

AMENDMENT NO. 3544 Calendar No. \_\_\_\_\_

Purpose: To amend title 49, United States Code, to allow through-the-fence access to general aviation airports, and for other purposes.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

**H. R. 1586**

To impose an additional tax on bonuses received from certain TARP recipients.

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. INHOFE (for himself, Mr. WYDEN, and Mr. MERKLEY)

Viz:

- 1 After title VII, insert the following:
- 2 **TITLE VIII—ACCESS TO**
- 3 **GENERAL AVIATION AIRPORTS**
- 4 **SEC. 801. SHORT TITLE.**
- 5 This title may be cited as the “Community Airport
- 6 Access and Protection Act of 2010”.

1 **SEC. 802. AGREEMENTS GRANTING THROUGH-THE-FENCE**  
2 **ACCESS TO GENERAL AVIATION AIRPORTS.**

3 (a) **IN GENERAL.**—Section 47107 of title 49, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 “(t) **AGREEMENTS GRANTING THROUGH-THE-FENCE**  
7 **ACCESS TO GENERAL AVIATION AIRPORTS.**—

8 “(1) **IN GENERAL.**—Subject to paragraph (2), a  
9 sponsor of a general aviation airport shall not be  
10 considered to be in violation of this subtitle, or to be  
11 in violation of a grant assurance made under this  
12 section or under any other provision of law as a con-  
13 dition for the receipt of Federal financial assistance  
14 for airport development, solely because the sponsor  
15 enters into an agreement that grants to a person  
16 that owns residential real property adjacent to the  
17 airport access to the airfield of the airport for the  
18 following:

19 “(A) Aircraft of the person.

20 “(B) Aircraft authorized by the person.

21 “(2) **THROUGH THE FENCE AGREEMENTS.**—

22 “(A) **IN GENERAL.**—An agreement de-  
23 scribed in paragraph (1) between an airport  
24 sponsor and a property owner shall be a written  
25 agreement that prescribes the rights, respon-  
26 sibilities, charges, duration, and other terms de-



1                   “(III) does not adversely affect  
2                   the safety, utility, or efficiency of the  
3                   airport;

4                   “(IV) is compatible with the nor-  
5                   mal operations of the airport; and

6                   “(V) is consistent with the air-  
7                   port’s role in the National Plan of In-  
8                   tegrated Airport Systems;

9                   “(iv) to maintain the property for res-  
10                  idential, noncommercial use for the dura-  
11                  tion of the agreement; and

12                  “(v) to prohibit access to the airport  
13                  from other properties through the property  
14                  of the property owner.

15                  “(3) GENERAL AVIATION AIRPORT DEFINED.—  
16                  In this subsection, the term ‘general aviation air-  
17                  port’ means a public airport that is located in a  
18                  State and that, as determined by the Secretary of  
19                  Transportation—

20                         “(A) does not have scheduled service; or

21                         “(B) has scheduled service with less than  
22                         2,500 passenger boardings each year.”.

23                  (b) APPLICABILITY.—The amendment made by sub-  
24                  section (a) shall apply to an agreement between an airport

- 1 sponsor and a property owner entered into before, on, or
- 2 after the date of enactment of this Act.