

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