

PUBLIC LAW 118-34—DEC. 26, 2023

AIRPORT AND AIRWAY EXTENSION ACT OF
2023, PART II

Public Law 118–34
118th Congress

An Act

Dec. 26, 2023
[H.R. 6503]

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

Airport and
Airway
Extension Act of
2023, Part II.
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; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Airport and Airway Extension Act of 2023, Part II”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL AVIATION PROGRAMS

- Sec. 101. Airport improvement program.
- Sec. 102. Extension of expiring authorities; miscellaneous authorizations.
- Sec. 103. Federal Aviation Administration operations.
- Sec. 104. Air navigation facilities and equipment.
- Sec. 105. Research, engineering, and development.
- Sec. 106. Small community air service.

TITLE II—AVIATION REVENUE PROVISIONS

- Sec. 201. Expenditure authority from Airport and Airway Trust Fund.
- Sec. 202. Extension of taxes funding Airport and Airway Trust Fund.

Time periods.

**TITLE I—FEDERAL AVIATION
PROGRAMS**

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 48103(a) of title 49, United States Code, is amended by striking paragraph (7) and inserting the following:

“(7) \$1,464,480,874 for the period beginning October 1, 2023, and ending on March 8, 2024.”.

(b) **OBLIGATION AUTHORITY.**—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by subsection (a) may be obligated at any time through September 30, 2024, and shall remain available until expended.

(c) **PROGRAM IMPLEMENTATION.**—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2023, and ending

on March 8, 2024, the Administrator of the Federal Aviation Administration shall—

(1) first calculate such funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2024 was \$3,350,000,000; and

(2) then reduce by 56 percent—

(A) all funding apportionment amounts calculated under paragraph (1); and

(B) amounts made available pursuant to subsections (b) and (f)(2) of section 47117 of such title.

(d) **EXTENSION OF PROJECT GRANT AUTHORITY.**—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking “December 31, 2023,” and inserting “March 8, 2024.”

(e) **EXTENSION OF SPECIAL RULE FOR APPORTIONMENTS.**—Section 47114(c)(1)(J) of title 49, United States Code, is amended by striking “December 31, 2023,” and inserting “March 8, 2024.”

SEC. 102. EXTENSION OF EXPIRING AUTHORITIES; MISCELLANEOUS AUTHORIZATIONS.

(a) **AUTHORITY TO PROVIDE INSURANCE.**—Section 44310(b) of title 49, United States Code, is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(b) **UNMANNED AIRCRAFT TEST RANGES.**—Section 44803(h) of title 49, United States Code, is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(c) **SPECIAL AUTHORITY FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.**—Section 44807(d) of title 49, United States Code, is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(d) **EXTENSION OF AIRPORT SAFETY AND AIRSPACE HAZARD MITIGATION AND ENFORCEMENT.**—Section 44810(h) of title 49, United States Code, is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(e) **COMPETITIVE ACCESS REPORTING REQUIREMENT.**—Section 47107(r)(3) of title 49, United States Code, is amended by striking “January 1, 2024” and inserting “March 9, 2024”.

(f) **MARSHALL ISLANDS, MICRONESIA, AND PALAU.**—Section 47115(i) of title 49, United States Code, is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(g) **SUPPLEMENTAL DISCRETIONARY FUNDS.**—Section 47115(j)(4)(A) of title 49, United States Code, is amended by striking clause (vi) and adding at the end the following:

“(vi) \$244,177,049 for the period beginning on October 1, 2023, and ending on March 8, 2024.”

(h) **COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.**—Section 47141(f) of title 49, United States Code, is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(i) **NON-MOVEMENT AREA SURVEILLANCE PILOT PROGRAM.**—Section 47143(c) of title 49, United States Code, is amended by striking “January 1, 2024” and inserting “March 9, 2024”.

(j) **WEATHER REPORTING PROGRAMS.**—Section 48105 of title 49, United States Code, is amended by striking paragraph (5) and adding at the end the following:

“(5) \$17,049,180 for the period beginning on October 1, 2023, and ending on March 8, 2024.”

(k) **LEARNING PERIOD.**—Section 50905(c)(9) of title 51, United States Code, is amended by striking “January 1, 2024” and inserting “March 9, 2024”.

(l) **MIDWAY ISLAND AIRPORT.**—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 117 Stat. 2518) is amended by striking “December 31, 2023,” and inserting “March 8, 2024.”

(m) **FINAL ORDER ESTABLISHING MILEAGE AND ADJUSTMENT ELIGIBILITY.**—Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(n) **CONTRACT WEATHER OBSERVERS.**—Section 2306(b) of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 641) is amended by striking “January 1, 2024” and inserting “March 9, 2024”.

(o) **REMOTE TOWER PILOT PROGRAM.**—Section 161(a)(10) of the FAA Reauthorization Act of 2018 (49 U.S.C. 47104 note) is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(p) **AIRPORT ACCESS ROADS IN REMOTE LOCATIONS; STORAGE FACILITIES FOR SNOW REMOVAL EQUIPMENT.**—Section 162 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47102 note) is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(q) **UAS REMOTE DETECTION AND IDENTIFICATION PILOT PROGRAM.**—Section 372(d) of the FAA Reauthorization Act of 2018 (49 U.S.C. 44810 note) is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(r) **ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.**—Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 note) is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(s) **AVIATION CONSUMER ADVOCATE.**—Section 424(e) of the FAA Reauthorization Act of 2018 (49 U.S.C. 42302 note) is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(t) **ADVISORY COMMITTEE ON AIR TRAVEL NEEDS OF PASSENGERS WITH DISABILITIES.**—Section 439(g) of the FAA Reauthorization Act of 2018 (49 U.S.C. 41705 note) is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(u) **ENHANCED TRAFFIC SERVICES.**—Section 547(e) of the FAA Reauthorization Act of 2018 (49 U.S.C. 40103 note) is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(v) **PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.**—Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking subparagraph (G) and inserting after subparagraph (F) the following:

“(G) \$5,208,743,169 for the period beginning on October 1, 2023, and ending on March 8, 2024.”; and

(2) in paragraph (3) by striking “December 31, 2023” and inserting “March 8, 2024”.

SEC. 104. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended by striking paragraph (7) and adding at the end the following:

“(7) \$1,287,431,694 for the period beginning on October 1, 2023, and ending on March 8, 2024.”.

SEC. 105. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended by striking paragraph (16) and inserting the following:

“(16) \$111,475,410 for the period beginning on October 1, 2023, and ending on March 8, 2024.”.

SEC. 106. SMALL COMMUNITY AIR SERVICE.

(a) **ESSENTIAL AIR SERVICE AUTHORIZATION.**—Section 41742(a)(2) of title 49, United States Code, is amended by striking “\$89,191,486 for the period beginning on October 1, 2023, and ending on December 31, 2023,” and inserting “\$155,115,628 for the period beginning on October 1, 2023, and ending on March 8, 2024,”.

(b) **AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.**—Section 41743(e)(2) of title 49, United States Code, is amended by striking “\$2,513,661 for the period beginning on October 1, 2023, and ending on December 31, 2023,” and inserting “\$4,371,585 for the period beginning on October 1, 2023, and ending on March 8, 2024,”.

TITLE II—AVIATION REVENUE PROVISIONS

SEC. 201. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

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

26 USC 9502.

(1) in the matter preceding subparagraph (A) by striking “January 1, 2024” and inserting “March 9, 2024”; and

(2) in subparagraph (A) by striking the semicolon at the end and inserting “or the Airport and Airway Extension Act of 2023, Part II;”.

(b) **CONFORMING AMENDMENT.**—Section 9502(e)(2) of such Code is amended by striking “January 1, 2024” and inserting “March 9, 2024”.

SEC. 202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Section 4261(k)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(2) **PROPERTY.**—Section 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

(c) **FRACTIONAL OWNERSHIP PROGRAMS.**—

(1) **FUEL TAX.**—Section 4043(d) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

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26 USC 4083. (2) TREATMENT AS NONCOMMERCIAL AVIATION.—Section 4083(b) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2024” and inserting “March 9, 2024”.

(3) EXEMPTION FROM TICKET TAX.—Section 4261(j) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2023” and inserting “March 8, 2024”.

Approved December 26, 2023.

LEGISLATIVE HISTORY—H.R. 6503:

CONGRESSIONAL RECORD, Vol. 169 (2023):

Dec. 11, considered and passed House.

Dec. 19, considered and passed Senate.

