



Federal Aviation Administration

Memorandum

Date of Issuance: December 31, 2020

To: AAQ, AAP, APM, AFN, and AGC

From: Nathan Tash, Deputy Assistant Administrator for Acquisition and Business Services (ACQ-1)

Subject: **Managing the Impacts of the Novel Coronavirus on FAA Contracts and Interim AMS Guidance – The Extension of CARES Act Section 3610, by the Consolidated Appropriations Act, 2021**

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- 1. PURPOSE.** In accordance with Section 1002 of Division N – Additional Coronavirus Response and Relief of the Consolidated Appropriations Act, 2021, the purpose of this Memorandum (Memo) is to revise interim AMS Guidance and extend the authority to reimburse eligible contractor costs under Section 3610 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act through March 31, 2021.
 - 2. APPLICABILITY.** This interim Guidance is applicable to contracts where contractor employees or subcontractors cannot access work sites or telework and provide paid leave to maintain employees in a ready state during the COVID-19 health emergency. Contracting Officers are reminded that the CARES Act allows for, but does not mandate, reimbursement of paid leave to contractors. Any reimbursement requires approval from the program office Executive level and is subject to availability of funds.
 - 3. BACKGROUND.** On April 17, 2020, the FAA issued Interim AMS Guidance for CARES ACT Section 3610 Implementation. Section 3610 of the CARES Act provides agencies with the discretion to use any available funds appropriated under the CARES Act or other laws to modify affected contracts (without requiring consideration) to reimburse paid leave, including sick leave, for contractor employees that cannot access work sites or telework in order to keep its employees or subcontractors in a ready state.
 - 4. MODIFICATION:** Under Interim AMS Guidance-Allowable Cost under CARES Act Section 3610, Section (b), Allowability, paragraph (5) is revised to read, “The paid leave made allowable by this section must be taken during the period of the public health emergency declared January 31, 2020, for COVID-19, up to and including March 31, 2021.”

5. CONTACT FOR QUESTIONS. Contracting Officers may forward questions to their management, who will respond or consult with AAQ/AAP management, as needed.

CC: David Ingram, AAQ-1
Chrisaun Jones, AAQ-2
Marvin Poindexter, AAP-1
Jeffrey Baker, AAP-2