

118TH CONGRESS
2D SESSION

S. 4269

To amend title 49, United States Code, to promote competition in aviation regulation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2024

Ms. WARREN (for herself and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to promote competition in aviation regulation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airport Gate Competi-
5 tion Act”.

6 **SEC. 2. PROMOTING COMPETITION IN AVIATION REGULA-**
7 **TION.**

8 (a) PROMOTING COMPETITION.—Section 40101(d) of
9 title 49, United States Code, is amended by adding at the
10 end the following new paragraph:

1 “(8) promoting competition.”.

2 (b) MAINTAINING AND ENHANCING COMPETITION IN
 3 SLOT ALLOCATION.—Section 40103(b)(1) of title 49,
 4 United States Code, is amended by inserting “In doing
 5 so, the Administrator shall consider the need to maintain
 6 or enhance competition in the air transportation system.”
 7 after “efficient use of airspace.”.

8 (c) ENSURING REASONABLE ACCESS.—

9 (1) GENERAL WRITTEN ASSURANCES.—

10 (A) IN GENERAL.—Section 47107(a)(1) of
 11 title 49, United States Code, is amended by in-
 12 serting “, and the airport proprietor will take
 13 all practicable steps to accommodate requests
 14 for reasonable access (as defined in subsection
 15 (x)) to terminal facilities” after “unjust dis-
 16 crimination”.

17 (B) STANDARDS FOR REASONABLE AC-
 18 CESS.—Section 47107 of title 49, United States
 19 Code, is amended by adding at the end the fol-
 20 lowing new subsection:

21 “(x) DEFINITIONS.—In this section:

22 “(1) COMMON USE.—The term ‘common use’
 23 means nonexclusive use in common by air carriers
 24 and other duly authorized users of the airport.

1 “(2) REASONABLE ACCESS.—The term ‘reason-
2 able access’ means, with respect to terminal facili-
3 ties, that—

4 “(A) not less than 25 percent of terminal
5 facilities at an airport are available for common
6 use; and

7 “(B) not more than 50 percent of terminal
8 facilities are reserved for exclusive use by a sin-
9 gle air carrier.

10 “(3) TERMINAL FACILITIES.—The term ‘ter-
11 minal facilities’ means facilities within the terminal
12 of an airport, including gates, ticket counters, bag-
13 gage claim areas, and baggage make up system
14 spaces.”.

15 (2) LEASE APPROVAL.—Section 47107 of title
16 49, United States Code, as amended by paragraph
17 (1), is amended by adding at the end the following
18 new subsection:

19 “(y) WRITTEN ASSURANCES ON LEASE AGREE-
20 MENTS.—The Secretary of Transportation may approve
21 an application under this subchapter for an airport devel-
22 opment project grant only if the Secretary receives written
23 assurances, satisfactory to the Secretary, that, with re-
24 spect to any airport serving 0.25 percent or more of the
25 total annual enplanements in the United States (cal-

1 culated on a rolling 5-year average) and with more than
 2 50 percent of passengers (calculated on a rolling 5-year
 3 average) handled by 2 air carriers or less, the airport
 4 owner shall submit to the Secretary any proposed lease,
 5 lease amendment, or lease extension (including carryover
 6 provisions) for advance approval, as well as a statement
 7 detailing how such proposed lease, lease amendment, or
 8 lease extension maintains or enhances competition in the
 9 air transportation system.”.

10 (d) COMPETITION PLANS.—Section 40117(d) of title
 11 49, United States Code, is amended—

12 (1) in paragraph (3), by striking “and”;

13 (2) in paragraph (4), by striking the period at
 14 the end and inserting “; and”; and

15 (3) by adding at the end the following new
 16 paragraph:

17 “(5) beginning in fiscal year 2026, in the case
 18 of an application for a terminal project, the project
 19 will provide for reasonable access (as defined in sec-
 20 tion 47107(x)) to terminal facilities.”.

21 (e) COMPETITION DISCLOSURE.—Section 47107(r)
 22 of title 49, United States Code, is amended by striking
 23 paragraph (3).

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