

117TH CONGRESS
1ST SESSION

H. R. 553

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mr. LARSEN of Washington (for himself, Mr. ESTES, Mr. SMITH of Washington, Mrs. NAPOLITANO, Mr. CARSON, Miss RICE of New York, Ms. SCHRIER, and Ms. DAVIDS of Kansas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, 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 and restore 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 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

3 (A) means the 25 percent of an employer’s
4 United States workforce comprised of employ-
5 ees—

6 (i) who are most at risk of a perma-
7 nent reduction in force or furlough due to
8 the COVID–19 public health emergency; or

9 (ii) who—

10 (I) were previously part of a re-
11 duction in force or furlough due to the
12 COVID–19 public health emergency;
13 and

14 (II) the employer would choose to
15 recall under the program established
16 by this section; but

17 (B) does not include—

18 (i) senior executive employees; or

19 (ii) any employee with a total com-
20 pensation level of \$200,000 or more.

21 (2) AVIATION EMPLOYER.—The term “aviation
22 employer” means an aviation manufacturing com-
23 pany.

1 (3) AVIATION MANUFACTURING COMPANY.—

2 The term “aviation manufacturing company” means
3 a corporation, firm, or other business entity that—

4 (A) holds a type or production certificate
5 or similar authorization issued under section
6 44704 of title 49, United States Code;

7 (B) holds a certificate issued under part
8 145 of title 14, Code of Federal Regulations,
9 for maintenance, repair, and overhaul of air-
10 craft, aircraft engines, components, or propel-
11 lers; or

12 (C) under contract or subcontract, pro-
13 duces components, parts, or systems of aircraft,
14 aircraft engines, or appliances for inclusion in
15 an aircraft, aircraft engine, or appliance.

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

17 The term “COVID–19 public health emergency”
18 means the public health emergency with respect to
19 the 2019 Novel Coronavirus.

20 (5) SENIOR EXECUTIVE EMPLOYEE.—The term

21 “senior executive employee” means a chief executive
22 officer, chief operating officer, or chief financial offi-
23 cer.

24 (6) TOTAL COMPENSATION LEVEL.—The term

25 “total compensation level” means salary, bonuses,

1 awards of stock, and other financial benefits of an
2 employee, excluding overtime and premium pay, as
3 of April 1, 2020.

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

5 (a) IN GENERAL.—The Secretary of Transportation,
6 in coordination with other appropriate Federal depart-
7 ments or agencies, shall establish a payroll support exten-
8 sion program to enter into agreements with aviation em-
9 ployers to provide a 50 percent share for the compensa-
10 tion, benefits, and training of at-risk employee groups fi-
11 nancially impacted by the COVID–19 public health emer-
12 gency.

13 (b) PROCEDURES.—Not later than 10 days after the
14 date of enactment of this Act, the Secretary shall estab-
15 lish, and make available to the public, procedures for ap-
16 plication and minimum eligibility requirements for partici-
17 pation in the program established under subsection (a).

18 (c) COMPENSATION CONTRIBUTIONS.—Under the
19 program established under this section, the Secretary may
20 enter into agreements to provide a 50 percent contribution
21 to ensure the total compensation level of the at-risk em-
22 ployee group of an aviation employer for any period begin-
23 ning on or after April 1, 2020, and ending not later than
24 April 30, 2023.

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

4 (1) the aviation employer has experienced at
5 least a 15 percent decline in revenues between Octo-
6 ber 1, 2019, and October 1, 2020;

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

9 (3) the aviation employer agrees to provide the
10 non-Federal share of the agreement under this sec-
11 tion;

12 (4) the aviation employer provides a written
13 justification for the need for assistance, including
14 the size of the at-risk employee group and a descrip-
15 tion of the economic conditions of the company that
16 make Federal assistance necessary under this sec-
17 tion; and

18 (5) receipt of assistance under this section will
19 reduce the likelihood of a permanent reduction in
20 force or furlough, or facilitate the retention or recall,
21 of the at-risk employee group of the aviation em-
22 ployer.

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

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

7 (2) assistance provided under this section may
8 not be used for stock buybacks or to pay out divi-
9 dends;

10 (3) assistance provided under this section shall
11 be used solely for the purpose of providing com-
12 pensation, benefits, and training of the at-risk em-
13 ployee group;

14 (4) the aviation employer may not—

15 (A) circumvent or abrogate a collective
16 bargaining agreement, including any training
17 provided for in such agreement; or

18 (B) move jobs assisted by this program out
19 of the United States;

20 (5) the aviation employer may only provide
21 compensation, benefits, and training to United
22 States-based employees; and

23 (6) restore the rights and protections for re-
24 turning employees as if such employees had not been
25 involuntarily furloughed.

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, 2023.

11 (2) AGREEMENT DURATION.—No agreement
12 may be entered into under this section that provides
13 for assistance after April 30, 2023.

14 (m) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated \$15,000,000,000 to carry
16 out this Act.

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