

**AMENDMENT TO H.R. 2997**  
**OFFERED BY MR. LOBIONDO OF NEW JERSEY**

Add at the end of title VI of the bill insert the following:

1 **SEC. 6 \_\_\_\_ . FOREIGN AIR TRANSPORTATION UNDER UNITED**  
2 **STATES-EUROPEAN UNION AIR TRANSPORT**  
3 **AGREEMENT.**

4 (a) CERTAIN FOREIGN AIR TRANSPORTATION PER-  
5 MITS.—The Secretary of Transportation may not issue a  
6 permit under section 41302 of title 49, United States  
7 Code, or an exemption under section 40109 of such title,  
8 authorizing a person to provide foreign air transportation  
9 as a foreign air carrier under the United States-European  
10 Union Air Transport Agreement of April 2007 (as amend-  
11 ed) in a proceeding in which the applicability of Article  
12 17 bis of such Agreement has been raised by an interested  
13 person, unless the Secretary—

14 (1) finds that issuing the permit or exemption  
15 would be consistent with the intent set forth in Arti-  
16 cle 17 bis of the Agreement, that opportunities cre-  
17 ated by the Agreement do not undermine labor  
18 standards or the labor-related rights and principles

1 contained in the laws of the respective parties to the  
2 Agreement; and

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

6 (b) PUBLIC INTEREST TEST.—Section 41302(2) of  
7 title 49, United States Code, is amended—

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

11 (2) in subparagraph (B) by striking “the for-  
12 eign air transportation” and inserting “after consid-  
13 ering the totality of the circumstances, including the  
14 factors set forth in section 40101(a), the foreign air  
15 transportation”.

16 (c) PUBLIC INTEREST REQUIREMENTS.—

17 (1) POLICY.—Section 40101(a) of title 49,  
18 United States Code, is amended by adding at the  
19 end the following:

20 “(17) preventing entry into United States mar-  
21 kets by flag of convenience carriers.”.

22 (2) INTERNATIONAL AIR TRANSPORTATION.—  
23 Section 40101(e)(9) of title 49, United States Code,  
24 is amended—

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

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

5 (C) by adding at the end the following:

6 “(F) erosion of labor standards associated  
7 with flag of convenience carriers.”.

8 (3) FLAG OF CONVENIENCE CARRIER DE-  
9 FINED.—Section 40102(a) of title 49, United States  
10 Code, is amended—

11 (A) by redesignating paragraphs (21)  
12 through (47) as paragraphs (22) through (48),  
13 respectively; and

14 (B) by inserting after paragraph (20) the  
15 following:

16 “(21) ‘flag of convenience carrier’ means a for-  
17 eign air carrier that is established in a country other  
18 than the home country of its majority owner or own-  
19 ers in order to avoid regulations of the home coun-  
20 try.”.

