



Department of Energy

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AUG 24 2011

Dr. Bruce L. Chrisman
Chief Operating Officer
Fermilab
P.O. Box 500
Batavia, IL 60510

Dear Dr. Chrisman:

SUBJECT: OPEN SKIES AGREEMENTS

In accordance with General Services Administration (GSA) Bulletin of Federal Travel Regulations (FTR) 11-02, the Management and Operating Contractors are now allowed to use Open Skies Agreements in conjunction with the Fly America Act.

The Fly America Act (49 U.S.C. Section 40118) provides exception for "transportation of passengers and property by a foreign air carrier if the transportation is provided under a bilateral or multilateral air transportation agreement." Therefore, foreign air carriers may be used, provided that the transportation is approved under an agreement, referred to as an "Open Skies Agreement", between the U.S. Government and the government of the foreign country which flags the air carrier. Countries that currently have an Open Skies Agreement in place with the U.S. include: Australia, Switzerland, and the European Union.

For costs to be allowable when a foreign air carrier is used in accordance with the Open Skies Agreement, the traveler must submit a certification (statement) along with his/her travel voucher in accordance with FTR 301-10.142. The certification must include: (1) Traveler's name, (2) Date of travel, (3) Origin and destination of travel, (4) Detailed itinerary of travel, name of air carrier and flight number for each leg of the trip; and (5) Statement regarding use of Open Skies Agreement in accordance with the FAR 47.403-2 and FTR 301-10.135(b). Any reimbursed vouchers that are not found to contain proper documentation may be deemed unallowable by the Contracting Officer.

Sincerely,

Rory S. Simpson
Contracting Officer

cc: G. Leonard, Fermilab
C. Conger, Fermilab
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