

116TH CONGRESS  
2D SESSION

# S. 3705

To establish a private-public partnership to preserve jobs in the aviation manufacturing industry, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 13, 2020

Mr. MORAN (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To establish a private-public partnership 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 “Private-Public Part-  
5 nership to Preserve Jobs in the Aviation Manufacturing  
6 Industry Act of 2020”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1           (1) AT-RISK EMPLOYEE GROUP.—The term “at-  
2       risk employee group” means the portion of an em-  
3       ployer’s United States workforce (hourly or exempt),  
4       that—

5                   (A) does not exceed 25 percent of the em-  
6       ployer’s total United States workforce; and

7                   (B) is currently at risk of a permanent re-  
8       duction in force or furlough, but for the relief  
9       provided for in this Act.

10          (2) AVIATION MANUFACTURING COMPANY.—

11       The term “aviation manufacturing company” means  
12       those businesses that hold a Federal Aviation Ad-  
13       ministration Production or Repair Station Certifi-  
14       cate or other similar authorization from the Federal  
15       Aviation Administration, and as the Secretary may  
16       determine, may include suppliers of such businesses.

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

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

21          (4) EMPLOYEE.—Except where the context oth-  
22       erwise requires, the term “employee” means any in-  
23       dividual employed by an employer.

1           (5) EMPLOYER.—Except where the context oth-  
2           erwise requires, the term “employer” means an avia-  
3           tion manufacturing company.

4           (6) PRIVATE PARTNER CONTRIBUTION.—The  
5           term “private partner contribution” means the con-  
6           tribution funded by the employer under this Act to  
7           maintain a minimum of 50 percent of the at-risk  
8           employee group’s total compensation level, and com-  
9           bined with the public partner contribution, is suffi-  
10          cient to maintain the total compensation level for the  
11          at-risk employee group as of April 1, 2020.

12          (7) PUBLIC PARTNER CONTRIBUTION.—The  
13          term “public partner contribution” means the con-  
14          tribution funded by the Federal Government under  
15          this Act to provide not more than 50 percent of the  
16          at-risk employees group’s total compensation level,  
17          and combined with the private partner contribution,  
18          is sufficient to maintain the total compensation level  
19          for those in the at-risk employee group as of April  
20          1, 2020.

21          (8) SECRETARY.—The term “Secretary” means  
22          the Secretary of the Treasury, or the designee of the  
23          Secretary of the Treasury.

24          (9) TOTAL COMPENSATION LEVEL.—The term  
25          “total compensation level” means the level of total

1 base compensation and benefits of an employee, ex-  
2 cluding overtime and premium pay, as of April 1,  
3 2020.

4 **SEC. 3. PRIVATE-PUBLIC PARTNERSHIP.**

5 (a) IN GENERAL.—Notwithstanding any other provi-  
6 sion of law, to help ensure the continued retention of em-  
7 ployees in the aviation manufacturing industry impacted  
8 by the COVID–19 public health emergency, the Secretary  
9 is authorized to partner with employers to supplement  
10 compensation of employees financially impacted by the  
11 COVID–19 public health emergency and to facilitate the  
12 effective economic recovery of the aviation manufacturing  
13 industry.

14 (b) PROCEDURES.—As soon as practicable, but in no  
15 case not later than 10 days after the date of enactment  
16 of this Act, the Secretary shall publish procedures for ap-  
17 plication and minimum eligibility requirements for partici-  
18 pation in the private-public partnership program author-  
19 ized under this Act. Nothing in the preceding sentence  
20 shall be construed as prohibiting the Secretary from pub-  
21 lishing such supplements to the initially published proce-  
22 dures as the Secretary determines necessary.

23 (c) TERMS AND CONDITIONS.—Upon application and  
24 certification, the Secretary may partner with an aviation  
25 manufacturing company to provide to the employer a pub-

1 lie partner contribution, that together with the private  
2 partner contribution, shall constitute an amount sufficient  
3 to maintain the total compensation level of the at-risk em-  
4 ployee group, for a period not to exceed 1 year, if the Sec-  
5 retary determines that—

6           (1) the employer establishes that economic con-  
7 ditions as of the date of the application would make  
8 necessary a permanent reduction or furlough of a  
9 portion of its workforce devoted to aviation manufac-  
10 turing;

11           (2) there is an identifiable at-risk employee  
12 group;

13           (3) the employer agrees to fund the private  
14 partner contribution for as long as it is accepting  
15 the public partner contribution (and, in the event  
16 circumstances dictate that the employer cease its  
17 participation in this program early, the employer  
18 agrees and shall notify the Secretary that there shall  
19 be no further obligation of the Secretary to fund the  
20 public partner contribution);

21           (4) participation in the private-public partner-  
22 ship will reduce the likelihood of a permanent reduc-  
23 tion in force or furlough of the at-risk employee  
24 group;

1           (5) the employer commits to refrain from any  
2           permanent reduction in force or furlough of employ-  
3           ees in the at-risk employee group for as long as it  
4           accepts public partner contributions for that group,  
5           subject to the employer's right to discipline or termi-  
6           nate an employee in accordance with employer pol-  
7           icy;

8           (6) the employer shall use the public partner  
9           contribution solely for the purpose of providing com-  
10          pensation and benefits of the at-risk employee group  
11          and for no other purpose; and

12          (7) the public partner contribution shall be uti-  
13          lized solely for compensation of United States-based  
14          employees.

15          (d) **AUTHORITY FOR PUBLIC PARTNER CONTRIBU-**  
16          **TIONS.**—The Secretary is hereby authorized to enter into  
17          agreements and to provide public partner contributions as  
18          envisioned under this Act. Such public partner contribu-  
19          tions combined together with the private partner contribu-  
20          tion shall be in an amount sufficient to maintain the total  
21          compensation level for the at-risk employee group as of  
22          April 1, 2020, for a term to be agreed, but for a duration  
23          lasting no more than 1 year.

24          (e) **NO LIMIT ON NUMBER AGREEMENTS WITH AN**  
25          **EMPLOYER.**—An employer may seek and be granted pub-

1 lie partner contributions under this Act on multiple occa-  
2 sions.

3 (f) COORDINATION WITH SECRETARY OF TRANSPOR-  
4 TATION.—In implementing this section, the Secretary  
5 shall coordinate with the Secretary of Transportation.

6 (g) TERMINATION.—The authority established by  
7 this Act, and any agreement entered into by the Secretary  
8 under this Act, shall end on April 30, 2021.

9 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated, such sums  
11 as may be necessary to carry out this Act.

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