To require small, medium, and large hub airports to certify that airport service workers are paid the prevailing wage and provided fringe benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GARCÍA of Illinois introduced the following bill; which was referred to the Committee on

A BILL

To require small, medium, and large hub airports to certify that airport service workers are paid the prevailing wage and provided fringe benefits, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Good Jobs for Good
Airports Act”.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:
(1) Safe and effective airport operations are essential to national commerce and the general welfare.

(2) A well-trained, stable workforce at our Nation’s airports is critical to ensuring public safety and security, as well as the health and safety of the public and protection from infectious diseases.

(3) The Federal Government has invested billions of dollars in creating and maintaining our Nation’s aviation infrastructure, reflecting the national interest in maintaining airports across the country.

(4) Airport services are most effective when the workforce providing those services is able to earn a living wage and able to secure adequate health benefit coverage. In fact, meeting the growing challenges of operating airports securely and efficiently requires the recruitment and retention of excellent staff in all of the classifications of employees who work in airport services and operations.

(5) Effective management of airports and effective airport security requires that workforce turnover be reduced and that the workforce be highly trained and highly motivated.

(6) In connection with setting workplace standards for those engaged in airport services, there is
a need to establish an orderly system that reconciles competing interests without undue disruption.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a mechanism for ensuring minimum workplace standards for individuals who work in airports whose operators are grantees of Federal assistance or derive revenue from fees authorized by the Federal Government; and

(2) to serve the best interests of the people of the United States by stabilizing the workplace conditions of the labor pool that supports our Nation’s airport operations.

SEC. 3. AMENDMENTS TO TITLE 49 OF THE UNITED STATES CODE TO ENSURE MINIMUM WAGE AND BENEFITS FOR COVERED SERVICE WORKERS.

(a) COVERED SERVICE WORKER DEFINITION.—Section 47102 of title 49, United States Code, is amended by adding at the end the following:

“(29) ‘covered service worker’—

“(A) means an individual who furnishes services for a small hub airport, medium hub airport, or large hub airport, performing—

“(i) functions on the property or premises of an airport that are related to
the air transportation of persons, property, or mail, including—

“(I) the loading or unloading of property on aircraft or a building or facility on the airport property;

“(II) assistance to passengers, including assistance under part 382 of title 14, Code of Federal Regulations;

“(III) security;

“(IV) airport ticketing or check-in functions;

“(V) ground-handling of aircraft or related equipment, excluding mechanical services, machinery maintenance, car service maintenance, services at maintenance-related stores, fueling, de-icing, or other mechanical functions;

“(VI) aircraft cleaning and sanitization functions or waste removal;

“(VII) cleaning within an airport terminal or other building or facility on the airport property;
“(VIII) transportation of employees or individuals within the airport property; or

“(IX) ramp agent functions;

“(ii) concessions services on the property of an airport, including—

“(I) food service, including food and beverage service, wait service, busing, cooks, or cashiers;

“(II) retail service, including retail related to news or gifts or duty-free retail services;

“(III) cleaning for concession services;

“(IV) security for concession services; or

“(V) airport lounge services, including food, retail, cleaning, or security services for or at an airport lounge;

“(iii) airline catering services (such as the preparation or assembly of food, beverages, provisions, or related supplies for delivery, and the delivery of such items, directly to aircraft or to a location on or
near airport property for subsequent delivery to aircraft at the airport); or

“(iv) food or beverage service, housekeeping, or hotel service at a hotel located on airport property;

“(B) includes an individual without regard to any contractual relationship alleged to exist between the individual and a contractor or subcontractor;

“(C) shall not include an individual employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in part 541 of title 29, Code of Federal Regulations; and

“(D) shall not include an employee of a State, municipality, or other political subdivision of a State or an authority created by an agreement between 2 or more States.”.

(b) AIRPORT IMPROVEMENT.—Section 47107 of title 49, United States Code, is amended by adding at the end the following:

“(x) LABOR STANDARDS FOR CERTAIN AIRPORT SERVICE JOBS.—

“(1) REQUIREMENT.—The Secretary of Transportation may approve a project grant application
under this subchapter for an airport development project at a small, medium, or large hub airport only if the Secretary receives written assurances, satisfac-
tory to the Secretary, that the airport owner or op-
erator will ensure that all covered service workers, including those subject to a collective bargaining agreement, employed by any employer at such air-
port shall be paid a wage and fringe benefits that are—

“(A) with respect to such wage, not less
than the higher of—

“(i) 15 dollars per hour;

“(ii) the minimum hourly wage for the appropriate locality and classification as determined in accordance with chapter 67 of title 41, United States Code (commonly
known as the ‘Service Contract Act’), by
the Secretary of Labor under paragraph
(2)(A)(i), adjusted annually to reflect any changes made by such Secretary in such determinations;

“(iii) the minimum hourly wage re-
quired under any Federal regulation, pol-
icy, or directive issued by the President
pursuant to subtitle I of title 40, United
States Code, for workers employed in the
performance of any Federal contract for
the procurement of services; or

“(iv) the minimum hourly wage re-
quired under an applicable State or local
minimum-wage law (including a regula-
tion) or policy, including the policy of a po-
itical subdivision of a State or an author-
ity created by a compact between 2 or
more States or 1 or more States and the
District of Columbia, that applies to cov-
ered service workers; and

“(B) with respect to such fringe benefits,
not less than the higher of—

“(i) the minimum fringe benefits for
the appropriate locality and classification
as determined in accordance with chapter
67 of title 41, United States Code (com-
monly known as the ‘Service Contract
Act’), by the Secretary of Labor under
paragraph (2)(A)(i), adjusted annually to
reflect any changes made by such Sec-
retary in such determinations; or

“(ii) the minimum fringe benefits re-
quired under an applicable State or local
law (including a regulation) or policy, including the policy of a political subdivision of a State or an authority created by a compact between 2 or more States or 1 or more States and the District of Columbia, that applies to covered service workers.

“(2) Classifications and Wage Determinations.—

“(A) In general.—The Secretary of Labor shall—

“(i) not later than 90 days after the date of enactment of this subsection and in accordance with subparagraph (B), issue a wage determination with minimum hourly wage and fringe benefits under chapter 67 of title 41, United States Code (commonly known as the ‘Service Contract Act’), appropriate for each class of covered service worker for purposes of subparagraphs (A)(ii) and (B)(i) of paragraph (1); and

“(ii) not later than 90 days after the date of enactment of this subsection and annually thereafter, provide to the Secretary of Transportation the applicable minimum hourly wage and fringe benefits
required for purposes of such paragraph
with respect to each such class of covered
service worker.

“(B) NEW OCCUPATIONAL CATEGORIES.—
In issuing the wage determinations under sub-
paragraph (A)(i), the Secretary of Labor—

“(i) shall ensure that each class of
covered service worker is classified appro-
priately in a category of occupation covered
under chapter 67 of title 41, United States
Code; and

“(ii) to the extent needed to carry out
clause (i), may establish 1 or more new
categories of occupation covered under
chapter 67 of title 41, United States Code,
to ensure that all classes of covered service
workers have an appropriate determination
of minimum hourly wage and fringe bene-
fits.

“(3) AIRPORT SPONSOR CERTIFICATION.—

“(A) REQUIREMENT.—

“(i) IN GENERAL.—An airport spon-
sor subject to the requirement under para-
graph (1) shall certify to the Secretary, on
an annual basis, that each covered service
worker, including those subject to a collective bargaining agreement, is paid a wage and fringe benefits that comply with the requirements described in subparagraphs (A) and (B) of such paragraph.

“(ii) EVIDENCE OF CERTIFICATION.—

Where certification is required under clause (i), an airport sponsor shall obtain from each entity that employs a covered service worker a certification that each such covered service worker at such airport is paid a wage and fringe benefits that comply with the requirements described in subparagraphs (A) and (B) of paragraph (1).

“(B) COMPLIANCE REPORT.—In order to ensure compliance, an airport sponsor subject to the requirement under paragraph (1) shall require any entity that employs a covered service worker at such airport to submit a report to the airport sponsor, on an annual basis, certifying compliance with the requirements described in subparagraphs (A) and (B) of paragraph (1).
“(4) NON-PREEMPTION OF STATE OR LOCAL LAWS.—Nothing in this subsection shall preempt any State or local law (including a regulation) or policy that requires a higher minimum wage or otherwise requires greater benefits or protections for covered service workers than the requirements of this subsection.”.

(c) PASSENGER FACILITY CHARGES.—Section 40117(d) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

“(4) the eligible agency has certified that it is in compliance with the requirements under section 47107(x), if such requirements apply to the eligible agency;”.

(d) DISCRETIONARY GRANT.—Section 47115(d)(2) of title 49, United States Code, is amended—

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

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following:

“(C) the sponsor is in compliance with the requirements under section 47107(x), if such requirements apply to the sponsor.”.

SEC. 4. RESTRICTION ON THE USE OF CERTAIN FUNDS UNDER THE INFRASTRUCTURE INVESTMENT AND JOBS ACT.

(a) AIRPORT INFRASTRUCTURE GRANTS.—The amounts made available under the heading “AIRPORT INFRASTRUCTURE GRANTS (INCLUDING TRANSFER OF FUNDS)” under the heading “FEDERAL AVIATION ADMINISTRATION” in title VIII of division J of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1416) shall only be made available to a person who is in compliance with the labor standards for covered service workers, as required by the Secretary of Transportation under section 47107(x) of title 49, United States Code (as added by section 3(b)).

(b) AIRPORT TERMINAL PROGRAM.—The amounts made available under the heading “AIRPORT TERMINAL PROGRAM” under the heading “FEDERAL AVIATION ADMINISTRATION” in title VIII of division J of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1418) shall only be made available to a person who is in compliance with the labor standards for covered
service workers, as required by the Secretary of Transportation under section 47107(x) of title 49, United States Code (as added by section 3(b)).