

107TH CONGRESS  
1ST SESSION

# S. 1479

To require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2001

Mr. BOND 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 require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, 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 “Airline Workers Fair-  
5 ness Act”.

6 **SEC. 2. FAIR AND EQUITABLE RESOLUTION OF LABOR IN-**  
7 **TEGRATION ISSUES.**

8 (a) PURPOSE.—The purpose of this section is require  
9 procedures that ensure the fair and equitable resolution

1 of labor integration issues, in order to prevent further dis-  
2 ruption to transactions for the combination of air carriers,  
3 which would potentially aggravate the disruption caused  
4 by the attack on the United States on September 11,  
5 2001.

6 (b) DEFINITIONS.—In this Act:

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

10 (2) COVERED AIR CARRIER.—The term “cov-  
11 ered air carrier” means an air carrier that is in-  
12 volved in a covered transaction.

13 (3) COVERED EMPLOYEE.—The term “covered  
14 employee” means an employee who—

15 (A) is not a temporary employee; and

16 (B) is a member of a craft or class that is  
17 subject to the Railway Labor Act (45 U.S.C.  
18 151 et seq.).

19 (4) COVERED TRANSACTION.—The term “cov-  
20 ered transaction” means a transaction that—

21 (A) is a transaction for the combination of  
22 multiple air carriers into a single air carrier;

23 (B) involves the transfer of ownership or  
24 control of—

1 (i) 50 percent or more of the equity  
2 securities (as defined in section 101 of title  
3 11, United States Code) of an air carrier;  
4 or

5 (ii) 50 percent or more (by value) of  
6 the assets of the air carrier;

7 (C) was pending or had been completed  
8 during the period beginning on January 1,  
9 2001 and ending on September 11, 2001; and  
10 (D) did not result in the creation of a sin-  
11 gle air carrier by September 11, 2001.

12 (c) SENIORITY INTEGRATION.—In any covered trans-  
13 action involving a covered air carrier that leads to the  
14 combination of crafts or classes that are subject to the  
15 Railway Labor Act, sections 3 and 13 of the labor protec-  
16 tive provisions imposed by the Civil Aeronautics Board in  
17 the Allegheny-Mohawk merger (as published at 59 CAB  
18 45) shall apply to the covered employees of the covered  
19 air carrier, provided that where a collective bargaining  
20 agreement provides for application of sections 3 and 13  
21 in the process of seniority integration, the terms of collec-  
22 tive bargaining agreement shall govern the process and  
23 shall not be abrogated.

24 (d) ENFORCEMENT.—Any aggrieved person (includ-  
25 ing any labor organization that represents the person)

1 may bring an action to enforce this section, or the terms  
2 of any award or agreement resulting from arbitration or  
3 a settlement relating to the requirements of this section.  
4 The person may bring the action in an appropriate Fed-  
5 eral district court, determined in accordance with section  
6 1391 of title 28, United States Code, without regard to  
7 the amount in controversy.

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