

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 subsec. (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.

PART G—AIRLINES

Editorial Notes

CODIFICATION

Part G 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.

§ 9141. Air transportation payroll support program extension

(a) Definitions

The definitions in section 40102(a) of title 49 shall apply with respect to terms used in this section, except that—

(1) the term “catering functions” means preparation, assembly, or both, of food, beverages, provisions and related supplies for de-

livery, and the delivery of such items, directly to aircraft or to a location on or near airport property for subsequent delivery to aircraft;

(2) the term “contractor” means—

(A) a person that performs, under contract with a passenger air carrier conducting operations under part 121 of title 14, Code of Federal Regulations—

(i) catering functions; or

(ii) functions on the property of an airport that are directly related to the air transportation of persons, property, or mail, including the loading and unloading of property on aircraft, assistance to passengers under part 382 of title 14, Code of Federal Regulations, security, airport ticketing and check-in functions, ground-handling of aircraft, or aircraft cleaning and sanitization functions and waste removal; or

(B) a subcontractor that performs such functions;

(3) the term “employee” means an individual, other than a corporate officer, who is employed by an air carrier or a contractor;

(4) the term “eligible air carrier” means an air carrier that—

(A) received financial assistance pursuant¹ to section 9092(a)(1) of this title;

(B) provides air transportation as of March 31, 2021;

(C) has not conducted involuntary furloughs or reduced pay rates or benefits between March 31, 2021, and the date on which the air carrier makes a certification to the Secretary pursuant to subparagraph (D); and

(D) certifies to the Secretary that such air carrier will—

(i) refrain from conducting involuntary furloughs or reducing pay rates or benefits until September 30, 2021, or the date on which assistance provided under this section is exhausted, whichever is later;

(ii) refrain from purchasing an equity security of the air carrier or the parent company of the air carrier that is listed on a national securities exchange through September 30, 2022;

(iii) refrain from paying dividends, or making other capital distributions, with respect to common stock (or equivalent interest) of such air carrier through September 30, 2022;

(iv) during the 2-year period beginning April 1, 2021, and ending April 1, 2023, refrain from paying—

(I) any officer or employee of the air carrier whose total compensation exceeded \$425,000 in calendar year 2019 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to March 11, 2021)—

(aa) total compensation that exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier in calendar year 2019; or

¹ So in original. Probably should be followed by “to”.

(bb) severance pay or other benefits upon termination of employment with the air carrier which exceeds twice the maximum total compensation received by the officer or employee from the air carrier in calendar year 2019; and

(II) any officer or employee of the air carrier whose total compensation exceeded \$3,000,000 in calendar year 2019 during any 12 consecutive months of such period total compensation in excess of the sum of—

(aa) \$3,000,000; and

(bb) 50 percent of the excess over \$3,000,000 of the total compensation received by the officer or employee from the air carrier in calendar year 2019.

(5) the term “eligible contractor” means a contractor that—

(A) received financial assistance pursuant to section 9092(a)(2) of this title;

(B) performs one or more of the functions described under paragraph (2) as of March 31, 2021;

(C) has not conducted involuntary furloughs or reduced pay rates or benefits between March 31, 2021, and the date on which the contractor makes a certification to the Secretary pursuant to subparagraph (D); and

(D) certifies to the Secretary that such contractor will—

(i) refrain from conducting involuntary furloughs or reducing pay rates or benefits until September 30, 2021, or the date on which assistance provided under this section is exhausted, whichever is later;

(ii) refrain from purchasing an equity security of the contractor or the parent company of the contractor that is listed on a national securities exchange through September 30, 2022;

(iii) refrain from paying dividends, or making other capital distributions, with respect to common stock (or equivalent interest) of the contractor through September 30, 2022;

(iv) during the 2-year period beginning April 1, 2021, and ending April 1, 2023, refrain from paying—

(I) any officer or employee of the contractor whose total compensation exceeded \$425,000 in calendar year 2019 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to March 11, 2021)—

(aa) total compensation that exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the contractor in calendar year 2019; or

(bb) severance pay or other benefits upon termination of employment with the contractor which exceeds twice the maximum total compensation received by the officer or employee from the contractor in calendar year 2019; and

(II) any officer or employee of the contractor whose total compensation ex-

ceeded \$3,000,000 in calendar year 2019 during any 12 consecutive months of such period total compensation in excess of the sum of—

(aa) \$3,000,000; and

(bb) 50 percent of the excess over \$3,000,000 of the total compensation received by the officer or employee from the contractor in calendar year 2019.

(6) the term “Secretary” means the Secretary of the Treasury.

(b) Payroll support grants

(1) In general

The Secretary shall make available to eligible air carriers and eligible contractors, financial assistance exclusively for the continuation of payment of employee wages, salaries, and benefits to—

(A) eligible air carriers, in an aggregate amount of \$14,000,000,000; and

(B) eligible contractors, in an aggregate amount of \$1,000,000,000.

(2) Apportionments

(A) In general

The Secretary shall apportion funds to eligible air carriers and eligible contractors in accordance with the requirements of this section not later than April 15, 2021.

(B) Eligible air carriers

The Secretary shall apportion funds made available under paragraph (1)(A) to each eligible air carrier in the ratio that—

(i) the amount received by the air carrier pursuant to section 9093(a) of this title bears to

(ii) \$15,000,000,000.

(C) Eligible contractors

The Secretary shall apportion, to each eligible contractor, an amount equal to the total amount such contractor received pursuant to section 9093(a) of this title.

(3) In general

(A) Forms; terms and conditions

The Secretary shall provide financial assistance to an eligible air carrier or eligible contractor under this section in the same form and on the same terms and conditions as determined by pursuant to² section 9093(b)(1)(A) of this title.

(B) Procedures

The Secretary shall publish streamlined and expedited procedures not later than 5 days after March 11, 2021, for eligible air carriers and eligible contractors to submit requests for financial assistance under this section.

(C) Deadline for immediate payroll assistance

Not later than 10 days after March 11, 2021, the Secretary shall make initial payments to air carriers and contractors that submit requests for financial assistance approved by the Secretary.

² So in original.

(4) Taxpayer protection

The Secretary shall receive financial instruments issued by recipients of financial assistance under this section in the same form and amount, and under the same terms and conditions, as determined by the Secretary under section 9098 of this title.

(5) Administrative expenses

Of the amounts made available under paragraph (1)(A), \$10,000,000 shall be made available to the Secretary for costs and administrative expenses associated with providing financial assistance under this section.

(c) Funding

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$15,000,000,000, to remain available until expended, to carry out this section.

(Pub. L. 117-2, title VII, §7301, Mar. 11, 2021, 135 Stat. 104.)

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.

CHAPTER 117—IDENTIFYING OUTPUTS OF GENERATIVE ADVERSARIAL NETWORKS

Sec.	
9201.	Findings.
9202.	NSF support of research on manipulated or synthesized content and information security.
9203.	NIST support for research and standards on generative adversarial networks.
9204.	Generative adversarial network defined.

§ 9201. Findings

Congress finds the following:

(1) Gaps currently exist on the underlying research needed to develop tools that detect videos, audio files, or photos that have manipulated or synthesized content, including those generated by generative adversarial networks. Research on digital forensics is also needed to identify, preserve, recover, and analyze the provenance of digital artifacts.

(2) The National Science Foundation’s focus to support research in artificial intelligence through computer and information science and engineering, cognitive science and psychology, economics and game theory, control theory, linguistics, mathematics, and philosophy, is building a better understanding of how new technologies are shaping the society and economy of the United States.

(3) The National Science Foundation has identified the “10 Big Ideas for NSF Future Investment” including “Harnessing the Data Revolution” and the “Future of Work at the Human-Technology Frontier”, with artificial intelligence is a critical component.

(4) The outputs generated by generative adversarial networks should be included under the umbrella of research described in paragraph (3) given the grave national security and societal impact potential of such networks.

(5) Generative adversarial networks are not likely to be utilized as the sole technique of artificial intelligence or machine learning capable of creating credible deepfakes. Other techniques may be developed in the future to produce similar outputs.

(Pub. L. 116-258, §2, Dec. 23, 2020, 134 Stat. 1150.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 116-258, §1, Dec. 23, 2020, 134 Stat. 1150, provided that: “This Act [enacting this chapter] may be cited as the ‘Identifying Outputs of Generative Adversarial Networks Act’ or the ‘IOGAN Act’.”

§ 9202. NSF support of research on manipulated or synthesized content and information security

The Director of the National Science Foundation, in consultation with other relevant Federal agencies, shall support merit-reviewed and competitively awarded research on manipulated or synthesized content and information authenticity, which may include—

(1) fundamental research on digital forensic tools or other technologies for verifying the authenticity of information and detection of manipulated or synthesized content, including content generated by generative adversarial networks;

(2) fundamental research on technical tools for identifying manipulated or synthesized content, such as watermarking systems for generated media;

(3) social and behavioral research related to manipulated or synthesized content, including human engagement with the content;

(4) research on public understanding and awareness of manipulated and synthesized content, including research on best practices for educating the public to discern authenticity of digital content; and

(5) research awards coordinated with other federal agencies and programs, including the Defense Advanced Research Projects Agency and the Intelligence Advanced Research Projects Agency,¹ with coordination enabled by the Networking and Information Technology Research and Development Program.

(Pub. L. 116-258, §3, Dec. 23, 2020, 134 Stat. 1151.)

§ 9203. NIST support for research and standards on generative adversarial networks

(a) In general

The Director of the National Institute of Standards and Technology shall support research for the development of measurements and standards necessary to accelerate the development of the technological tools to examine the function and outputs of generative adversarial networks or other technologies that synthesize or manipulate content.

(b) Outreach

The Director of the National Institute of Standards and Technology shall conduct outreach—

¹ So in original. Probably should be “Activity,”.