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# 15 U.S. Code § 9141

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## Air transportation payroll support program extension

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### **(a) Definitions**

The definitions in section 40102(a) of title 49 shall apply with respect to terms used in this section, except that

- (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 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 “eligible air carrier” means an air carrier that—
  - (A) received financial assistance pursuant <sup>[1]</sup>section 9092(a)(1) of this title;
  - (B) provides air transportation as of March 31, 2021;
  - (C) has not conducted involuntary furloughs or reduced pay rates or benefits between March 31, 2021, and the date on which the air carrier makes a certification to the Secretary pursuant to subparagraph (D); and
  - (D) certifies to the Secretary that such air carrier will—
    - (i) refrain from conducting involuntary furloughs or reducing pay rates or benefits until September 30, 2021, or the date on which assistance provided under this section is exhausted, whichever is later;
    - (ii) refrain from purchasing an equity security of the air carrier or the parent company of the air carrier that is listed on a national securities exchange through September 30, 2022;
    - (iii) refrain from paying dividends, or making other capital distributions, with respect to common stock (or equivalent interest) of such air carrier through September 30, 2022;
    - (iv) during the 2-year period beginning April 1, 2021, and ending April 1, 2023, refrain from paying—
      - (I) any officer or employee of the air carrier 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 March 11, 2021)—

(aa) 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 air carrier in calendar year 2019; or

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

(II) any officer or employee of the air carrier whose total compensation exceeded \$3,000,000 in calendar year 2019 during any 12 consecutive months of such period total compensation in excess of the sum of—

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

(bb) 50 percent of the excess over \$3,000,000 of the total compensation received by the officer or employee from the air carrier in calendar year 2019.<sup>[2]</sup>

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