

Fly America Act Guidelines For Federal Funded Travel

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The first point that must be understood when dealing with the Fly America Act is the fact that it was written back in the early 70's and air travel has changed greatly since the Act was adopted. The point here is that what may have had a well- intended purpose during the conception of the Act, now finds its application in conflict with common sense. Be that as it may, we still find ourselves obligated to comply fully to the Act's provisions when **Federal** funding is being used. In addition, to understand and apply the Act requires one to comprehend some key definitions.

Definitions

- Gateway Airports in the United States

A Gateway Airport in the United States means the last airport in the United States from which the traveler's flight departs, or the first airport in the United States at which the traveler's flight arrives.

- Gateway Airport Abroad

A Gateway Airport Abroad means the airport abroad from which the traveler last embarks en route to the United States or it is the first airport abroad the traveler arrives at when traveling from the United States.

- Gateway Airports

In general, Gateway Airports are often not the traveler's place of origin or their final destination. In fact Gateway Airports are most often interchange points along usually traveled routes that simply allow traveler's to make connections served by a U.S. Air Carrier. The application of the Fly America Act often requires traveler's to transit to Gateway Airports that often are less direct, add travel time and also add travel cost but are still mandated to be used for compliance with the Fly America Acts requirements to fly on American Carriers into and out of the United States when using **Federal** funding.

Legal Provisions

General provisions of the Act require that U.S flag carriers be used regardless of added cost or travel time implications to the traveler.

U.S. flag carrier service is deemed to be available even though:

- Comparable or different kinds of service can be provided at less cost by a foreign air carrier;
- Foreign air carrier service is preferred by or is more convenient for the agency or the traveler;

- Service by a foreign air carrier can be paid for in excess foreign currency, unless U.S. flag air carriers decline to accept excess foreign currencies for transportation payable only out of these monies.

Scheduling Principles

In determining availability of U.S. flag air carrier service, the following scheduling principles should be followed **unless** their application would result in the last leg of travel or the first leg of travel to and from the United States being performed by foreign air carriers. The Scheduling Principles clearly establish that all flights into and out of the United States be on U.S. Flag carriers.

- U.S. flag carrier service available at point of origin should be used to destination or, in the absence of direct or through service, to the furthest interchange point (**Gateway Airport**) on a usually traveled route.
- Where the origin or interchange point (**Gateway Airport**), is not served by U.S. flag air carrier, foreign air carrier service should be used **only** to the nearest interchange point (**Gateway Airport**) on a usually traveled route to connect with U.S. flag carrier service.
- Where a U.S. flag air carrier involuntarily re-routes the traveler via a foreign air carrier, the foreign air carrier may be used notwithstanding the availability of alternative U.S. flag air carrier service.

Guidelines for determining Unavailability of U.S. Flag Carrier Service Between (Gateway Airports)

Passenger service by a U.S. flag air carrier will not be considered available when the travel is between a **Gateway Airport** in the United States and a **Gateway Airport** abroad and the **Gateway Airport** abroad is:

- The traveler's origin or destination airport, and the use of U.S. flag air carrier service would extend the time in a travel status, including delay at origin and accelerated arrival at destination by at least 24 hours more than travel by foreign air carrier. **Note: this waiver section may have had some limited applications when the Act was established back in the 1970's, but as of this time the Federal waiver list recognizes only one such case, a single flight that originates to and from Mongolia.**
- At an interchange point (**Gateway Airport**), and the use of U.S. flag air carrier service would require the traveler to wait 4 hours or more to make connections at that (**Gateway Airport**) to the traveler's final destination abroad.

In conclusion, we in travel attempt to meet the full compliance of the Fly America Act and its application to our business. There are in fact additional provisions to the Fly America Act which deal with travel between two or more points outside of the

United States and as a general rule, as a best business practice, we should always use U.S. flag carriers even if doing so adds cost and or travel time to our travelers' itineraries. Using U.S. flag carriers to the fullest extent possible assures that our University stays in compliance with government regulations concerning travel when using **Federal** funding.

Code Sharing

Since the Fly America Act was established, many changes have taken place within the airline industry. One change, which affects the Act, is the use of Code Sharing among airlines. On September 25, 1991, the Comptroller General released a decision allowing the use of foreign airlines that have a Code Sharing agreement with U.S. air carriers. The decision proclaims that using a foreign carrier that has a Code Sharing agreement with U.S. air carriers is to be considered transportation provided by a U.S. air carrier for the purposes of the Fly America Act. The final ruling also establishes that the ticket stock or documentation for electronic tickets must identify the U.S. airlines designator code and flight number to be in compliance with the Act. **Note: as an example the traveler is on a British Airlines plane, the ticket stock does not have to be of a U.S. carrier, but the document must show a U.S. airlines designator code and flight number to an acceptable Code Sharing ticket. Example: UA111 for United flight 111 or AK205 for Alaska Airlines flight 205. In most cases these Code Share seats will cost more than the same seat on the same flight that is not a Code Share.**

Finally, it must be said that the University Of Alaska will endeavor to meet all aspects of the Fly America Act. A failure to do so is not an option. The success of our University is based in part on our ability to receive **Federal** funding and we must all ensure that we continue to be committed to be fully compliant to all government Regulations.

Dale A Anderson
Travel Manager UAF