

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.

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

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.”.

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