

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 2  
OFFERED BY MR. SPANO OF FLORIDA**

At the end of subtitle F of title I of division B of the bill, add the following:

1 **SEC. \_\_\_\_ . CRITICAL HABITAT ON OR NEAR AIRPORT**  
2 **PROPERTY.**

3 (a) **FEDERAL AGENCY REQUIREMENTS.**—The Sec-  
4 retary of Transportation, to the maximum extent prac-  
5 ticable, shall work with the heads of appropriate Federal  
6 agencies to ensure that designations of critical habitat, as  
7 such term is defined in section 3 of the Endangered Spe-  
8 cies Act of 1973 (16 U.S.C. 1532), on or near airport  
9 property do not—

10 (1) result in conflicting statutory, regulatory, or  
11 Federal grant assurance requirements for airports or  
12 aircraft operators;

13 (2) interfere with the safe operation of aircraft;  
14 or

15 (3) occur on airport-owned lands that have be-  
16 come an attractive habitat for a threatened or en-  
17 dangered species because such lands—

1           (A) have been prepared for future develop-  
2           ment;

3           (B) have been designated as noise buffer  
4           land; or

5           (C) are held by the airport to prevent en-  
6           croachment of uses that are incompatible with  
7           airport operations.

8           (b) STATE REQUIREMENTS.—In a State where a  
9           State agency is authorized to designate land on or near  
10          airport property for the conservation of a threatened or  
11          endangered species in the State, the Secretary, to the  
12          maximum extent practicable, shall work with the State in  
13          the same manner as described under subsection (a).

14          (c) IMMEDIATE APPLICABILITY.—Section 1001 shall  
15          not apply to this section.

