

PUBLIC LAW 112-27—AUG. 5, 2011

AIRPORT AND AIRWAY EXTENSION ACT  
OF 2011, PART IV

Public Law 112–27  
112th Congress

An Act

Aug. 5, 2011  
[H.R. 2553]

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 the airport improvement program, and for other purposes.

Airport and  
Airway  
Extension Act  
of 2011, Part IV.  
26 USC 1 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Airport and Airway Extension Act of 2011, Part IV”.

**SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.**

26 USC 4081.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking “July 22, 2011” and inserting “September 16, 2011”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “July 22, 2011” and inserting “September 16, 2011”.

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking “July 22, 2011” and inserting “September 16, 2011”.

26 USC 4081  
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on July 23, 2011.

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

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

(1) by striking “July 23, 2011” and inserting “September 17, 2011”; and

(2) by inserting “or the Airport and Airway Extension Act of 2011, Part IV” before the semicolon at the end of subparagraph (A).

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) of such Code is amended by striking “July 23, 2011” and inserting “September 17, 2011”.

26 USC 9502  
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on July 23, 2011.

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

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Section 48103 of title 49, United States Code, is amended by striking paragraph (8) and inserting the following:

“(8) \$3,380,178,082 for the period beginning on October 1, 2010, and ending on September 16, 2011.” Time period.

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking “July 22, 2011,” and inserting “September 16, 2011,”. 49 USC 47104.

#### SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking “July 23, 2011.” and inserting “September 17, 2011.”.

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

(1) by striking “July 22, 2011,” and inserting “September 16, 2011,”; and

(2) by striking “October 31, 2011,” and inserting “December 31, 2011,”.

(c) Section 44303(b) of such title is amended by striking “October 31, 2011,” and inserting “December 31, 2011,”.

(d) Section 47107(s)(3) of such title is amended by striking “July 23, 2011.” and inserting “September 17, 2011.”.

(e) Section 47115(j) of such title is amended by striking “July 23, 2011,” and inserting “September 17, 2011,”.

(f) Section 47141(f) of such title is amended by striking “July 22, 2011.” and inserting “September 16, 2011.”.

(g) Section 49108 of such title is amended by striking “July 22, 2011,” and inserting “September 16, 2011,”.

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking “July 23, 2011,” and inserting “September 17, 2011,”.

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking “July 23, 2011,” and inserting “September 17, 2011,”.

(j) The amendments made by this section shall take effect on July 23, 2011. 49 USC 40117 note.

#### SEC. 6. ESSENTIAL AIR SERVICE REFORM.

(a) IN GENERAL.—Section 41731(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I) (as so redesignated) by inserting “(A)” before “(i)(I)”;

(4) in subparagraph (A)(ii) (as so redesignated)—

(A) by striking “determined” and inserting “was determined”;

(B) by striking “Secretary” and inserting “Secretary of Transportation”; and

(C) by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(B) is located not less than 90 miles from the nearest medium or large hub airport; and

“(C) had an average subsidy per passenger of less than \$1,000 during the most recent fiscal year, as determined by the Secretary.”.

(b) LIMITATION ON AUTHORITY TO DECIDE A PLACE NOT AN ELIGIBLE PLACE.—Section 41731(b) of such title is amended—

(1) by striking “Secretary of Transportation” and inserting “Secretary”; and

(2) by striking “on the basis of a passenger subsidy at that place or on another basis” and inserting “on any basis”.

(c) EXCEPTIONS AND WAIVERS.—Section 41731 of such title is amended by adding at the end the following:

“(c) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Subsections (a)(1)(B) and (a)(1)(C) shall not apply with respect to a location in the State of Alaska.

“(d) WAIVERS.—The Secretary may waive subsection (a)(1)(B) with respect to a location if the Secretary determines that the geographic characteristics of the location result in undue difficulty in accessing the nearest medium or large hub airport.”.

Approved August 5, 2011.

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LEGISLATIVE HISTORY—H.R. 2553:

CONGRESSIONAL RECORD, Vol. 157 (2011):

July 20, considered and passed House.

Aug. 5, considered and passed Senate.

