

(Pub. L. 116-260, div. N, title IV, §404, Dec. 27, 2020, 134 Stat. 2055.)

#### 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.

Title IV of the CARES Act, referred to in subsec. (b), is title IV of div. A of Pub. L. 116-136, Mar. 27, 2020, 134 Stat. 469, which is classified principally to parts A (§9041 et seq.) and B (§9071 et seq.) of this subchapter. For complete classification of title IV 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.

#### § 9095. Protection of collective bargaining agreements

##### (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 a passenger 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 passenger 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) Passenger air carrier period of effect

With respect to any passenger air carrier to which financial assistance is provided under this part, this section shall be in effect with respect to the passenger air carrier for the period beginning on the date on which the passenger air carrier is first issued such financial assistance and ending on March 31, 2021.

##### (c) Contractor period of effect

With respect to any contractor to which financial assistance is provided under this part, this section shall be in effect with respect to the contractor beginning on the date on which the contractor is first issued such financial assistance and ending on March 31, 2021, or until the date on which all funds are expended, whichever is later.

(Pub. L. 116-260, div. N, title IV, §405, Dec. 27, 2020, 134 Stat. 2057.)

#### 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.

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.

##### 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.

#### § 9096. Limitation on certain employee compensation

##### (a) In general

The Secretary may only provide financial assistance under this part to a passenger air carrier or contractor after such carrier or contractor enters into an agreement with the Secretary that provides that, during the 2-year period beginning October 1, 2020, and ending October 1, 2022—

(1) no officer or employee of the passenger air carrier or contractor whose total compensation exceeded \$425,000 in calendar year 2019 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to December 27, 2020) will receive from the passenger air carrier or contractor—

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

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

(2) no officer or employee of the passenger air carrier or contractor 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 passenger air carrier or contractor 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 a passenger air carrier or contractor to an officer or employee of the passenger air carrier or contractor.

(Pub. L. 116-260, div. N, title IV, §406, Dec. 27, 2020, 134 Stat. 2057.)

#### Editorial Notes

##### REFERENCES IN TEXT

This part, referred to in subsec. (a), 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.

**§ 9097. Minimum air service guarantees**

**(a) 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, as the Secretary of Transportation determines necessary, to ensure services to any point served by that air carrier before March 1, 2020.

**(b) 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, the need to maintain well-functioning health care supply chains, including medical devices and supplies, and pharmaceutical supply chains.

**(c) Sunset**

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

**(d) Sense of Congress**

It is the sense of Congress that, when implementing this section, the Secretary of Transportation should take into consideration the following:

(1) A number of airports and communities have lost air service as a result of consolidated operations by covered air carriers, as permitted by the Department of Transportation, including smaller airports that are located near larger airports.

(2) Airports covering common points, as determined by the Department of Transportation, do not align with the grouping commonly used by many air carriers, other Federal agencies, and distribution channels used by consumers to purchase air travel.

(3) The demographic, geographic, economic, and other characteristics of an area and affected communities when determining whether consolidated operations at a single airport effectively serve the needs of the point.

(4) Maintaining a robust air transportation system, including maintaining air service to airports throughout the United States, plays an important role in the effective distribution of a coronavirus vaccine.

(5) The objections from community respondents on whether a specific airport should or should not be included in a consolidated point, including those objections noting the importance of the required considerations set forth in subsection (b).

(Pub. L. 116-260, div. N, title IV, § 407, Dec. 27, 2020, 134 Stat. 2058.)

**Editorial Notes**

REFERENCES IN TEXT

This part, referred to in subsec. (a), 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.

**§ 9098. Taxpayer protection**

**(a) CARES Act assistance recipients**

With respect to a recipient of financial assistance under section 4113 of the CARES Act (15 U.S.C. 9073) that receives financial assistance under this part, the Secretary may receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by such recipient that are, to the maximum extent practicable, in the same form and amount, and under the same terms and conditions, as agreed to by the Secretary and such recipient to provide appropriate compensation to the Federal Government for the provision of the financial assistance under this part.

**(b) Other applicants**

With respect to a recipient of financial assistance under this part that did not receive financial assistance under section 4113 of the CARES Act (15 U.S.C. 9073), the Secretary may receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by such recipient in a form and amount that are, to the maximum extent practicable, under the same terms and conditions as agreed to by the Secretary and similarly situated recipients of financial assistance under such section to provide appropriate compensation to the Federal Government for the provision of the financial assistance under this part.

(Pub. L. 116-260, div. N, title IV, § 408, Dec. 27, 2020, 134 Stat. 2059.)

**Editorial Notes**

REFERENCES IN TEXT

The CARES Act, referred to in subsec. (a), also known as the Coronavirus Aid, Relief, and Economic Security Act, is Pub. L. 116-136, Mar. 27, 2020, 134 Stat. 281, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 9001 of this title and Tables.

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