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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
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July 19, 2011

The Honorable John Mica, Chairman
Committee on Transportation and Infrastructure
United States House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515


Chairman Mica,

As you are well aware, Congress has passed 20 routine Federal Aviation Administration (FAA) extensions since 2007. I was genuinely hopeful that we would have had a comprehensive bill after four months of negotiations, but appreciated that a handful of difficult issues remained to be resolved before agreement on a final bill could be reached. I was under the impression that we were still operating on a shared desire to complete this important legislation.

It is for this reason that I am deeply puzzled by your decision to introduce an FAA extension with language that adversely affects the Essential Air Service (EAS) program. This surprise maneuver is a complete reversal from the discussions we have been having for several months, and strongly suggests you have not been negotiating in good faith.

As troubling and problematic as the extension you introduced is, I am even more taken aback by the blistering press release you issued in conjunction with it. Its hostility was unexpected. The tone and tenor of the release was so different than any of our previous interactions, I almost did not believe you wrote it.

As your press release inferred, you inserted the EAS language into the FAA extension in retaliation for the Senate's refusal to accept your language on the National Mediation Board (NMB). At no point during our discussions, have we ever linked reforms to the EAS program to language on NMB. I made it clear from the beginning of our negotiations that the NMB language included in your bill - or any other language adversely impacting workers rights - could not pass the Senate. As you know, the Senate voted on this issue last year and our Leadership considers this matter settled. Your attempt to punish the Senate by hurting small community air service has backfired - this language only guarantees that the Senate will reject the FAA extension.

As I told you on numerous occasions, EAS is critical to West Virginia. Specifically, I discussed how Morgantown and Clarksburg depend on the EAS program. Air service has been a critical factor in the economies of these communities, and drives economic growth across my state. Our every conversation had me convinced that you appreciated the reasons I am so dedicated to supporting this program. I believed you when you indicated you wanted to work with me on reaching language acceptable to both chambers. The language in the FAA extension you introduced with Congressmen Camp and Petri makes it harder to find a path forward on this issue.

Over the last twenty-four hours, it is my understanding that you have asserted to others that you had no role in developing this extension, claiming that it was a leadership decision. If this is true, I am unclear as to why you sponsored it, and issued such a searing press release along with it. If you truly have no authority to make final decisions on the FAA bill, I urge the House to formally appoint conferees and allow me to negotiate directly with your colleagues who can make decisions.

I strongly urge you to reconsider your position and send over a clean FAA extension and appoint conferees for the FAA reauthorization bill, as the Senate did on April 7, 2011, to move this important legislation forward. Further efforts to add policy components to FAA extensions that have not been negotiated with the Senate will likely shut the FAA down. You need to think about this very, very carefully. Any consequences resulting from such an action will fall squarely on your shoulders. Right now you are in control of the agency's immediate future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay", written in a cursive style.

John. D. Rockefeller IV