

.....
(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To require employers of airport service workers at small, medium, and large hub airports to ensure 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 employers of airport service workers at small, medium, and large hub airports to ensure 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 wage and bene-
25 fits standards for those engaged in airport services,

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

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

5 (1) to provide a mechanism for ensuring minimum
6 minimum wage and benefits standards for individuals
7 who work in airports; and

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

12 **SEC. 3. AMENDMENTS TO TITLE 49 OF THE UNITED STATES**
13 **CODE TO ENSURE MINIMUM WAGE AND BEN-**
14 **EFITS FOR COVERED SERVICE WORKERS.**

15 (a) COVERED SERVICE WORKER DEFINITION.—Section
16 40102(a) of title 49, United States Code, is amended
17 by adding at the end the following:

18 “(48) ‘covered service worker’—

19 “(A) means an individual who furnishes
20 services on the property or premises of a small
21 hub airport, medium hub airport, or large hub
22 airport, performing—

23 “(i) functions that are related to the
24 air transportation of persons, property, or
25 mail, including—

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

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

7 “(III) security;

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

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

17 “(VI) aircraft cleaning and sani-
18 tization functions or waste removal;

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

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

25 “(IX) ramp agent functions;

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

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

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

9 “(III) cleaning for concession
10 services;

11 “(IV) security for concession
12 services; or

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

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

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

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

8 “(C) shall not include an individual to
9 whom the exemption under section 13(a)(1) of
10 the Fair Labor Standards Act of 1938 (29
11 U.S.C. 213(a)(1)) applies; and

12 “(D) shall not include an employee of—

13 “(i) a State, municipality, or other po-
14 litical subdivision of a State or an author-
15 ity created by an agreement between 2 or
16 more States; or

17 “(ii) the Transportation Security Ad-
18 ministration or a qualified private screen-
19 ing company performing security screening
20 of passengers pursuant to a contract en-
21 tered into with the Transportation Security
22 Administration.

23 “(49) ‘covered employer’ means any person en-
24 gaged in commerce, or in any industry or activity af-

1 fecting commerce, who employs 1 or more covered
2 service workers.”.

3 (b) AIR COMMERCE AND SAFETY.—

4 (1) IN GENERAL.—Chapter 401 of title 49,
5 United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 40131. Labor standards for certain airport service**
8 **jobs.**

9 “(a) REQUIREMENT.—Any covered employer pro-
10 viding services at or for a small, medium, or large hub
11 airport shall ensure that all covered service workers, in-
12 cluding those subject to a collective bargaining agreement,
13 employed by the covered employer at such airport are paid
14 a wage and fringe benefits that are—

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

17 “(A) \$15.00 per hour;

18 “(B) the minimum hourly wage for the ap-
19 propriate locality and classification as deter-
20 mined in accordance with chapter 67 of title 41,
21 United States Code (commonly known as the
22 ‘Service Contract Act’), by the Secretary of
23 Labor under subsection (c)(1)(A), adjusted an-
24 nually to reflect any changes made by such Sec-
25 retary in such determinations;

1 “(C) the minimum hourly wage required
2 under any Federal regulation, policy, or direc-
3 tive issued by the President pursuant to subtitle
4 I of title 40, United States Code, for workers
5 employed in the performance of any Federal
6 contract for the procurement of services; or

7 “(D) the minimum hourly wage required
8 under an applicable State or local minimum
9 wage law (including a regulation) or policy, in-
10 cluding the policy of a political subdivision of a
11 State or an authority created by a compact be-
12 tween 2 or more States or 1 or more States and
13 the District of Columbia, that applies to cov-
14 ered service workers; and

15 “(2) with respect to such fringe benefits, not
16 less than the greater of—

17 “(A) the minimum fringe benefits for the
18 appropriate locality and classification as deter-
19 mined in accordance with chapter 67 of title 41,
20 United States Code (commonly known as the
21 ‘Service Contract Act’), by the Secretary of
22 Labor under subsection (e)(1)(A), adjusted an-
23 nually to reflect any changes made by such Sec-
24 retary in such determinations; or

1 “(B) the minimum fringe benefits required
2 under an applicable State or local law (includ-
3 ing a regulation) or policy, including the policy
4 of a political subdivision of a State or an au-
5 thority created by a compact between 2 or more
6 States or 1 or more States and the District of
7 Columbia, that applies to covered service work-
8 ers.

9 “(b) CERTIFICATION REQUIREMENT FOR COVERED
10 EMPLOYERS.—

11 “(1) IN GENERAL.—A covered employer shall
12 certify, under penalty of perjury, in a manner deter-
13 mined by the Secretary of Transportation, on a
14 monthly basis that all covered service workers, in-
15 cluding those subject to a collective bargaining
16 agreement, employed by the covered employer are
17 provided wage and fringe benefits that comply with
18 the requirements described in paragraphs (1) and
19 (2) of subsection (a).

20 “(2) FAILURE TO SUBMIT CERTIFICATION.—
21 The failure to submit a certification under para-
22 graph (1) shall constitute a violation of this section.

23 “(3) FALSE CERTIFICATION.—The submission
24 of a false certification under paragraph (1) shall
25 constitute a violation of this section.

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

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

5 “(A) not later than 120 days after the date
6 of enactment of this section and in accordance
7 with paragraph (2), issue a wage determination
8 with minimum hourly wage and fringe benefits
9 in accordance with the methodology used by the
10 Secretary of Labor under chapter 67 of title 41,
11 United States Code (commonly known as the
12 ‘Service Contract Act’), appropriate for each
13 class of covered service worker for purposes of
14 paragraphs (1)(B) and (2)(A) of subsection (a);
15 and

16 “(B) not later than 120 days after the
17 date of enactment of this section and annually
18 thereafter, provide to the Secretary of Trans-
19 portation the applicable minimum hourly wage
20 and fringe benefits required for purposes of
21 subsection (a) with respect to each such class of
22 covered service worker.

23 “(2) NEW OCCUPATIONAL CATEGORIES.—In
24 issuing the wage determinations under paragraph
25 (1)(A), the Secretary of Labor—

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

6 “(B) to the extent needed to carry out sub-
7 paragraph (A), may establish 1 or more new
8 categories of occupation of a type covered under
9 chapter 67 of title 41, United States Code, to
10 ensure that all classes of covered service work-
11 ers have an appropriate determination of min-
12 imum hourly wage and fringe benefits.

13 “(d) RULEMAKING AUTHORITY.—The Secretary of
14 Labor and the Secretary of Transportation may prescribe
15 regulations to implement this section, provided that such
16 regulations prescribed by the Secretary of Transportation
17 shall be consistent with such regulations prescribed by the
18 Secretary of Labor.

19 “(e) ENFORCEMENT.—

20 “(1) WAGE AND BENEFIT ENFORCEMENT.—
21 The Secretary of Labor shall have the authority to
22 enforce the wage and fringe benefit requirements for
23 covered service workers described in paragraphs (1)
24 and (2) of subsection (a), including the authority to
25 issue orders, conduct investigations, examine the

1 records of covered employers, hold hearings, make
2 decisions based on findings of fact, and take other
3 appropriate action pursuant to the authority of the
4 Secretary of Labor under the Fair Labor Standards
5 Act of 1938 (29 U.S.C. 201 et seq.).

6 “(2) CERTIFICATION ENFORCEMENT.—

7 “(A) IN GENERAL.—The Secretary of
8 Transportation shall have the authority to en-
9 force the certification requirement described in
10 subsection (b), including the authority to issue
11 orders, conduct investigations, examine the
12 records of covered employers, hold hearings,
13 make decisions based on findings of fact, and
14 take other appropriate action pursuant to the
15 Secretary of Transportation’s authority.

16 “(B) CONSIDERATIONS.—In determining
17 whether a covered employer submitted a false
18 certification under subsection (b), the Secretary
19 of Transportation shall consider as evidence any
20 findings of fact made by the Secretary of Labor
21 regarding a covered employer’s failure to com-
22 ply with the wage and fringe benefit require-
23 ments described in paragraphs (1) and (2) of
24 subsection (a).

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

7 “(g) REPORT TO CONGRESS.—Not later than 1 year
8 after the date of enactment of the Good Jobs for Good
9 Airports Act, and annually thereafter, the Secretary of
10 Transportation shall submit to the Committee on Com-
11 merce, Science, and Transportation of the Senate and the
12 Committee on Transportation and Infrastructure of the
13 House of Representatives a report on their efforts to im-
14 plement such Act, as well as an assessment of the efforts
15 of covered employers to come into compliance with the re-
16 quirements of such Act.

17 “(h) PUBLICATION OF DATA.—The Secretary of
18 Transportation shall publish complaint data relating to
19 covered service workers in a manner comparable to other
20 aviation consumer complaint data.”.

21 (2) CLERICAL AMENDMENT.—The analysis for
22 chapter 401 of title 49, United States Code, is
23 amended by inserting after the item relating to sec-
24 tion 40130 the following:

“40131. Labor standards for certain airport service jobs.”.

1 (c) PENALTIES.—Section 46301 of title 49, United
2 States Code, is amended—

3 (1) in subsection (a), by adding at the end the
4 following new paragraph:

5 “(8) PENALTIES RELATING TO LABOR STAND-
6 ARDS FOR CERTAIN AIRPORT SERVICE JOBS.—Not-
7 withstanding paragraph (1), the maximum civil pen-
8 alty for a violation of section 40131 shall be an
9 amount not to exceed 3 times the amount of a civil
10 penalty as described in paragraph (1).”; and

11 (2) in subsection (c)(1)(A), by striking “or sec-
12 tion 44909 of this title” and inserting “section
13 44909, or section 40131 of this title.”.

14 (d) INVESTIGATIONS AND PROCEEDINGS.—

15 (1) IN GENERAL.—Chapter 461 of title 49,
16 United States Code, is amended by adding at the
17 end the following new section:

18 **“§ 46112. Enforcement of labor standards for certain**
19 **airport service jobs by interested persons**

20 “An interested person may bring a civil action in a
21 district court of the United States against a person to en-
22 force section 40131. The action may be brought in the
23 judicial district in which the defendant does business or
24 the violation occurred.”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 chapter 461 of title 49, United States Code, is
3 amended by inserting after the item relating to sec-
4 tion 46111 the following:

 “46112. Enforcement of labor standards for certain airport service jobs by inter-
 ested persons.”.

5 **SEC. 4. MINIMUM WAGE AND FRINGE BENEFITS FOR COV-**
6 **ERED SERVICE WORKERS UNDER THE FAIR**
7 **LABOR STANDARDS ACT OF 1938.**

8 Section 6 of the Fair Labor Standards Act of 1938
9 (29 U.S.C. 206) is amended by adding at the end the fol-
10 lowing:

11 “(h) COVERED SERVICE WORKERS PERFORMING
12 SERVICES FOR SMALL, MEDIUM, AND LARGE HUB AIR-
13 PORTS.—

14 “(1) IN GENERAL.—In lieu of the rate pre-
15 scribed by subsection (a)(1), an employer shall pay
16 each employee employed as a covered service worker
17 (as defined in section 40102(a) of title 49, United
18 States Code), providing services at or for a small
19 hub airport, medium hub airport, or large hub air-
20 port (as those terms are defined in such section),
21 who in any workweek is engaged in commerce or in
22 the production of goods for commerce, or is em-
23 ployed in an enterprise engaged in commerce or in
24 the production of goods for commerce, a minimum

1 wage and fringe benefits as provided under section
2 40131(a) of title 49, United States Code.

3 “(2) ADMINISTRATION AND ENFORCEMENT OF
4 FRINGE BENEFITS.—For purposes of administration
5 and enforcement of any unpaid fringe benefits re-
6 quired under paragraph (1), the fair market value
7 amount of any such fringe benefits shall be deemed
8 unpaid minimum wages under this Act.”.