To ensure that authorizations issued by the Secretary of Transportation to foreign air carriers do not undermine labor rights or standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DeFazio (for himself, Mr. Larsen of Washington, Mr. Rodney Davis of Illinois, Mr. Ferguson, and Ms. Davids of Kansas) introduced the following bill; which was referred to the Committee on

A BILL

To ensure that authorizations issued by the Secretary of Transportation to foreign air carriers do not undermine labor rights or standards, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Fair and Open Skies
5 Act”.
SEC. 2. FOREIGN AIR TRANSPORTATION UNDER UNITED STATES-EUROPEAN UNION AIR TRANSPORT AGREEMENT.

The Secretary of Transportation may not issue a permit under section 41302 of title 49, United States Code, or an exemption under section 40109 of such title, authorizing a person to provide foreign air transportation as a foreign air carrier under the United States-European Union Air Transport Agreement of April 2007 (as amended), unless the Secretary—

(1) finds that issuing the permit or exemption would be consistent with Article 17 bis of the Agreement; and

(2) imposes on the permit or exemption such conditions as may be necessary to ensure that the person complies with Article 17 bis.

SEC. 3. PUBLIC INTEREST TEST.

Section 41302(2) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking “under an agreement with the United States Government; or” and inserting “; and”; and

(2) in subparagraph (B) by striking “the foreign air transportation” and inserting “after considering the totality of the circumstances, including the
Sec. 4. Public Interest Requirements.

(a) Policy.—Section 40101(a) of title 49, United States Code, is amended by adding at the end the following:

“(17) preventing entry into United States markets by flag of convenience carriers.

“(18) preventing the undermining of labor standards.”.

(b) International Air Transportation.—Section 40101(e)(9) of title 49, United States Code, is amended—

(1) in subparagraph (D) by striking “and” at the end;

(2) in subparagraph (E) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) undermining labor standards.”.

(c) Flag of Convenience Carrier Defined.—Section 40102(a) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (21) through (47) as paragraphs (22) through (48), respectively; and
(2) by inserting after paragraph (20) the following:

“(21) ‘flag of convenience carrier’ means a foreign air carrier that is established in a country other than the home country of its majority owner or owners in order to avoid regulations of the home country.”