

107TH CONGRESS  
1ST SESSION

# S. 1290

To amend title 49, United States Code, to preempt State laws requiring a certificate of approval or other form of approval prior to the construction or operation of certain airport development projects, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2001

Mr. GRASSLEY (for himself, Mr. HARKIN, and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 49, United States Code, to preempt State laws requiring a certificate of approval or other form of approval prior to the construction or operation of certain airport development projects, 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 “End Gridlock at Our  
5       Nation’s Critical Airports Act of 2001”.

1 **SEC. 2. PREEMPTION OF STATE LAWS REQUIRING AP-**  
2 **PROVAL OF AIRPORT DEVELOPMENT**  
3 **PROJECTS.**

4 (a) IN GENERAL.—Chapter 401 of title 49, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 40129. Preemption of State laws requiring ap-**  
8 **proval of airport development projects**

9 “(a) IN GENERAL.—No State, political subdivision of  
10 a State, or political authority of at least 2 States may  
11 enact or enforce a law, regulation, or other provision hav-  
12 ing the force and effect of law that—

13 “(1) requires a certificate of approval or other  
14 form of approval prior to the construction or oper-  
15 ation of an airport development project at a covered  
16 airport if the project meets the standards established  
17 by the Secretary of Transportation under section  
18 47105(b)(3), whether or not the project is the sub-  
19 ject of a grant approved under chapter 471; or

20 “(2) prohibits, conditions, or otherwise regu-  
21 lates the direct application for, or receipt or expendi-  
22 ture of, a grant or other funds by the sponsor of a  
23 covered airport under chapter 471 for an airport de-  
24 velopment project at a covered airport if the project  
25 meets the standards referred to in paragraph (1).

1       “(b) COVERED AIRPORT DEFINED.—In this section,  
2 the term ‘covered airport’ means an airport that each year  
3 has at least .25 percent of the total annual boardings in  
4 the United States.”.

5       (b) CONFORMING AMENDMENT.—The analysis for  
6 such chapter is amended by adding at the end the fol-  
7 lowing new item:

“40129. Preemption of State laws requiring approval of airport development  
projects.”.

