AMENDMENT TO H.R. 4
OFFERED BY MS. DEGETTE OF COLORADO

At the end of title V, add the following new section:

SEC. 543. LIMITED REGULATION OF NON-FEDERALLY SPONSORED PROPERTY.

(a) IN GENERAL.—Except as provided by subsection (b), the Secretary of Transportation may not directly or indirectly regulate—

(1) the acquisition, use, lease, encumbrance, transfer, or disposal of land by an airport owner or operator;

(2) any non-Federal facility upon such land; or

(3) any portion of such land or facility.

(b) EXCEPTIONS.—Subsection (a) does not apply to any regulation—

(1) ensuring—

(A) the safe and efficient operation of aircraft and airports, including the safety of people and property on the ground;

(B) that an airport owner or operator receives not less than fair market value for the lease, use, encumbrance, transfer, or disposal of
land, any facilities on such land, or any portion of such land or facilities; or

(C) that the airport pays not more than fair market value for the acquisition of land or facilities on such land; or

(2) imposed with respect to—

(A) any land or a facility acquired or modified using—

(i) Federal financial assistance, including Federal grants; or

(ii) passenger facility charge revenues collected under section 40117 of title 49, United States Code; or

(B) any land conveyed to the airport, including its predecessors or successors, by the United States or any agency thereof.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the applicability of section 47107(b) or 47133 of title 49, United States Code, to revenues generated by the use, lease, encumbrance, transfer, or disposal of land as described in subsection (a), facilities upon such land, or any portion of such land or facilities.