

117TH CONGRESS
2D SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and 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.

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 “Good Jobs for Good
5 Airports Act”.

6 **SEC. 2. FINDINGS; PURPOSES.**

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

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

4 (2) A well-trained, stable workforce at our Na-
5 tion's airports is critical to ensuring public safety
6 and security, as well as the health and safety of the
7 public and protection from infectious diseases.

8 (3) The Federal Government has invested bil-
9 lions of dollars in creating and maintaining our Na-
10 tion's aviation infrastructure, reflecting the national
11 interest in maintaining airports across the country.

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

20 (5) Effective management of airports and effec-
21 tive airport security requires that workforce turnover
22 be reduced and that the workforce be highly trained
23 and highly motivated.

24 (6) In connection with setting workplace stand-
25 ards for those engaged in airport services, there is

1 a need to establish an orderly system that reconciles
2 competing interests without undue disruption.

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

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

9 (2) to serve the best interests of the people of
10 the United States by stabilizing the workplace condi-
11 tions of the labor pool that supports our Nation’s
12 airport operations.

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

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

15 **EFITS FOR COVERED SERVICE WORKERS.**

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

19 “(29) ‘covered service worker’—

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

23 “(i) functions on the property or
24 premises of an airport that are related to

1 the air transportation of persons, property,
2 or mail, including—

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

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

9 “(III) security;

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

12 “(V) ground-handling and main-
13 tenance of aircraft or related equip-
14 ment;

15 “(VI) aircraft cleaning and sani-
16 tization functions or waste removal;

17 “(VII) cleaning within an airport
18 terminal or other building or facility
19 on the airport property; or

20 “(VIII) transportation of employ-
21 ees or individuals within the airport
22 property;

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

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

4 “(II) retail service, including re-
5 tail related to news or gifts or duty-
6 free retail services;

7 “(III) cleaning for concession
8 services;

9 “(IV) security for concession
10 services; or

11 “(V) airport lounge services, in-
12 cluding food, retail, cleaning, or secu-
13 rity services for or at an airport
14 lounge;

15 “(iii) airline catering services (such as
16 the preparation or assembly of food, bev-
17 erages, provisions, or related supplies for
18 delivery, and the delivery of such items, di-
19 rectly to aircraft or to a location on or
20 near airport property for subsequent deliv-
21 ery to aircraft at the airport); or

22 “(iv) food or beverage service, house-
23 keeping, or hotel service at a hotel located
24 on airport property;

1 “(B) includes an individual without regard
2 to any contractual relationship alleged to exist
3 between the individual and a contractor or sub-
4 contractor;

5 “(C) shall not include an individual em-
6 ployed in a bona fide executive, administrative,
7 or professional capacity, as those terms are de-
8 fined in part 541 of title 29, Code of Federal
9 Regulations; and

10 “(D) shall not include an employee of a
11 State, municipality, or other political subdivi-
12 sion of a State or an authority created by an
13 agreement between 2 or more States.”.

14 (b) AIRPORT IMPROVEMENT.—Section 47107 of title
15 49, United States Code, is amended by adding at the end
16 the following:

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

19 “(1) REQUIREMENT.—The Secretary of Trans-
20 portation may approve a project grant application
21 under this subchapter for an airport development
22 project at a small, medium, or large hub airport only
23 if the Secretary receives written assurances, satisfac-
24 tory to the Secretary, that the airport owner or op-
25 erator will ensure that all covered service workers,

1 including those subject to a collective bargaining
2 agreement, employed by any employer at such air-
3 port shall be paid a wage and fringe benefits that
4 are—

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

7 “(i) 15 dollars per hour;

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

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

24 “(iv) the minimum hourly wage re-
25 quired under an applicable State or local

1 minimum-wage law (including a regula-
2 tion) or policy, including the policy of a po-
3 litical subdivision of a State or an author-
4 ity created by a compact between 2 or
5 more States or 1 or more States and the
6 District of Columbia, that applies to cov-
7 ered service workers; and

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

10 “(i) the minimum fringe benefits for
11 the appropriate locality and classification
12 as determined in accordance with chapter
13 67 of title 41, United States Code (com-
14 monly known as the ‘Service Contract
15 Act’), by the Secretary of Labor under
16 paragraph (2)(A)(i), adjusted annually to
17 reflect any changes made by such Sec-
18 retary in such determinations; or

19 “(ii) the minimum fringe benefits re-
20 quired under an applicable State or local
21 law (including a regulation) or policy, in-
22 cluding the policy of a political subdivision
23 of a State or an authority created by a
24 compact between 2 or more States or 1 or

1 more States and the District of Columbia,
2 that applies to covered service workers.

3 “(2) CLASSIFICATIONS AND WAGE DETERMINA-
4 TIONS.—

5 “(A) IN GENERAL.—The Secretary of
6 Labor shall—

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

17 “(ii) not later than 90 days after the
18 date of enactment of this subsection and
19 annually thereafter, provide to the Sec-
20 retary of Transportation the applicable
21 minimum hourly wage and fringe benefits
22 required for purposes of such paragraph
23 with respect to each such class of covered
24 service worker.

1 “(B) NEW OCCUPATIONAL CATEGORIES.—

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

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

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

17 “(3) AIRPORT SPONSOR CERTIFICATION.—

18 “(A) REQUIREMENT.—

19 “(i) IN GENERAL.—An airport spon-
20 sor subject to the requirement under para-
21 graph (1) shall certify to the Secretary, on
22 an annual basis, that each covered service
23 worker, including those subject to a collec-
24 tive bargaining agreement, is paid a wage
25 and fringe benefits that comply with the

1 requirements described in subparagraphs
2 (A) and (B) of such paragraph.

3 “(ii) EVIDENCE OF CERTIFICATION.—

4 Where certification is required under
5 clause (i), an airport sponsor shall obtain
6 from each entity that employs a covered
7 service worker a certification that each
8 such covered service worker at such airport
9 is paid a wage and fringe benefits that
10 comply with the requirements described in
11 subparagraphs (A) and (B) of paragraph
12 (1).

13 “(B) COMPLIANCE REPORT.—In order to
14 ensure compliance, an airport sponsor subject
15 to the requirement under paragraph (1) shall
16 require any entity that employs a covered serv-
17 ice worker at such airport to submit a report to
18 the airport sponsor, on an annual basis, certi-
19 fying compliance with the requirements de-
20 scribed in subparagraphs (A) and (B) of para-
21 graph (1).

22 “(4) NON-PREEMPTION OF STATE OR LOCAL
23 LAWS.—Nothing in this subsection shall preempt
24 any State or local law (including a regulation) or
25 policy that requires a higher minimum wage or oth-

1 erwise requires greater benefits or protections for
2 covered service workers than the requirements of
3 this subsection.”.

4 (c) PASSENGER FACILITY CHARGES.—Section
5 40117(d) of title 49, United States Code, is amended—

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

8 (2) by redesignating paragraph (4) as para-
9 graph (5); and

10 (3) by inserting after paragraph (3) the fol-
11 lowing:

12 “(4) the eligible agency has certified that it is
13 in compliance with the requirements under section
14 47107(x), if such requirements apply to the eligible
15 agency;”.

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

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

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

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

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

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

4 (a) AIRPORT INFRASTRUCTURE GRANTS.—The
5 amounts made available under the heading “AIRPORT IN-
6 FRASTRUCTURE GRANTS (INCLUDING TRANSFER OF
7 FUNDS)” under the heading “FEDERAL AVIATION ADMIN-
8 ISTRATION” in title VIII of division J of the Infrastructure
9 Investment and Jobs Act (Public Law 117–58; 135 Stat.
10 1416) shall only be made available to a person who is in
11 compliance with the labor standards for covered service
12 workers, as required by the Secretary of Transportation
13 under section 47107(x) of title 49, United States Code (as
14 added by section 3(b)).

15 (b) AIRPORT TERMINAL PROGRAM.—The amounts
16 made available under the heading “AIRPORT TERMINAL
17 PROGRAM” under the heading “FEDERAL AVIATION AD-
18 MINISTRATION” in title VIII of division J of the Infra-
19 structure Investment and Jobs Act (Public Law 117–58;
20 135 Stat. 1418) shall only be made available to a person
21 who is in compliance with the labor standards for covered
22 service workers, as required by the Secretary of Transpor-
23 tation under section 47107(x) of title 49, United States
24 Code (as added by section 3(b)).