

**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)).

