BEST PRACTICES FOR COMPLYING WITH THE FLY AMERICA ACT

Under the **Fly America Act**, all international airfare charged to federally-funded projects must be taken on **U.S. flag air carriers**, even if flying on a non-U.S. carrier is less expensive or more convenient for the traveler. However, some exceptions may apply. This guidance provides some best practices for selecting appropriate air travel options. If you have questions, please reach out to your HMS department contact **prior to booking travel** under a federal award.

**STEP 1:** If your non-U.S. destination can be reached directly by a U.S. flag air carrier, book international airfare through a U.S. flag air carrier* unless an exception applies.

For flights between the U.S. and another country:

(a) If a U.S. flag air carrier offers nonstop or direct service (no aircraft change) from your origin to your destination, you must use the U.S. flag air carrier service unless such use would extend your travel time, including delay at origin, **by 24 hours or more**.

(b) If a U.S. flag air carrier does not offer nonstop or direct service (no aircraft change) between your origin and your destination, you 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 you must make outside of the U.S. by two or more;
- Extend your travel time by at least six hours or more; or
- Require a connecting time of four hours or more at an overseas interchange point.

For flights taking place solely outside of the U.S.:

Where a U.S. flag carrier provides service between your origin and destination, you must always use a U.S. flag carrier for such travel, unless, when compared to using a foreign air carrier, such use would:

- Increase the number of aircraft changes you must make en route by two or more;
- Extend your travel time by six hours or more; or
- Require a connecting time of four hours or more at an overseas interchange point.

*Code-sharing agreements with foreign air carriers, whereby American carriers purchase or have the right to sell a block of tickets on a foreign carrier, are recognized by some funding sources as complying with the Fly America Act. The ticket **must identify the U.S. carrier’s designator code and flight number**, i.e. **American Airlines (AA) 2345 operated by Air France**.

**STEP 2:** For foreign destinations which cannot be reached directly by a U.S. flag air carrier, and for which a code share agreement doesn’t exist, determine if an **Open Skies Agreement** is in place with the destination country. **Currently, Switzerland, Australia, Japan, and the European Union (“EU”) have Open Skies Agreements with the U.S. and meet Fly America Act requirements.**

If a compliant **Open Skies Agreement** is in place, use of a foreign carrier is allowed when transportation is (i) between the U.S. and any point in the Agreement member state; or (ii) between two points outside the U.S. (in the Agreement member state), provided that funding is not provided by the Department of Defense or another military department. **Airfare funded by the U.S. Department of Defense (“DOD”) must be on a U.S. flag air carrier or comply with the code share exemption.** Approval from the sponsor must be obtained in the event it is necessary to fly on a foreign air carrier funded by a DOD award; otherwise, the non-compliant airfare must be paid with non-DOD funds.
European Union:

When traveling to a destination serviced by an EU airline, travelers flying on a federal grant can fly on either a U.S. or an EU carrier as long as they touch down in an EU Open Skies Agreement member state. If the ultimate destination is outside the EU, traveler still must land in an EU Open Skies Agreement member state before traveling to other destinations.

Switzerland, Australia, Japan:

Travelers using federal funds can use a Swiss, Australian, or Japanese airline when traveling between the U.S. and Switzerland, Australia, or Japan, only when there is no city-pair contract flight between the two points (origin and destination). If there is a city-pair contract flight, then the U.S. Airline referenced in the contract must be used. Note that your travel costs may be higher than the amount listed in the applicable city-pair contract, as those contracts include special discounts applicable only to federal employees.

If you believe one of the exceptions described above applies to your planned travel, please reach out to your HMS department contact to facilitate completion of required exception forms. Please retain copies of your itinerary, tickets and boarding passes for all legs of your trip(s).

Please see https://osp.finance.harvard.edu/travel-policy#res for additional travel guidance.