

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4853

To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2010

Mr. OBERSTAR (for himself, Mr. MICA, Mr. LEVIN, Mr. CAMP, Mr. COSTELLO, and Mr. PETRI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Aviation Ad-  
5       ministration Extension Act of 2010”.

1 **SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIR-**  
2 **WAY TRUST FUND.**

3 (a) FUEL TAXES.—Subparagraph (B) of section  
4 4081(d)(2) of the Internal Revenue Code of 1986 is  
5 amended by striking “March 31, 2010” and inserting  
6 “July 3, 2010”.

7 (b) TICKET TAXES.—

8 (1) PERSONS.—Clause (ii) of section  
9 4261(j)(1)(A) of the Internal Revenue Code of 1986  
10 is amended by striking “March 31, 2010” and in-  
11 sserting “July 3, 2010”.

12 (2) PROPERTY.—Clause (ii) of section  
13 4271(d)(1)(A) of such Code is amended by striking  
14 “March 31, 2010” and inserting “July 3, 2010”.

15 (c) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect on April 1, 2010.

17 **SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND**  
18 **EXPENDITURE AUTHORITY.**

19 (a) IN GENERAL.—Paragraph (1) of section 9502(d)  
20 of the Internal Revenue Code of 1986 is amended—

21 (1) by striking “April 1, 2010” and inserting  
22 “July 4, 2010”; and

23 (2) by inserting “or the Federal Aviation Ad-  
24 ministration Extension Act of 2010” before the  
25 semicolon at the end of subparagraph (A).

1 (b) CONFORMING AMENDMENT.—Paragraph (2) of  
2 section 9502(e) of such Code is amended by striking  
3 “April 1, 2010” and inserting “July 4, 2010”.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall take effect on April 1, 2010.

6 **SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—Section 48103(7) of title 49,  
9 United States Code, is amended to read as follows:  
10 “(7) \$3,024,657,534 for the period beginning  
11 on October 1, 2009, and ending on July 3, 2010.”.

12 (2) OBLIGATION OF AMOUNTS.—Sums made  
13 available pursuant to the amendment made by para-  
14 graph (1) may be obligated at any time through  
15 September 30, 2010, and shall remain available until  
16 expended.

17 (3) PROGRAM IMPLEMENTATION.—For pur-  
18 poses of calculating funding apportionments and  
19 meeting other requirements under sections 47114,  
20 47115, 47116, and 47117 of title 49, United States  
21 Code, for the period beginning on October 1, 2009,  
22 and ending on July 3, 2010, the Administrator of  
23 the Federal Aviation Administration shall—

24 (A) first calculate funding apportionments  
25 on an annualized basis as if the total amount

1 available under section 48103 of such title for  
2 fiscal year 2010 were \$4,000,000,000; and

3 (B) then reduce by  $\frac{89}{365}$ —

4 (i) all funding apportionments cal-  
5 culated under subparagraph (A); and

6 (ii) amounts available pursuant to sec-  
7 tions 47117(b) and 47117(f)(2) of such  
8 title.

9 (b) PROJECT GRANT AUTHORITY.—Section 47104(c)  
10 of such title is amended by striking “March 31, 2010,”  
11 and inserting “July 3, 2010,”.

12 **SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.**

13 (a) Section 40117(l)(7) of title 49, United States  
14 Code, is amended by striking “April 1, 2010.” and insert-  
15 ing “July 4, 2010.”.

16 (b) Section 44302(f)(1) of such title is amended—

17 (1) by striking “March 31, 2010,” and insert-  
18 ing “July 3, 2010,”; and

19 (2) by striking “June 30, 2010,” and inserting  
20 “September 30, 2010,”.

21 (c) Section 44303(b) of such title is amended by  
22 striking “June 30, 2010,” and inserting “September 30,  
23 2010,”.

24 (d) Section 47107(s)(3) of such title is amended by  
25 striking “April 1, 2010.” and inserting “July 4, 2010.”.

1 (e) Section 47115(j) of such title is amended by strik-  
2 ing “April 1, 2010,” and inserting “July 4, 2010,”.

3 (f) Section 47141(f) of such title is amended by strik-  
4 ing “March 31, 2010.” and inserting “July 3, 2010.”.

5 (g) Section 49108 of such title is amended by striking  
6 “March 31, 2010,” and inserting “July 3, 2010,”.

7 (h) Section 161 of the Vision 100—Century of Avia-  
8 tion Reauthorization Act (49 U.S.C. 47109 note) is  
9 amended by striking “April 1, 2010,” and inserting “July  
10 4, 2010,”.

11 (i) Section 186(d) of such Act (117 Stat. 2518) is  
12 amended by striking “April 1, 2010,” and inserting “July  
13 4, 2010,”.

14 (j) The amendments made by this section shall take  
15 effect on April 1, 2010.

16 **SEC. 6. FEDERAL AVIATION ADMINISTRATION OPER-**  
17 **ATIONS.**

18 Section 106(k)(1)(F) of title 49, United States Code,  
19 is amended to read as follows:

20 “(F) \$7,070,158,159 for the period begin-  
21 ning on October 1, 2009, and ending on July  
22 3, 2010.”.

23 **SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

24 Section 48101(a)(6) of title 49, United States Code,  
25 is amended to read as follows:

1           “(6) \$2,220,252,132 for the period beginning  
2           on October 1, 2009, and ending on July 3, 2010.”.

3 **SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

4           Section 48102(a)(14) of title 49, United States Code,  
5 is amended to read as follows:

6           “(14) \$144,049,315 for the period beginning on  
7           October 1, 2009, and ending on July 3, 2010.”.

8 **SEC. 9. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLO-**  
9                           **CATED SURFACE TRANSPORTATION PRO-**  
10                           **GRAMS.**

11           (a) **SHORT TITLE.**—This section may be cited as the  
12 “Surface Transportation Extension Modification Act of  
13 2010”.

14           (b) **MODIFICATION OF ALLOCATION RULES.**—Section  
15 411(d) of the Surface Transportation Extension Act of  
16 2010 is amended—

17                   (1) in paragraph (1)—

18                           (A) in the matter preceding subparagraph

19                           (A)—

20                                   (i) by striking “1301, 1302,”; and

21                                   (ii) by striking “1198, 1204,”; and

22                           (B) in subparagraph (A)—

23                                   (i) in the matter preceding clause (i)

24                                   by striking “apportioned under sections

25                                   104(b) and 144 of title 23, United States

1 Code,” and inserting “specified in section  
2 105(a)(2) of title 23, United States Code  
3 (except the high priority projects pro-  
4 gram),”; and

5 (ii) in clause (ii) by striking “appor-  
6 tioned under such sections of such Code”  
7 and inserting “specified in such section  
8 105(a)(2) (except the high priority projects  
9 program)”;

10 (2) in paragraph (2)—

11 (A) in the matter preceding subparagraph  
12 (A)—

13 (i) by striking “1301, 1302,”; and

14 (ii) by striking “1198, 1204,”; and

15 (B) in subparagraph (A)—

16 (i) in the matter preceding clause (i)  
17 by striking “apportioned under sections  
18 104(b) and 144 of title 23, United States  
19 Code,” and inserting “specified in section  
20 105(a)(2) of title 23, United States Code  
21 (except the high priority projects pro-  
22 gram),”; and

23 (ii) in clause (ii) by striking “appor-  
24 tioned under such sections of such Code”  
25 and inserting “specified in such section

1           105(a)(2) (except the high priority projects  
2           program)”; and

3           (3) by adding at the end the following:

4           “(5) PROJECTS OF NATIONAL AND REGIONAL  
5           SIGNIFICANCE AND NATIONAL CORRIDOR INFRA-  
6           STRUCTURE IMPROVEMENT PROGRAMS.—

7           “(A) REDISTRIBUTION AMONG STATES.—

8           Notwithstanding sections 1301(m) and 1302(e)  
9           of SAFETEA-LU (119 Stat. 1202 and 1205),  
10          the Secretary shall apportion funds authorized  
11          to be appropriated under subsection (b) for the  
12          projects of national and regional significance  
13          program and the national corridor infrastruc-  
14          ture improvement program among all States  
15          such that each State’s share of the funds so ap-  
16          portioned is equal to the State’s share for fiscal  
17          year 2009 of funds apportioned or allocated for  
18          the programs specified in section 105(a)(2) of  
19          title 23, United States Code.

20          “(B) DISTRIBUTION AMONG PROGRAMS.—

21          Funds apportioned to a State pursuant to sub-  
22          paragraph (A) shall be—

23                  “(i) made available to the State for  
24                  the programs specified in section 105(a)(2)  
25                  of title 23, United States Code (except the



1 high priority projects program), and in the  
2 same proportion for each such program  
3 that—

4 “(I) the amount apportioned to  
5 the State for that program for fiscal  
6 year 2009; bears to

7 “(II) the amount apportioned to  
8 the State for fiscal year 2009 for all  
9 such programs; and

10 “(ii) administered in the same manner  
11 and with the same period of availability as  
12 funding is administered under programs  
13 identified in clause (i).”.

14 (c) EXPENDITURE AUTHORITY FROM HIGHWAY  
15 TRUST FUND.—Paragraph (1) of section 9503(c) of the  
16 Internal Revenue Code of 1986, as amended by the Sur-  
17 face Transportation Extension Act of 2010, is amended  
18 by striking “in effect on the date of the enactment of such  
19 Act)” and inserting “in effect on the later of the date of  
20 the enactment of such Act or the date of the enactment  
21 of the Surface Transportation Extension Modification Act  
22 of 2010)”.

23 (d) EFFECTIVE DATE.—The amendments made by  
24 this section shall take effect upon the enactment of the  
25 Surface Transportation Extension Act of 2010 and shall

- 1 be treated as being included in that Act at the time of
- 2 the enactment of that Act.

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