



U.S. House of Representatives
Committee on Transportation and Infrastructure

Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

August 2, 2007

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The Honorable James Oberstar, Chairman
Committee on Transportation & Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

Chairman Oberstar:

In light of recent concerns expressed about Section 801 of H.R. 2881, I am writing to respectfully request that we carefully review this provision as we move forward with this legislation.

I certainly appreciate that your intention in proposing section 801 is to clarify what it means to be "under the actual control of citizens of the United States" within the meaning of 49 U.S.C. §40102(a)(15). It is my understanding that this provision is not intended to change the law, compel a reopening of any existing airline licensing case or alliance approval, or require the renegotiation of any air services agreement. I do not dispute this avowed intention. My concern is that, because the provision would require that "citizens of the United States control all matters pertaining to the business and structure of the air carrier," the new language may be incorrectly interpreted by a future administration, or a court, as requiring that all middle and upper-management positions in U.S. airlines be occupied by U.S. citizens.

I would hope that we could avoid complicating unnecessarily the residual regulatory requirements still imposed on this otherwise deregulated industry, particularly when no discernible public benefit is likely to result.

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Certainly, you have been a leader for many years in the field of aviation and we both know that all Members of the Committee on Transportation and Infrastructure strongly support a completed open-skies agreement between the United States and the European Union. Therefore, we must continue to work toward attaining the tremendous economic opportunities, job creation, and passenger benefits for those on both sides of the Atlantic.

To avoid introducing unnecessary confusion into DOT's airline licensing process, and to avoid jeopardizing in any way the historic and market-opening U.S.-EU Air Transport Agreement, it may be appropriate to give careful consideration to the concerns raised and to further review section 801 before enactment of final legislation.

Thank you for your attention and consideration of this matter.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

John L. Mica
Ranking Republican Member