



Federal Aviation Administration

Airport Rescue Grants Frequently Asked Questions

This document answers frequently asked questions (FAQs) stakeholders may have related to the approximately \$8 billion in grants for airports under the American Rescue Plan Act of 2021 (ARPA).

The Federal Aviation Administration (FAA) has additional information for airport sponsors concerning COVID-19 at www.faa.gov/airports.

The guidance here is not legally binding in its own right, and the FAA will not rely on it as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with this guidance, as distinct from existing statutes, regulations, and grant assurances, is voluntary only, and nonconformity will not affect existing rights and obligations.

In addition to these grants, the FAA is administering approximately \$10 billion in grants for airports under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and approximately \$2 billion under the Coronavirus Response and Relief Supplemental Appropriation (CRRSA) Act, 2021. For information on CARES Act funding, please visit https://www.faa.gov/airports/cares_act/. For information on CRRSA Act funding, please visit <https://www.faa.gov/airports/crrsaa/>.

For questions related to all FAA COVID-relief programs, please email CARESAirports@faa.gov.

This update revises questions Q-U2, GA12, Q-GA13, Q-GA16, Q-GA17, Q-I1, Q-I2, Q-C1, Q-CR5, CR25, and Q-CR29.

These FAQs will be updated periodically.

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General Questions

- Q1: How does the American Rescue Plan Act benefit airports and airport concessions?**
A: On March 11, 2021, the President signed the American Rescue Plan Act of 2021 (Public Law 117-2) (ARPA). Section 7102 of ARPA provides approximately \$8 billion in economic relief to airports to prevent, prepare for, and respond to the COVID-19 pandemic, including relief from rent and minimum annual guarantees (MAG) for eligible airport concessions at primary airports.
- Q2: Where is this funding coming from?**
A: The funds are coming directly from the U.S. Treasury’s General Fund to prevent, prepare for, and respond to the impacts of the COVID-19 pandemic. The FAA’s Office of Airports will administer these grant funds to airport sponsors.
- Q3: Who is eligible to receive funding under ARPA?**
A: ARPA funds are available to most sponsors as defined in section 47102 of title 49, United States Code (U.S.C.); that is, airport sponsors meeting statutory and policy requirements under this section and identified in the FAA’s current National Plan of Integrated Airport Systems (NPIAS).
- Q4: Are any airports not eligible to receive funding under ARPA?**
A: ARPA prohibits funding for any airport that was allocated more than four times its annual operating expenses under the CARES Act (Public Law 116-136). Like under the Coronavirus Response and Relief Supplemental Appropriation Act (Public Law 116-260) (CRRSA), the FAA used airports’ reported fiscal year (FY) 2018 operating expenses to make this determination. This prohibition affects 31 airports, and their respective ARPA allocations will be zero when the FAA announces award allocations.
- Q5: What is the period of availability for the FAA to obligate ARPA funding?**
A: Funds are available until September 30, 2024, and must be obligated by that date. The FAA intends to award grants and obligate these funds on an expedited basis.
- Q6: Are airport sponsors in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Wake Island eligible for Airport Rescue Grants?**

A: No. ARPA states only sponsors of airports in categories defined in 49 U.S.C. 47102 are eligible. Eligible airports are included in the NPIAS. Airports in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Wake Island are not included in the NPIAS. While these airport sponsors may be eligible for some Airport Improvement Program (AIP) discretionary funding under 49 U.S.C. 47115, they are not eligible under ARPA. The FAA will award any FY 2021 AIP grant awarded to airport sponsors in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Wake Island with a 100% Federal share. See Q-F2 for more information on 100% Federal share.

Q7: Are airports in U.S. territories eligible for Airport Rescue Grants?

A: Yes. ARPA states only sponsors of airports in categories defined in 49 U.S.C. 47102 are eligible. Eligible airports are included in the NPIAS. Airports in U.S. territories (American Samoa, Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, and Guam) are included in the NPIAS.

Q8: Can an airport sponsor use Airport Rescue Grants and funding from other Federal programs to pay for expenses related to the COVID-19 pandemic?

A: A sponsor may use Airport Rescue Grants for airport operational expenses that arise due to the COVID-19 pandemic. The FAA recognizes that several sources of COVID-19 relief funds may be available to airport sponsors. Airport sponsors may use other sources of funding consistent with the terms of those programs. However, an airport sponsor may not use ARPA funds or submit invoices under its Airport Rescue Grant for the same costs that have been reimbursed under another Federal program.

Questions on Allocation of Funds

Q-F1: How will this funding be allocated to airport sponsors?

A: ARPA divides the \$8 billion funding into four groups by formula that results in specific allocations to each eligible airport. The amounts allocated for these four groups are not discretionary; they are set by formula in ARPA. The four groups are:

(1) 100% Federal Share for Airport Development Grants. Not more than \$608 million is available to pay a Federal share of 100% for any grant awarded in FY 2021, or in FY 2020 with less than a 100% Federal share, for an airport development project, as defined in 49 U.S.C. 47102. Any amount remaining under this paragraph will be allocated as described in group (2) below. Additional information on how the FAA intends to increase the Federal share of grants is described in Q-F2.

(2) General Grants for Primary Airports. Primary Commercial Service Airports and Certain Cargo Airports share not more than \$6.492 billion based first on the statutory Airport Improvement Program (AIP) primary and cargo entitlement formulas. However, the \$26-million limit under 49 U.S.C. 47114(c)(1)(C)(iii) and reduction for imposing passenger facility charges under 49 U.S.C. 47114(f) do not apply to these allocations. After allocating

based on the statutory entitlement formulas, the remainder is then allocated based on the number of enplanements the airport had in calendar year (CY) 2019 as a percentage of total 2019 enplanements for all primary airports. Sponsors may use these funds for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

- (3) General Grants for Nonprimary Airports. Nonprimary Commercial Service and General Aviation Airports share not more than \$100 million, allocated based on the categories (National, Regional, Local, and Basic) published in [the most current NPIAS](#), 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, rounded up to the nearest thousand. Any amount remaining under this paragraph will be allocated as described in group (2) above. Sponsors may use these funds for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.
- (4) Concessions Rent Relief Grants. Primary commercial service airports share not more than \$800 million allocated based on the number of enplanements the airport had in CY 2019 as a percentage of total CY 2019 enplanements for all primary airports. Sponsors receive two allocations, a proportional share of \$640 million and a proportional share of \$160 million, to provide relief to small airport concessions and large airport concessions, respectively. More information about concessions rent relief grants is available in the Questions on Concessions Rent Relief section.

Q-F2: How will the FAA pay a 100% Federal share under ARPA?

A: The FAA will award the 100% Federal share in a manner substantially similar to how it awarded 100% Federal share grants under CARES. Under CARES, the FAA awarded a 100% Federal share for grants awarded under the FY 2020 appropriations for AIP and Supplemental Discretionary grants. All AIP grants awarded during FY 2021 will be awarded at a 100% Federal share, even if those grants are awarded with funds recovered from prior appropriations. All Supplemental Discretionary grants awarded under the FAA's FY 2021 appropriation will be awarded at a 100% Federal share, regardless of when the grant is obligated. In FY 2021, amendments to FY 2020 multi-year AIP grants will be at a 100% Federal share. In FY 2022 and 2023, amendments to FY 2020 multi-year AIP grants will be at a 100% Federal share based on the amendment amounts described in the original multi-year grant agreement. In FY 2022 and 2023, amendments to FY 2021 multi-year AIP grants will be at a 100% Federal share based on the amendment amounts described in the original multi-year grant agreement, if funds remain available. If remaining funds are insufficient to cover all multi-year amendment commitments, the FAA will pay the increased Federal share on a proportional basis. The FAA will not award an increased Federal share for any Supplemental Discretionary grants awarded under the FAA's FY 2019 appropriation or for any FY 2020 AIP grant that was funded with funds recovered

from a prior fiscal year because these grants were not eligible for a 100% Federal share under the CARES Act. Airport sponsors do not have to take further action to receive 100% Federal share funds, and an airport sponsor should submit its SF-424, *Application for Federal Assistance*, with only the amount of the AIP or Supplemental Discretionary grant (i.e., the sponsor's normal Federal share). The FAA will add all increased Federal share funds to the AIP or Supplemental Discretionary grant when those grants are obligated or amended.

Q-F3: How did the FAA use the NPIAS airport categorization to determine ARPA allocations for nonprimary airport sponsors?

A: Under ARPA, not more than \$100 million was allocated to nonprimary airports based on the categories in the [National Plan of Integrated Airport Systems \(NPIAS\) 2021-2025](#), issued September 30, 2020, updated to reflect the current status for FY 2021. [FAA Order 5090.5, Formulation of the NPIAS and ACIP](#), defines the criteria for each category or role.

Q-F4: Why do airports with a NPIAS category of Unclassified not receive an allocation under ARPA?

A: ARPA allocates funds for nonprimary airports based on the percentage of the aggregate published eligible development costs for each category that is then divided evenly among eligible airports in each category. As documented in the NPIAS 2021-2025, consistent with their role in the national airport system, unclassified airports have no development needs identified through 2025.

Q-F5: Do airport sponsors have to contribute a local match for Airport Rescue Grants?

A: No. Both general and concessions rent relief grants under Airport Rescue Grants are available at a 100% Federal share.

Questions on the Use of General Grant Funding

Q-U1: How can an airport sponsor use Airport Rescue Grant funds?

A: An airport sponsor may use these funds for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. Grant recipients should follow FAA's [Policy and Procedures Concerning the Use of Airport Revenues \("Revenue Use Policy"\)](#), 64 Federal Register 7696 (64 FR 7696), as amended by [79 Federal Register 66282 \(79 FR 66282\)](#). The Revenue Use Policy document provides guidance regarding permitted and prohibited uses of airport revenue. In addition, while ARPA limits the use of funds to certain stated eligible costs, it states that funds may not be used for any purpose not directly related to the airport. Grant recipients also should review the [Information for Airport Sponsors Considering COVID-19 Restrictions or Accommodations](#) for clarifying COVID-19 revenue use guidance.

Q-U2: Can Airport Rescue Grant funds be used to reimburse operational expenses?

A: Yes. The FAA will reimburse sponsors for operational expenses directly related to the airport incurred on or after January 20, 2020. Operational expenses are those

expenses necessary to operate, maintain, and manage an airport. They include expenses such as payroll, utilities, service contracts, and items generally having a limited useful life, including personal protective equipment and cleaning supplies. Maintenance and repairs are limited to a project necessary to keep an asset in good working order but do not add material value or appreciably prolong the life of the asset.

Q-U3: Can Airport Rescue Grant funds be used to reimburse debt service payments?

A: Yes. The FAA will reimburse sponsors for debt service payments directly related to the airport that are due on or after March 11, 2021, which is the date of enactment of ARPA.

Q-U4: Can Airport Rescue Grant funds be used to reimburse monthly payments into a debt service reserve fund?

A: Yes. The FAA will reimburse sponsors for monthly payments into a debt service reserve fund (also called a debt service sinking fund or similar name), which are directly related to the airport, that are due on or after March 11, 2021, which is the date of enactment of ARPA. The airport sponsor must ensure that these payments are restricted to only debt service payments. The airport sponsor will submit a detailed invoice summary with its payment request. All documentation of the payment and disbursements must be retained for three years after the grant is closed, as required by 2 Code of Federal Regulations (CFR) § 200.334.

Q-U5: Can Airport Rescue Grant funds be used for new airport development on the airport?

A: Yes. However, there are limitations on the type of development for which the funding can be used. Any development-related costs must be associated with combating the spread of pathogens at the airport. Examples of eligible development would be replacing or upgrading a heating, ventilation, and air conditioning (HVAC) system; reconfiguring the terminal to accommodate increased social distancing; or reconfiguring terminal space or other facilities to accommodate health screening. A sponsor seeking to use the funds for new airport development or construction should contact its local Airports District Office or Airports Regional Office. That office will ensure that such development is consistent with the requirements for airport development. The Airports District Office or Airports Regional Office also will assist the airport sponsor with executing a Development Addendum for its intended project.

Q-U6: Can Airport Rescue Grant funds be used to prepay long-term contracts (for example, shuttlebus operators, janitorial services, security services, fire, and police services)?

A: Yes, provided the prepayment is a *bona fide* transaction in which the airport sponsor receives the benefit of the prepaid services and receives some value in exchange for committing in advance.

Q-U7: Can Airport Rescue Grant funds be deposited in the airport sponsor's general reserve account (or invested for future use)?

A: No. The FAA would not be able to ensure a potential future use is a use consistent with ARPA requirements.

Q-U8: Is there a limit on using Airport Rescue Grant funds for operational expenses?

A: No. An airport sponsor may use all of its awarded funds for allowable airport operational expenses or debt service payments.

Q-U9: Can Airport Rescue Grant funds be used to reimburse for a cost associated with an aeronautical service or product provided by the airport sponsor?

A: Yes, in certain circumstances. Airport Rescue Grant funds are available to reimburse the costs associated with aeronautical products or services offered by the airport sponsor but only when the sponsor certifies it is the only provider of the same product or service at the airport. These services include aviation fuels, equipment, parts, supplies, and facilities for aircraft storage or maintenance. Costs associated with flight training or aviation training are not eligible for reimbursement.

Q-U10: Can Airport Rescue Grant funds be used to reimburse depreciation?

A: No. Depreciation is not an allowable expense under Airport Rescue Grants. Although depreciation is an allowable operating expense by both 2 CFR part 200 and the Revenue Use Policy, it does not impact cash flow because the cash or donation was considered at the acquisition of the asset, and the asset could have been financed by long-term debt, Federal grants, current funds, or donation.

Q-U11: Can the Airport Rescue Grant funds be used to reimburse charitable contributions or sponsorships?

A: No. Charitable contributions and sponsorships are not allowable expenses. All reimbursements made under Airport Rescue Grants must comply with 2 CFR part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Section 200.434, "Contributions and Donations," states that contributions and donations, including cash, property, and services, are unallowable.

Q-U12: Can Airport Rescue Grant funds be used to reimburse economic development efforts?

A: No. Under ARPA, funds are available for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. Economic development does not fall into these categories of eligible costs.

Q-U13: Can Airport Rescue Grant funds be used to reimburse smaller invoices for items such as groceries for snack rooms or meals for airport personnel?

A: As long as the purchases are for purposes eligible under ARPA (as described in Q-U1) and comply with 2 CFR part 200, including the requirement to document the

costs adequately, small purchases are eligible for reimbursement. However, it can be difficult to document that these items are directly related to airport use.

Q-U14: Can Airport Rescue Grant funds be used to reimburse debt service payments that are backed by an approved passenger facility charge (PFC) and paid with PFC funds?

A: No. If PFC funds are available, the PFC funds must be used on any approved PFC project. Airport Rescue Grant funds are not available to be deposited into PFC accounts. In accordance with 14 CFR § 158.39, public agencies cannot hold excess PFC funds in reserve for future use. In addition, the requirements of 14 CFR part 158 apply to any new projects or changes in scope to existing projects.

Q-U15: Can Airport Rescue Grant funds be used to reimburse debt service payments that are backed by an approved PFC?

A: Yes. The airport sponsor may supplement debt service payments with other airport revenue and submit a request for payment under its grant. The invoice summary should show the amount of debt service paid with PFC collections and the amount paid with non-PFC funds. The airport sponsor can submit a request for payment under its grant at the same time it submits an amendment to an approved PFC, which decreases the total collection or deletes an approved project, to its local Airports District Office or Airports Regional Office.

Q-U16: Can Airport Rescue Grant funds be used to reimburse the defeasement of debt backed by an approved PFC?

A: Yes. The airport sponsor can defease the debt with non-PFC funds and submit a request for payment under its grant. However, the airport sponsor must amend its PFC approval in accordance with the requirements of 14 CFR § 158.37 to reflect the change. A PFC amendment that decreases the total PFC revenue or deletes an approved project does not require airline consultation or a public comment period. An airport sponsor can submit a request for payment under its grant at the same time it submits an amendment to an approved PFC to its local Airports District Office or Airports Regional Office.

Questions on Grant Application and Agreement

Q-GA1: Is a grant application required to receive Airport Rescue Grant funds?

A: Yes. After Airport Rescue Grant awards are announced, FAA personnel will reach out to each airport sponsor to provide an opportunity to submit a grant application. An airport sponsor may contact its Airports District Office or Airports Regional Office if it seeks specific guidance on its grant application.

Q-GA2: Will the FAA use a standard grant application form or one specifically designed for this program?

A: The FAA will use the SF-424, *Application for Federal Assistance*.

Q-GA3: How long after submitting a complete application should an airport sponsor expect to receive a grant?

A: The FAA anticipates providing a grant agreement for execution shortly after receiving a complete application.

Q-GA4: Is there a deadline for submitting an application for an Airport Rescue Grant?

A: Yes. The deadline to apply for a grant is November 30, 2021. After that date, the FAA will reallocate any unobligated general grants funds to primary airports based on CY 2019 enplanements as indicated under ARPA, and the FAA will reallocate any unobligated concessions rent relief grants funds to primary airports for additional rent relief based on CY 2019 enplanements. (See Q-F1)

Q-GA5: If an airport sponsor owns or operates multiple airports, may Airport Rescue Grant funds be pooled?

A: No. An airport sponsor should apply for a separate grant for each airport under its control.

Q-GA6: Is there a deadline by which Airport Rescue Grant funds must be used?

A: Yes. The budget period for Airport Rescue Grants is four years. Pursuant to 2 CFR § 200.403(h), a sponsor may charge to the grant only allowable costs incurred during the budget period.

Q-GA7: Will the FAA use a standard AIP grant agreement or one specifically designed for Airport Rescue Grants?

A: The FAA will provide simplified grant agreement(s) shortly after it receives application(s). This simplified agreement includes the requirements under ARPA and makes funds immediately available for operational expenses and debt service payments.

Q-GA8: Does an Airport Rescue Grant agreement require an airport sponsor to obligate itself to the standard set of FAA Airport Sponsor Grant Assurances?

A: Generally, no. ARPA is silent on whether the requirements of 49 U.S.C. chapter 471 apply to Airport Rescue Grants. Nevertheless, the FAA is implementing Airport Rescue Grants in the same manner as it implemented CARES Act Airport Grants and the Airport Coronavirus Response Grant Program. If an airport sponsor uses its grant funds for operational expenses or debt service payments, the standard FAA Airport Sponsor Grant Assurances do not apply. These grants remain subject to audit, reporting, records retention, and other requirements under 2 CFR part 200, like other Federal grant funding. In addition, other laws apply to Airport Rescue Grants, such as 49 U.S.C. 40103(e), which prohibits the grant of an exclusive right to conduct any type of aeronautical activity at an airport, and Title VI of the Civil Rights Act, which prohibits discrimination on the basis of race, color, or national origin. If an airport sponsor uses its grant for new airport development, additional requirements apply (see Q-U5). Additionally, Airport Rescue Grant funds may be used only for the capital and operational costs of the airport. Examples of expenditures that the FAA has found to be allowable are provided in the [FAA Revenue Use Policy](#), as clarified

by [Information for Airport Sponsors Considering COVID-19 Restrictions or Accommodations](#). ARPA does not, however, void assurances made in prior grant agreements; therefore, a sponsor's pre-existing grant assurances and Federal obligations continue to apply.

Q-GA9: How long do the grant assurances remain in effect for an Airport Rescue Grant agreement?

A: The grant assurances remain in effect for four years from the date of acceptance of the grant offer, which is consistent with the budget period.

Q-GA10: How does an airport sponsor use Airport Rescue Grant funds for airport development?

A: Funding eligibility under ARPA for airport development is limited (as discussed in Q-U5). However, an airport sponsor seeking to use its grant funds for eligible near-term airport development may amend its initial Grant Agreement and execute a Development Addendum. This process ensures that a sponsor understands the additional reviews and requirements involved. An airport sponsor should be able to complete airport development projects within the four-year budget period of its initial grant. An airport sponsor should not delay or forgo the expenditure of grant funds for ongoing airport operational expenses and debt service payments, which are the primary purposes of funds under ARPA.

Q-GA11: Should an airport sponsor request its full General Airport Rescue Grant award amount even if it intends to use a portion of those funds for airport development?

A: Yes. An airport sponsor should include the full award amount in its grant application. All funds would then be available immediately for operational expenses or debt service payments. An airport sponsor can later request a Development Addendum and use some of those funds for airport development.

Q-GA12: What information is required for a Development Addendum?

A: An airport sponsor seeking to use its grant funds for airport development should be prepared to provide its local Airports District Office or Airports Regional Office with the following information:

- Application form (Application for Federal Assistance, SF-424) for the proposed development project;
- A description of the project;
- Actual costs; and
- Timeline for completion.

An airport sponsor should also complete the following steps for the airport development project:

- Complete any standards, airspace, and environmental reviews or approvals, including airport geometry assessments, if applicable;
- Complete any other approvals required for the development with the FAA and other agencies;

- Ensure the proposed development is consistent with the approved Airport Layout Plan (ALP) and depicted on the ALP;
- Initiate safety-risk and construction phasing reviews, if applicable; and
- Bid the project to determine the amount to be amended from the initial Grant Agreement and added to the Development Addendum.

The FAA recognizes that some proposed development projects have completed many or all of these steps, and those projects may be most suitable for a Development Addendum. Grant agreements for these proposed development projects will include additional requirements.

Q-GA13: Is a Development Addendum required for maintenance on existing airport facilities (e.g., a terminal building)?

A: Examples of maintenance projects may include repairing roofing or replacing carpet or lighting; these projects do not require a Development Addendum. However, the FAA would issue a Development Addendum if an existing facility is improved or expanded, provided that the project is eligible under ARPA.

Q-GA14: Do prevailing wage requirements apply to contract expenses reimbursed with Airport Rescue Grant funds?

A: Yes. Consistent with the FAA's implementation of CARES Act Airport Grants and the Airport Coronavirus Response Grant Program, any contract for more than \$2,000 involving labor for constructing, repairing, or improving a public-use airport, carried out under a Grant Agreement or Development Addendum, requires contractors to pay labor minimum wage rates as determined by the Secretary of Labor under 40 U.S.C. 3141–3144, 3146, and 3147. Prevailing wage requirements apply, for example, on contracts for replacing windows, repairing equipment, or repairing HVAC. Incidental costs on existing contracts for cleaning services, maintenance, or general upkeep are not subject to prevailing wage requirements.

Q-GA15: Does the FAA's Buy American requirement apply to Airport Rescue Grants?

A: Yes. Airport Rescue Grants are subject to the requirements of 49 U.S.C. 50101, and grant agreements and addenda include Buy American requirements for all projects. The Buy American provision does not apply to operational expenses (as defined in Question Q-U2) and debt service payments.

Q-GA16: Are there annual financial reporting requirements associated with Airport Rescue Grants?

A: Yes. In accordance with 2 CFR § 200.328, an airport sponsor must submit an SF-425, *Federal Financial Report*, for each open Grant Agreement or Development Addendum annually. An airport sponsor should send this SF-425 report to CARESAirports@faa.gov by December 31 of each year, and the report should cover the period from October 1 through September 30, consistent with the Federal fiscal year. An airport sponsor with a Development Addendum must also submit an SF-271, *Outlay Report and Request for Reimbursement for Construction Program*, by December 31 of each year. An airport sponsor should send this SF-271 report to the FAA grant manager.

Q-GA17: Are there any requirements related to mandating masks inside airports associated with Airport Rescue Grants?

A: Yes. Under [Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel](#) (Executive Order 13998), issued on January 21, 2021, the Secretary of Transportation must require masks to be worn in compliance with the [CDC Order](#) in airports, consistent with applicable law. To accomplish this requirement and to achieve the legislative purposes of preventing and responding to coronavirus disease 2019 (COVID-19), each Airport Rescue Grant agreement will include a special condition that the airport sponsor implements a policy requiring all persons wear a mask, in accordance with the [CDC Order](#) and [TSA Security Directive](#), as applicable, at all times while in all public areas of the airport property, except to the extent exempted under those requirements. The CDC and TSA requirements exempt certain categories of persons from the mask-wearing mandate: a child under the age of two, a person with a disability who cannot wear or safely wear a mask because of the disability, or a person for whom wearing a mask would create a risk to workplace safety, health, or job duties. This special condition is only in effect while Executive Order 13998 is operable. For additional Department of Transportation guidance on masks, see <https://www.transit.dot.gov/TransitMaskUp>.

Questions on Invoicing and Payments

Q-I1: How will an airport sponsor submit payment requests for General Airport Rescue Grant for payment requests other than for concession relief?

A: FAA uses the U.S. Department of Transportation Delphi eInvoicing system for payment requests. FAA reviews all payment requests manually. Although the FAA previously allowed airport sponsors to submit only detailed invoice summaries with its payment request, a recent FAA program risk assessment prompted FAA to begin requiring the addition of supporting documentation (see Q-I2) for all expenses except payroll and debt service expenses. This supporting documentation is required for all payment requests submitted after January 17, 2023, the date this guidance was published. The invoice summary should include enough detail to permit the FAA to verify compliance with the FAA's Revenue Use Policy and, at a minimum, the following information:

- Grant Number
- Airport Name
- Airport City
- Airport Location Identifier
- Services Rendered Dates
- Invoice Paid Date
- Vendor Name
- Billed Amount
- Payment Request Amount
- Short summary of expenses billed, including, for example:

- Payroll
- Utilities/communications (electric, water, phone)
- Supplies and materials (include a list of all items purchased)
- Contractual services (include type of work)
- Insurance
- Equipment
- Debt Service Payment (identify whether this is a semi-annual bond payment or monthly payment into a debt service reserve fund)
- Concessions rent relief
- Other (explanation of costs and how they are eligible and related to the airport)

For payroll and debt service expenses, sponsors must be prepared to submit any supporting documentation, upon request, during the review process. In addition, airport sponsors must retain all invoices and other supporting documentation for three years after the grant is closed, as required by 2 CFR § 200.334.

Q-I2: What type of supporting documentation does the FAA require with an invoice summary?

A: Examples of supporting documentation include, but are not limited to, the following:

- Invoices (demonstrating that the goods or services provided directly relate to the airport);
- Bills (demonstrating that the goods or services provided directly relate to the airport);
- Payroll reports from the payroll system of record;
- General ledger reports and subsidiary ledger reports for services provided by the sponsor;
- Current and approved indirect cost rate agreement; or
- Most recently approved local or statewide cost allocation plan.

All supporting documentation should include a date demonstrating that payment was paid on or after January 20, 2020, for operating expenses, or on or after March 11, 2021, for debt service payments. A sponsor must retain all supporting documentation for three years after the grant is closed, as required by 2 CFR § 200.334.

Q-I3: Can an airport sponsor request 100% of the available General Airport Rescue Grant funds and use the funds to pay expenses over the next several months?

A: No. An airport sponsor must submit payment requests for incurred expenses only. Requesting funds for reimbursement prior to incurring the invoiced expense is not consistent with the [FAA's Payment Policy](#) and will result in an improper payment that may have to be repaid.

Questions on Grant Closeout

Q-C1: What are the procedures for closing out an Airport Rescue Grant for non-development expenses?

A: An airport sponsor will submit a signed closeout report via the U.S. Department of Transportation Delphi eInvoicing system. The report summarizes the categories of expenses covered under the grant and the associated amounts and certifies all:

- Expenses were incurred in accordance with the [FAA's Revenue Use Policy](#), [the ARP Act](#), and [2 CFR part 200](#);
- Relief from rent and MAG for concessions, if applicable, was provided on or after March 11, 2021;
- Operational expenses, if applicable, reimbursed were paid on or after January 20, 2020;
- Debt service payments, if applicable, reimbursed were due on or after March 11, 2021;
- Terms and conditions of the Airport Rescue Grant and subsequent addenda were complied with;
- Expenses requested for reimbursement that were included in an approved PFC application were reimbursed only after a PFC amendment was submitted to the FAA and approved;
- Payment requests did not include costs (e.g., payroll, utilities, rent, or support services) that were reimbursed under or included as part of an Airport Improvement Program (AIP) grant as indirect costs; and
- Payment requests did not include costs (e.g., payroll, utilities, rent, or support services) that were reimbursed under or included as part of an AIP grant as administrative or force account costs.

An airport sponsor will submit a signed closeout report and a completed Standard Form 425, *Federal Financial Report*, with its final payment request. The FAA will review these documents prior to processing the final reimbursement. A [sample Airport Rescue Grants Closeout Report](#) is available.

Q-C2: Will an airport sponsor be notified that its Airport Rescue Grant is closed?

A: An airport sponsor will receive a grant closeout letter from the FAA stating the grant has been closed. After the grant is closed, it remains subject to audit. The airport sponsor must retain grant documentation for three years after the grant is closed, as required by 2 CFR § 200.334.

Questions on Environmental Review

Q-E1: Are there any environmental review requirements associated with non-construction grants for airport operational expenses and debt service payments?

A: No. These types of grants have no potential to impact the environment and are not subject to NEPA review.

Q-E2: Are there any environmental review requirements associated with projects funded under a Development Addendum?

A: Yes. The FAA will conduct an environmental review as necessary, consistent with the requirements of the Council on Environmental Quality (CEQ) regulations in 40 CFR parts 1500 through 1508 and the FAA's NEPA implementation procedures. An airport sponsor should contact its Airports District Office or Airports Regional Office to determine the appropriate scope and level of environmental analysis.

Q-E3: Are there any environmental review requirements associated with increases to 100% Federal share of AIP and Supplemental Discretionary grants?

All projects funded under FY 2020 and FY 2021 AIP and Supplemental Discretionary grants continue to be subject to environmental requirements. However, no additional environmental analysis is required for the Federal share increase.

Questions on Administration under the State Block Grant Program

Q-SB1: What is the State Block Grant Program (SBGP)?

A: In 1987, Congress authorized the FAA to use State block grants to provide AIP funds to airport sponsors. Through the SBGP, the FAA provides funds directly to States that participate in the program. In turn, SBGP participants fund and oversee AIP projects at nonprimary commercial service, reliever, and general aviation airports. The program currently includes the following 10 States: Georgia, Illinois, Michigan, Missouri, New Hampshire, North Carolina, Pennsylvania, Tennessee, Texas, and Wisconsin.

Q-SB2: How will the FAA Administer ARPA funding for States participating in the SBGP?

A: The FAA Airport Improvement Program Branch (APP-520) will use its existing relationships with the States participating in the SBGP for the administration of the Airport Rescue Grants. These participants have relationships with airport sponsors within their States and currently provide grant management and internal controls. Leveraging this infrastructure will facilitate efficient and expedient distribution of funds.

Q-SB3: Will FAA Regional and Airport District Offices remain the points-of-contact for Airport Rescue Grants?

A: Yes. States participating in the SBGP should continue to work with their local Airports District Office or Airports Regional Office throughout implementation and administration.

Q-SB4: Do Airport Rescue Grant funding allocations work differently for the SBGP?

A: No. The FAA will calculate each airport sponsor's allocation based on formulas in ARPA. The FAA will announce these award amounts along with all awards under Airport Rescue Grants.

Q-SB5: How much ARPA funding may States participating in the SBGP distribute?

A: ARPA provides for specific allocations to each airport sponsor. The FAA will aggregate the amounts announced for each airport sponsor into one State award.

Q-SB6: How may States participating in the SBGP allocate Airport Rescue Grant funds?

A: States participating in the SBGP must make sub-awards to each airport sponsor based on that sponsor's allocation under ARPA. The FAA expects States to make these sub-awards on an expedited basis and for airport sponsors to spend funds quickly to reduce the adverse impacts of the current pandemic. States must follow 2 CFR part 200 requirements for grant awards and sub-awards. Funds not expended within the four-year budget period are subject to recovery by the FAA.

Q-SB7: What application and grant agreement will be used for sub-grants?

A: States participating in the SBGP will use a streamlined application and grant agreement process similar to what the FAA is using for all grants under Airport Rescue Grants. The FAA will provide States with template documents after these grants are announced.

Q-SB8: What if my State legislature needs to approve the acceptance of ARPA funding?

A: The FAA recommends that States participating in the SBGP use their usual State processes to approve, accept, and administer Federal funds.

Q-SB9: Can Airport Rescue Grants be sub-awarded to airport sponsors that had previously opted out of the SBGP?

A: No. States participating in the SBGP do not have to make sub-awards to airport sponsors that opted out in FY 2021 or do not participate in the SBGP. The FAA will administer grants for those airport sponsors.

Q-SB10: What are the reporting requirements for Airport Rescue Grants?

A: States participating in the SBGP will continue the current practice of providing sub-award reporting information on grants to the FAA upon request.

Q-SB11: Will Airport Rescue Grants require end-of-fiscal-year reporting like other AIP funding?

A: Yes. Airport Rescue Grant funds will be included in the Annual Report of Federal Funding at the end of FY 2021.

Q-SB12: How will payment requests be submitted for Airport Rescue Grants?

A: The FAA will use the existing U.S. Department of Transportation Delphi eInvoicing system for payment requests. States participating in the SBGP will continue the current practice of retaining all underlying payment request documentation and complete records.

Q-SB13: Will the FAA audit Airport Rescue Grants administered by States participating in the SBGP?

A: Yes. The FAA will include audits of Airport Rescue Grants in its annual audit process.

Q-SB14: What documentation is needed for SBGP Airport Rescue Grant drawdown requests?

A: States participating in the SBGP should provide the same documentation outlined in Q-I1 and Q-I2. States participating in the SBGP must ensure invoices contain only eligible items under ARPA, as detailed throughout this document.

Questions on Concessions Rent Relief

Q-CR1: How does an airport sponsor claim its allocation available to provide rent relief to airport concessions?

A: An airport sponsor seeking to use ARPA funds to provide relief from rent and MAG obligations to eligible airport concessions may apply for that allocation in an application for a Concessions Rent Relief Airport Rescue Grant. The FAA personnel will reach out to each airport sponsor to provide an opportunity to submit a grant application. An airport sponsor wishing to decline its concessions rent relief allocation should not submit application(s) but rather notify its local ADO of its intent to decline.

Q-CR2: How do airport sponsors provide rent relief to airport concessions?

A: If an airport sponsor accepts its ARPA allocations for concession relief, the sponsor must provide relief from rent and MAG to eligible small airport concessions and eligible large airport concessions. ARPA requires an airport sponsor taking a concession relief grant to provide such relief on a proportional basis (see Q-CR-18) to eligible small airport concessions and eligible large airport concessions, respectively, until the sponsor has provided relief equaling the total allocation amount. More information about the concession relief plan and proportional relief is provided in Q-CR16 and Q-CR18, respectively. Only relief associated with rent due for concession occupancy or commercial use after March 11, 2021, which is the date of enactment of ARPA, is eligible for grant payment.

Q-CR3: What is an “eligible small airport concession”?

A: Under ARPA, an “eligible small airport concession” is a concession (as defined in 49 CFR § 23.3) that is in-terminal and either a small business with gross receipts, averaged over the previous three (3) fiscal years, of less than \$56,420,000 or a joint venture (as defined in 49 CFR § 23.3). A concession that operates locations at several airports should use the entity’s total gross receipts rather than gross receipts for an individual location. Joint ventures with one or more ACDBE partners are small airport concessions regardless of gross receipts.

Q-CR4: What is an “eligible large airport concession”?

A: Under ARPA, “eligible large airport concession” is a concession (as defined in 49 CFR § 23.3) that is in-terminal and has gross receipts, averaged over the previous

three (3) fiscal years, of more than \$56,420,000. A concession that operates locations at several airports should use the entity's total gross receipts across all of its locations.

Q-CR5: Are on-airport car rentals, on-airport parking, and other on-airport concessions eligible for rent relief under ARPA?

A: The definitions of eligible small airport concession and eligible large airport concession limit eligibility to in-terminal concessions. ARPA, unlike CRRSA, does not list on-airport concessions for rent relief eligibility. Accordingly, these types of concessions are not eligible to share in this relief. However, to the extent these concessions fall under the definition of in-terminal concession (through a physical space in the terminal building), an airport sponsor may allocate a portion of the concession's total rent that is proportional to the square footage of the space it occupies in the airport terminal.

Q-CR6: What is a "joint venture"?

A: A "joint venture" is defined in 49 CFR § 23.3 as an association of an airport concession disadvantaged business enterprise (ACDBE) firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the ACDBE is responsible for a distinct, clearly defined portion of the work of the contract and whose shares in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest. Joint venture entities are not certified as ACDBEs.

Q-CR7: What constitutes "rent" for the purpose of relief under a Concessions Rent Relief Airport Rescue Grant?

A: ARPA does not define "rent." The FAA acknowledges there are a variety of contractual arrangements between airports and airport concessions. For that reason, the FAA defines "rent" broadly to include any payment to the airport in exchange for operating a concession business at the airport. In consideration of unique circumstances, an airport sponsor may narrow that definition for its airport concessions rent relief plan, but the sponsor must apply that narrowed definition to all concessions at the airport, identify the unique circumstances in its relief plan, and consult with concessions stakeholders on the narrower definition.

Q-CR8: What if State laws, local laws, or applicable trust indentures prohibit an airport sponsor from providing relief from rent and MAG to airport concessions?

A: If an airport sponsor is prohibited from providing relief from rent and MAG, it should decline the allocated funds before executing a Concessions Rent Relief Airport Rescue Grant agreement.

Q-CR9: Can an airport sponsor recover its administrative expenses for providing rent or MAG relief to airport concessions?

A: No. Unlike the CRRSA, administrative expenses are not provided for under ARPA.

Q-CR10: Can an airport sponsor mix its Airport Rescue Grant concessions rent relief allocations among the primary airports under its control?

A: No. The Airport Rescue Grant allocations for concession relief are specific to each primary airport and must be used by the airport sponsor in a manner consistent with the conditions and requirements of ARPA.

Q-CR11: Can an airport sponsor mix its Airport Rescue Grant concession rent relief allocations with its general Airport Rescue Grant allocation?

A: No. An airport sponsor must use the Concessions Rent Relief Airport Rescue Grant to forgive rent and MAG obligations of eligible airport concessions. Conversely, it must submit eligible costs for reimbursement under its General Airport Rescue Grant.

Q-CR12: Beyond the definitions of eligible concessions, are there additional eligibility requirements for a concession to receive relief from rent and MAG?

A: Eligible concessions must be subject to a valid agreement to remit rent or MAG at the specific airport after March 11, 2021, and remain ready, able, and available to provide relevant services, regardless of operating levels of service.

Q-CR13: Can an airport sponsor provide relief from rent and MAG in excess of the Airport Rescue Grant award?

A: Yes. An airport sponsor must account for proportionality on 100% of each grant allocation to administer the relief to eligible small airport concessions and eligible large airport concessions, respectively. An airport sponsor may provide additional relief, and that relief does not have to be provided on a proportional basis or to airport concessions eligible under ARPA.

Q-CR14: Are there requirements for an airport concession to obtain rent or MAG relief from an airport sponsor?

A: Although ARPA is silent with respect to concessions that participate in the Small Business Administration's Payroll Protection Program, ARPA funds may not be used for the same purposes that have been covered under another Federal program. For that reason, an airport concession must certify to the airport sponsor that it has not received a second draw or assistance for a covered loan under section 7(a)(37) of the Small Business Act (15 U.S.C. 636(a)(37)) that has been applied toward rent or MAG. An airport sponsor should collect these certifications, retain them as supporting documentation, and report the dates of these certifications in its relief plan. A [sample Airport Concession Certification](#) is available.

If an airport sponsor becomes aware that a concession is ineligible for concessions rent relief under an Airport Rescue Grant, the airport sponsor is responsible for addressing any improper relief benefit. The airport sponsor must notify the FAA at CARESAirports@faa.gov as soon as practicable after becoming aware of the improper relief benefit, and the FAA will provide additional guidance on how to proceed.

Q-CR15: Can an airport sponsor apply some requirements upon concessions and accept a Concessions Rent Relief Airport Rescue Grant?

A: Yes. Sponsors may include some valuable considerations in exchange for rent relief, even if that rent relief is to be funded under a Concessions Rent Relief Airport Rescue Grant, provided these considerations are equitably applied to all concessions at the airport. For example:

- Sponsors may require certifications that each eligible concession continues operating (or remains ready, able, and available to operate) at the airport.
- Sponsors may include phased reopening schedules and expect cooperation with regard to varying levels of service during periods of changing demand.
- Sponsors may provide rent relief to a concession that is in arrears for rent if the concession is providing minimum acceptable services or demonstrating that it is ready, able, and available to provide minimum acceptable services, and the airport sponsor elects to provide forbearance. However, any relief provided under a Concessions Rent Relief Airport Rescue Grant must be for rent or MAG due after March 11, 2021.
- Sponsors may require recipients of rent relief to equitably share that relief among other entities that form a business relationship to provide concessions services at the airport to promote readiness to operate and avoid disruption of service or quality of services offered.

Sponsors should not request concession relief reimbursement for concessions that are not operating (or ready, able, and available to operate) at the airport. Sponsors should not impose or induce lease terms unrelated to those valuable and necessary considerations to enhance the coordination of operations during the pandemic and recovery. Sponsors should not compel new lease agreements or extensions to leases beyond the duration of occupancy correlated to the amount of rent relief provided unless the sponsor and concession mutually agree that a longer extension is necessary.

Q-CR16: What should an airport sponsor include in an airport concessions rent relief plan to facilitate FAA review of payments under a Concessions Rent Relief Airport Rescue Grant?

A: An airport concessions rent relief plan describes how an airport sponsor plans to use its Concessions Rent Relief Airport Rescue Grant. That plan should identify:

- Each concession name, including business legal name and trade (or doing business as) name;
- Whether concession is eligible for rent relief;
- ACDBE and joint venture concessions;
- Concession's contractual relationship with the airport sponsor (e.g., direct contract, concession developer, prime contract, sub-contract)
- Date(s) of consultation with eligible concessions (see Q-CR20);
- Baseline time period and rent income from each concession used to calculate proportional share (see Q-CR18);
- Proportional share of rent or MAG for each concession (see Q-CR18);

- Any consideration received in exchange for relief (see Q-CR15);
- Date of airport concession certification (see Q-CR14);
- Any concession that certified to take a Paycheck Protection Program (PPP) second draw loan, and whether that PPP second draw loan was used for rent or MAG, if applicable (see Q-CR14); and
- Any special circumstances or adjustments made to the allocation (see Q-CR19).

A payment request should include the information identified above. A [sample Airport Concessions Rent Relief Plan](#) is available.

Q-CR17: If an airport sponsor has no concessions that satisfy the definition of either eligible small airport concession or eligible large airport concession, can both allocations be used to provide relief from rent and MAG to all in-terminal airport concessions on a proportional basis?

A: The FAA anticipates that, in rare circumstances, an airport may have either no eligible small concessions or no eligible large concessions. The airport would certify to those circumstances on its concessions rent relief plan (see Q-CR16), include that certification as part of its consultation with airport concessions stakeholders, and then allocate both concessions rent relief allocations proportionally among all eligible concessions at the airport. The airport sponsor should identify each concession's proportional share of each allocation on the airport concessions rent relief plan.

Q-CR18: How does an airport sponsor calculate the proportional share for eligible concessions?

A: An airport sponsor first determines its population of eligible concessions for each concessions rent relief allocation. An airport sponsor should choose an appropriate baseline time period to calculate the proportional share. That baseline time period should be relevant to the expected duration of relief to be provided and reflect a normal operating environment. Examples of a baseline time period are CY 2019, the first quarter of 2020, or February 2020, but the baseline time period should not be after the first quarter of 2020. An airport sponsor should calculate the proportional share based on rent collected during the baseline time period. If an airport sponsor chooses a period shorter than a full year, it may make adjustments based on a percentage of contractual MAG obligation, but those adjustments should be identified in the concessions rent relief plan. An airport sponsor then uses the calculated proportional share to determine the amount of rent relief available for each concession.

Q-CR19: Can an airport sponsor apply some adjustments to its proration of rent relief due to special circumstances?

A: Yes. There are certain circumstances justifying adjustments to the rent relief proration. For example, these include:

- Only concessions paying rent at each airport for occupancy or commercial-service activity after March 11, 2021, can receive ARPA relief. As such, a concession that is no longer operating (or ready, able, and available to provide

relevant services, regardless of operating levels of service) at the airport should not be included in the proportional share calculation or in the total rent income baseline, unless a new entity has replaced a departed entity with a similar location and activity.

- If a current concession operating and paying rent at the airport replaced a concession operating in the baseline time period in a like manner, the relief proportion should be applied to the new concession.
- If a current concession operating and paying rent at the airport replaced a concession operating in the baseline time period, in a like manner, but with differing lease rates or square footage, the sponsor may make reasonable adjustments to its proportional ratios to reflect the difference.
- If a concession is replaced in a similar location, but as a different service or on significantly differing business terms, the sponsor should explain reasonable adjustments it makes for such circumstances when requesting reimbursement.

Sponsors should make short comments relevant to simple adjustments per the examples above. More complex adjustments for multifactor circumstances, such as a change in tenant or change in rate and change in use-type, may require more explanation. See Q-CR16 for examples of comments in the airport concessions rent relief plan.

Q-CR20: Should an airport sponsor consult with its concession stakeholders on its rent relief program?

A: Yes, an airport sponsor should consult with its concession community, generally, to gather suggestions, and preview its plan. The sponsor cannot alter the proportionality of relief provided but may adjust the timing or format of relief to benefit a particular concession. An airport sponsor should consider ACDBE's requests to adjust timing and format to maximize the relief benefits to those concessions.

Q-CR21: Can an airport sponsor use a Concessions Rent Relief Airport Rescue Grant for rent relief if it agreed to provide rent relief before March 11, 2021?

A: Yes, but only to the extent that an airport sponsor is forgiving rent or MAG due for periods of occupancy and/or commercial use after March 11, 2021 (for example, rent due for April 2021). An airport sponsor must demonstrate that rent relief is provided on a proportional basis to all eligible small airport concessions and all eligible large airport concessions. An airport sponsor also must demonstrate that the relief provided equals at least the proportional share for the concession.

Q-CR22: Can an airport sponsor apply the proportional share for each concession as a credit against rent due after March 11, 2021?

A: Yes. An airport sponsor can apply an eligible concession's proportional share as a credit against future rent due and maintain that credit until it is exhausted by the concession. An airport sponsor should require the concession to agree to continue operating (or agree to remain ready, able, and available to operate) at the airport until the rent credit is exhausted. Although an airport sponsor may provide a partial rent credit (e.g., 75% credit for monthly rent due), over a period of time until the

proportional share is exhausted, the sponsor must provide that credit equally for all concessions in each group of eligible large or small concessions unless an individual concession requests an adjustment or timing or format to maximize its relief benefit (see Q-CR20).

Q-CR23: How will an airport sponsor submit payment requests under a Concessions Rent Relief Airport Rescue Grant?

A: The FAA will use the existing U.S. Department of Transportation Delphi eInvoicing system for payment requests. The FAA will review payment requests manually. An airport sponsor may submit an Airport Concessions Rent Relief Plan that includes the information detailed in Q-CR16 with its payment request. An airport sponsor may submit a payment request for the full or partial amount on the concessions rent relief grant provided the plan demonstrates the total amount of rent relief provided equals at least the grant amount. When requesting the full grant amount, an airport sponsor also should include a signed SF-425, *Federal Financial Report*, and signed closeout report. A [sample Airport Rescue Grants Closeout Report](#) is available. Sponsors must be prepared to submit additional documentation, upon request, during the review process, as well as retain all supporting documentation for three years after the grant is closed, as required by 2 CFR § 200.334.

Q-CR24: What is “in-terminal”?

A: Consistent with the definition in 49 CFR part 23, an in-terminal airport concession is a business that is physically located in the airport terminal building and engaged in the sale of consumer goods or services to the traveling public under an agreement with the airport sponsor, another concessionaire, or the owner or lessee of a terminal.

Q-CR25: Are master or prime concessionaires, developers, or lessees eligible for rent relief?

A: Only master or prime concessionaires, developers, or lessees who operate a concession at the airport are eligible for rent relief. If the master or prime concessionaire, developer, or lessee (“first-tier entity”) does not operate a concession at the airport, only the sub-contracted or sub-lessee concessionaires (“second-tier entities”) are eligible for rent relief. The category of either a small airport concession or a large airport concession applies to the concession’s entire contract with the airport and is based on the size category assigned to the top-tier entity meeting the definition of concession in 49 CFR part 23. For these arrangements, an airport sponsor, working with the first-tier entity, should ensure all second-tier entities are identified; should ensure correct categorization of second-tier entities as small or large airport concessions; should apply the correct proportionality for each second-tier entity based on its rent paid; and should ensure rent relief flows to the second-tier entities. These special circumstances should be explained in the airport concessions rent relief plan (see Q-CR16). An airport sponsor may consider lower-tier entities when developing its rent relief plan or lower-tier entities when developing its rent relief plan when the first-tier entity operates a concession at the airport.

Q-CR26: Can an airport sponsor modify its contractual relationship with an airport concession to change the concession's applicable definition (eligible large airport concession or eligible small airport concession)?

A: No. An airport sponsor should categorize airport concessions based on the contractual relationship in place as of March 11, 2021, which is the date of enactment of ARPA. Although there is no prohibition against modifying the contractual relationship between an airport and its concessions, changes made after enactment should not be for the purpose of re-categorizing a concession as either a large or small airport concession (for example, assignment of a sub-concession contract with a prime/developer to be a direct concession contract with the airport sponsor).

Q-CR27: Does an airport sponsor have any options if the proportional allocation results in a concession receiving a rent relief benefit that continues for a year or several years?

A: The FAA acknowledges, in limited circumstances, that the ARPA definitions for eligible small and large airport concessions can result in a small number of eligible concessions in one or both groups based on an airport's unique circumstances. Consequently, some concessions could receive large allocations as compared to other eligible concessions or contractual rent obligations. ARPA requires rent relief provided to be proportional among each group of eligible concessions. Nevertheless, an airport sponsor may provide relief from only the anticipated rent due from March 11, 2021, through either the expiration of the concession's current agreement (not including any options, amendments, or holdovers to extend the term of the agreement) or the 4-year period of performance of the grant agreement, whichever is earlier. A sponsor may not provide relief in excess of the concession's financial obligation and must complete performance within the terms of the grant agreement. The sponsor may estimate this amount of future rent relief based on contractual terms and historical activity. The sponsor must allocate proportionally any remaining funds first to other eligible concessions in the same group and then to eligible concessions in the other group. In these circumstances, the sponsor should provide sufficient detail in its airport concessions rent relief plan.

Q-CR28: Can an airport sponsor exclude a newly operating concession from the relief allocation?

A: An airport sponsor may exclude from the rent relief allocation any concession that began operations at the airport after November 24, 2021, the date this guidance was published. The FAA presumes new entrants have negotiated terms that account for the COVID-19 pandemic.

Q-CR29: How does an airport sponsor handle unexpended rent relief credit?

A: The FAA acknowledges, in limited circumstances, an eligible concession may receive the benefit of only a portion, or no portion, of its proportional allocation and be unable to receive benefit from the rest (e.g., the concession ceases operations at the airport before the full rent relief is credited or ceased operations before any rent relief is credited). The sponsor must allocate proportionally any remaining funds among other eligible concessions in the same small or large group. In these circumstances,

the sponsor should update its airport concessions rent relief plan explaining the changed circumstances and adjusted allocations and submit it to the FAA at CARESAirports@faa.gov as soon as practicable.

Questions on Workforce Retention

Q-WF1: Are there specific workforce retention requirements for accepting Airport Rescue Grant funds?

A: Yes. A sponsor of a small, medium, or large hub airport must continue to employ, through September 30, 2021, at least 90% of the number of individuals employed (after making adjustments for retirements or voluntary employee separations) as of March 27, 2020. This requirement is an extension of the workforce retention requirement under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and CRRSA. An airport sponsor must certify compliance with the CARES, CRRSA, and ARPA workforce retention requirements at the time of execution of its Airport Rescue Grant. The workforce retention requirement does not apply to non-hub or nonprimary airports.

Q-WF2: When do small, medium, and large hub airport sponsors report their respective compliance with the employee retention requirement?

A: Provided an airport sponsor is current with its workforce retention reporting under CARES and CRRSA, it must report quarterly employment totals as of June 30 and September 30, 2021. All reports are due to the FAA within 15 days of the end of each quarter.

Q-WF3: Where should ARPA workforce retention reports be submitted?

A: ARPA workforce retention reports should be submitted to CARESAirports@faa.gov. Please include “Workforce Retention Report” and your airport’s city, State, and three-letter airport location identifier in the email subject line.

Q-WF4: What information must be included in a workforce retention report and certification?

A: That report and certification should include the number of full-time equivalent (FTE) employees working at the airport as of March 27, 2020, as the baseline comparison. Airport sponsors do not need to count contractors providing services other than airport management, tenants, or concessionaires. Airport sponsors may make adjustments for employees who perform duties at both the airport and other facilities operated by the airport sponsor. Airport sponsors also may make adjustments for retirements or voluntary employee separations when calculating the workforce retention percentage. If an airport sponsor has unique circumstances (such as using seasonal employees or contractors for airport management or operations), it should report that information in as much detail as possible in the initial report so any subsequent retention reporting can be substantiated.

Q-WF5: What format is required for ARPA workforce retention reports?

A: There is no particular format for reporting baseline and quarterly workforce retention counts, but a total number of airport employees should be included in the submission. Airport sponsor personnel with appropriate knowledge or authority, such as the human resources director, chief financial officer, or payroll officer, should validate the information.

Q-WF6: Are payroll records or any other documentation required for workforce retention reports?

A: Airport sponsors do not need to submit payroll records. However, airport sponsors must retain all supporting documentation for three years after the grant is closed, as required by 2 CFR § 200.334.

Q-WF7: Are waivers from the ARPA workforce retention requirement available?

A: The Secretary of Transportation may waive the workforce retention requirement if the Secretary determines that the sponsor is experiencing economic hardship as a direct result of the requirement or that the requirement reduces aviation safety or security. To request a waiver of the ARPA workforce retention requirement, an airport sponsor should send a waiver request to CARESAirports@faa.gov no less than 30 days before the quarterly report due date. The waiver request should come from a person authorized to sign AIP grants and describe how the workforce retention requirement causes a direct economic hardship on the airport or reduces aviation safety or security. The airport sponsor should include any additional documentation that supports its request. The FAA will respond expeditiously.

Q-WF8: What are the consequences for failing to meet workforce retention reporting requirements?

A: If a sponsor of a small, medium, or large hub airport does not meet the workforce retention reporting requirements under either CARES, CRRSA, or APRA, reimbursements under the sponsor's Airport Rescue Grant(s) may be suspended. The FAA will continue to work with the sponsor to meet these reporting requirements, but continued non-compliance may result in the termination of the grant and recovery of reimbursements.