

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 L. 116-136, Mar. 27, 2020, 134 Stat. 281, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code.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.

(C) Remaining amounts

Any amount remaining after distribution under subparagraph (B) shall be distributed to the sponsor of each primary airport (as such term is defined in section 47102 of title 49) based on each such primary airport's passenger enplanements compared to the total passenger enplanements of all such primary airports in calendar year 2019.

(2) Federal share for development projects**(A) In general**

Not more than \$608,000,000 allocated under subsection (a)(1) shall be available to pay a Federal share of 100 percent of the costs for any grant awarded in fiscal year 2021, or in fiscal year 2020 with less than a 100-percent Federal share, for an airport development project (as such term is defined in section 47102 of title 49).

(B) Remaining amounts

Any amount remaining under this paragraph shall be distributed as described in paragraph (1)(C).

(3) Nonprimary airports**(A) In general**

Not more than \$100,000,000 shall be made available for general aviation and commercial service airports that are not primary airports (as such terms are defined in section 47102 of title 49) 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 shall be apportioned to each non-primary airport based on the categories published in the most current National Plan of Integrated Airport Systems, reflecting the percentage of the aggregate published eligible development costs for each such category, and then dividing the allocated funds evenly among the eligible airports in each category, rounding up to the nearest thousand dollars.

(C) Remaining amounts

Any amount remaining under this paragraph shall be distributed as described in paragraph (1)(C).

(4) Airport concessions**(A) In general**

Not more than \$800,000,000 shall be made available for sponsors of primary airports to provide relief from rent and minimum annual guarantees to airport concessions, of which at least \$640,000,000 shall be available to provide relief to eligible small airport concessions and of which at least \$160,000,000 shall be available to provide relief to eligible large airport concessions located at primary airports.

(B) Distribution

The amounts made available for each set-aside in this paragraph shall be distributed

to the sponsor of each primary airport (as such term is defined in section 47102 of title 49) based on each such primary airport's passenger enplanements compared to the total passenger enplanements of all such primary airports in calendar year 2019.

(C) Conditions

As a condition of approving a grant under this paragraph—

(i) the sponsor shall provide such relief from March 21, 2021, until the sponsor has provided relief equaling the total grant amount, to the extent practicable and to the extent permissible under State laws, local laws, and applicable trust indentures; and

(ii) for each set-aside, the sponsor shall provide relief from rent and minimum annual guarantee obligations to each eligible airport concession in an amount that reflects each eligible airport concession's proportional share of the total amount of the rent and minimum annual guarantees of those eligible airport concessions at such airport.

(c) Administration**(1) Administrative expenses**

The Administrator of the Federal Aviation Administration may retain up to 0.1 percent of the funds provided under this section to fund the award of, and oversight by the Administrator of, grants made under this section.

(2) Workforce retention requirements**(A) Required retention**

As a condition for receiving funds provided under this section, an airport shall continue to employ, through September 30, 2021, at least 90 percent of the number of individuals employed (after making adjustments for retirements or voluntary employee separations) by the airport as of March 27, 2020.

(B) Waiver of retention requirement

The Secretary shall waive the workforce retention requirement if the Secretary determines that—

(i) the airport is experiencing economic hardship as a direct result of the requirement; or

(ii) the requirement reduces aviation safety or security.

(C) Exception

The workforce retention requirement shall not apply to nonhub airports or nonprimary airports receiving funds under this section.

(D) Noncompliance

Any financial assistance provided under this section to an airport that fails to comply with the workforce retention requirement described in subparagraph (A), and does not otherwise qualify for a waiver or exception under this paragraph, shall be subject to clawback by the Secretary.

(d) Definitions

In this section:

(1) Eligible large airport concession

The term "eligible large airport concession" means a concession (as defined in section 23.3

of title 49, Code of Federal Regulations), that is in-terminal and has maximum gross receipts, averaged over the previous three fiscal years, of more than \$56,420,000.

(2) Eligible small airport concession

The term “eligible small airport concession” means a concession (as defined in section 23.3 of title 49, Code of Federal Regulations), that is in-terminal and—

(A) a small business with maximum gross receipts, averaged over the previous 3 fiscal years, of less than \$56,420,000; or

(B) is a joint venture (as defined in section 23.3 of title 49, Code of Federal Regulations).

(Pub. L. 117-2, title VII, § 7102, Mar. 11, 2021, 135 Stat. 96.)

Editorial Notes

REFERENCES IN TEXT

Sections 47114(c)(1)(C)(i) and 47114(c)(1)(C)(ii) of title 49, referred to in subsec. (b)(1)(B)(ii), were omitted in the general amendment of subsec. (c)(1) of section 47114 of title 49 by Pub. L. 118-63, title VII, § 712(a)(1), May 16, 2024, 138 Stat. 1254. The new subsec. (c)(1)(C) of section 47114 of title 49 does not contain any clauses.

Section 47114(c)(2)(E) of title 49, referred to in subsec. (b)(1)(B)(ii), was redesignated section 47114(c)(2)(D) of title 49 by Pub. L. 118-63, title VII, § 712(a)(2)(C), May 16, 2024, 138 Stat. 1255.

CODIFICATION

Section 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.

PART F—AVIATION MANUFACTURING JOBS
PROTECTION

Editorial Notes

CODIFICATION

Part F 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.

§ 9131. Definitions

In this part:

(1) Eligible employee group

The term “eligible employee group” means the portion of an employer’s United States workforce that—

(A) does not exceed 25 percent of the employer’s total United States workforce as of April 1, 2020; and

(B) contains only employees with a total compensation level of \$200,000 or less per year; and

(C) is engaged in aviation manufacturing activities and services, or maintenance, repair, and overhaul activities and services.

(2) Aviation manufacturing company

The term “aviation manufacturing company” means a corporation, firm, or other business entity—

(A) that—

(i) actively manufactures an aircraft, aircraft engine, propeller, or a component, part, or systems of an aircraft or aircraft engine under a Federal Aviation Administration production approval;

(ii) holds a certificate issued under part 145 of title 14, Code of Federal Regulations, for maintenance, repair, and overhaul of aircraft, aircraft engines, components, or propellers; or

(iii) operates a process certified to SAE AS9100 related to the design, development, or provision of an aviation product or service, including a part, component, or assembly;

(B) which—

(i) is established, created, or organized in the United States or under the laws of the United States; and

(ii) has significant operations in, and a majority of its employees engaged in aviation manufacturing activities and services, or maintenance, repair, and overhaul activities and services based in the United States;

(C) which has involuntarily furloughed or laid off at least 10 percent of its workforce in 2020 as compared to 2019 or has experienced at least a 15 percent decline in 2020 revenues as compared to 2019;

(D) that, as supported by sworn financial statements or other appropriate data, has identified the eligible employee group and the amount of total compensation level for the eligible employee group;

(E) that agrees to provide private contributions and maintain the total compensation level for the eligible employee group for the duration of an agreement under this part;

(F) that agrees to provide immediate notice and justification to the Secretary of involuntary furloughs or layoffs exceeding 10 percent of the workforce that is not included in an eligible employee group for the duration of an agreement and receipt of public contributions under this part;

(G) that has not conducted involuntary furloughs or reduced pay rates or benefits for the eligible employee group, subject to the employer’s right to discipline or terminate an employee in accordance with employer policy, between the date of application and the date on which such a corporation, firm, or other business entity enters into an agreement with the Secretary under this part; and

(H) that—

(i) in the case of a corporation, firm, or other business entity including any parent company or subsidiary of such a corporation, firm, or other business entity, that holds any type or production certificate or similar authorization issued under section 44704 of title 49, United States Code, with respect to a transport-category airplane covered under part 25 of title 14, Code of Federal Regulations, certificated with a passenger seating capacity of 50 or more, agrees to refrain from conducting involuntary layoffs or furloughs, or reducing pay rates and benefits, for the eligible employee group, subject to the employer’s right to discipline or terminate an employee in accordance with employer policy