

FLY AMERICA / OPEN SKIES

Research Administrator Conference

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Clayton Hall

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OBJECTIVES

- Fly America
 - Waiver checklist, exceptions, documentation
- Open Skies
 - UD adopted agreements
- Research Office resource information/flow chart
- Case Studies

FLY AMERICA

The “Fly America Act” 49 U.S.C. 40118 established a legal requirement that all government financed air travel be performed by U.S. air carrier services where such service is available.

Fly America cont'd

❖ **U.S. Flag Carrier**

➤ An air carrier holding a certificate under section 401 of the Federal Aviation Act of 1958, 49 U.S.C. 1317 (§41102) - Foreign air carriers operating under permits are excluded.

❖ **Code Share**

➤ U.S. Flag carrier chooses to lease seats on a Foreign carrier rather than fly U.S. Flag carrier - meets Fly America Act requirements

➤ Entire ticket flight number issued on U.S. ticket stock validated under U.S. carrier name and code number

Exceptions to Fly America Act (overall)

- Use of a foreign air carrier is determined to be a matter of necessity – mission, non-availability of flight, medical, safety/terrorist threats, non-availability authorized class of service
- The transportation is provided under a bilateral or multilateral air transportation agreement – Open Skies
- No U.S. flag carrier service on a particular leg of the route, but only to/from the nearest interchange point
- U.S. flag carrier involuntarily reroutes travel on a foreign carrier

Exceptions to Fly America Act (cont)

- Foreign flag would be less than 3 hours and use of U.S. flag would at least double enroute travel
- Cost of transportation are reimbursed in full by third Party

Exceptions (between U.S. and another country)

- U.S. flag air carrier offers nonstop / direct service (no aircraft change) from origin to destination, must use unless such use would extend travel time – including delay at origin, by 24 hours or more
- If a U.S. flag air carrier does not offer nonstop or direct service (no aircraft change) between origin and destination, traveler must use a U.S. flag air carrier on every portion of the route where it provides Service unless, when compared to using a foreign air carrier, such use would:
 - Increase the number of aircraft changes traveler must make outside of the U.S. by 2 or more; or
 - Extend travel time by at least 6 hours or more; or
 - Require a connecting time of 4 hours or more at an overseas interchange point

Not considered an exception

❖ **Cost factor**

- Foreign ticket is less than U.S. flag air carrier - may not be used solely based on the cost of ticket

❖ **Convenience**

- Agency/Traveler - must use U.S. flag air carrier service, unless traveler meets one of the exceptions or a matter of necessity

Required documentation

❖ **Certification**

➤ Completed Fly America Waiver Checklist, detailed itinerary and boarding passes of travel to include; dates, origin and destination, air carrier, exceptions as listed in the Federal Travel Regulations

❖ **Liability**

➤ No reimbursement for “any” transportation cost for which the traveler improperly used a foreign air carrier service.

Be aware

- Frequent flyer agreements such as Star Alliance do not infer U.S. Carrier status on their members absent the utilization of a Code Shared flight with a U.S. designator.
- UD recognizes travel to Canada and Mexico as foreign and must comply with the Fly America Act.
- The award of frequent flyer points or miles with a particular airline does not make the flight for which they were awarded Fly America compliant. The determination of a flight's compliance is based upon the primary carrier status as noted by the ticketing codes of the flight; they are not based on mileage or points awards. Your airline ticket/e-ticket must show the proper US Flag Carrier codes.

Open Skies Agreement

Federal travelers are required by 49 U.S.C. 40118, commonly referred to as the "Fly America Act," to use United States air carrier service for all air travel and cargo transportation services funded by the United States Government. *One exception to this requirement is transportation provided under a bilateral or multilateral air transport agreement, to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act.*

❖ **Does not apply to transportation obtained or funded by the Secretary of Defense / the Secretary of a military department**

Open Skies Agreement (cont'd)

- ❖ There are currently four bilateral/multilateral “Open Skies Agreements” (U.S. Government Procured Transportation) in effect:
 - Current agreements:
 - U.S. & European Union
 - U.S. & Switzerland
 - U.S. & Australia
 - U.S. & Japan

<http://www.gsa.gov/portal/content/103191>

UD adopted Open Skies as part of UD's Travel Policy 3-07 effective 7/1/12.

Open Skies Agreement (European Union – 29 countries)

- (a) between any point in the United States and any point outside the United States, or
- (b) between any two points outside the United States
- ❖ ***The “countries” are not the issue, but rather the travelers’ “points” -- origin and destination***

Open Skies Agreement (EU) – 29 countries

Austria

Belgium

Bulgaria

Cyprus

Czech Republic

Denmark

Estonia

Finland

France

Germany

Greece

Hungary

Iceland

Ireland

Italy

Latvia

Lithuania

Luxembourg

Malta

Netherlands

Norway

Poland

Portugal

Romania

Slovakia

Slovenia

Spain

Sweden

The United Kingdom of

Great Britain and

Northern Ireland

Open Skies Agreement (Australia/Switzerland/Japan)

- (a) between any point in the United States and any point in (Australia, Switzerland, Japan)
- (b) between any two points outside the United States
- ❖ ***The “countries” are not the issue, but rather the travelers’ “points” -- origin and destination***

US FLAG CARRIERS

Airtran Airways (FL)

Hawaiian Airlines (HA)

Alaska Airlines (AS)

JetBlue Airways (B6)

America West Airlines (HP)

Midwest Express (YX)

American Airlines (AA)

Northwest Airlines (NW)

American Trans Air (TZ)

Southwest Airlines (WN)

Continental Airlines (CO)

Spirit Airlines (NK)

Delta Airlines (DL)

United Airlines (UA)

Frontier Airlines (F9)

US Airways (US)



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Policies & Forms

We hope this guide will be of use to you as you navigate the sponsored research policies and procedures at the University of Delaware. The Research Office is here to help you fund, obtain, and manage your sponsored research funding. These policies are provided in various formats such as standard html, Microsoft Word, and PDF format as indicated. [Click here to download Acrobat Reader.](#)

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Policy & Form Quicklist

(Click on subject to expand or collapse its contents.)

Fly America and Open Skies Travel **COMING SOON**

- Resource Document
- FAQ's
- Fly America Waiver Checklist



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Frequently Asked Questions

We hope this page will help you answer commonly asked questions as you go through the proposal and grants management process at the University of Delaware. Choose a topic heading at right to view questions that are commonly asked about them and then click on a question to expand its answer. If you have additional questions that are not covered here you can **contact the Research Office** or find your representative in our **staff directory**.

Important Answers to Commonly Asked Questions (FAQ)

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Please click on a question to expand it and see the answer.

Fly America and Open Skies Travel **COMING SOON**

- [Resource Document](#)
- [FAQ's](#)
- [Fly America Waiver Checklist](#)

Case Studies

- ❖ Code Share: A process by which a ticket may be issued by one airline but flown by another, requires that the ticketing be by the U.S. Carrier. The “carrier” is defined by the airline designator noted on the ticket. Which of the examples below is considered a U.S. Carrier?
- American flight 4332, shown as **AA** 4332 on the ticket, flown by British Airways.
 - Japan Airways 324, shown on the ticket as **JL** 324, flown by American Airlines.
 - American flight 467, shown on the ticket as **AA**467, that happens to be the same plane as **JL** 324 above.

Case Studies cont'd

❖ Which of the items listed below is not an exception to the Fly America Act?

- 1) No U.S. flag carrier service on a particular leg of the route, but only to/from the nearest interchange point
- 2) Foreign ticket costs less than U.S. flag air carrier
- 3) Extend travel time by at least 6 hours or more;
- 4) Is part of a frequent flyer agreement such as Star Alliance
- 5) Increase the number of aircraft changes traveler must make outside of the U.S. by 2 or more

Airlines	From	To	Fly America ?	Open skies ?
Air France	Azerbaijan	Paris		
Air France	Paris	Casablanca		
Delta	Casablanca	New York		
Delta	New York	Atlanta		
Delta	Atlanta	Dubai		
Pakistan Int'l	Dubai	Pakistan		
Emirates	Pakistan	Dubai		
American	Dubai	London		
American	London	Turkey		
Turkish Air	Turkey	Azerbaijan		

Airlines	From	To	Fly America ?	Open skies ?
➤ Air France	Azerbaijan	Paris		
➤ Air France	Paris	Casablanca		
Delta	Casablanca	New York		
Delta	New York	Atlanta		
Delta	Atlanta	Dubai		
➤ Pakistan Int'l	Dubai	Pakistan		
➤ Emirates	Pakistan	Dubai		
American	Dubai	London		
American	London	Turkey		
➤ Turkish Air	Turkey	Azerbaijan		

Case Study

- Traveler using a federal grant needed to travel to New Zealand. Travel on this grant is OK.
- Wanted to book directly but he must comply with Fly America Act.
- He wants to go Philadelphia to LA and LA to New Zealand.
- He also wants to take his family with him on vacation and travel around Australia for an additional week after he finishes his business in New Zealand.
- He will fly home from Sydney, Australia.
- He looked at several travel on- line booking sites and airline prices varied widely.
- By booking on a United flight from Philly to LA and then flying LA to New Zealand on New Zealand Air, he can save almost \$1000.00 over booking the entire trip to New Zealand on a US Air Carrier.

Case Study- Questions

1. How much of his trip needs to be compliant with Fly America?
2. Will UD pay for his return trip? Don't forget, he is on vacation in Australia and wants to fly home from Sydney, even though the grant called for travel in/out of New Zealand.
3. If he pays for the return trip personally, does he have to comply with Fly America Act?
4. How much of the trip (which legs) have to be compliant?.

Summary

- Fly America is dictated by what air carrier is being used
- Open Skies – dictated by the travelers “points” – origin and destination
- The Fly America Waiver Checklist should be completed **prior** to making travel arrangements
<http://www.udel.edu/research/researchers/policies-forms.html>
<http://www.udel.edu/research/preparing/faq.html>
- To assist in determining allowability, it is preferable to have **both** the itinerary and boarding passes

Questions

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