

Congress of the United States

Washington, DC 20515

October 15, 2008

The Honorable Calvin L. Scovel, III
Inspector General
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

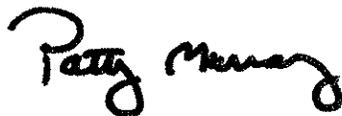
Dear Inspector General Scovel:

We write to request your immediate attention to potential willful violations of the Purpose Statute and the Antideficiency Act by the U.S. Department of Transportation ("DOT") and the Federal Aviation Administration ("FAA"). On September 30, 2008, the Government Accountability Office ("GAO") found that the FAA lacks the statutory authority to auction takeoff and landing slots and that if FAA auctions slots and retains and uses the proceeds, this action would violate the Purpose Statute (31 U.S.C. §1301(a)) and the Antideficiency Act (31 U.S.C. § 1341(a)(1)(A)). Despite the GAO's findings, on October 10, 2008, the FAA issued a final rule to proceed with its plan to auction takeoff and landing slots at John F. Kennedy, Newark and LaGuardia airports. In our view, the FAA's recent action indicates its willingness to knowingly engage in conduct that the GAO believes would violate both the Purpose Statute and the Antideficiency Act.

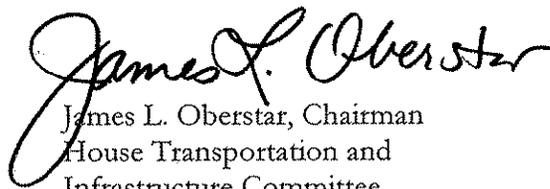
Pursuant to the Inspector General Act of 1978, your office has the statutory responsibility and duty to investigate potential unlawful behavior and report violations to the Attorney General and the Congress. We ask that you immediately investigate this matter to determine if, in fact, the FAA intends to engage in acts that would be a willful violation of the Antideficiency Act and the Purpose Statute. Moreover, we ask that you carefully investigate the communications between senior appointed DOT/FAA officials and the career staff that might be required to carry out such activities at the behest of the appointed leadership. We are sure that you agree that no career officials should be coerced, compelled or otherwise required by their superiors to knowingly engage in illegal conduct.

Consistent with your charge under the Inspector General Act, we expect you to report your findings to the Senate Appropriations Committee and the House Transportation and Infrastructure Committee and, as appropriate, promptly refer potential violations of the aforementioned statutes to the Attorney General. Your immediate attention to this request is appreciated.

Sincerely,



Patty Murray, Chairman
Senate Appropriations Subcommittee on
Transportation and Housing and Urban
Development, and Related Agencies



James L. Oberstar, Chairman
House Transportation and
Infrastructure Committee