



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

March 30, 2020

TO: Alex Goodenough, Office of Information and Regulatory Affairs

FROM: Ryan Law, Deputy Assistant Secretary
for Privacy, Transparency, and Records

SUBJECT: Justification for Emergency Processing: CARES Act Air Carrier Loan and Payroll Support Programs

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 CFR 1320, the Treasury requests emergency processing for the CARES Act Air Carrier Loan and Payroll Support Programs information collection request.

On March 27, 2020, the President signed the “Coronavirus Aid, Relief, and Economic Security Act” or the “CARES Act,” which provides emergency assistance and health care response for individuals, families and businesses affected by the COVID-19 pandemic, and provides emergency appropriations to support executive branch agency operations during the COVID-19 pandemic.

The Act, among other things, authorizes the Secretary of the Treasury to make loans, loan guarantees, and other investments that do not exceed \$500 billion in the aggregate to provide liquidity to eligible businesses related to losses incurred as a result of coronavirus. Section 4003(b)(1)-(3) authorizes the Secretary to make such loans, loan guarantees, and investments available to the passenger air carriers, cargo air carriers, and businesses critical to maintaining national security. Section 4003(c) of the Act requires the Department of the Treasury to publish application procedures and minimum requirements for loans, loan guarantees, or other investments under Section 4003(b)(1)-(3) within ten days after enactment.

The Act also authorizes the Secretary of the Treasury to provide payments to passenger and cargo air carriers, as well as certain contractors, which shall exclusively be used for the continuation of payment of employee wages, salaries, and benefits. Section 4113 requires the Department of the Treasury to publish streamlined and expedited procedures within five days of enactment of the Act for air carriers and contractors to submit requests for such payroll support. The Department is required to make initial payments to air carriers and contractors that submit requests approved by the Secretary within ten days of enactment of the Act.

Because of the immediate need addressed by these programs and the Act’s urgent deadlines, the Department of the Treasury requests emergency processing and approval on March 30, 2020 for the applications and related reporting under these sections of the Act. Given the inability to seek public comment during such a short timeframe, Treasury requests a waiver from the requirement to publish notice in the Federal Register seeking public comment.