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2D SESSION

S. 4419

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

JUNE 16, 2022

Mr. MARKEY (for himself, Mr. BLUMENTHAL, Mr. SCHUMER, Mr. BOOKER, Mr. MERKLEY, Mr. MURPHY, Mr. PADILLA, Mr. SANDERS, Mr. VAN HOLLEN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 including assistance under part 382 of
8 title 14, Code of Federal Regulations;

9 “(III) security;

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

12 “(V) ground-handling of aircraft
13 or related equipment (but not includ-
14 ing mechanical services, machinery
15 maintenance, car service maintenance,
16 services at maintenance-related stores,
17 fueling, de-icing, or other mechanic-
18 related functions);

19 “(VI) aircraft cleaning and sani-
20 tization functions or waste removal;

21 “(VII) cleaning within an airport
22 terminal or other building or facility
23 on the airport property;

1 “(VIII) transportation of employ-
2 ees or individuals within the airport
3 property; or

4 “(IX) ramp agent functions;

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

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

10 “(II) retail service, including re-
11 tail related to news or gifts or duty-
12 free retail services;

13 “(III) cleaning for concession
14 services;

15 “(IV) security for concession
16 services; or

17 “(V) airport lounge services, in-
18 cluding food, retail, cleaning, or secu-
19 rity services for or at an airport
20 lounge;

21 “(iii) airline catering services (such as
22 the preparation or assembly of food, bev-
23 erages, provisions, or related supplies for
24 delivery, and the delivery of such items, di-
25 rectly to aircraft or to a location on or

1 near airport property for subsequent deliv-
 2 ery to aircraft at the airport); or

3 “(iv) food or beverage service, house-
 4 keeping, or hotel service at a hotel located
 5 on airport property;

6 “(B) includes an individual without regard
 7 to any contractual relationship alleged to exist
 8 between the individual and a contractor or sub-
 9 contractor;

10 “(C) shall not include an individual em-
 11 ployed in a bona fide executive, administrative,
 12 or professional capacity, as those terms are de-
 13 fined in part 541 of title 29, Code of Federal
 14 Regulations; and

15 “(D) shall not include an employee of a
 16 State, municipality, or other political subdivi-
 17 sion of a State or an authority created by an
 18 agreement between 2 or more States.”.

19 (b) AIRPORT IMPROVEMENT.—Section 47107 of title
 20 49, United States Code, is amended by adding at the end
 21 the following:

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

24 “(1) REQUIREMENT.—The Secretary of Trans-
 25 portation may approve a project grant application

1 under this subchapter for an airport development
2 project at a small, medium, or large hub airport only
3 if the Secretary receives written assurances, satisfac-
4 tory to the Secretary, that the airport owner or op-
5 erator will ensure that all covered service workers,
6 including those subject to a collective bargaining
7 agreement, employed by any employer at such air-
8 port shall be paid a wage and fringe benefits that
9 are—

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

12 “(i) 15 dollars per hour;

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

22 “(iii) the minimum hourly wage re-
23 quired under any Federal regulation, pol-
24 icy, or directive issued by the President
25 pursuant to subtitle I of title 40, United

1 States Code, for workers employed in the
2 performance of any Federal contract for
3 the procurement of services; or

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

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

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

24 “(ii) the minimum fringe benefits re-
25 quired under an applicable State or local

1 law (including a regulation) or policy, in-
 2 cluding the policy of a political subdivision
 3 of a State or an authority created by a
 4 compact between 2 or more States or 1 or
 5 more States and the District of Columbia,
 6 that applies to covered service workers.

7 “(2) CLASSIFICATIONS AND WAGE DETERMINA-
 8 TIONS.—

9 “(A) IN GENERAL.—The Secretary of
 10 Labor shall—

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

21 “(ii) not later than 90 days after the
 22 date of enactment of this subsection and
 23 annually thereafter, provide to the Sec-
 24 retary of Transportation the applicable
 25 minimum hourly wage and fringe benefits

1 required for purposes of such paragraph
2 with respect to each such class of covered
3 service worker.

4 “(B) NEW OCCUPATIONAL CATEGORIES.—

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

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

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

20 “(3) AIRPORT SPONSOR CERTIFICATION.—

21 “(A) REQUIREMENT.—

22 “(i) IN GENERAL.—An airport spon-
23 sor subject to the requirement under para-
24 graph (1) shall certify to the Secretary, on
25 an annual basis, that each covered service

1 worker, including those subject to a collec-
2 tive bargaining agreement, is paid a wage
3 and fringe benefits that comply with the
4 requirements described in subparagraphs
5 (A) and (B) of such paragraph.

6 “(ii) EVIDENCE OF CERTIFICATION.—

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

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

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

8 (c) PASSENGER FACILITY CHARGES.—Section
 9 40117(d) of title 49, United States Code, is amended—

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

12 (2) by redesignating paragraph (4) as para-
 13 graph (5); and

14 (3) by inserting after paragraph (3) the fol-
 15 lowing:

16 “(4) the eligible agency has certified that it is
 17 in compliance with the requirements under section
 18 47107(x), if such requirements apply to the eligible
 19 agency;”.

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

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

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

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

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

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

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

19 (b) AIRPORT TERMINAL PROGRAM.—The amounts
20 made available under the heading “AIRPORT TERMINAL
21 PROGRAM” under the heading “FEDERAL AVIATION AD-
22 MINISTRATION” in title VIII of division J of the Infra-
23 structure Investment and Jobs Act (Public Law 117–58;
24 135 Stat. 1418) shall only be made available to a person
25 who is in compliance with the labor standards for covered

- 1 service workers, as required by the Secretary of Transpor-
- 2 tation under section 47107(x) of title 49, United States
- 3 Code (as added by section 3(b)).

