

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

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

1 **SEC. 543. LIMITED REGULATION OF NON-FEDERALLY SPON-**  
2 **SORED PROPERTY.**

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

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

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

10 (3) any portion of such land or facility.

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

13 (1) ensuring—

14 (A) the safe and efficient operation of air-  
15 craft and airports, including the safety of peo-  
16 ple and property on the ground;

17 (B) that an airport owner or operator re-  
18 ceives not less than fair market value for the  
19 lease, use, encumbrance, transfer, or disposal of

1 land, any facilities on such land, or any portion  
2 of such land or facilities; or

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

6 (2) imposed with respect to—

7 (A) any land or a facility acquired or modi-  
8 fied using—

9 (i) Federal financial assistance, in-  
10 cluding Federal grants; or

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

14 (B) any land conveyed to the airport, in-  
15 cluding its predecessors or successors, by the  
16 United States or any agency thereof.

17 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
18 tion shall be construed to affect the applicability of section  
19 47107(b) or 47133 of title 49, United States Code, to rev-  
20 enues generated by the use, lease, encumbrance, transfer,  
21 or disposal of land as described in subsection (a), facilities  
22 upon such land, or any portion of such land or facilities.

