

116TH CONGRESS
2D SESSION

H. R. 8002

To establish a program to preserve jobs in the aviation manufacturing industry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 11, 2020

Mr. ESTES (for himself, Mr. LARSEN of Washington, Mr. MARSHALL, Mr. COLE, Mr. CONNOLLY, Ms. DAVIDS of Kansas, Ms. SCHRIER, and Mr. CARBAJAL) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a program to preserve jobs in the aviation manufacturing industry, 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 “Aviation Manufac-
5 turing Jobs Protection Act of 2020”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) AT-RISK EMPLOYEE GROUP.—The term “at-
2 risk employee group” means—

3 (A) the 25 percent of an employer’s United
4 States workforce that is most at risk of a per-
5 manent reduction in force or furlough due to
6 the COVID–19 public health emergency; but

7 (B) does not include senior executive em-
8 ployees.

9 (2) AVIATION EMPLOYER.—The term “aviation
10 employer” means an aviation manufacturing com-
11 pany.

12 (3) AVIATION MANUFACTURING COMPANY.—
13 The term “aviation manufacturing company” means
14 a corporation, firm, or other business entity that—

15 (A) holds a type or production certificate
16 or similar authorization issued under section
17 44704 of title 49, United States Code;

18 (B) holds a certificate issued under part
19 145 of title 14, Code of Federal Regulations,
20 for maintenance, repair, and overhaul of air-
21 craft, aircraft engines, components, or propel-
22 lers; or

23 (C) under contract or subcontract, pro-
24 duces components, parts, or systems of aircraft,

1 aircraft engines, or appliances for inclusion in
2 an aircraft, aircraft engine, or appliance.

3 (4) COVID–19 PUBLIC HEALTH EMERGENCY.—

4 The term “COVID–19 public health emergency”
5 means the public health emergency with respect to
6 the 2019 Novel Coronavirus.

7 (5) SENIOR EXECUTIVE EMPLOYEE.—The term

8 “senior executive employee” means a chief executive
9 officer, chief operating officer, or chief financial offi-
10 cer.

11 (6) TOTAL COMPENSATION LEVEL.—The term

12 “total compensation level” means the level of total
13 base compensation and benefits of an employee, ex-
14 cluding overtime and premium pay, as of April 1,
15 2020.

16 **SEC. 3. PAYROLL SUPPORT EXTENSION PROGRAM.**

17 (a) IN GENERAL.—The Secretary of the Treasury, in
18 coordination with the Secretary of Transportation, shall
19 establish a payroll support extension program to enter into
20 agreements with aviation employers to provide up to a 50
21 percent share for the compensation of employees finan-
22 cially impacted by the COVID–19 public health emer-
23 gency.

24 (b) PROCEDURES.—Not later than 10 days after the
25 date of enactment of this Act, the Secretary shall estab-

lish, and make available to the public, procedures for application and minimum eligibility requirements for participation in the program established under subsection (a).

(c) COMPENSATION CONTRIBUTIONS.—Under the program established under this section, the Secretary may enter into agreements to provide up to a 50 percent contribution to ensure the total compensation level of the at-risk employee group of an aviation employer for any period beginning on or after April 1, 2020, and ending not later than April 30, 2022.

(d) ELIGIBILITY.—The Secretary may enter into an agreement with an aviation employer under this section if the Secretary determines that—

(1) the aviation employer establishes that economic conditions as of the date of the application for assistance under this section make necessary a permanent reduction or furlough of a portion of the workforce of such employer that is devoted to aviation manufacturing;

(2) the aviation employer has an identifiable at-risk employee group;

(3) the aviation employer agrees to provide the non-Federal share of the agreement under this section; and

1 (4) receipt of assistance under this section will
2 reduce the likelihood of a permanent reduction in
3 force or furlough of the at-risk employee group of
4 the aviation employer.

5 (e) REQUIREMENTS.—An agreement entered into
6 under this section shall require that—

7 (1) the aviation employer may not carry out
8 any permanent reduction in force or furlough of em-
9 ployees in the at-risk employee group for the dura-
10 tion of the agreement, subject to the aviation em-
11 ployer’s right to discipline or terminate an employee
12 in accordance with policies of the aviation employer;

13 (2) assistance provided under this section may
14 not be used for stock buybacks or to pay out divi-
15 dends;

16 (3) assistance provided under this section shall
17 be used solely for the purpose of providing com-
18 pensation and benefits of the at-risk employee
19 group;

20 (4) the aviation employer may not—

21 (A) circumvent or abrogate a collective
22 bargaining agreement at a partner company; or

23 (B) move jobs assisted by this program out
24 of the United States; and

1 (5) the aviation employer may only provide
2 compensation to United States-based employees.

3 (f) DURATION OF AGREEMENT.—An agreement en-
4 tered into under this section shall be for a period not to
5 exceed 6 months, and may be renewed for a period of 2
6 years, at the discretion of the Secretary, so long as the
7 Secretary recertifies such agreement every 6 months.

8 (g) FEDERAL SHARE.—The Federal share of assist-
9 ance provided to an aviation employer under an agreement
10 entered into pursuant to this section shall not exceed 50
11 percent.

12 (h) MULTIPLE AGREEMENTS.—The Secretary may
13 enter into multiple agreements with an aviation employer
14 under this section, except that the total assistance shall
15 not exceed beyond the applicable at-risk employee group.

16 (i) COORDINATION WITH EMPLOYEE RETENTION
17 CREDIT.—The Secretary shall not enter into any agree-
18 ment under this section with an employer who was allowed
19 a credit under section 2301 of the CARES Act for any
20 calendar quarter ending before such agreement is entered
21 into and such section 2301 shall not apply to any employer
22 who enters into any agreement under this section.

23 (j) REPORT.—An aviation employer entering into an
24 agreement under this section shall submit to Congress,
25 after submission to the Secretary for review, on the imple-

1 mentation and allocation of funds provided pursuant to
2 this section.

3 (k) TAX TREATMENT.—For purposes of the Internal
4 Revenue Code of 1986, any public partner contribution
5 provided by the Secretary under this section which is re-
6 ceived by any employee shall be included in the gross in-
7 come of such employee and no deduction shall be allowed
8 under such Code to the employer with respect to any such
9 contribution.

10 (l) TERMINATION.—

11 (1) SUNSET.—The authority established by this
12 Act shall end on April 30, 2022.

13 (2) AGREEMENT DURATION.—No agreement
14 may be entered into under this section that provides
15 for assistance after April 30, 2022.

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