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# 15 U.S. Code § 9111

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## Assistance for providers of transportation services affected by COVID-19

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### **(a) Definitions**

In this section:

#### **(1) Covered period**

The term “covered period”, with respect to a provider of transportation services, means the period—

(A) beginning on December 27, 2020; and

(B) ending on the later of—

(i) March 31, 2021; or

(ii) the date on which all funds provided to the provider of transportation services under subsection (c) are expended.

#### **(2) COVID-19**

The term “COVID-19” means the Coronavirus Disease 2019.

#### **(3) Payroll costs**

##### **(A) In general**

The term “payroll costs” means—

(i) any payment to an employee of compensation in the form of—

(I) salary, wage, commission, or similar compensation;

(II) payment of a cash tip or an equivalent;

(III) payment for vacation, parental, family, medical, or sick leave;

(IV) payment required for the provision of group health care or other group insurance benefits, including insurance premiums;

(V) payment of a retirement benefit;

(VI) payment of a State or local tax assessed on employees with respect to compensation; or

(VII) paid administrative leave; and

(ii) any payment of compensation to, or income of, a sole proprietor or independent contractor—

(I) that is—

(aa) a wage;

(bb) a commission;

(cc) income;

(dd) net earnings from self-employment; or

(ee) similar compensation; and

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(II) in an amount equal to not more than \$100,000 during 1 calendar year, as prorated for the covered period.

#### **(B) Exclusions**

The term “payroll costs” does not include—

- (i) any compensation of an individual employee in excess of an annual salary of \$100,000, as prorated for the covered period;
- (ii) any tax imposed or withheld under chapter 21, 22, or 24 of title 26 during the covered period;
- (iii) any compensation of an employee whose principal place of residence is outside the United States;
- (iv) any qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (26 U.S.C. 3111 note; Public Law 116–127);
- (v) any qualified family leave wages for which a credit is allowed under section 7003 of that Act (26 U.S.C. 3111 note; Public Law 116–127); or
- (vi) any bonus, raise in excess of inflation, or other form of additional employee compensation.

#### **(4) Provider of transportation services**

The term “provider of transportation services” means an entity that—

(A) is established or organized—

- (i) in the United States; or
- (ii) pursuant to Federal law;

(B) has significant operations, and a majority of employees based, in the United States;

(C) was in operation on March 1, 2020; and

(D) is the operator of—

(i) a vessel of the United States (as defined in section 116 of title 46) that is—

- (I) a passenger vessel (as defined in section 2101 of that title) carrying fewer than 2,400 passengers;
- (II) a small passenger vessel (as defined in section 2101 of that title); or
- (III) a vessel providing pilotage services and regulated by a State in accordance with chapter 85 of that title;

(ii) a company providing transportation services using a bus characterized by an elevated passenger deck located over a baggage compartment (commonly known as an “over-the-road bus”), including local and intercity fixed-route service, commuter service, and charter or tour service (including tour or excursion service that includes features in addition to bus transportation, such as meals, lodging, admission to points of interest or special attractions, or the services of a guide);

(iii) a company providing transportation services using a school bus (as defined in section 571.3 of title 49, Code of Federal Regulations (or successor regulations)); or

(iv) any other passenger transportation service company subject to regulation by the Department of Transportation as the Secretary, in consultation with the Secretary of Transportation, determines to be appropriate.

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