

117TH CONGRESS
2D SESSION

H. R. 8105

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

JUNE 16, 2022

Mr. GARCÍA of Illinois (for himself, Ms. NORTON, Ms. BARRAGÁN, Ms. BASS, Mr. BLUMENAUER, Mr. BOWMAN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CASTEN, Mr. CONNOLLY, Ms. DEAN, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ESPAILLAT, Mr. EVANS, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEVIN of Michigan, Mrs. CAROLYN B. MALONEY of New York, Mr. MEEKS, Mr. NADLER, Mrs. NAPOLITANO, Mr. NORCROSS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. POCAN, Ms. PRESSLEY, Mr. RASKIN, Ms. SCANLON, Ms. SCHAKOWSKY, Ms. SHERRILL, Mr. SIRES, Ms. TITUS, Mr. TONKO, Mr. TORRES of New York, Mr. TRONE, Mr. VARGAS, Ms. VELÁZQUEZ, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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.

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

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS; PURPOSES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Safe and effective airport operations are es-
7 sential to national commerce and the general wel-
8 fare.

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

13 (3) The Federal Government has invested bil-
14 lions of dollars in creating and maintaining our Na-
15 tion’s aviation infrastructure, reflecting the national
16 interest in maintaining airports across the country.

17 (4) Airport services are most effective when the
18 workforce providing those services is able to earn a
19 living wage and able to secure adequate health ben-
20 efit coverage. In fact, meeting the growing chal-
21 lenges of operating airports securely and efficiently
22 requires the recruitment and retention of excellent
23 staff in all of the classifications of employees who
24 work in airport services and operations.

25 (5) Effective management of airports and effec-
26 tive airport security requires that workforce turnover

1 be reduced and that the workforce be highly trained
 2 and highly motivated.

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

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

8 (1) to provide a mechanism for ensuring min-
 9 imum workplace standards for individuals who work
 10 in airports whose operators are grantees of Federal
 11 assistance or derive revenue from fees authorized by
 12 the Federal Government; and

13 (2) to serve the best interests of the people of
 14 the United States by stabilizing the workplace condi-
 15 tions of the labor pool that supports our Nation’s
 16 airport operations.

17 **SEC. 3. AMENDMENTS TO TITLE 49 OF THE UNITED STATES**

18 **CODE TO ENSURE MINIMUM WAGE AND BEN-**

19 **EFITS FOR COVERED SERVICE WORKERS.**

20 (a) COVERED SERVICE WORKER DEFINITION.—Sec-
 21 tion 47102 of title 49, United States Code, is amended
 22 by adding at the end the following:

23 “(29) ‘covered service worker’—

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

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

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

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

14 “(III) security;

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

17 “(V) ground-handling of aircraft
18 or related equipment, excluding me-
19 chanical services, machinery mainte-
20 nance, car service maintenance, serv-
21 ices at maintenance-related stores,
22 fueling, de-icing, or other mechanical
23 functions;

24 “(VI) aircraft cleaning and sani-
25 tization functions or waste removal;

1 “(VII) cleaning within an airport
2 terminal or other building or facility
3 on the airport property;

4 “(VIII) transportation of employ-
5 ees or individuals within the airport
6 property; or

7 “(IX) ramp agent functions;

8 “(ii) concessions services on the prop-
9 erty of an airport, including—

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

13 “(II) retail service, including re-
14 tail related to news or gifts or duty-
15 free retail services;

16 “(III) cleaning for concession
17 services;

18 “(IV) security for concession
19 services; or

20 “(V) airport lounge services, in-
21 cluding food, retail, cleaning, or secu-
22 rity services for or at an airport
23 lounge;

24 “(iii) airline catering services (such as
25 the preparation or assembly of food, bev-

erages, 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:

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

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

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

16 “(i) 15 dollars per hour;

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

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

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

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

19 “(i) the minimum fringe benefits for
20 the appropriate locality and classification
21 as determined in accordance with chapter
22 67 of title 41, United States Code (com-
23 monly known as the ‘Service Contract
24 Act’), by the Secretary of Labor under
25 paragraph (2)(A)(i), adjusted annually to

1 reflect any changes made by such Sec-
2 retary in such determinations; or

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

11 “(2) CLASSIFICATIONS AND WAGE DETERMINA-
12 TIONS.—

13 “(A) IN GENERAL.—The Secretary of
14 Labor shall—

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

1 “(ii) not later than 90 days after the
2 date of enactment of this subsection and
3 annually thereafter, provide to the Sec-
4 retary of Transportation the applicable
5 minimum hourly wage and fringe benefits
6 required for purposes of such paragraph
7 with respect to each such class of covered
8 service worker.

9 “(B) NEW OCCUPATIONAL CATEGORIES.—

10 In issuing the wage determinations under sub-
11 paragraph (A)(i), the Secretary of Labor—

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

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

25 “(3) AIRPORT SPONSOR CERTIFICATION.—

1 “(A) REQUIREMENT.—

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

11 “(ii) EVIDENCE OF CERTIFICATION.—

12 Where certification is required under
13 clause (i), an airport sponsor shall obtain
14 from each entity that employs a covered
15 service worker a certification that each
16 such covered service worker at such airport
17 is paid a wage and fringe benefits that
18 comply with the requirements described in
19 subparagraphs (A) and (B) of paragraph
20 (1).

21 “(B) COMPLIANCE REPORT.—In order to
22 ensure compliance, an airport sponsor subject
23 to the requirement under paragraph (1) shall
24 require any entity that employs a covered serv-
25 ice worker at such airport to submit a report to

1 the airport sponsor, on an annual basis, certi-
2 fying compliance with the requirements de-
3 scribed in subparagraphs (A) and (B) of para-
4 graph (1).

5 “(4) NON-PREEMPTION OF STATE OR LOCAL
6 LAWS.—Nothing in this subsection shall preempt
7 any State or local law (including a regulation) or
8 policy that requires a higher minimum wage or oth-
9 erwise requires greater benefits or protections for
10 covered service workers than the requirements of
11 this subsection.”.

12 (c) PASSENGER FACILITY CHARGES.—Section
13 40117(d) of title 49, United States Code, is amended—

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

16 (2) by redesignating paragraph (4) as para-
17 graph (5); and

18 (3) by inserting after paragraph (3) the fol-
19 lowing:

20 “(4) the eligible agency has certified that it is
21 in compliance with the requirements under section
22 47107(x), if such requirements apply to the eligible
23 agency;”.

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

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

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

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

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

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

12 (a) AIRPORT INFRASTRUCTURE GRANTS.—The
13 amounts made available under the heading “AIRPORT IN-
14 FRASTRUCTURE GRANTS (INCLUDING TRANSFER OF
15 FUNDS)” under the heading “FEDERAL AVIATION ADMIN-
16 ISTRATION” in title VIII of division J of the Infrastructure
17 Investment and Jobs Act (Public Law 117–58; 135 Stat.
18 1416) shall only be made available to a person who is in
19 compliance with the labor standards for covered service
20 workers, as required by the Secretary of Transportation
21 under section 47107(x) of title 49, United States Code (as
22 added by section 3(b)).

23 (b) AIRPORT TERMINAL PROGRAM.—The amounts
24 made available under the heading “AIRPORT TERMINAL
25 PROGRAM” under the heading “FEDERAL AVIATION AD-

1 MINISTRATION” in title VIII of division J of the Infra-
2 structure Investment and Jobs Act (Public Law 117–58;
3 135 Stat. 1418) shall only be made available to a person
4 who is in compliance with the labor standards for covered
5 service workers, as required by the Secretary of Transpor-
6 tation under section 47107(x) of title 49, United States
7 Code (as added by section 3(b)).

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