



February 7, 2024

The Honorable Maria Cantwell
Chair
Committee on Commerce,
Science, and Transportation
United States Senate
Washington, DC 20510

The Honorable Ted Cruz
Ranking Member
Committee on Commerce,
Science, and Transportation
United States Senate
Washington, DC 20510

Dear Chair Cantwell and Ranking Member Cruz:

The U.S. Chamber of Commerce applauds you for advancing legislation to reauthorize the Federal Aviation Administration. The Chamber largely supports the underlying legislation, and we look forward to the Committee reporting the bill to the full Senate.

However, we strongly oppose Markey Amendment #26, which would allow state attorneys general to prosecute civil actions for perceived violations of aviation consumer protection laws, a radical departure from current practice. This amendment would hurt consumers and businesses through higher costs and confusing application of consumer protection standards.

Congress entrusted the Department of Transportation (DOT) as America's primary authority over aviation consumer protection, which ensures consumers and businesses adhere to a single set of requirements. However, Markey Amendment #26 would empower 50 state attorneys general and the District of Columbia AG to assert various interpretations of DOT regulations in court. This major shift would sacrifice the DOT's transparent, data-driven and uniform consumer protection regime in favor of an ad hoc process that favors state attorneys general who often have conflicting motivations.

We urge the Committee to reject this amendment and preserve the integrity of the DOT as the sole national regulator of aviation consumer protections. Thank you for your attention to this critical matter, and we look forward to working with you as the legislative process continues.

Sincerely,

John Drake,
Vice President
Transportation, Infrastructure,
and Supply Chain Policy

cc: Members of the Committee on Commerce, Science, and Transportation