

FLY AMERICA ACT

Excerpted from the National Science Foundation's Award and Administration Guide

VI. Other Post Award Requirements and Considerations

G. International Considerations

1. Travel to Foreign Countries

b. Use of U.S.-Flag Air Carriers

(i) The General Services Administration issued an amendment to the Federal Travel Regulations in the November 13, 1998 edition of the Federal Register (Vol. 63, No. 219). The amendment relates to the use of U.S. Flag air carriers under the provisions of 49 USC §40118, which is commonly referred to as the Fly America Act.

(ii) Any air transportation to, from, between or within a country other than the U.S. of persons or property, the expense of which will be assisted by NSF funding, must be performed by, or under a code-sharing arrangement with, a U.S.-Flag air carrier if service provided by such a carrier is "available" (see Comp. Gen. Decision B-240956, dated September 25, 1991). Tickets (or documentation for electronic tickets) must identify the U.S.-Flag air carrier's designator code and flight number.

(iii) For the purposes of this requirement, U.S.-Flag air carrier service is considered "available" even though:

(a) comparable or a different kind of service can be provided at less cost by a Foreign-Flag air carrier;

(b) Foreign-Flag air carrier service is preferred by or is more convenient for NSF or traveler; or

(c) service by a Foreign-Flag air carrier can be paid for in excess foreign currency.

(iv) The following rules apply unless their application would result in the first or last leg of travel from or to the U.S. being performed by a Foreign-Flag air carrier:

(a) a U.S.-Flag air carrier shall be used to destination or, in the absence of direct or through service, to the farthest interchange point on a usually traveled route;

(b) if a U.S.-Flag air carrier does not serve an origin or interchange point, a Foreign-Flag air carrier shall be used only to the nearest interchange point on a usually traveled route to connect with a U.S.-Flag air carrier; or

(c) if a U.S.-Flag air carrier involuntarily reroutes the traveler via a Foreign-Flag carrier, the Foreign-Flag air carrier may be used notwithstanding the availability of alternative U.S.-Flag air carrier service.

c. Use of Foreign-Flag Air Carriers

(i) Travel To and From the U.S. Use of a Foreign-Flag air carrier is permissible if the airport abroad is:

(a) the traveler's origin or destination airport, and use of U.S.-Flag air carrier service would extend the time in a travel status by at least 24 hours more than travel by a Foreign-Flag carrier; or

(b) an interchange point, and use of U.S.-Flag air carrier service would increase the number of aircraft changes the traveler must make outside of the U.S. by 2 or more, would require the traveler to wait four hours or more to make connections at that point, or would extend the time in a travel status by at least six hours more than travel by a Foreign-Flag air carrier.

(ii) Travel Between Points Outside the U.S. Use of a Foreign-Flag air carrier is permissible if travel by a:

(a) Foreign-Flag air carrier would eliminate two or more aircraft changes en route;

(b) U.S.-Flag air carrier would extend the time in a travel status by at least six hours more than travel by a Foreign-Flag air carrier and the travel is not part of the trip to or from the U.S.; or

(c) U.S.-Flag air carrier would require a connecting time of four hours or more at an overseas interchange point.

(iii) Short Distance Travel. For all short distance travel, regardless of origin and destination, use of a Foreign-Flag air carrier is permissible if the elapsed travel time on a scheduled flight from origin to destination airport by a Foreign-Flag air carrier is three hours or less and service by a U.S.-Flag air carrier would double the travel time.

2. Charter Flights

Because of the risk of catastrophic loss, NSF does not encourage the use of charter flights as a means of mass transportation for groups of scientists and engineers nor does it make arrangements for purchase of charter flight airline tickets.