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

At the end of title V, add the following:

SEC. _____ USE OF REVENUE.

(a) Written Assurances on Use of Revenue.—

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

(1) in paragraph (1) by striking “(1) The Secretary of Transportation” and inserting “(1) In general.—The Secretary of Transportation”;

(2) in paragraph (1)(B) by striking “or”;

(3) in paragraph (1)(C) by striking the period at the end and inserting “; or”

(4) by inserting after paragraph (1)(C) the following:

“(D) in the case of revenue from covered taxes, any project eligible for Federal assistance under title 23 or chapter 53 that is, in the sole discretion of the Secretary—

“(i) in the immediate vicinity of the airport from which the tax revenue is generated; and
“(ii) will significantly benefit airport operations, airport passengers, or other airport users.”;

(5) in paragraph (2) by striking “(2) Paragraph (1)” and inserting “(2) LIMITATION.—Paragraph (1)”;

(6) in paragraph (3) by striking “(3) This subsection” and inserting “(3) NOISE MITIGATION.—This subsection”; and

(7) by adding at the end the following:

“(4) COVERED TAXES.—In this subsection, the term ‘covered tax’ means a general sales tax on aviation fuel that—

“(A) is imposed by a State or local government;

“(B) was in effect at any time during the period beginning on December 8, 2014, and ending on December 7, 2017;

“(C) was required to be adjusted to comply with Federal law by December 8, 2017, as a result of the Federal Aviation Administration’s policy amendment to the Policy and Procedure Concerning the Use of Airport Revenue (Docket No. FAA-2013-0988) published on November 7, 2014 (79 F.R. 66282); and
“(D) is noticed to the Secretary by said the State or local government as meeting the definition of covered tax under this subsection not later than 90 days after the date of enactment of the FAA Re-authorization Act of 2018.”.

(b) Restriction on Use of Revenues.—Section 47133 of title 49, United States Code, is amended—

1. in subsection (a)(2) by striking “or”;
2. in subsection (a)(3) by striking the period at the end and inserting “; or”;
3. by inserting after subsection (a)(3) the following:

“(4) in the case of revenue from covered taxes, any project eligible for Federal assistance under title 23 or chapter 53 that is, in the sole discretion of the Secretary—

“(A) in the immediate vicinity of the airport from which the tax revenue is generated; and

“(B) will significantly benefit airport operations, airport passengers, or other airport users.”; and

(4) by inserting at the end the following:
“(d) COVERED TAXES.—In this section, the term ‘covered taxes’ means a general sales tax on aviation fuel that—

“(1) is imposed by a State or local government;

“(2) was in effect at any time during the period beginning on December 8, 2014, and ending on December 7, 2017;

“(3) was required to be adjusted to comply with Federal law by December 8, 2017, as a result of the Federal Aviation Administration’s policy amendment to the Policy and Procedure Concerning the Use of Airport Revenue (Docket No. FAA–2013–0988) published on November 7, 2014 (79 F.R. 66282);

and

“(4) is noticed to the Secretary by said the State or local government as meeting the definition of covered tax under this section not later than 90 days after the date of enactment of the FAA Reauthorization Act of 2018.”.