

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

from the date of agreement until September 30, 2021, or the duration of the agreement and receipt of public contributions under this part, whichever period ends later; or

(ii) in the case of corporation, firm, or other business entity not specified under subparagraph (i), 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 for the duration of the agreement and receipt of public contributions under this part.

(3) Employee

The term “employee” has the meaning given that term in section 203 of title 29.

(4) Employer

The term “employer” means an aviation manufacturing company that is an employer (as defined in section 203 of title 29).

(5) Private contribution

The term “private contribution” means the contribution funded by the employer under this part to maintain 50 percent of the eligible employee group's total compensation level, and combined with the public contribution, is sufficient to maintain the total compensation level for the eligible employee group as of April 1, 2020.

(6) Public contribution

The term “public contribution” means the contribution funded by the Federal Government under this part to provide 50 percent of the eligible employees group's total compensation level, and combined with the private contribution, is sufficient to maintain the total compensation level for those in the eligible employee group as of April 1, 2020.

(7) Secretary

The term “Secretary” means the Secretary of Transportation.

(8) Total compensation level

The term “total compensation level” means the level of total base compensation and benefits being provided to an eligible employee group employee, excluding overtime and premium pay, and excluding any Federal, State, or local payroll taxes paid, as of April 1, 2020.

(Pub. L. 117–2, title VII, §7201, Mar. 11, 2021, 135 Stat. 101.)

Editorial Notes

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.

§ 9132. Payroll support program

(a) In General

The Secretary shall establish a payroll support program and enter into agreements with employers who meet the eligibility criteria

specified in subsection (b) and are not ineligible under subsection (c), to provide public contributions to supplement compensation of an eligible employee group. There is appropriated for fiscal year 2021, out of amounts in the Treasury not otherwise appropriated, \$3,000,000,000, to remain available until September 30, 2023, for the Secretary to carry out the payroll support program authorized under the preceding sentence for which 1 percent of the funds may be used for implementation costs and administrative expenses.

(b) Eligibility

The Secretary shall enter into an agreement and provide public contributions, for a term no longer than 6 months, solely with an employer that agrees to use the funds received under an agreement exclusively for the continuation of employee wages, salaries, and benefits, to maintain the total compensation level for the eligible employee group as of April 1, 2020 for the duration of the agreement, and to facilitate the retention, rehire, or recall of employees of the employer, except that such funds may not be used for back pay of returning rehired or recalled employees.

(c) Ineligibility

The Secretary may not enter into any agreement under this section with an employer who was allowed a credit under section 2301 of the CARES Act (26 U.S.C. 3111 note) for the immediately preceding calendar quarter ending before such agreement is entered into, who received financial assistance under section 9073 of this title, or who is currently expending financial assistance under the paycheck protection program established under section 636(a)(36) of this title, as of the date the employer submits an application under the payroll support program established under subsection (a).

(d) Reductions

To address any shortfall in assistance that would otherwise be provided under this part, the Secretary shall reduce, on a pro rata basis, the financial assistance provided under this part.

(e) Agreement Deadline

No agreement may be entered into by the Secretary under the payroll support program established under subsection (a) after the last day of the 6 month period that begins on the effective date of the first agreement entered into under such program.

(Pub. L. 117–2, title VII, §7202, Mar. 11, 2021, 135 Stat. 103.)

Editorial Notes

REFERENCES IN TEXT

Section 2301 of the CARES Act, referred to in subsection (c), is section 2301 of Pub. L. 116–136, which is set out as a note under section 3111 of Title 26, Internal Revenue Code.

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.