Fly America Act

In accordance with the Fly America Act (49 U.S.C. 40118), international travel that is federally funded, must be performed by a U.S. flag air carrier or under a code-sharing arrangement with a U.S. flag air carrier even if the cost of using a U.S. flag air carrier is more expensive than using a foreign flag air carrier.

Code-sharing is an industry practice whereby an airline puts its code on the flight of another airline in order to coordinate services and to market the flight as if it was their own. This practice complies with the Fly American Act as long as the boarding pass or ticket identifies the U.S. air carrier’s designator code and flight number.

For example, if a Japanese airline carrier has a code-sharing agreement with American Airlines, the flight should be coded as AA### for American Airlines and the flight ### even though the flight is on a foreign air carrier.

Exceptions to the Fly America Act

1. Airline Open Skies Agreements – A foreign flag air carrier may be used if the transportation provided is under a bilateral or multilateral air transportation agreement between the United States and a foreign government, and which the Department of Transportation has determined meets the requirements of the Fly America Act.
   a. Open Skies Agreements do not apply to travel funded by the Department of Defense (DoD).
2. A matter of necessity- U.S flag air carrier cannot provide the air transportation needed, medical reasons, to avoid an unreasonable risk to a traveler’s safety, traveler cannot purchase a ticket in an authorized class of service on a U.S. flag air carrier, but the authorized class of service is available on a foreign air carrier.
3. No U.S. air carrier provides service on a particular leg of your route - A foreign air carrier can be used only to or from the nearest interchange point to connect with a U.S. flag air carrier.
4. Involuntary Rerouting – if a U.S. flag air carrier involuntarily reroutes the traveler via a foreign air carrier.
5. Shorten travel time – if service on a foreign air carrier is three hours or less and the use of a U.S flag air carrier doubles en route travel time. If a foreign air carrier would eliminate two or more aircraft changes en route. If use of a U.S. flag air carrier on a nonstop flight extends travel time by 24 hours or more.