

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide a substitute.

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

S. 223

To modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BAUCUS

Viz:

1 Strike title VIII and insert the following:

2 **TITLE VIII—AIRPORT AND AIR-**
3 **WAY TRUST FUND PROVI-**
4 **SIONS AND RELATED TAXES**

5 **SEC. 800. AMENDMENT OF 1986 CODE.**

6 Except as otherwise expressly provided, whenever in
7 this title an amendment or repeal is expressed in terms
8 of an amendment to, or repeal of, a section or other provi-
9 sion, the reference shall be considered to be made to a
10 section or other provision of the Internal Revenue Code
11 of 1986.

1 **SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND**
2 **AIRWAY TRUST FUND.**

3 (a) FUEL TAXES.—Subparagraph (B) of section
4 4081(d)(2) is amended by striking “March 31, 2011” and
5 inserting “September 30, 2013”.

6 (b) TICKET TAXES.—

7 (1) PERSONS.—Clause (ii) of section
8 4261(j)(1)(A) is amended by striking “March 31,
9 2011” and inserting “September 30, 2013”.

10 (2) PROPERTY.—Clause (ii) of section
11 4271(d)(1)(A) is amended by striking “March 31,
12 2011” and inserting “September 30, 2013”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on April 1, 2011.

15 **SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST**
16 **FUND EXPENDITURE AUTHORITY.**

17 (a) IN GENERAL.—Paragraph (1) of section 9502(d)
18 is amended—

19 (1) by striking “April 1, 2011” in the matter
20 preceding subparagraph (A) and inserting “October
21 1, 2013”, and

22 (2) by striking the semicolon at the end of sub-
23 paragraph (A) and inserting “or the FAA Air
24 Transportation Modernization and Safety Improve-
25 ment Act;”.

1 (b) CONFORMING AMENDMENT.—Paragraph (2) of
2 section 9502(e) is amended by striking “April 1, 2011”
3 and inserting “October 1, 2013”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on April 1, 2011.

6 **SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE**
7 **USED IN AVIATION.**

8 (a) RATE OF TAX ON AVIATION-GRADE KER-
9 OSENE.—

10 (1) IN GENERAL.—Subparagraph (A) of section
11 4081(a)(2) is amended by striking “and” at the end
12 of clause (ii), by striking the period at the end of
13 clause (iii) and inserting “, and”, and by adding at
14 the end the following new clause:

15 “(iv) in the case of aviation-grade ker-
16 osene, 35.9 cents per gallon.”.

17 (2) FUEL REMOVED DIRECTLY INTO FUEL
18 TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIA-
19 TION.—Subparagraph (C) of section 4081(a)(2) is
20 amended to read as follows:

21 “(C) TAXES IMPOSED ON FUEL USED IN
22 COMMERCIAL AVIATION.—In the case of avia-
23 tion-grade kerosene which is removed from any
24 refinery or terminal directly into the fuel tank
25 of an aircraft for use in commercial aviation by

1 a person registered for such use under section
2 4101, the rate of tax under subparagraph
3 (A)(iv) shall be 4.3 cents per gallon.”.

4 (3) EXEMPTION FOR AVIATION-GRADE KER-
5 OSENE REMOVED INTO AN AIRCRAFT.—Subsection
6 (e) of section 4082 is amended—

7 (A) by striking “kerosene” and inserting
8 “aviation-grade kerosene”,

9 (B) by striking “section
10 4081(a)(2)(A)(iii)” and inserting “section
11 4081(a)(2)(A)(iv)”, and

12 (C) by striking “KEROSENE” in the head-
13 ing and inserting “AVIATION-GRADE KER-
14 OSENE”.

15 (4) CONFORMING AMENDMENTS.—

16 (A) Clause (iii) of section 4081(a)(2)(A) is
17 amended by inserting “other than aviation-
18 grade kerosene” after “kerosene”.

19 (B) The following provisions are each
20 amended by striking “kerosene” and inserting
21 “aviation-grade kerosene”:

22 (i) Section 4081(a)(3)(A)(ii).

23 (ii) Section 4081(a)(3)(A)(iv).

24 (iii) Section 4081(a)(3)(D).

1 (C) Subparagraph (D) of section
2 4081(a)(3) is amended—

3 (i) by striking “paragraph (2)(C)(i)”
4 in clause (i) and inserting “paragraph
5 (2)(C)”, and

6 (ii) by striking “paragraph (2)(C)(ii)”
7 in clause (ii) and inserting “paragraph
8 (2)(A)(iv)”.

9 (D) Paragraph (4) of section 4081(a) is
10 amended—

11 (i) by striking “KEROSENE” in the
12 heading and inserting “AVIATION-GRADE
13 KEROSENE”, and

14 (ii) by striking “paragraph (2)(C)(i)”
15 and inserting “paragraph (2)(C)”.

16 (E) Paragraph (2) of section 4081(d) is
17 amended by striking “(a)(2)(C)(ii)” and insert-
18 ing “(a)(2)(A)(iv)”.

19 (b) RETAIL TAX ON AVIATION FUEL.—

20 (1) EXEMPTION FOR PREVIOUSLY TAXED
21 FUEL.—Paragraph (2) of section 4041(c) is amend-
22 ed by inserting “at the rate specified in subsection
23 (a)(2)(A)(iv) thereof” after “section 4081”.

24 (2) RATE OF TAX.—Paragraph (3) of section
25 4041(c) is amended to read as follows:

1 “(3) RATE OF TAX.—The rate of tax imposed
2 by this subsection shall be the rate of tax in effect
3 under section 4081(a)(2)(A)(iv) (4.3 cents per gallon
4 with respect to any sale or use for commercial avia-
5 tion).”.

6 (c) REFUNDS RELATING TO AVIATION-GRADE KER-
7 ROSENE.—

8 (1) AVIATION-GRADE KEROSENE USED IN COM-
9 MERCIAL AVIATION.—Clause (ii) of section
10 6427(l)(4)(A) is amended by striking “specified in
11 section 4041(c) or 4081(a)(2)(A)(iii), as the case
12 may be,” and inserting “so imposed”.

13 (2) KEROSENE USED IN AVIATION.—Paragraph
14 (4) of section 6427(l) is amended by striking sub-
15 paragraphs (B) and (C) and inserting the following
16 new subparagraph:

17 “(B) PAYMENTS TO ULTIMATE, REG-
18 ISTERED VENDOR.—With respect to any ker-
19 osene used in aviation (other than kerosene to
20 which paragraph (6) applies), if the ultimate
21 purchaser of such kerosene waives (at such time
22 and in such form and manner as the Secretary
23 shall prescribe) the right to payment under
24 paragraph (1) and assigns such right to the ul-
25 timate vendor, then the Secretary shall pay

1 (without interest) the amount which would be
2 paid under paragraph (1) to such ultimate ven-
3 dor, but only if such ultimate vendor—

4 “(i) is registered under section 4101,
5 and

6 “(ii) meets the requirements of sub-
7 paragraph (A), (B), or (D) of section
8 6416(a)(1).”.

9 (3) AVIATION-GRADE KEROSENE NOT USED IN
10 AVIATION.—Subsection (1) of section 6427 is amend-
11 ed by redesignating paragraph (5) as paragraph (6)
12 and by inserting after paragraph (4) the following
13 new paragraph:

14 “(5) REFUNDS FOR AVIATION-GRADE KER-
15 OSENE NOT USED IN AVIATION.—If tax has been im-
16 posed under section 4081 at the rate specified in
17 section 4081(a)(2)(A)(iv) and the fuel is used other
18 than in an aircraft, the Secretary shall pay (without
19 interest) to the ultimate purchaser of such fuel an
20 amount equal to the amount of tax imposed on such
21 fuel reduced by the amount of tax that would be im-
22 posed under section 4041 if no tax under section
23 4081 had been imposed.”.

24 (4) CONFORMING AMENDMENTS.—

1 (A) Subparagraph (B) of section
2 4082(d)(2) is amended by striking
3 “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

4 (B) Paragraph (4) of section 6427(i) is
5 amended—

6 (i) by striking “(4)(C) or (5)” and in-
7 serting “(4)(B) or (6)”, and

8 (ii) by striking “, (l)(4)(C)(ii), and
9 (l)(5)” and inserting “and (l)(6)”.

10 (C) Subsection (l) of section 6427 is
11 amended by striking “DIESEL FUEL AND KER-
12 OSENE” in the heading and inserting “DIESEL
13 FUEL, KEROSENE, AND AVIATION FUEL”.

14 (D) Paragraph (1) of section 6427(l) is
15 amended by striking “paragraph (4)(C)(i)” and
16 inserting “paragraph (4)(B)”.

17 (E) Paragraph (4) of section 6427(l) is
18 amended—

19 (i) by striking “KEROSENE USED IN
20 AVIATION” in the heading and inserting
21 “AVIATION-GRADE KEROSENE USED IN
22 COMMERCIAL AVIATION”, and

23 (ii) in subparagraph (A)—

24 (I) by striking “kerosene” and
25 inserting “aviation-grade kerosene”,

1 (II) by striking “KEROSENE
2 USED IN COMMERCIAL AVIATION” in
3 the heading and inserting “IN GEN-
4 ERAL”.

5 (d) TRANSFERS TO THE AIRPORT AND AIRWAY
6 TRUST FUND.—

7 (1) IN GENERAL.—Subparagraph (C) of section
8 9502(b)(1) is amended to read as follows:

9 “(C) section 4081 with respect to aviation
10 gasoline and aviation-grade kerosene, and”.

11 (2) TRANSFERS ON ACCOUNT OF CERTAIN RE-
12 FUNDS.—

13 (A) IN GENERAL.—Subsection (d) of sec-
14 tion 9502 is amended—

15 (i) by striking “(other than subsection
16 (l)(4) thereof)” in paragraph (2), and

17 (ii) by striking “(other than payments
18 made by reason of paragraph (4) of section
19 6427(l))” in paragraph (3).

20 (B) CONFORMING AMENDMENTS.—

21 (i) Paragraph (4) of section 9503(b)
22 is amended by striking “or” at the end of
23 subparagraph (C), by striking the period
24 at the end of subparagraph (D) and insert-
25 ing a comma, and by inserting after sub-

1 paragraph (D) the following new subpara-
2 graphs:

3 “(E) section 4081 to the extent attrib-
4 utable to the rate specified in clause (ii) or (iv)
5 of section 4081(a)(2)(A), or

6 “(F) section 4041(c).”.

7 (ii) Subsection (c) of section 9503 is
8 amended by striking paragraph (5).

9 (iii) Subsection (a) of section 9502 is
10 amended—

11 (I) by striking “appropriated,
12 credited, or paid into” and inserting
13 “appropriated or credited to”, and

14 (II) by striking “, section
15 9503(c)(5),”.

16 (e) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to fuels removed, entered, or sold
18 after March 31, 2011.

19 (f) FLOOR STOCKS TAX.—

20 (1) IMPOSITION OF TAX.—In the case of avia-
21 tion-grade kerosene fuel which is held on April 1,
22 2011, by any person, there is hereby imposed a floor
23 stocks tax on aviation-grade kerosene equal to—

24 (A) the tax which would have been imposed
25 before such date on such kerosene had the

1 amendments made by this section been in effect
2 at all times before such date, reduced by

3 (B) the tax imposed before such date on
4 such kerosene under section 4081 of the Inter-
5 nal Revenue Code of 1986, as in effect on such
6 date.

7 (2) LIABILITY FOR TAX AND METHOD OF PAY-
8 MENT.—

9 (A) LIABILITY FOR TAX.—A person hold-
10 ing aviation-grade kerosene on April 1, 2011,
11 shall be liable for such tax.

12 (B) TIME AND METHOD OF PAYMENT.—
13 The tax imposed by paragraph (1) shall be paid
14 at such time and in such manner as the Sec-
15 retary of the Treasury shall prescribe.

16 (3) TRANSFER OF FLOOR STOCK TAX REVE-
17 NUES TO TRUST FUNDS.—For purposes of deter-
18 mining the amount transferred to the Airport and
19 Airway Trust Fund, the tax imposed by this sub-
20 section shall be treated as imposed by section
21 4081(a)(2)(A)(iv) of the Internal Revenue Code of
22 1986.

23 (4) DEFINITIONS.—For purposes of this sub-
24 section—

1 (A) AVIATION-GRADE KEROSENE.—The
2 term “aviation-grade kerosene” means aviation-
3 grade kerosene as such term is used within the
4 meaning of section 4081 of the Internal Rev-
5 enue Code of 1986.

6 (B) HELD BY A PERSON.—Aviation-grade
7 kerosene shall be considered as held by a person
8 if title thereto has passed to such person
9 (whether or not delivery to the person has been
10 made).

11 (C) SECRETARY.—The term “Secretary”
12 means the Secretary of the Treasury or the
13 Secretary’s delegate.

14 (5) EXCEPTION FOR EXEMPT USES.—The tax
15 imposed by paragraph (1) shall not apply to any
16 aviation-grade kerosene held by any person exclu-
17 sively for any use to the extent a credit or refund
18 of the tax is allowable under the Internal Revenue
19 Code of 1986 for such use.

20 (6) EXCEPTION FOR CERTAIN AMOUNTS OF
21 AVIATION-GRADE KEROSENE.—

22 (A) IN GENERAL.—No tax shall be im-
23 posed by paragraph (1) on any aviation-grade
24 kerosene held on April 1, 2011, by any person
25 if the aggregate amount of such aviation-grade

1 kerosene held by such person on such date does
2 not exceed 2,000 gallons. The preceding sen-
3 tence shall apply only if such person submits to
4 the Secretary (at the time and in the manner
5 required by the Secretary) such information as
6 the Secretary shall require for purposes of this
7 subparagraph.

8 (B) EXEMPT AVIATION-GRADE KER-
9 OSENE.—For purposes of subparagraph (A),
10 there shall not be taken into account any avia-
11 tion-grade kerosene held by any person which is
12 exempt from the tax imposed by paragraph (1)
13 by reason of paragraph (5).

14 (C) CONTROLLED GROUPS.—For purposes
15 of this subsection—

16 (i) CORPORATIONS.—

17 (I) IN GENERAL.—All persons
18 treated as a controlled group shall be
19 treated as 1 person.

20 (II) CONTROLLED GROUP.—The
21 term “controlled group” has the
22 meaning given to such term by sub-
23 section (a) of section 1563 of the In-
24 ternal Revenue Code of 1986; except
25 that for such purposes the phrase

1 “more than 50 percent” shall be sub-
2 stituted for the phrase “at least 80
3 percent” each place it appears in such
4 subsection.

5 (ii) NONINCORPORATED PERSONS
6 UNDER COMMON CONTROL.—Under regula-
7 tions prescribed by the Secretary, prin-
8 ciples similar to the principles of subpara-
9 graph (A) shall apply to a group of per-
10 sons under common control if 1 or more of
11 such persons is not a corporation.

12 (7) OTHER LAWS APPLICABLE.—All provisions
13 of law, including penalties, applicable with respect to
14 the taxes imposed by section 4081 of the Internal
15 Revenue Code of 1986 on the aviation-grade ker-
16 osene involved shall, insofar as applicable and not
17 inconsistent with the provisions of this subsection,
18 apply with respect to the floor stock taxes imposed
19 by paragraph (1) to the same extent as if such taxes
20 were imposed by such section.

21 **SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION**
22 **ACCOUNT.**

23 (a) IN GENERAL.—Section 9502 is amended by add-
24 ing at the end the following new subsection:

1 “(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL
2 SYSTEM MODERNIZATION ACCOUNT.—

3 “(1) CREATION OF ACCOUNT.—There is estab-
4 lished in the Airport and Airway Trust Fund a sepa-
5 rate account to be known as the ‘Air Traffic Control
6 System Modernization Account’ consisting of such
7 amounts as may be transferred or credited to the
8 Air Traffic Control System Modernization Account
9 as provided in this subsection or section 9602(b).

10 “(2) TRANSFERS TO AIR TRAFFIC CONTROL
11 SYSTEM MODERNIZATION ACCOUNT.—On October 1,
12 2011, and annually thereafter the Secretary shall
13 transfer \$400,000,000 to the Air Traffic Control
14 System Modernization Account from amounts appro-
15 priated to the Airport and Airway Trust Fund under
16 subsection (b) which are attributable to taxes on
17 aviation-grade kerosene.

18 “(3) EXPENDITURES FROM ACCOUNT.—
19 Amounts in the Air Traffic Control System Mod-
20 ernization Account shall be available subject to ap-
21 propriation for expenditures relating to the mod-
22 ernization of the air traffic control system (including
23 facility and equipment account expenditures).”.

1 (b) CONFORMING AMENDMENT.—Paragraph (1) of
2 section 9502(d) is amended by striking “Amounts” and
3 inserting “Except as provided in subsection (f), amounts”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the date of the enactment
6 of this Act.

7 **SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNER-**
8 **SHIP PROGRAMS.**

9 (a) FUEL SURTAX.—

10 (1) IN GENERAL.—Subchapter B of chapter 31
11 is amended by adding at the end the following new
12 section:

13 **“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF**
14 **A FRACTIONAL OWNERSHIP PROGRAM.**

15 “(a) IN GENERAL.—There is hereby imposed a tax
16 on any liquid used during any calendar quarter by any
17 person as a fuel in an aircraft which is—

18 “(1) registered in the United States, and

19 “(2) part of a fractional ownership aircraft pro-
20 gram.

21 “(b) AMOUNT OF TAX.—The rate of tax imposed by
22 subsection (a) is 14.1 cents per gallon.

23 “(c) FRACTIONAL OWNERSHIP AIRCRAFT PRO-
24 GRAM.—For purposes of this section—

1 “(1) IN GENERAL.—The term ‘fractional owner-
2 ship aircraft program’ means a program under
3 which—

4 “(A) a single fractional ownership program
5 manager provides fractional ownership program
6 management services on behalf of the fractional
7 owners,

8 “(B) 2 or more airworthy aircraft are part
9 of the program,

10 “(C) there are 1 or more fractional owners
11 per program aircraft, with at least 1 program
12 aircraft having more than 1 owner,

13 “(D) each fractional owner possesses at
14 least a minimum fractional ownership interest
15 in 1 or more program aircraft,

16 “(E) there exists a dry-lease aircraft ex-
17 change arrangement among all of the fractional
18 owners, and

19 “(F) there are multi-year program agree-
20 ments covering the fractional ownership, frac-
21 tional ownership program management services,
22 and dry-lease aircraft exchange aspects of the
23 program.

24 “(2) MINIMUM FRACTIONAL OWNERSHIP INTER-
25 EST.—

1 “(A) IN GENERAL.—The term ‘minimum
2 fractional ownership interest’ means, with re-
3 spect to each type of aircraft—

4 “(i) a fractional ownership interest
5 equal to or greater than $\frac{1}{16}$ of at least 1
6 subsonic, fixed wing or powered lift pro-
7 gram aircraft, or

8 “(ii) a fractional ownership interest
9 equal to or greater than $\frac{1}{32}$ of a least 1
10 rotorcraft program aircraft.

11 “(B) FRACTIONAL OWNERSHIP INTER-
12 EST.—The term ‘fractional ownership interest’
13 means—

14 “(i) the ownership of an interest in a
15 program aircraft,

16 “(ii) the holding of a multi-year lease-
17 hold interest in a program aircraft, or

18 “(iii) the holding of a multi-year
19 leasehold interest which is convertible into
20 an ownership interest in a program air-
21 craft.

22 “(3) DRY-LEASE AIRCRAFT EXCHANGE.—The
23 term ‘dry-lease aircraft exchange’ means an agree-
24 ment, documented by the written program agree-
25 ments, under which the program aircraft are avail-

1 able, on an as needed basis without crew, to each
2 fractional owner.

3 “(d) TERMINATION.—This section shall not apply to
4 liquids used as a fuel in an aircraft after September 30,
5 2013.”.

6 (2) CONFORMING AMENDMENT.—Subsection (e)
7 of section 4082 is amended by inserting “(other
8 than an aircraft described in section 4043(a))” after
9 “an aircraft”.

10 (3) TRANSFER OF REVENUES TO AIRPORT AND
11 AIRWAY TRUST FUND.—Subsection (1) of section
12 9502(b) is amended by redesignating subparagraphs
13 (B) and (C) as subparagraphs (C) and (D), respec-
14 tively, and by inserting after subparagraph (A) the
15 following new subparagraph:

16 “(B) section 4043 (relating to surtax on
17 fuel used in aircraft part of a fractional owner-
18 ship program),”.

19 (4) CLERICAL AMENDMENT.—The table of sec-
20 tions for subchapter B of chapter 31 is amended by
21 adding at the end the following new item:

 “Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership pro-
 gram.”.

22 (b) FRACTIONAL OWNERSHIP PROGRAMS TREATED
23 AS NON-COMMERCIAL AVIATION.—Subsection (b) of sec-
24 tion 4083 is amended by adding at the end the following

1 new sentence: “For uses of aircraft before October 1,
2 2013, such term shall not include the use of any aircraft
3 which is part of a fractional ownership aircraft program
4 (as defined by section 4043(c)).”.

5 (c) EXEMPTION FROM TAX ON TRANSPORTATION OF
6 PERSONS.—Section 4261, as amended by this Act, is
7 amended by redesignating subsection (j) as subsection (k)
8 and by inserting after subsection (i) the following new sub-
9 section:

10 “(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL
11 OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be im-
12 posed by this section or section 4271 on any air transpor-
13 tation provided before October 1, 2013, by an aircraft
14 which is part of a fractional ownership aircraft program
15 (as defined by section 4043(c)).”.

16 (d) EFFECTIVE DATES.—

17 (1) SUBSECTION (a).—The amendments made
18 by subsection (a) shall apply to fuel used after
19 March 31, 2011.

20 (2) SUBSECTION (b).—The amendment made by
21 subsection (b) shall apply to uses of aircraft after
22 March 31, 2011.

23 (3) SUBSECTION (c).—The amendments made
24 by subsection (c) shall apply to taxable transpor-
25 tation provided after March 31, 2011.

1 **SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET**
2 **AIRCRAFT ON NONESTABLISHED LINES.**

3 (a) IN GENERAL.—the first sentence of section 4281
4 is amended by inserting “or when such aircraft is a tur-
5 bine engine powered aircraft” after “an established line”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall apply to taxable transportation provided
8 after March 31, 2011.

9 **SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLO-**
10 **SURES.**

11 (a) IN GENERAL.—Section 7275 (relating to penalty
12 for offenses relating to certain airline tickets and adver-
13 tising) is amended—

14 (1) by redesignating subsection (c) as sub-
15 section (d),

16 (2) by striking “subsection (a) or (b)” in sub-
17 section (d), as so redesignated, and inserting “sub-
18 section (a), (b), or (c)”, and

19 (3) by inserting after subsection (b) the fol-
20 lowing new subsection:

21 “(c) NON-TAX CHARGES.—

22 “(1) IN GENERAL.—In the case of transpor-
23 tation by air for which disclosure on the ticket or
24 advertising for such transportation of the amounts
25 paid for passenger taxes is required by subsection
26 (a)(2) or (b)(1)(B), if such amounts are separately

1 disclosed, it shall be unlawful for the disclosure of
2 such amounts to include any amounts not attrib-
3 utable to such taxes.

4 “(2) INCLUSION IN TRANSPORTATION COST.—
5 Nothing in this subsection shall prohibit the inclu-
6 sion of amounts not attributable to the taxes im-
7 posed by subsection (a), (b), or (c) of section 4261
8 in the disclosure of the amount paid for transpor-
9 tation as required by subsection (a)(1) or (b)(1)(A),
10 or in a separate disclosure of amounts not attrib-
11 utable to such taxes.”

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to taxable transportation provided
14 after March 31, 2011.

15 **SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING**
16 **EMERGENCY MEDICAL AIRCRAFT.**

17 (a) IN GENERAL.—Subsection (e) of section 147 is
18 amended by adding at the end the following new sentence:
19 “The preceding sentence shall not apply to any fixed-wing
20 aircraft equipped for, and exclusively dedicated to pro-
21 viding, acute care emergency medical services (within the
22 meaning of 4261(g)(2)).”

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall apply to obligations issued after the date
25 of the enactment of this Act.

1 **SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST**
2 **FUND SOLVENCY.**

3 (a) **IN GENERAL.**—Paragraph (1) of section 9502(d)
4 is amended by adding at the end the following new sen-
5 tence: “Unless otherwise provided by this section, for pur-
6 poses of this paragraph for fiscal year 2012 or 2013, the
7 amount available for making expenditures for such fiscal
8 year shall not exceed 90 percent of the receipts of the Air-
9 port and Airway Trust Fund plus interest credited to such
10 Trust Fund for such fiscal year as estimated by the Sec-
11 retary of the Treasury.”.

12 (b) **EFFECTIVE DATE.**—The amendment made by
13 this section shall apply to fiscal years beginning after Sep-
14 tember 30, 2011.