

116TH CONGRESS  
1ST SESSION

# S. 2678

To promote economic security and workplace accountability for the workers of air carriers, and their subcontractors, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2019

Mr. BOOKER (for himself and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To promote economic security and workplace accountability for the workers of air carriers, and their subcontractors, 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 “Airline Accountability  
5 Act”.

6 **SEC. 2. PROMOTION OF ECONOMIC SECURITY AND WORK-**  
7 **PLACE ACCOUNTABILITY.**

8 (a) **REQUIRED DISCLOSURES.**—The Administrator of  
9 the General Services Administration shall require an air

1 carrier, as a condition of eligibility for a contract under  
2 the City Pair Program (or a successive program for Fed-  
3 eral employee air travel administered by such Adminis-  
4 trator), to disclose to the Secretary of Labor, on an annual  
5 basis and to the best of the air carrier's knowledge, wheth-  
6 er, within the preceding 3-year period, any administrative  
7 merits determination, arbitral award or decision, or civil  
8 judgment, as defined in guidance issued by the Secretary  
9 of Labor, has been issued against the air carrier or any  
10 of its subcontractors, for violations of any of the following  
11 labor laws, including Executive orders:

12 (1) The Fair Labor Standards Act of 1938 (29  
13 U.S.C. 201 et seq.).

14 (2) The Occupational Safety and Health Act of  
15 1970 (29 U.S.C. 651 et seq.).

16 (3) The National Labor Relations Act (29  
17 U.S.C. 151 et seq.).

18 (4) Subchapter IV of chapter 31 of title 40,  
19 United States Code (commonly known as the  
20 "Davis-Bacon Act").

21 (5) Chapter 67 of title 41, United States Code  
22 (commonly known as the "Service Contract Act").

23 (6) Executive Order 11246 (42 U.S.C. 2000e  
24 note; relating to equal employment opportunity).

1           (7) Section 503 of the Rehabilitation Act of  
2           1973 (29 U.S.C. 793).

3           (8) Section 4212 of title 38, United States  
4           Code.

5           (9) The Family and Medical Leave Act of 1993  
6           (29 U.S.C. 2601 et seq.).

7           (10) Title VII of the Civil Rights Act of 1964  
8           (42 U.S.C. 2000e et seq.).

9           (11) The Americans with Disabilities Act of  
10          1990 (42 U.S.C. 12101 et seq.).

11          (12) The Age Discrimination in Employment  
12          Act of 1967 (29 U.S.C. 621 et seq.).

13          (13) Executive Order 13658 (79 Fed. Reg.  
14          9851; relating to establishing a minimum wage for  
15          contractors).

16          (14) The Railway Labor Act (45 U.S.C. 151 et  
17          seq.).

18          (15) Equivalent State laws, as defined in guid-  
19          ance issued by the Secretary of Labor.

20          (b) RESPONSIBILITY FOR SUBCONTRACTORS.—

21           (1) IN GENERAL.—The Administrator of the  
22          General Services Administration shall require an air  
23          carrier, as a condition of eligibility for a contract  
24          under the City Pair Program (or a successive pro-  
25          gram for Federal employee air travel administered

1 by such Administrator), to incorporate into each  
2 subcontract a requirement that the subcontractor  
3 discloses to the air carrier any administrative merits  
4 determination, arbitral award or decision, or civil  
5 judgment, as defined in guidance issued by the Sec-  
6 retary of Labor, rendered against the subcontractor  
7 within the preceding 3-year period for violations of  
8 any of the requirements of the labor laws, including  
9 Executive orders, listed in subsection (a).

10 (2) CONSULTATION.—The Secretary of Labor  
11 shall be available, as appropriate, for consultation  
12 with an air carrier to assist in evaluating the infor-  
13 mation on labor compliance submitted by a subcon-  
14 tractor pursuant to paragraph (1).

15 (c) CORRECTIVE MEASURES.—On an annual basis,  
16 the Secretary of Labor—

17 (1) shall provide an air carrier who makes a  
18 disclosure pursuant to subsection (a) an opportunity  
19 to report any steps taken by the air carrier or any  
20 of its subcontractors to correct the violations of or  
21 improve compliance with the labor laws, including  
22 Executive orders, listed in such subsection, including  
23 any agreements entered into with an enforcement  
24 agency; and

1           (2) may negotiate with such air carrier correc-  
 2           tive measures that the air carrier or any of its sub-  
 3           contractors may take in order to avoid having the  
 4           air carrier placed on the list described in subsection  
 5           (d).

6           (d) LIST OF INELIGIBLE AIR CARRIERS.—

7           (1) IN GENERAL.—For each year that a con-  
 8           tract is solicited under the City Pair Program (or a  
 9           successive program for Federal employee air travel  
 10          administered by the Administrator of the General  
 11          Services Administration), the Secretary of Labor  
 12          shall prepare, and submit to such Administrator, a  
 13          list of air carriers that shall be ineligible for such so-  
 14          licitation based on serious, repeated, willful, or per-  
 15          vasive violations of the labor laws, including Execu-  
 16          tive orders, listed under subsection (a) committed by  
 17          the air carrier, or any of its subcontractors, and the  
 18          failure of such air carriers, or any of its subcontrac-  
 19          tors, to complete any corrective measures negotiated  
 20          under subsection (c).

21          (2) INELIGIBILITY.—The Administrator of the  
 22          General Services Administration shall not solicit a  
 23          contract under the City Pair Program (or a succes-  
 24          sive program for Federal employee air travel admin-  
 25          istered by such Administrator) from any air carrier

1       on the list described in paragraph (1) that applies  
2       to the year of the solicitation.

3       (e) APPLICABILITY.—The requirements under this  
4 Act shall not apply with respect to any contract solicited  
5 prior to 2 years after the date of enactment of this Act.

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