

(4) any instances of non-compliance by passenger air carriers or contractors receiving financial assistance under this part with the requirements of this part or agreements entered into with the Secretary to receive such financial assistance; and

(5) information relating to any clawback of any financial assistance provided to passenger air carriers or contractors under this part.

(b) Internet updates

The Secretary shall update the website of the Department of the Treasury, at minimum, on a weekly basis as necessary to reflect new or revised distributions of financial assistance under this part with respect to each passenger air carrier or contractor that receives such assistance, the identification of any applicant that applied for financial assistance under this part, and the date of application for such assistance.

(c) Supplemental update

Not later than the last day of the 1-year period following December 27, 2020, the Secretary shall update and 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, the report submitted under subsection (a).

(d) Protection of certain data

The Secretary may withhold information that would otherwise be required to be made available under this section only if the Secretary determines to withhold the information in accordance with section 552 of title 5.

(Pub. L. 116-260, div. N, title IV, § 409, Dec. 27, 2020, 134 Stat. 2059.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in subsecs. (a) and (b), 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.

§ 9100. Coordination

In implementing this part, the Secretary shall coordinate with the Secretary of Transportation.

(Pub. L. 116-260, div. N, title IV, § 410, Dec. 27, 2020, 134 Stat. 2060.)

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.

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.

§ 9101. Funding

There is appropriated, out of amounts in the Treasury not otherwise appropriated, \$16,000,000,000 to carry out this part, to remain available until expended.

(Pub. L. 116-260, div. N, title IV, § 411, Dec. 27, 2020, 134 Stat. 2060.)

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.

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.

PART D—CORONAVIRUS ECONOMIC RELIEF FOR TRANSPORTATION SERVICES ACT

Editorial Notes

CODIFICATION

Part D was enacted as part of the Coronavirus Economic Relief for Transportation Services 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.

§ 9111. Assistance for providers of transportation services affected by COVID-19

(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

(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.

(5) Secretary

The term “Secretary” means the Secretary of the Treasury.

(b) Funding

Out of any funds in the Treasury not otherwise appropriated, there are appropriated to provide grants to eligible providers of transportation services under this section, \$2,000,000,000 for fiscal year 2021, to remain available until expended.

(c) Provision of assistance

(1) In general

The Secretary, in consultation with the Secretary of Transportation, shall use the amounts made available under subsection (b) to provide grants to eligible providers of transportation services described in paragraph (2) that certify to the Secretary that the providers of transportation services have experienced a revenue loss of 25 percent or more, on an annual basis, as a direct or indirect result of COVID-19.

(2) Description of eligible providers of transportation services

(A) In general

An eligible provider of transportation services referred to in paragraph (1) is—

(i) a provider of transportation services that, on March 1, 2020—

(I) had 500 or fewer full-time, part-time, or temporary employees; and

(II) was not a subsidiary, parent, or affiliate of any other entity with a combined total workforce of more than 500 full-time, part-time, or temporary employees; or

(ii) a provider of transportation services that—

(I) on March 1, 2020, had more than 500 full-time, part-time, or temporary employees; and

(II) has not received assistance under paragraph (1), (2), or (3) of section 9042(b) of this title, or subtitle B of title IV of division A,¹ of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136; 134 Stat. 281) [15 U.S.C. 9071 et seq.].

(B) Scope of eligibility for certain companies

(i) In general

A provider of transportation services that has entered into or maintains a contract or agreement described in clause (ii) shall not be determined to be ineligible for assistance under this subsection on the basis of that contract or agreement, subject to clause (iv).

(ii) Contract or agreement described

A contract or agreement referred to in clause (i) is a contract or agreement for transportation services that is supported by a public entity using funds received under the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116-136; 134 Stat. 505).

(iii) Adjustment of assistance

The Secretary may reduce the amount of assistance available under this subsection to a provider of transportation services described in clause (i) based on the amount of funds provided under this section or the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116-136; 134 Stat. 505) that have supported a contract or agreement described in clause (ii) to which the provider of transportation services is a party.

(iv) Notice requirement

A provider of transportation services that has entered into or maintains a contract or agreement described in clause (ii), and that applies for assistance under this subsection, shall submit to the Secretary a notice describing the contract or agreement, including the amount of funds provided for the contract or agreement under this subsection or the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116-136; 134 Stat. 505).

(3) Amount

(A) Factors for consideration

In determining the amount of assistance to be provided to an eligible provider of transportation services under this subsection, the Secretary shall take into consideration information provided by the provider of transportation services, including—

- (i) the amount of debt owed by the provider of transportation services on major equipment, if any;
- (ii) other sources of Federal assistance provided to the provider of transportation services, if any; and

(iii) such other information as the Secretary may require.

(B) Limitations

(i) Award

The Secretary shall ensure that the amount of assistance provided to a provider of transportation services under this subsection, when combined with any other Federal assistance provided in response to COVID-19 under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136; 134 Stat. 281), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139; 134 Stat. 620), or any other provision of law, does not exceed the total amount of revenue earned by the provider of transportation services during calendar year 2019.

(ii) Certification

A provider of transportation services seeking assistance under this subsection shall submit to the Secretary—

(I) documentation describing the total amount of revenue earned by the provider of transportation services during calendar year 2019; and

(II) a certification that the amount of assistance sought under this subsection, when combined with any other Federal assistance described in clause (i), does not exceed the total amount of revenue earned by the provider of transportation services during calendar year 2019.

(4) Form of assistance

The amounts made available under subsection (b) shall be provided to eligible providers of transportation services in the form of grants.

(5) Equal access

The Secretary shall ensure equal access to the assistance provided under this section to eligible providers of transportation services that are small, minority-owned, and women-owned businesses.

(6) Conditions of receipt

As a condition of receipt of assistance under this subsection, the Secretary shall require that a provider of transportation services shall agree—

(A) subject to paragraph (7)—

(i) to commence using the funds, on a priority basis and to the extent the funds are available, to maintain through the applicable covered period, expenditures on payroll costs for all employees as of December 27, 2020, after making any adjustments required for—

- (I) retirement; or
- (II) voluntary employee separation;

(ii) not to impose, during the covered period—

- (I) any involuntary furlough; or
- (II) any reduction in pay rates or benefits for nonexecutive employees; and

(iii) to recall or rehire any employees laid off, furloughed, or terminated after

¹ So in original. The comma probably should not appear.

March 27, 2020, to the extent warranted by increased service levels;

(B) to return to the Secretary any funds received under this subsection that are not used by the provider of transportation services by the date that is 1 year after the date of receipt of the funds; and

(C) to examine the anticipated expenditure of the funds by the provider of transportation services for the purposes described in subparagraph (A) not less frequently than once every 90 days after the date of receipt of the funds.

(7) Ramp-up period

The requirement described in paragraph (6)(A)(iii) shall not apply to a provider of transportation services until the later of—

(A) the date that is 30 days after the date of receipt of the funds; and

(B) the date that is 90 days after December 27, 2020.

(8) Additional conditions of certain receipts

(A) Prioritization of payroll costs

As a condition of receipt of a grant under this subsection, the Secretary shall require that, except as provided in subparagraph (B), a provider of transportation services shall agree to use an amount equal to not less than 60 percent of the funds on payroll costs of the provider of transportation services.

(B) Exception

Subparagraph (A) shall not apply to a provider of transportation services if the provider of transportation services certifies to the Secretary that, after making any adjustments required for retirement or voluntary employee separation—

(i) each nonseasonal employee on the payroll of the provider of transportation services on January 1, 2020—

(I) if laid off, furloughed, or terminated by the provider of transportation services as described in paragraph (6)(A)(iii), is rehired, or has been offered rehire, by the provider of transportation services; and

(II) if rehired under clause (i) or subject to a reduction in salary before the date of receipt by the provider of transportation services of assistance under this subsection, receives not less than 100 percent of the previous salary of the employee;

(ii) the provider of transportation services—

(I) is staffed at a level of full-time equivalent, seasonal employees, on a monthly basis, that is greater than or equivalent to the level at which the provider of transportation services was staffed with full-time equivalent, seasonal employees on a monthly basis during calendar year 2019;

(II) is offering priority in rehiring to seasonal employees that were laid off, furloughed, terminated, or not offered rehire in calendar year 2020, as the provider of transportation services achieves

staffing at the level described in subclause (I); and

(III) offers any seasonal employee rehired under subclause (II) or subject to a reduction in salary before the date of receipt by the provider of transportation services of assistance under this subsection not less than 100 percent of the previous salary of the employee; and

(iii) the provider of transportation services will fully cover, through the applicable covered period, all payroll costs associated with the staffing requirements described in clauses (i) and (ii).

(9) Forms; terms and conditions

A grant provided under this section shall be in such form, subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines to be appropriate in accordance with this section.

(d) Eligible activities

(1) In general

Subject to the priority described in subsection (c)(6)(A), a provider of transportation services shall use assistance provided under subsection (c) only for—

(A) the payment of payroll costs;

(B) the acquisition of services, equipment, including personal protective equipment, and other measures needed to protect workers and customers from COVID-19;

(C) continued operations and maintenance during the applicable covered period of existing capital equipment and facilities—

(i) including rent, leases, insurance, and interest on regularly scheduled debt service; but

(ii) not including any prepayment of, or payment of principal on, a debt obligation, except for any principal on a debt obligation accrued by the provider of transportation services directly to maintain the expenditures of the provider of transportation services on payroll costs throughout the COVID-19 pandemic; or

(D) the compensation of returning employees for lost pay and benefits during the COVID-19 pandemic, subject to subsection (e).

(2) Eligibility

The use of assistance provided under subsection (c) for the compensation of returning employees under paragraph (1)(D) shall be counted toward the required amount of grants to be used on payroll costs under subsection (c)(6)(A).

(e) Compensation of returning employees

Notwithstanding any other provision of law, any compensation provided to a returning employee under subsection (d)(1)(D)—

(1) shall be offset by—

(A) any amounts received by the employee from the provider of transportation services as a result of the layoff, furlough, or termination of the employee or any failure to hire

the employee for seasonal employment during calendar year 2020, including—

- (i) furlough pay;
- (ii) severance pay; or
- (iii) separation pay; and

(B) any amounts the employee received from unemployment insurance; and

(2) shall not—

(A) be considered an overpayment for purposes of any State or Federal unemployment law; or

(B) be subject to any overpayment recovery efforts by a State agency (as defined in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (U.S.C. 3304 note²)).

(f) Administrative provisions

(1) In general

The Secretary may take such actions as the Secretary determines to be necessary to carry out this section, including—

(A) using direct hiring authority to hire employees to administer this section;

(B) entering into contracts, including contracts for services authorized by this section; and

(C) issuing such regulations and other guidance as may be necessary or appropriate to carry out the purposes of this section.

(2) Administrative expenses

Of the funds made available under this section, not more than \$50,000,000 may be used by the Secretary for administrative expenses to carry out this section.

(3) Availability for obligation

The funds made available under this section shall remain available for obligation until the date that is 3 years after December 27, 2020.

(Pub. L. 116–260, div. N, title IV, § 421, Dec. 27, 2020, 134 Stat. 2061.)

Editorial Notes

REFERENCES IN TEXT

The Coronavirus Aid, Relief, and Economic Security Act, referred to in subsec. (c)(2)(A)(ii)(II), (3)(B)(i), also known as the CARES 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. Subtitle B of title IV of division A of the Act is classified generally to part B (§9071 et seq.) of this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 9001 of this title and Tables.

The Emergency Appropriations for Coronavirus Health Response and Agency Operations, referred to in subsec. (c)(2)(B)(ii) to (iv), is div. B of Pub. L. 116–136, Mar. 27, 2020, 134 Stat. 505. Provisions in the Act relating to funds for transportation services are not classified to the Code.

The Paycheck Protection Program and Health Care Enhancement Act, referred to in subsec. (c)(3)(B)(i), is Pub. L. 116–139, Apr. 24, 2020, 134 Stat. 620, which amended sections 636, 9006, and 9009 of this title. For complete classification of this Act to the Code, see Short Title of 2020 Amendment note set out under section 9001 of this title and Tables.

Section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, referred to in subsec.

(e)(2)(B), is section 205 of Pub. L. 91–373, which is set out as a note under section 3304 of Title 26, Internal Revenue Code.

CODIFICATION

Section was enacted as part of the Coronavirus Economic Relief for Transportation Services 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.

PART E—RELIEF FOR AIRPORTS

Editorial Notes

CODIFICATION

Part E was enacted as part of the American Rescue Plan Act of 2021, and not as part of the CARES Act which in part comprises this chapter.

§ 9121. Relief for airports

(a) In general

(1) In general

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any funds in the Treasury not otherwise appropriated, \$8,000,000,000, to remain available until September 30, 2024, for assistance to sponsors of airports, as such terms are defined in section 47102 of title 49, to be made available to prevent, prepare for, and respond to coronavirus.

(2) Requirements and limitations

Amounts made available under this section—

(A) may not be used for any purpose not directly related to the airport; and

(B) may not be provided to any airport that was allocated in excess of 4 years of operating funds to prevent, prepare for, and respond to coronavirus in fiscal year 2020.

(b) Allocations

The following terms shall apply to the amounts made available under this section:

(1) Operating expenses and debt service payments

(A) In general

Not more than \$6,492,000,000 shall be made available for primary airports, as such term is defined in section 47102 of title 49, and certain cargo airports, for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

(B) Distribution

Amounts made available under this paragraph—

(i) shall not be subject to the reduced apportionments under section 47114(f) of title 49;

(ii) shall first be apportioned as set forth in sections 47114(c)(1)(A), 47114(c)(1)(C)(i),¹ 47114(c)(1)(C)(ii),¹ 47114(c)(2)(A), 47114(c)(2)(B), and 47114(c)(2)(E)¹ of title 49; and

(iii) shall not be subject to a maximum apportionment limit set forth in section 47114(c)(1)(B) of title 49.

² So in original. Probably should be “26 U.S.C. 3304 note”.

¹ See References in Text note below.