

115TH CONGRESS
1ST SESSION

H. R. 2150

To ensure that permits issued by the Secretary of Transportation to foreign air carriers under the United States-European Union Air Transport Agreement of April 2007 do not undermine labor rights or standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2017

Mr. DEFAZIO (for himself, Mr. LOBIONDO, Mr. LARSEN of Washington, and Mr. FERGUSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To ensure that permits issued by the Secretary of Transportation to foreign air carriers under the United States-European Union Air Transport Agreement of April 2007 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 “Flags of Convenience
5 Don’t Fly Here Act”.

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

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

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

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

23 **SEC. 3. PUBLIC INTEREST TEST.**

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

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

4 (2) in subparagraph (B) by striking “the for-
5 eign air transportation” and inserting “after consid-
6 ering the totality of the circumstances, including the
7 factors set forth in section 40101(a), the foreign air
8 transportation”.

9 **SEC. 4. PUBLIC INTEREST REQUIREMENTS.**

10 (a) **POLICY.**—Section 40101(a) of title 49, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

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

15 (b) **INTERNATIONAL AIR TRANSPORTATION.**—Sec-
16 tion 40101(e)(9) of title 49, United States Code, is
17 amended—

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

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

22 (3) by adding at the end the following:

23 “(F) erosion of labor standards associated
24 with flag of convenience carriers.”.

1 (c) FLAG OF CONVENIENCE CARRIER DEFINED.—
2 Section 40102(a) of title 49, United States Code, is
3 amended—

4 (1) by redesignating paragraphs (21) through
5 (47) as paragraphs (22) through (48), respectively;
6 and

7 (2) by inserting after paragraph (20) the fol-
8 lowing:

9 “(21) ‘flag of convenience carrier’ means a for-
10 eign air carrier that is established in a country other
11 than the home country of its majority owner or own-
12 ers in order to avoid regulations of the home coun-
13 try.”.

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