Guidance on Fly America and Open Skies Regulations

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A. Fly America Act Regulation: All travel funded or paid by United States federal government funds require the use of "U.S. flag" carriers. The Fly America Act Regulation applies to all Federal sponsored awards, Federal flow-through awards, as well as any sponsor (i.e. Susan G. Komen Foundation) that references compliance with federal regulations, OMB Circulars or Uniform Guidance 2 CFR Part 200, in the terms and conditions of the award.

B. Requirement:
- All Domestic flights (flights between any two points within the U.S.) is required to fly a U.S. air carrier.
- Fly America requires the use of a US air carrier even though:
    o A foreign air carrier service is less expensive, or
    o A foreign air service is preferred by the traveler, or
    o A foreign air service is more convenient.

When booking international travel that is being paid by federal funds, the traveler must ensure that all flight segments, where possible, are scheduled on a U.S. flag carrier or International air carrier that either 1) Code shares with a U.S. flag carrier, or 2) Qualifies for an exception to the Fly America Regulation, as described below.

1. **Code Sharing:**
    - Code sharing exists when two or more airlines (A U.S and international carrier) lists the same flight as if it was their own with their distinct flight number.
    - A U.S. airline may purchase seats on an international air carrier and sell it as their own flight; the purchase of this seat is considered the same as one on a plane operated by a U.S. flag carrier.
    - **The ticket, or documentation for an electronic ticket, must identify the U.S. carrier's designator code and flight number (not the foreign carrier)**, which complies with the Fly America Act. Provided below is an example where Delta has a code share with Westjet from Hartford (BDL) to Vancouver, British Columbia (YVR).

Compliant with Fly America

2:30 PM - Tue, Nov 10 Hartford-Springfield, CT (BDL)	4:34 PM - Tue, Nov 10 Minneapolis, MN (MSP)	▲ DELTA Flight 735 - Airbus A320 Class: Coach	Non-stop 1049 miles 90% on-time View seats
7:34 PM - Tue, Nov 10 Minneapolis, MN (MSP)	9:48 PM - Tue, Nov 10 Vancouver, British Columbia (YVR)	▲ DELTA Operated by Compass Dba Delta Connection Flight 5693 - Embraer ERJ-170 Class: Coach	Non-stop Total flight time 10:18 1434 miles N/A on-time View seats

Same flight: Not Compliant with Fly America

2:30 PM - Tue, Nov 10 Hartford-Springfield, CT (BDL)	4:34 PM - Tue, Nov 10 Minneapolis, MN (MSP)	WESTJET Operated by Delta Air Lines Inc. Flight 6613 - Airbus A320 Class: Coach	Non-stop 1049 miles N/A on-time View seats
7:34 PM - Tue, Nov 10 Minneapolis, MN (MSP)	9:48 PM - Tue, Nov 10 Vancouver, British Columbia (YVR)	WESTJET Operated by Compass Dba Delta Connection Flight 6558 - Embraer ERJ-170 Class: Coach	Non-stop Total flight time 10:18 1434 miles N/A on-time View seats

a. **List of Major U.S. Air Carriers (Not all inclusive)**

• Airtran Airways	• Hawaiian Airlines
• AirWisconsin	• JetBlue Airlines
• Alaska Airlines	• Mesa Airlines
• Allegiant Air	• Midwest Express Airlines
• American Airlines	• PenAir (Peninsula) Airways
• American Trans Air	• SkyWest Airlines
• Comair	• Southwest Airlines
• Continental Airlines	• Spirit Airlines
• Delta Airlines	• Sun Country Airlines
• Frontier Airlines	• United Airlines
• Funjet Air	• US Airways
• Go! Mokulele	• Virgin America

2. **Exceptions to the Fly America Regulation**
   - A U.S. Air carrier is not available.
   - The use of a U.S. Air carrier service would extend travel time (including delay at origin) by 24 hours or more.
   - A U.S. Carrier must be used on every portion of the route, except when use of the U.S. carrier:
     o Increases the number of aircraft changes outside the United States by **two or more**
     o Extends travel time by at least **six hours or more**
     o Requires a connecting time of **four hours or more** at an overseas interchange point.
   - **Open Skies** exception **(DOD funded awards are not eligible)**.
     o Is when an agreement exists between the U.S. Government and the government of a foreign country. The agreement allows the use of a foreign carrier when that airline is a member state carrier, and transportation is between the U.S. and any point in the member state or between two points outside the U.S.
     o Four (4) Open Skies Agreements are in effect to-date:

• European Union	See list of EU Carriers Below	
• Australia	• Qantas • Virgin Australia	Subject to City Pair Restriction
• Japan	▪ Nippon Airways ▪ Japan Airlines	http://cpsearch.fas.gsa.gov/
• Switzerland	• Swiss Air	

NOTE: The Open Skies exception **does not** apply to travel supported with Department of Defense (DOD) funds.

a. **Open Skies Exception: European Union**

The Open Skies agreement allows travel between the U.S. and European Union (EU) countries, including Norway and Iceland (which are non-EU Countries that were included in the agreement), Flights may be made on any EU airline as long as it meets the following conditions:

o Not paid by DOD Funds
o Flight is either **to or through** a EU Country

Flight origin and destinations below are examples of qualifying EU Open Skies Exceptions:

o Frankfurt (E.U.) **–>** San Francisco (U.S.)
o San Francisco (U.S.) **–>** Paris (EU)
o Dublin (EU) **–>** NYC (U.S.) **–>** Vancouver (Non-U.S./Non-EU country)
o Mexico City (Non-U.S./Non-EU country) **–>** NYC (U.S.) **–>** Madrid (EU)
o Cleveland (U.S.) **–>** Montreal (Non-U.S./Non-EU country) **–>** Barcelona (EU)
o Vienna (EU) **–>** Toronto (Non-U.S./Non-EU country) **–>** Denver (U.S.)
o Istanbul (Non-U.S./Non-EU country) **–>** Amsterdam (EU) **–>** Memphis (U.S.)
o Orlando (U.S.) **–>** London (EU) **–>** Moscow (Non-U.S./Non-EU country)
o Washington DC (U.S.) **–>** Sarajevo (ECAA - European Common Aviation Area)
o Belgrade (ECAA - European Common Aviation Area) **–>** Washington DC (U.S.)

European Union (EU) Carriers
Not All-Inclusive

❑ Austria – Austrian Airlines	❑ Italy – Alitalia
❑ Belgium – Brussels Airlines	❑ Lativa – airBaltic
❑ Bulgaria – Bulgaria Air	❑ Lithuania – None under Open Skies
❑ Croatia – Croatia Airlines	❑ Luxembourg - Luxair
❑ Cyprus – Cyprus Airways	❑ Malta – Air Malta
❑ Czech Republic – Czech Airlines	❑ Netherlands – KLM Royal Dutch Airlines
❑ Denmark – Scandinavian Airlines System	❑ Norway* - Scandinavian Airlines System
❑ Estonia – Estonian Air	❑ Poland – LOT Polish Airlines
❑ Finland - Finnair	❑ Portugal – TAP Portugal
❑ France – Air France	❑ Romania - TAROM
❑ Germany – Air Berlin, Lutfhansa	❑ Slovakia – None under Open Skies
❑ Greece – Olympic Air	❑ Slovenia – Adria Airways
❑ Hungary – Malev Hungarian Airlines	❑ Spain – Air Europa, Iberia, Spanair
❑ Iceland* - Icelandair	❑ Sweden - Scandinavian Airlines System
❑ Ireland – Air Lingus	❑ United Kingdom - bmi, British Airways, Virgin Atlantic

* Iceland and Norway are not members of the EU but are included in the EU Open Skies agreement.

b. <u>**Open Skies Exception: Australia, Japan and Switzerland**</u>

The Open Skies agreement allows travel between the U.S. and either <u>Australia</u>, <u>Japan</u>, and <u>Switzerland</u>. Flights may be made on an Australian, Japanese, or Switzerland airlines as long as it meets the following conditions:

o Not paid by DOD Funds
o The flight's departure and arrival cities **does not** have a negotiated GSA city pair fare *(click the link to verify whether a city pair fare has been negotiated between your flight's departure and arrival cities)*.

The <u>GSA City Pair Program</u> offers government negotiated fares for flights between certain cities. 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; even though it is unfortunate that the negotiated fares are not available to non-U.S. Government employees (i.e. grantees).

If there are **no** city pair fares negotiated between the departure and arrival cities, and verified through the city pair fare search site, the airlines below may be used when traveling to any one of the three Countries.

❑ Australia	❑ Switzerland	❑ Japan
▪ Qantas ▪ Virgin Australia	▪ Swiss Air	▪ Nippon Airways ▪ Japan Airlines

C. **Documenting a Fly America Act Exception**

When contacting Sanditz, the University's preferred vendor, and booking over the telephone, the "Fly America Exception/Waiver" form as well as supporting documentation for the fly America exception does not have to be provided or maintained by the traveler.

When booking air travel outside of Sanditz, documentation supporting the exception should be retained <u>at the time of booking</u> and attached with the travel (DV) request. Business office personnel should refer to the Fly America Act Checklist and Waiver Form to assist in documenting when an exception exists. A copy of the exception form in addition to a listing of flight schedules documenting the exception should be scanned and submitted as part of the disbursement voucher (DV) request.

D. **Contacts**

Item	Contact
Assistance with Fly America Regulation	SPS Team Lead in Sponsored Program Services: • Telephone: **(860)486-3619** • Matthew Cahill – matthew.cahill@uconn.edu • Jen Johnson - jennifer.johnson@uconn.edu • Deb Keefe - deborah.keefe@uconn.edu • Daniela Parciasepe - daniela.parciasepe@uconn.edu
Sanditz and Sanditz Booking Tool	• Telephone: 1-877-826-6733 • email: **UConn-resdesk@sanditz.com** • Sanditz Booking Tool: https://search.getthere.net/home
University Travel Office	• Telephone: (860) 486-4137 ext. 6 • email: Travel@uconn.edu • Website: http://travel.uconn.edu/