



August 1, 2018

The Honorable John Thune
Chairman
Senate Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

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

Dear Chairman Thune and Ranking Member Nelson:

We are writing to express our opposition to any attempts to change or limit the Airline Deregulation Act's (ADA) federal preemption provision (49 USC 41713).

Congress enacted the preemption provision as part of the Airline Deregulation Act in 1978. The House committee report for the legislation (H.Rept. 95-1211) declared that the "lack of specific provisions" on federal and state jurisdiction over aviation "has created uncertainties and conflicts". To address this problem, Congress prohibited states from enacting any law or regulation "related to a price, route, or service of an air carrier..." Through the ADA's preemption provision, Congress established clear and unitary federal authority over the national airspace. Since then, court decisions and opinion letters issued by the Department of Transportation's (DOT) Office of General Counsel have defined the contours of federal authority under the ADA. The preemption provision has provided legal certainty for air carriers and customers and a single set of rules for the inherently interstate activity of aviation.

Uniform federal authority is an essential predicate to maintaining safe and efficient transportation in the nation's airspace. Any changes to this well-understood federal authority will open the door to creating a patchwork of state aviation regulatory regimes. Furthermore, any exemption could create uncertainty regarding the well-developed legal precedents compiled through court decisions and DOT opinions. Finally, once Congress adopts the first exemption from the preemption provision, the precedent will be established for future legislative carve-outs.

Therefore, we oppose any legislation that would amend the ADA's preemption provision, as well as any legislation that would limit its application, create exceptions to its coverage, or in any way alter its scope.

For nearly 40 years, the ADA has provided the foundation for seamless and safe transportation in the national airspace. Congress should not unravel this well-established federal authority over aviation.

Thank you for considering our views on this critical issue.

Aircraft Owners and Pilots Association
Air Medical Operators Association
Association of Air Medical Services
Experimental Aircraft Association
General Aviation Manufacturers Association
Helicopter Association International
National Air Transportation Association
National Business Aviation Association