

110TH CONGRESS  
1ST SESSION

# S. 1992

To preserve the recall rights of airline employees, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2007

Mrs. MCCASKILL introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To preserve the recall rights of airline employees, 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. PRESERVING RECALL RIGHTS OF AIRLINE EM-**  
4       **PLOYEES.**

5       (a) DEFINITIONS.—In this Act:

6           (1) AIR CARRIER.—The term “air carrier”  
7       means an air carrier that holds a certificate issued  
8       pursuant to chapter 411 of title 49, United States  
9       Code.

10          (2) COVERED EMPLOYEE.—The term “covered  
11       employee” means an employee who—

1 (A) is not a temporary employee; and

2 (B) is a member of a craft or class that is  
3 subject to the provisions of the Railway Labor  
4 Act (45 U.S.C. 151 et seq.).

5 (3) FURLOUGH.—The term “furlough” has the  
6 meaning given the term in section 7511 of title 5,  
7 United States Code.

8 (4) RECALL LIST.—The term “recall list”  
9 means a list of employees placed on furlough by an  
10 air carrier and is organized—

11 (A) by type of employment; and

12 (B) in descending order of seniority.

13 (b) RETENTION OF FURLOUGHED EMPLOYEES.—An  
14 air carrier that places a covered employee on furlough  
15 shall retain such employee on a recall list for not less than  
16 10 years after the date on which the air carrier placed  
17 such employee on furlough, if the air carrier—

18 (1) receives more than \$100,000,000 in finan-  
19 cial assistance from the Federal Government; and

20 (2) places such employee on furlough not later  
21 than 2 years after receiving such financial assist-  
22 ance.

23 (c) PREFERENCE.—An air carrier described in sub-  
24 section (b) shall, before employing a person who is not  
25 on the recall list, recall a covered employee from the recall

1 list required by subsection (b) if the employee was em-  
2 ployed in a position comparable to the position the air car-  
3 rier seeks to fill.

4 (d) ENFORCEMENT.—

5 (1) IN GENERAL.—A covered employee (includ-  
6 ing any labor organization that represents such em-  
7 ployee) may bring an action to enforce this Act, or  
8 the terms of an award or agreement resulting from  
9 arbitration or a settlement relating to the require-  
10 ments of this Act, in an appropriate district court of  
11 the United States.

12 (2) APPROPRIATE DISTRICT COURT.—The ap-  
13 propriate district court of the United States referred  
14 to in paragraph (1) shall be determined in accord-  
15 ance with section 1391 of title 28, United States  
16 Code.

17 (e) EFFECTIVE DATE.—

18 (1) IN GENERAL.—The provisions of this Act  
19 shall take effect on the date of the enactment of this  
20 Act.

21 (2) RETROACTIVE APPLICATION.—This Act  
22 shall apply to a covered employee of an air carrier,  
23 or successor air carrier, that received financial as-  
24 sistance before September 22, 2002, pursuant to

- 1 section 101(a) of the Air Transportation Safety and
- 2 System Stabilization Act (49 U.S.C. 40101 note).

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