



United States
Department of
Agriculture

Farm and Foreign
Agricultural
Services

Foreign
Agricultural
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TASC 16-002

SUBJECT: Federal Travel Regulation and the U.S.–European Union, Switzerland, Australia, and Japan Open Skies Agreements

TO: All Program Participants

This program notice supplants the program notice entitled “Fly America Act and the European Union (EU) Open Skies Agreement” published on April 15, 2011.

Background: The Federal Travel Regulation (FTR) is the regulation contained in 41 CFR, Chapters 300 through 304, that implements statutory requirements and Executive branch policies for travel by Federal civilian employees and others authorized to travel at Government expense.

Under the authority granted by the Fly America Act (49 U.S.C. 40118), the FTR requires the use of U.S. flag air carrier service for all air travel funded by the U.S. Government, with limited exceptions.

The guidance in this program notice applies only to non–U.S. Government travelers whose travel is funded through the FAS market development programs.

Guidance: One exception provided by the FTR to the requirement to use U.S. flag carriers is the use of foreign carriers authorized through an Open Skies agreement. Although the U.S. Department of State has negotiated more than 100 Open Skies agreements with foreign countries, only four of those agreements (i.e., between the United States and the European Union, Switzerland, Australia, and Japan) currently provide for the use of foreign carriers in lieu of U.S. carriers in certain situations.

Within the provisions of those four Open Skies agreements, the following offer possible exceptions to the FTR’s requirement to use U.S. flag carriers:

U.S.–EU Open Skies Agreement

FAS–funded travel can be performed by an EU flag carrier in the following situations:

Note: For the purposes of the U.S.–EU Open Skies Agreement, Iceland and Norway are included as part of the EU, but Croatia is not.

1. Travel between the United States and any point within the EU (including Iceland and Norway but excluding Croatia).

Examples of eligible travel include:

- Frankfurt to New York City
- Vienna to Toronto to Denver
- Boston to Oslo

2. Travel between the United States and any point outside of the EU as long as the EU flight originates, stops, or terminates in the EU. Travelers do not need to fly on all of the legs of a multi–stop EU flight to claim the exception.

Examples of eligible travel include:

- From Miami to Moscow via Munich
- From Istanbul to Memphis via Amsterdam
- From Abu Dhabi to San Francisco on a flight that operates from Rome to Abu Dhabi to San Francisco
- From Atlanta to Mexico City on a flight that operates from Frankfurt to Atlanta to Mexico City
- From Rio de Janeiro to New York City on a flight that operates from Rio de Janeiro to New York City to Madrid
- From Cleveland to Montreal on a flight that operates from Cleveland to Montreal to Barcelona

3. Travel between any two points outside of the United States.

U.S.–Switzerland, U.S.–Australia, and U.S.–Japan Open Skies Agreements

FAS–funded travel can be performed by a Swiss, Australian, or Japanese flag carrier in the following situations:

1. Travelers flying between the United States and Switzerland, Australia, or Japan may fly on a flag airline of the country to/from which they are traveling **as long as there is no General Services Administration (GSA) City Pair contract fare in effect** between their origin and destination points. The GSA’s City Pair Program offers U.S. Government–negotiated fares for flights between certain cities. To check whether or not a contract fare is in effect, use the GSA’s Airline City Pairs search tool at <https://cpsearch.fas.gsa.gov/>.
2. Travel between any two points outside of the United States.

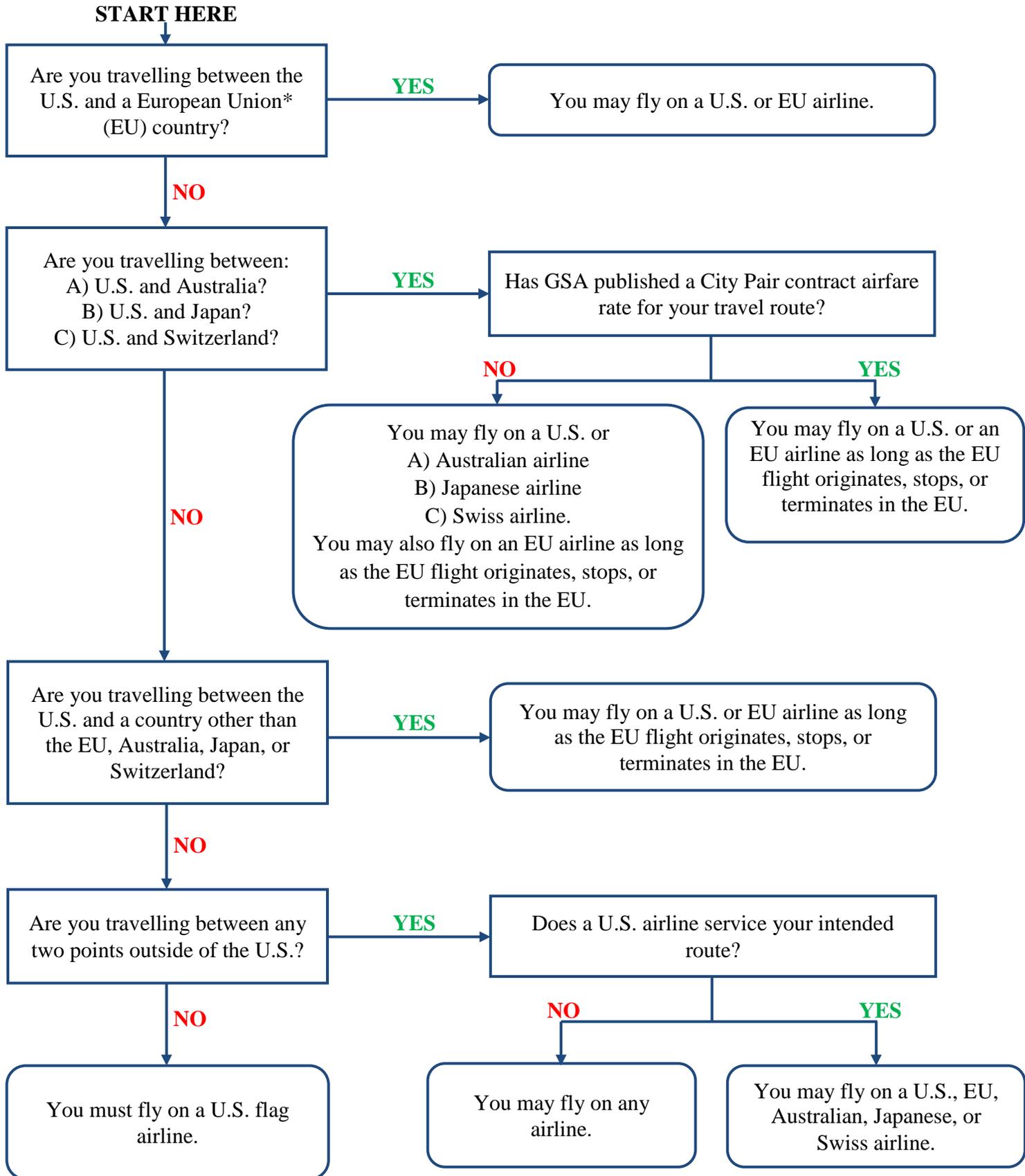
An Open Skies Agreement decision matrix is attached that can help participants determine whether or not non-U.S. carriers may be used for anticipated travel.

Participants who are claiming an exception to the requirement to use U.S. flag air carrier service are reminded to maintain and provide FAS with proper supporting documentation to justify the use of the foreign air carrier (refer to FTR §301–10.141 and §301–10.142 for further guidance).

/s/

Curt Alt
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Open Skies Agreement Decision Matrix for FAS Program–Funded Travel



*Iceland and Norway are considered part of the EU for the purposes of the EU Open Skies Agreement. Croatia, however, is excluded from the Agreement.