

Fly America Act and Open Skies Agreements

Generally, 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.

If you are scheduling international travel that is federally funded, you must ensure that all flights, where possible, are scheduled on U.S. flag carriers or on foreign air carriers that code share with a U.S. flag carrier. 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 the plane of a foreign air carrier; 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 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).

For example, Delta has a code share agreement with Air France to Paris, France. If the boarding pass (flight coupon) or e-ticket identifies a flight as DL ##, the requirements of the Federal Travel Regulations would be met, even if the flight was on an Air France airplane. If however, the boarding pass (flight coupon) or e-ticket identifies the flight as an AF ##, then the requirements of the Federal Travel Regulations would not be met.

Examples of situations that are in [compliance \(pdf\)](#) and [not \(pdf\)](#) in compliance with the Fly America Act are available for your review by clicking on these key words. An [Airlines](#) link listing all U.S. flag carriers and their codes has been added to assist you.

It is highly recommended that you book your international travel, when federally funded, through one of the Harvard University Preferred Travel Agencies. Our preferred agencies have agents that are well versed in the Fly America Act. Please be sure to advise them that your trip is federally funded.

Exceptions to the Fly America Act

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 providing full explanation of the multilateral agreement in place so that qualifying travelers, whose travel is supported by federal funds, may travel on European Union airlines as well as U.S. Flag Air Carriers. A list of countries with Open Skies Agreements with the US can be found [here](#).

What do these Open Skies Agreements mean to you?

- European Union:
 - When traveling to a destination serviced by a European Union airline, Harvard travelers flying on a Federal grant can fly on either a US carrier or an EU (European Union) carrier as long as they touch down in an EU country.
- Australia:
 - Harvard travelers using federal dollars can use an Australian airline only if a point of origin/destination is either the US or Australia and there is no [city-pair contract](#) flight between the two points (origin and destination).
- Switzerland
 - Harvard travelers using federal dollars can use a Swiss airline only if a point of origin/destination is either the US or Switzerland and there is no [city-pair contract](#) flight between the two points (origin and destination).
- Japan
 - Harvard travelers using federal dollars can use a Japanese airline only if a point of origin/destination is either the US or Japan and there is no [city-pair contract](#) flight between the two points (origin and destination).

Note: Harvard travelers on federal funds cannot use city-pair contracts.

There are other exceptions to the Fly America Act which may be appropriate as well. A list of exception criteria may be found in the [Federal Travel Regulation Guidelines](#) – FTR sections 301-10.135-138. Please note that lower cost and personal convenience are not acceptable criteria for justifying the non-availability of a U.S. –flag air carrier.

Please note: Travelers using Department of Defense (DOD) are not permitted to take advantage of Open Sky Agreements. Travelers using DOD funds must use an American carrier, unless they qualify for an exemption as noted in FTR 301-10.135, sections (a), (d), (e), (f), and (g).

To document the exceptions, you must complete the [Federal Awards Travel Reimbursement Exception Form](#).

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