

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**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).