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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. ESTES introduced the following bill; which was referred to the Committee on _____

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:

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

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

5 (B) does not include senior executive em-
6 ployees.

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

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

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

16 (B) holds a certificate issued under part
17 145 of title 14, Code of Federal Regulations,
18 for maintenance, repair, and overhaul of air-
19 craft, aircraft engines, components, or propel-
20 lers; or

21 (C) under contract or subcontract, pro-
22 duces components, parts, or systems of aircraft,
23 aircraft engines, or appliances for inclusion in
24 an aircraft, aircraft engine, or appliance.

1 (4) COVID–19 PUBLIC HEALTH EMERGENCY.—
2 The term “COVID–19 public health emergency”
3 means the public health emergency with respect to
4 the 2019 Novel Coronavirus.

5 (5) SENIOR EXECUTIVE EMPLOYEE.—The term
6 “senior executive employee” means a chief executive
7 officer, chief operating officer, or chief financial offi-
8 cer.

9 (5) TOTAL COMPENSATION LEVEL.—The term
10 “total compensation level” means the level of total
11 base compensation and benefits of an employee, ex-
12 cluding overtime and premium pay, as of April 1,
13 2020.

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

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

22 (b) PROCEDURES.—Not later than 10 days after the
23 date of enactment of this Act, the Secretary shall estab-
24 lish, and make available to the public, procedures for ap-

1 plication and minimum eligibility requirements for partici-
2 pation in the program established under subsection (a).

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

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

13 (1) the aviation employer establishes that eco-
14 nomic conditions as of the date of the application for
15 assistance under this section make necessary a per-
16 manent reduction or furlough of a portion of the
17 workforce of such employer that is devoted to avia-
18 tion manufacturing;

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

21 (3) the aviation employer agrees to provide the
22 non-Federal share of the agreement under this sec-
23 tion; and

24 (4) receipt of assistance under this section will
25 reduce the likelihood of a permanent reduction in

1 force or furlough of the at-risk employee group of
2 the aviation employer.

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

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

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

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

18 (4) the aviation employer may not—

19 (A) circumvent or abrogate a collective
20 bargaining agreement at a partner company; or

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

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

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

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

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

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

21 (j) REPORT.—An aviation employer entering into an
22 agreement under this section shall submit to Congress,
23 after submission to the Secretary for review, on the imple-
24 mentation and allocation of funds provided pursuant to
25 this section.

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

8 (l) TERMINATION.—

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

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