[Figure 1](#) shows a round trip ticket option from a U.S. air carrier with the right to sell a block of tickets on a foreign carrier. The purchase is compliant with the Fly America Act because the flight vendor is a U.S. air carrier.

- **Gold Box (1):** This flight is an American Airlines flight, and also operated by America Airlines.
- **Green Box (2):** This flight is an American Airlines flight but is operated by British Airways (as shown in the **red box (3)**). The traveler checks in at the American Airlines ticket counter. The boarding pass will include the American Airlines two-letter identification code.

Fly America Act

Figure 1

Noncompliant Ticket Example

Figure 2 shows a round trip ticket option from a foreign air carrier with the right to sell a block of tickets on a U.S. carrier. The purchase is not compliant with the Fly America Act because the flight vendor is a non-U.S. air carrier.

Figure 2

Green Box (1 and 3): This flight is an Air France flight, but is operated by Delta Air Lines (as shown in the **red box (2 and 4)**). The traveler checks in at the Air France ticket counter. The boarding pass will include the Air France two-letter identification code.

TRAVEL
95.45.4
Revised 1-21
Travel Services
509-335-2071
Sponsored Programs Services
509-335-2058

BUSINESS POLICIES AND PROCEDURES MANUAL

Fly America Act

EXCEPTIONS

The Fly America Act applies to all foreign travel, including trips between the U.S. and another country or trips solely outside the U.S. In both instances, the use of U.S. air carriers is required, unless one of the following exceptions apply.

Necessary to Meet Federal Regulations

Use of a foreign air carrier is determined to be a matter of necessity in accordance with federal regulations. (U.S. General Services Administration (GSA) *Federal Management Regulations* 301-10.138)

No U.S. Air Carrier Service Available to Destination

No U.S. air carrier provides service on a particular leg of the route. In this case foreign air carrier service may be used, but only to or from the nearest interchange point on a usually-traveled route that connects with a U.S. air carrier service.

Travel Rerouted by U.S. Air Carrier

A U.S. air carrier involuntarily reroutes the travel on a foreign air carrier.

Length of Travel Time

Service on a foreign air carrier is three hours or less and use of the U.S. air carrier at least doubles the enroute travel time.

Use of a U.S. air carrier service extends travel time (including delay at origin) by 24 hours.

Open Skies Agreement

An Open Skies agreement between the U.S. and the applicable country is in place.

Use of a foreign carrier is allowed when transportation is between the U.S. and any point in the agreement member state *or* between two points outside the U.S., provided that all of the specified agreement requirements are met. See [Open Skies Agreements](#) for further information. See also:

gsa.gov/policy-regulations/policy/travel-management-policy/fly-america-act

Costs Paid by Third Party

Costs of transportation are reimbursed in full by a third party, such as a foreign government or an international agency.

Nonstop or Direct Service Not Available

A U.S. air carrier may not offer nonstop or direct service (no aircraft change) between the origin and destination. In this case, the traveler must use the U.S. air carrier on every portion of the route where it provides service unless, when compared to using a foreign air carrier, such use:

Fly America Act

Nonstop or Direct Service Not Available (cont.)

- Increases the number of aircraft changes required outside of the U.S. by two or more; *or*
- Extends the travel time by at least six hours or more; *or*
- Requires a connecting time of four hours or more at an overseas interchange point.

APPROVAL FOR USE OF EXCEPTION

If one or more of the conditions listed under [Exceptions](#) are met, the traveler must complete a Certification of Exception to Fly America. The certification form is available in PDF format on the Procedures, Records, and Forms (PR&F) website at:

policies.wsu.edu/prf/index/forms/

Both the traveler and the applicable PI for the award (e.g., contact/lead PI) and/or for the specific segment of the award supporting the travel (e.g., grant PI) must sign the form.

The department attaches the completed form as supporting documentation to the Spend Authorization in Workday. (See *BPPM* 95.01 and the Workday Spend Authorization reference guide.)

NOTE: If the user selects the spend category **Foreign Air Transportation** and includes one of the federal fund worktags on their Spend Authorization, the following warning appears:

“Foreign Air Transportation on federal funds are subject to the Fly America Act. Please review *BPPM* 95.45 to ensure compliance.”

RECORDS RETENTION

The department is responsible for retaining supporting documentation for federally-supported travel in accordance with University records retention requirements for grant-supported records. See *BPPM* 90.01.

OPEN SKIES AGREEMENTS

Open Skies agreements between the U.S. and the following countries allow the use of foreign air carriers for federally-funded air transportation services.

TRAVEL
95.45.6
Revised 1-21
Travel Services
509-335-2071
Sponsored Programs Services
509-335-2058

BUSINESS POLICIES AND PROCEDURES MANUAL

Fly America Act

European Union (EU) Countries, Norway, and Iceland

According to the Open Skies agreement between the U.S. and the European Union (EU) countries, Norway, and Iceland, travelers may fly on any EU airline if:

- Travel is **not** funded by the U.S. Department of Defense (DOD) or a U.S. military department; *and*
- Flight departs from or touches down in an EU country, Norway, or Iceland.

Examples of Allowable Flights

The following are examples of flights that are allowable under the Open Skies agreement:

- Frankfurt (EU) → San Francisco (U.S.)
- San Francisco (U.S.) → Paris (EU)
- Dublin (EU) → New York, NY (NYC) (U.S.) → Vancouver, BC (Non-U.S./Non-EU country)
- Mexico City (Non-U.S./Non-EU country) → NYC (U.S.) → Madrid (EU)
- Cleveland (U.S.) → Montreal (Non-U.S./Non-EU country) → Barcelona (EU)
- Vienna (EU) → Toronto (Non-U.S./Non-EU country) → Denver (U.S.)
- Istanbul (Non-U.S./Non-EU country) → Amsterdam (EU) → Memphis (U.S.)
- Orlando (U.S.) → London (EU) → Moscow (Non-U.S./ Non-EU country)
- Washington, DC (U.S.) → Sarajevo (European Common Aviation Area (ECAA))
- Belgrade (ECAA) → Washington, DC (U.S.)

Allowable Air Carriers

When both conditions provided above are met, the Open Skies agreement between the U.S. and the European Union (EU)

Fly America Act

Allowable Air Carriers (cont.) countries, Norway, and Iceland allows the use of air carriers including, but not limited to:

- Austrian (Austria)
- Brussels Airlines (Belgium)
- Cyprus Airways (Cyprus)
- Czech Airlines (Czech Republic)
- Finnair (Finland)
- Air France (France)
- Air Berlin (Germany)
- Lufthansa (Germany)
- British Airways (Great Britain)
- British Midland International (Great Britain)
- Virgin Atlantic (Great Britain)
- Aegean Airlines (Greece)
- Olympic Air (Greece)
- Malev Hungarian Airlines (Hungary)
- Icelandair (Iceland)
- Alitalia (Italy)
- AirBaltic (Latvia)
- Luxair (Luxembourg)
- Air Malta (Malta)
- KLM (The Netherlands)
- LOT Polish Airlines (Poland)
- TAP Portugal (Portugal)
- TAROM (Romania)
- Adria Airways (Slovenia)
- Iberia (Spain)
- SAS (Sweden)

Japan

According to the Open Skies agreement between the U.S. and Japan, travelers may fly on any Japanese airline if:

- Funding is **not** provided by the U.S. Department of Defense (DOD) or a U.S. military department; *and*
- No city-pair airfare agreement exists between the origin and destination cities in the travel route.

The GSA's City-Pair Program offers government negotiated fares for flights between certain cities. If a city-pair agreement is in effect, the traveler may *not* claim an Open Skies

TRAVEL
95.45.8
Revised 1-21
Travel Services
509-335-2071
Sponsored Programs Services
509-335-2058

BUSINESS POLICIES AND PROCEDURES MANUAL

Fly America Act

Japan (cont.)

exception. The traveler must fly on a US air carrier or U.S. code-share carrier.

To check for applicable agreements, use the GSA City Pair Program (CPP) search tool at:

cpsearch.fas.gsa.gov/cpsearch/search.do

Allowable Air Carriers

When both conditions provided above are met, the Open Skies agreement between the U.S. and Japan allows the use of the following air carriers:

- Japan Airlines
- All Nippon Airways

Switzerland

According to the Open Skies agreement between the U.S. and Switzerland, travelers may fly on any Swiss airline if:

- Funding is **not** provided by the U.S. Department of Defense (DOD) or a U.S. military department; *and*
- No city-pair airfare agreement exists between the origin and destination cities in the travel route.

To check for applicable agreements, use the GSA City Pair Program (CPP) search tool at:

cpsearch.fas.gsa.gov/cpsearch/search.do

Allowable Air Carrier

When both conditions provided above are met, the Open Skies agreement between the U.S. and Switzerland allows travel on the air carrier Swiss International.

Australia

According to the Open Skies agreement between the U.S. and Australia, travelers may fly on any Australian airline if:

- Funding is **not** provided by the U.S. Department of Defense (DOD) or a U.S. military department; *and*
- No city-pair airfare agreement exists between the origin and destination cities in the travel route.

Fly America Act

Australia (cont.)

To check for applicable agreements, use the GSA City Pair Program (CPP) search tool at:

cpsearch.fas.gsa.gov/cpsearch/search.do

Allowable Air Carriers

When both conditions provided above are met, the Open Skies agreement between the U.S. and Australia allows the use of the following air carriers:

- Qantas Airways
- Virgin Australia