

AMENDMENT TO H.R.
OFFERED BY MR. GARCÍA OF ILLINOIS

Add at the end the following:

1 **SEC. __. MINIMUM WORKPLACE STANDARDS FOR INDIVID-**
2 **UALS WORKING IN AIRPORTS.**

3 (a) AMENDMENTS TO TITLE 49 OF UNITED STATES
4 CODE TO ENSURE MINIMUM WAGE AND BENEFITS FOR
5 COVERED SERVICE WORKERS.—

6 (1) COVERED SERVICE WORKER DEFINITION.—

7 Section 47102 of title 49, United States Code, is
8 amended by adding at the end the following:

9 “(29) ‘covered service worker’—

10 “(A) means an individual who furnishes
11 services on the property or premises of a small
12 hub airport, medium hub airport, or large hub
13 airport, performing—

14 “(i) functions that are related to the
15 air transportation of persons, property, or
16 mail, including—

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

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

4 “(III) security;

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

7 “(V) ground-handling of aircraft
8 or related equipment (but not includ-
9 ing mechanical services, machinery
10 maintenance, car service maintenance,
11 services at maintenance-related stores,
12 fueling, de-icing, or other mechanic-
13 related functions);

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

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

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

22 “(IX) ramp agent functions;

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 to
6 whom the exemption under section 13(a)(1) of
7 the Fair Labor Standards Act of 1938 (29
8 U.S.C. 213(a)(1)) applies; and

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

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

16 “(z) LABOR STANDARDS FOR CERTAIN AIRPORT
17 SERVICE JOBS.—

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

1 agreement, employed by any employer at such air-
2 port shall be paid a wage and fringe benefits that
3 are—

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

6 “(i) 15 dollars per hour;

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

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

23 “(iv) the minimum hourly wage re-
24 quired under an applicable State or local
25 minimum wage law (including a regula-

tion) 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; and

“(B) with respect to such fringe benefits, not less than the greater 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 (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; or

“(ii) the minimum fringe benefits required 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.

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

3 “(A) IN GENERAL.—The Secretary of
4 Labor shall—

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

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

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

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

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

14 “(3) AIRPORT SPONSOR CERTIFICATION.—

15 “(A) REQUIREMENT.—

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

1 “(ii) EVIDENCE OF CERTIFICATION.—

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

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

20 “(C) COMPLIANCE AUTHORITY.—

21 “(i) IN GENERAL.—The Secretary of
22 Transportation shall have the authority to
23 ensure compliance with this subsection.

24 “(ii) GOOD FAITH COMPLIANCE BY
25 AIRPORT SPONSOR.—The Secretary of

1 Transportation may, at the Secretary’s dis-
2 cretion, determine that an airport sponsor
3 shall not be considered to be in violation of
4 this subsection upon a showing of good
5 faith compliance with the requirements of
6 subparagraphs (A) and (B).

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

14 (3) PASSENGER FACILITY CHARGES.—Section
15 40117(d) of title 49, United States Code, is amend-
16 ed—

17 (A) in paragraph (3), by striking “and” at
18 the end;

19 (B) by redesignating paragraph (4) as
20 paragraph (5); and

21 (C) by inserting after paragraph (3) the
22 following:

23 “(4) the eligible agency has certified that it is
24 in compliance with the requirements under section

1 47107(x), if such requirements apply to the eligible
2 agency; and”.

3 (4) DISCRETIONARY GRANT.—Section
4 47115(d)(2) of title 49, United States Code, is
5 amended—

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

8 (B) in subparagraph (B), by striking the
9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following:

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

14 (b) RESTRICTION ON USE OF CERTAIN FUNDS
15 UNDER INFRASTRUCTURE INVESTMENT AND JOBS
16 ACT.—

17 (1) AIRPORT INFRASTRUCTURE GRANTS.—The
18 amounts made available under the heading “AIR-
19 PORT INFRASTRUCTURE GRANTS (INCLUDING TRANS-
20 FER OF FUNDS)” under the heading “FEDERAL
21 AVIATION ADMINISTRATION” in title VIII of division
22 J of the Infrastructure Investment and Jobs Act
23 (Public Law 117–58; 135 Stat. 1416) shall only be
24 made available to a person who is in compliance with
25 the labor standards for covered service workers, as

1 required by the Secretary of Transportation under
2 section 47107(x) of title 49, United States Code (as
3 added by subsection (a)(2)).

4 (2) AIRPORT TERMINAL PROGRAM.—The
5 amounts made available under the heading “AIR-
6 PORT TERMINAL PROGRAM” under the heading
7 “FEDERAL AVIATION ADMINISTRATION” in title
8 VIII of division J of the Infrastructure Investment
9 and Jobs Act (Public Law 117–58; 135 Stat. 1418)
10 shall only be made available to a person who is in
11 compliance with the labor standards for covered
12 service workers, as required by the Secretary of
13 Transportation under section 47107(x) of title 49,
14 United States Code (as added by subsection (a)(2)).

