

Act, and also as part of the Consolidated Appropriations Act, 2021, and not as part of the CARES Act which in part comprises this chapter.

§ 9091. Definitions

Unless otherwise specified, the definitions in section 40102(a) of title 49 shall apply to this part, except that in this part—

(1) the term “catering functions” means preparation, assembly, or both, of food, beverages, provisions and related supplies for delivery, and the delivery of such items, directly to aircraft or to a location on or near airport property for subsequent delivery to aircraft;

(2) the term “contractor” means—

(A) a person that performs, under contract with a passenger air carrier conducting operations under part 121 of title 14, Code of Federal Regulations—

(i) catering functions; or

(ii) functions on the property of an airport that are directly related to the air transportation of persons, property, or mail, including, but not limited to, the loading and unloading of property on aircraft, assistance to passengers under part 382 of title 14, Code of Federal Regulations, security, airport ticketing and check-in functions, ground-handling of aircraft, or aircraft cleaning and sanitization functions and waste removal; or

(B) a subcontractor that performs such functions;

(3) the term “employee” means an individual, other than a corporate officer, who is employed by an air carrier or a contractor;

(4) the term “recall” means the dispatch of a notice by a passenger air carrier or a contractor, via mail, courier, or electronic mail, to an involuntarily furloughed employee notifying the employee that—

(A) the employee must, within a specified period of time, 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 passenger air carrier or contractor; and

(B) failure to respond within such time period specified shall be considered an election under subparagraph (A)(ii);

(5) the term “returning employee” means an involuntarily furloughed employee who has elected to return to employment pursuant to a recall notice; and

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

(Pub. L. 116–260, div. N, title IV, § 401, Dec. 27, 2020, 134 Stat. 2052.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle A (§§ 401–412) of title IV of div. N of Pub. L. 116–260, Dec. 27, 2020, 134 Stat.

2052, which enacted this part and amended sections 9041, 9071, and 9074 of this title. For complete classification of subtitle A to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and also as part of the Consolidated Appropriations Act, 2021, and not as part of the CARES Act which in part comprises this chapter.

§ 9092. 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 \$15,000,000,000; and

(2) contractors, in an aggregate amount up to \$1,000,000,000.

(b) Administrative expenses

Notwithstanding any other provision of law, the Secretary may use funds made available under section 9072(b) of this title for costs and administrative expenses associated with providing financial assistance under this part.

(Pub. L. 116–260, div. N, title IV, § 402, Dec. 27, 2020, 134 Stat. 2053.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in subsec. (b), was in the original “this subtitle”, meaning subtitle A (§§ 401–412) of title IV of div. N of Pub. L. 116–260, Dec. 27, 2020, 134 Stat. 2052, which enacted this part and amended sections 9041, 9071, and 9074 of this title. For complete classification of subtitle A to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and also as part of the Consolidated Appropriations Act, 2021, and not as part of the CARES Act which in part comprises this chapter.

§ 9093. Procedures for providing payroll support

(a) Awardable amounts

The Secretary shall provide financial assistance under this part—

(1) to a passenger air carrier required to file reports pursuant to part 241 of title 14, Code of Federal Regulations, as of March 27, 2020, in an amount equal to—

(A) the amount such air carrier was approved to receive (without taking into account any pro rata reduction) under section 9073 of this title; or

(B) at the request of such air carrier, or in the event such air carrier did not receive assistance under section 9073 of this title, the amount of the salaries and benefits reported by the air carrier to the Department of Transportation pursuant to such part 241, for the period from October 1, 2019, through March 31, 2020;

(2) to a passenger air carrier that was not required to transmit reports under such part 241, as of March 27, 2020, in an amount equal to—

(A) the amount such air carrier was approved to receive (without taking into account any pro rata reduction) under section 9073 of this title, plus an additional 15 percent of such amount;

(B) at the request of such air carrier, provided such air carrier received assistance under section 9073 of this title, the sum of—

(i) the amount that such air carrier certifies, using sworn financial statements or other appropriate data, as the amount of total salaries and related fringe benefits that such air carrier incurred and would be required to be reported to the Department of Transportation pursuant to such part 241, if such air carrier was required to transmit such information during the period from April 1, 2019, through September 30, 2019; and

(ii) an additional amount equal to the difference between the amount certified under clause (i) and the amount the air carrier received under section 9073 of this title; or

(C) in the event such air carrier did not receive assistance under section 9073 of this title, an amount that such air carrier certifies, using sworn financial statements or other appropriate data, as the amount of total salaries and related fringe benefits that such air carrier incurred and would be required to be reported to the Department of Transportation pursuant to such part 241, if such air carrier was required to transmit such information during the period from October 1, 2019, through March 31, 2020; and

(3) to a contractor in an amount equal to—

(A) the amount such contractor was approved to receive (without taking into account any pro rata reduction) under section 9073 of this title; or

(B) in the event such contractor did not receive assistance under section 9073 of this title, 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 October 1, 2019, through March 31, 2020.

(b) Deadlines and procedures

(1) In general

(A) Forms; terms and conditions

Financial assistance provided to a passenger air carrier or contractor under this part shall—

(i) be, to the maximum extent practicable, in the same form and on the same terms and conditions (including requirements for audits and the clawback of any financial assistance provided upon failure by a passenger air carrier or contractor to honor the assurances specified in section 9094 of this title), as agreed to by the Secretary and the recipient for assistance received under section 9073 of this title, except if inconsistent with this part; or

(ii) in the event such a passenger air carrier or a contractor did not receive assist-

ance under section 9073 of this title, be, to the maximum extent practicable, in the same form and on the same terms and conditions (including requirements for audits and the clawback of any financial assistance provided upon failure by a passenger air carrier or contractor to honor the assurances specified in section 9094 of this title), as agreed to by the Secretary and similarly situated recipients of assistance under section 9073 of this title.

(B) Procedures

The Secretary shall, to the maximum extent practicable, publish streamlined and expedited procedures not later than 5 days after December 27, 2020, for passenger 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 December 27, 2020, the Secretary shall make initial payments to passenger air carriers and contractors that submit requests for financial assistance approved by the Secretary.

(3) Subsequent payments

The Secretary shall determine an appropriate method for the timely distribution of payments to passenger 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 reductions

The Secretary shall have the authority to reduce, on a pro rata basis, the amounts due to passenger air carriers and contractors under subsection (a) in order to address any shortfall in assistance that would otherwise be provided under such subsection.

(d) Audits

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

(Pub. L. 116-260, div. N, title IV, § 403, Dec. 27, 2020, 134 Stat. 2053.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in subsecs. (a) and (b)(1), was in the original “this subtitle”, meaning subtitle A (§§ 401-412) of title IV of div. N of Pub. L. 116-260, Dec. 27, 2020, 134 Stat. 2052, which enacted this part and amended sections 9041, 9071, and 9074 of this title. For complete classification of subtitle A to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and also as part of the Consolidated Appropriations Act, 2021, and not as part of the CARES Act which in part comprises this chapter.

§ 9094. Required assurances

(a) In general

To be eligible for financial assistance under this part, a passenger air carrier or a contractor