

JOSH STEIN
ATTORNEY GENERAL



July 10, 2023

The Honorable Ted Budd
United States Senate
304 Russell Senate Office Building
Washington, D.C. 20510

Re: State Enforcement Authority Over Unfair or Receptive Practices of Airlines in Federal Aviation Administration Reauthorization Act

Dear Senator Budd:

As you work to finalize the Federal Aviation Administration (FAA) Reauthorization Act of 2023, I would like to express my support for the amendment proposed by Senator Ed Markey that would give state attorneys general the power to enforce 49 USC §41712, the federal statute prohibiting unfair and deceptive practices and unfair methods of competition in the airline industry. I urge you to support this amendment when it is considered in the U.S. Senate Committee on Commerce, Science & Transportation.

Currently, federal law tasks the U.S. Department of Transportation (US DOT) with investigating and addressing consumer protection violations by the airline industry. State attorneys general receive thousands of complaints against airlines but do not have authority to hold carriers accountable when they fail to uphold their service responsibilities – instead referring complaints to US DOT. Unfortunately, the agency has not kept pace with enforcement, leaving passengers in North Carolina and around the country frustrated and without recourse. Senator Markey’s amendment would allow my office and other state attorneys general to better protect mistreated airline passengers and address violations by the industry, supplementing the work of US DOT.

On August 31, 2022, a bipartisan coalition of 38 attorneys general wrote a letter urging Congress to pass legislation that would authorize state attorneys general to enforce both state and federal consumer protection laws governing the airline industry. I have appended that letter to this message, as it provides greater detail on the concerns that my office and other state attorneys general have expressed on this matter. I have also included the text of Senator Markey’s amendment, which will go a long way to protecting North Carolina airline travelers.

Thank you for your attention and for considering this recommendation. I am eager to work with you and your colleagues in the U.S. Senate to protect North Carolina consumers.

Sincerely,

Josh Stein
North Carolina Attorney General