

AMENDMENT TO H.R. 4
OFFERED BY MR. LOWENTHAL OF CALIFORNIA

Page 37, after line 9, insert the following:

1 **SEC. ____ . USE OF REVENUE.**

2 (a) WRITTEN ASSURANCES ON USE OF REVENUE.—

3 Section 47107(b) of title 49, United States Code, is
4 amended—

5 (1) by striking paragraph (1) and inserting the
6 following:

7 “(1) IN GENERAL.—The Secretary of Transpor-
8 tation may approve a project grant application under
9 this subchapter for an airport development project
10 only if the Secretary receives written assurances,
11 satisfactory to the Secretary, that—

12 “(A) local excise taxes on aviation fuel (ex-
13 cept taxes in effect on December 30, 1987) and
14 the revenues generated by a public airport will
15 be expended for the capital or operating costs
16 of—

17 “(i) the airport;

18 “(ii) the local airport system; or

19 “(iii) other local facilities owned or
20 operated by the airport owner or operator

1 and directly and substantially related to
2 the air transportation of passengers or
3 property; and

4 “(B) State and local general sales taxes on
5 aviation fuel (except taxes in effect on Decem-
6 ber 30, 1987) will be expended for the capital
7 or operating costs of—

8 “(i) the airport;

9 “(ii) the local airport system;

10 “(iii) other local facilities owned or
11 operated by the airport owner or operator
12 and directly and substantially related to
13 the air transportation of passengers or
14 property; or

15 “(iv) any project eligible for Federal
16 assistance under title 23, United States
17 Code, or chapter 53 of title 49, United
18 States Code.”;

19 (2) by redesignating paragraphs (2) and (3) as
20 paragraphs (3) and (4), respectively; and

21 (3) by inserting after paragraph (1) the fol-
22 lowing:

23 “(2) SPECIAL RULE.—Revenues derived from
24 State and local general sales taxes, State and local
25 voter-authorized taxes, or State and local general

1 funds may be used to offset the amounts required to
2 be expended under paragraph (1)(B).”;

3 (4) in paragraph (3) (as so redesignated) by
4 striking “(3) Paragraph (1)” and inserting the fol-
5 lowing:

6 “(3) LIMITATION.—Paragraph (1)”;

7 (5) in paragraph (4) (as so redesignated) by
8 striking “(4) This subsection” and inserting the fol-
9 lowing:

10 “(4) STATUTORY CONSTRUCTION.—This sub-
11 section”; and

12 (6) by adding at the end the following:

13 “(5) LIMITATION ON APPLICABILITY.—This
14 subsection does not apply to a general sales tax that
15 is—

16 “(A) State or local voter approved, and

17 “(B) in effect prior to the date of enact-
18 ment of the FAA Reauthorization Act of 2018,
19 if the appropriate taxing entity provides the Sec-
20 retary with the written notice of the general sales
21 tax not later than 90 days after the date of enact-
22 ment of this paragraph.”.

23 (b) PROHIBITION.—Section 47133 of title 49, United
24 States Code, is amended—

25 (1) in subsection (a)—

1 (A) by redesignating paragraphs (1), (2),
2 and (3) as subparagraphs (A), (B), and (C), re-
3 spectively; and

4 (B) by striking “(a) PROHIBITION.—Local
5 taxes on aviation fuel” and inserting the fol-
6 lowing:

7 “(a) PROHIBITIONS.—

8 “(1) USE OF EXCISE TAXES.—Local excise
9 taxes on aviation fuel”; and

10 (C) by adding at the end the following:

11 “(2) USE OF GENERAL SALES TAXES.—State
12 and local general sales taxes on aviation fuel (except
13 taxes in effect on December 30, 1987) may not be
14 expended for any purpose other than the capital or
15 operating costs of—

16 “(A) the airport;

17 “(B) the local airport system;

18 “(C) other local facilities owned or oper-
19 ated by the airport owner or operator and di-
20 rectly and substantially related to the air trans-
21 portation of passengers or property; or

22 “(D) any project eligible for Federal assist-
23 ance under title 23, United States Code, or
24 chapter 53 of title 49, United States Code.

1 “(3) SPECIAL RULE.—Revenues derived from
2 State and local general sales taxes, State and local
3 voter-authorized taxes, or State and local general
4 funds may be used to offset the amounts required to
5 be expended under paragraph (2).”; and

6 (2) by adding at the end the following:

7 “(d) LIMITATION ON APPLICABILITY.—This section
8 does not apply to a general sales tax that is—

9 “(1) State or local voter approved, and

10 “(2) in effect prior to the date of enactment of
11 the FAA Reauthorization Act of 2018,

12 if the appropriate taxing entity provides the Secretary
13 with written notice of the general sales tax not later than
14 90 days after the date of enactment of this subsection.”.

15 (c) GENERAL SALES TAX DEFINED.—Section 47102
16 of title 49, United States Code, as amended by this Act,
17 is further amended by adding at the end the following:

18 “(30) ‘general sales tax’ means—

19 “(A) general sales tax;

20 “(B) generally applicable sales tax; or

21 “(C) transactions and use tax.”.

Page 259, line 1, strike “(30)” and insert “(31)”.

Page 259, line 11, strike “(31)” and insert “(32)”.

Page 259, line 17, strike “(32)” and insert “(33)”.

