



H.R. 3095
“Fair and Open Skies Act”

Section-by-Section Description

Section 1. Short title.

Provides the short title for this bill as the “Fair and Open Skies Act.”

Sec. 2. Foreign air transportation under United States-European Union Air Transport Agreement.

Precludes the U.S. Department of Transportation (DOT) from issuing a new foreign air carrier permit or exemption to a foreign airline that will fly between the United States and Europe under the U.S.-E.U.-Norway-Iceland Air Transport Agreement unless the permit or exemption is consistent with Article 17 *bis*—the agreement’s social clause ensuring open markets do not undermine fair labor standards and rights.

Sec. 3. Public interest test.

Requires DOT, when issuing a foreign air carrier permit to a foreign airline to operate to and from the United States, to make a finding that the foreign air service will be in the U.S. public interest.

Sec. 4. Public interest requirements.

Establishes that preventing entry into U.S. markets by foreign airlines exploiting flags of convenience or undermining labor standards is in the U.S. public interest, which DOT is required to consider when conducting economic regulation of air transportation.

Requires labor standards be considered by DOT and the State Department when formulating U.S. policy regarding international air transportation as well as negotiating open skies agreements with other countries.

Defines a “flag of convenience carrier” in statute as a foreign airline established in a country other than the home country of its majority owner(s) in order to avoid regulations of the home country.