

loughed employee notifying the employee that—

(A) the employee must, within a specified period of time that is not less than 14 days, elect either—

(i) to return to employment or bypass return to employment in accordance with an applicable collective bargaining agreement or, in the absence of a collective bargaining agreement, company policy; or

(ii) to permanently separate from employment with the contractor; and

(B) failure to respond within such time period specified will be deemed to be an election under subparagraph (A)(ii); and

(6) the term “Secretary” means the Secretary of the Treasury.

(Pub. L. 116–136, div. A, title IV, §4111, Mar. 27, 2020, 134 Stat. 497; Pub. L. 116–260, div. N, title IV, §412(b), Dec. 27, 2020, 134 Stat. 2061.)

#### Editorial Notes

##### AMENDMENTS

2020—Pars. (5), (6). Pub. L. 116–260 added par. (5) and redesignated former par. (5) as (6).

#### § 9072. Pandemic relief for aviation workers

##### (a) Financial assistance for employee wages, salaries, and benefits

Notwithstanding any other provision of law, to preserve aviation jobs and compensate air carrier industry workers, the Secretary shall provide financial assistance that shall exclusively be used for the continuation of payment of employee wages, salaries, and benefits to—

(1) passenger air carriers, in an aggregate amount up to \$25,000,000,000;

(2) cargo air carriers, in the aggregate amount up to \$4,000,000,000; and

(3) contractors, in an aggregate amount up to \$3,000,000,000.

##### (b) Administrative expenses

Notwithstanding any other provision of law, the Secretary, may use \$67,000,000 of the funds made available under section 9080(a)<sup>1</sup> of this title for costs and administrative expenses associated with providing financial assistance under this part.

(Pub. L. 116–136, div. A, title IV, §4112, Mar. 27, 2020, 134 Stat. 498; Pub. L. 117–328, div. LL, §102(d)(1)(B), Dec. 29, 2022, 136 Stat. 6103.)

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (b). Pub. L. 117–328 substituted “\$67,000,000” for “\$100,000,000”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117–328 effective upon issuance of guidance or the promulgation of a rule by the Secretary of the Treasury, in consultation with the Secretary of Transportation, see section 102(c) of Pub.

<sup>1</sup> So in original. There is no subsec. (a) in section 9080 of this title.

L. 117–328, set out as a note under section 802 of Title 42, The Public Health and Welfare.

#### § 9073. Procedures for providing payroll support

##### (a) Awardable amounts

The Secretary shall provide financial assistance under this part—

(1) to an air carrier in an amount equal to the salaries and benefits reported by the air carrier to the Department of Transportation pursuant to part 241 of title 14, Code of Federal Regulations, for the period from April 1, 2019, through September 30, 2019; and

(2) to an air carrier that does not transmit reports under such part 241, in an amount that such air carrier certifies, using sworn financial statements or other appropriate data, as the amount of wages, salaries, benefits, and other compensation that such air carrier paid the employees of such air carrier during the period from April 1, 2019, through September 30, 2019; and

(3) to a contractor, in an amount that the contractor certifies, using sworn financial statements or other appropriate data, as the amount of wages, salaries, benefits, and other compensation that such contractor paid the employees of such contractor during the period from April 1, 2019, through September 30, 2019.

##### (b) Deadlines and procedures

###### (1) In general

###### (A) Forms; terms and conditions

Financial assistance provided to an air carrier or contractor under this part shall be in such form, on such terms and conditions (including requirements for audits and the clawback of any financial assistance provided upon failure by a passenger air carrier, cargo air carrier, or contractor to honor the assurances specified in section 9074 of this title), as the Secretary determines appropriate.

###### (B) Procedures

The Secretary shall publish streamlined and expedited procedures not later than 5 days after March 27, 2020, for air carriers and contractors to submit requests for financial assistance under this part.

###### (2) Deadline for immediate payroll assistance

Not later than 10 days after March 27, 2020, the Secretary shall make initial payments to air carriers and contractors that submit requests for financial assistance approved by to the Secretary.

###### (3) Subsequent payments

The Secretary shall determine an appropriate method for timely distribution of payments to air carriers and contractors with approved requests for financial assistance from any funds remaining available after providing initial financial assistance payments under paragraph (2).

##### (c) Pro rata authority

The Secretary shall have the authority to reduce, on a pro rata basis, the amounts due to air carriers and contractors under the applicable

paragraph of section 9072 of this title in order to address any shortfall in assistance that would otherwise be provided under such section.

**(d) Audits**

The Inspector General of the Department of the Treasury shall audit certifications made under subsection (a).

(Pub. L. 116-136, div. A, title IV, §4113, Mar. 27, 2020, 134 Stat. 498.)

**§ 9074. Required assurances**

**(a) In general**

To be eligible for financial assistance under this part, an air carrier or contractor shall enter into an agreement with the Secretary, or otherwise certify in such form and manner as the Secretary shall prescribe, that the air carrier or contractor shall—

(1) refrain from conducting involuntary furloughs or reducing pay rates and benefits until September 30, 2020;

(2) through September 30, 2021, ensure that neither the air carrier or contractor nor any affiliate of the air carrier or contractor may, in any transaction, purchase an equity security of the air carrier or contractor or the parent company of the air carrier or contractor that is listed on a national securities exchange;

(3) through September 30, 2021, ensure that the air carrier or contractor shall not pay dividends, or make other capital distributions, with respect to the common stock (or equivalent interest) of the air carrier or contractor; and

(4) meet the requirements of sections 9075 and 9076 of this title.

**(b) Department of Transportation Authority to condition assistance on continuation of service**

**(1) In general**

The Secretary of Transportation is authorized to require, to the extent reasonable and practicable, an air carrier provided financial assistance under this part to maintain scheduled air transportation service, as the Secretary of Transportation deems necessary, to ensure services to any point served by that carrier before March 1, 2020.

**(2) Required considerations**

When considering whether to exercise the authority provided by this section, the Secretary of Transportation shall take into consideration the air transportation needs of small and remote communities and the need to maintain well-functioning health care supply chains, including medical devices and supplies, and pharmaceutical supply chains.

**(3) Sunset**

The authority provided under this subsection shall terminate on March 1, 2022, and any requirements issued by the Secretary of Transportation under this subsection shall cease to apply after that date.

**(c) Continued application**

**(1) In general**

If, after December 27, 2020, a contractor expends any funds made available pursuant to

section 9072 of this title and distributed pursuant to section 9073 of this title, the assurances in paragraphs (1) through (3) of subsection (a) shall continue to apply until the dates included in such paragraphs, or the date on which the contractor fully expends such financial assistance, whichever is later.

**(2) Special rule**

Not later than April 5, 2021, each contractor described in section 9071(3)(A)(i) of this title that has received funds pursuant to such section 9072 of this title shall report to the Secretary on the amount of such funds that the contractor has expended through March 31, 2021. If the contractor has expended an amount that is less than 100 percent of the total amount of funds the contractor received under such section, the Secretary shall initiate an action to recover any funds that remain unexpended as of April 30, 2021.

**(d) Recall of employees**

**(1) In general**

Subject to paragraph (2), any contractor that has unspent financial assistance provided under this part as of December 27, 2020, and conducted involuntary furloughs or reduced pay rates and benefits, between March 27, 2020, and the date on which the contractor entered into an agreement with the Secretary related to financial assistance under this part, shall recall (as defined in section 9071 of this title) employees who were involuntarily furloughed during such period by not later than January 4, 2021.

**(2) Waiver**

The Secretary of the Treasury shall waive the requirement under paragraph (1) for a contractor to recall employees if the contractor certifies that the contractor has or will have insufficient remaining financial assistance provided under this part to keep recalled employees employed for more than two weeks upon returning to work.

**(3) Audits**

The Inspector General of the Department of the Treasury shall audit certifications made under paragraph (2).

(Pub. L. 116-136, div. A, title IV, §4114, Mar. 27, 2020, 134 Stat. 499; Pub. L. 116-260, div. N, title IV, §412(a), Dec. 27, 2020, 134 Stat. 2060.)

**Editorial Notes**

AMENDMENTS

2020—Subsecs. (c), (d). Pub. L. 116-260 added subsecs. (c) and (d).

**§ 9075. Protection of collective bargaining agreement**

**(a) In general**

Neither the Secretary, nor any other actor, department, or agency of the Federal Government, shall condition the issuance of financial assistance under this part on an air carrier's or contractor's implementation of measures to enter into negotiations with the certified bargaining representative of a craft or class of employees of