

ployees 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 the air carrier or contractor under the Railway Labor Act (45 U.S.C. 151 et seq.) or the National Labor Relations Act (29 U.S.C. 151 et seq.), regarding pay or other terms and conditions of employment.

**(b) Period of effect**

With respect to an air carrier or contractor to which financial assistance is provided under this part, this section shall be in effect with respect to the air carrier or contractor beginning on the date on which the air carrier or contractor is first issued such financial assistance and ending on September 30, 2020.

(Pub. L. 116-136, div. A, title IV, §4115, Mar. 27, 2020, 134 Stat. 500.)

**Editorial Notes**

REFERENCES IN TEXT

The Railway Labor Act, referred to in subsec. (a), is act May 20, 1926, ch. 347, 44 Stat. 577, which is classified principally to chapter 8 (§151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

The National Labor Relations Act, referred to in subsec. (a), is act July 5, 1935, ch. 372, 49 Stat. 449, which is classified generally to subchapter II (§151 et seq.) of chapter 7 of Title 29, Labor. For complete classification of this Act to the Code, see section 167 of Title 29 and Tables.

**§ 9076. Limitation on certain employee compensation**

**(a) In general**

The Secretary may only provide financial assistance under this part to an air carrier or contractor after such carrier or contractor enters into an agreement with the Secretary which provides that, during the 2-year period beginning March 24, 2020, and ending March 24, 2022, no officer or employee of the air carrier or contractor whose total compensation exceeded \$425,000 in calendar year 2019 (other than an em-

ployee whose compensation is determined through an existing collective bargaining agreement entered into prior to March 27, 2020)—

(1) will receive from the air carrier or contractor total compensation which exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier or contractor in calendar year 2019;

(2) will receive from the air carrier or contractor severance pay or other benefits upon termination of employment with the air carrier or contractor which exceeds twice the maximum total compensation received by the officer or employee from the air carrier or contractor in calendar year 2019; and

(3) no officer or employee of the eligible business whose total compensation exceeded \$3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) \$3,000,000; and

(B) 50 percent of the excess over \$3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.

**(b) Total compensation defined**

In this section, the term “total compensation” includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier or contractor to an officer or employee of the air carrier or contractor.

(Pub. L. 116-136, div. A, title IV, §4116, Mar. 27, 2020, 134 Stat. 500.)

**§ 9077. Tax payer protection**

The Secretary may receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by recipients of financial assistance under this part which, in the sole determination of the Secretary, provide appropriate compensation to the Federal Government for the provision of the financial assistance.

(Pub. L. 116-136, div. A, title IV, §4117, Mar. 27, 2020, 134 Stat. 500.)

**§ 9078. Reports**

**(a) Report**

Not later than November 1, 2020, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Financial Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the financial assistance provided to air carriers and contractors under this part, including a description of any financial assistance provided.

**(b) Update**

Not later than the last day of the 1-year period following March 27, 2020, the Secretary shall update and submit to the Committee on Transportation and the Committee on Financial Services and Infrastructure of the House of Representatives and the Committee on Commerce, Science,