



KRIS MAYES
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL

July 10, 2023

The Honorable Kyrsten Sinema
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Re: Support for State Enforcement Authority related to the FAA Reauthorization Act of 2023 (S.1939)

Dear Senator Sinema:

I write to urge you to support Senator Ed Markey's amendment to the Federal Aviation Administration Reauthorization Act of 2023, which will allow State Attorneys General to enforce federal airline consumer protections. In recent years, consumers have experienced increasingly severe problems with airline travel. Complaints against airlines have sky-rocketed. Airlines have unreasonably delayed refunds to consumers whose flights were canceled. They have made it difficult to redeem vouchers and credits. Many consumers have experienced substantial obstacles in trying to reach airline customer service agents. Some parents have been charged an extra fee to sit with their young children.

Unfortunately, only one agency, the United States Department of Transportation ("USDOT"), has the authority to try to resolve these complaints. And, it appears it lacks the resources to address the complaints it is receiving, complaints that are increasing in both volume and severity. By giving authority to State Attorneys General to enforce existing federal consumer protections, this amendment will provide much needed help to airline passengers without interfering with the effective operation of the aviation industry. Furthermore, this proposal does not increase regulation of the airline industry. Instead, it spreads the responsibility of enforcing existing federal regulations to the chief consumer protection enforcers of the states. It does not subject airlines to state consumer protection laws. It does not allow states to pass laws that regulate the airline industry. But it does let State Attorneys General do more for their residents than merely passing off a complaint to the USDOT to be drowned in a sea of hundreds of thousands of similar grievances.

The current constricted system of oversight allows airlines to mistreat consumers while leaving consumers without effective redress. Authorizing State Attorneys General to enforce federal law prohibiting unfair and deceptive practices in the airline industry will expand oversight without burdening airlines without increasing their obligations to consumers. Allowing states to vindicate the rights of their citizens against the airlines will increase incentives for airlines to treat consumers fairly. Instead of one overworked federal agency, fifty states skilled in protecting consumers can join with USDOT to hold airlines accountable to existing regulations.

Concerns about the treatment of airline passengers' consumer complaints cuts across

party lines. This Office has led a bi-partisan group of nearly 40 State Attorneys General that has advocated for meaningful relief for airline passengers, including allowing states to enforce existing federal consumer protections.¹ We have emphasized that granting States a substantial and meaningful role in overseeing airline consumer protection would ameliorate the problems caused by having a single agency, USDOT, be responsible for addressing tens of thousands of consumer complaints. It would address the vacuum of oversight that allows airlines to mistreat consumers, who have no effective redress.

It is time to remove barriers that prevent State Attorneys General from holding airlines responsible when they treat consumers deceptively or unfairly. The airline industry has failed its customers through needless challenges and substantial frustrations. This proposal aims to level the playing field by letting states step up and enforce existing federal law. I thank you for your attention to these concerns and stand ready to protect Arizonans who rely on air travel.

Sincerely,



Kris Mayes
Arizona Attorney General

¹National Association of Attorneys General Letter to Congress dated October 1, 2020 available at: https://www.azag.gov/sites/default/files/docs/press-releases/2020/letters/Final_Airline_Consumer_Protection_NAAG_Letter.pdf;
National Association of Attorneys General Letter to Congress dated August 31, 2022 available at: https://www.naag.org/wp-content/uploads/2022/08/NAAG-Policy-Letter-Airline-Accountability-and-Increased-Consumer-Protection-Final_38-AGs.pdf.