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## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

August 5, 2008

The Honorable Mary Peters  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, Southeast  
Washington, DC 20590

Dear Madam Secretary:

The purpose of this letter is to express our concern over your department's plan to initiate a new and controversial auction mechanism for the distribution of landing and takeoff slots at airports in the New York/New Jersey region. We believe that such an effort would be both unwise and illegal. The bipartisan leadership of the Senate Commerce Committee agrees with our view. Moreover, our Committee-reported Appropriations bill for the coming fiscal year explicitly prohibits you from going forward with this initiative. As such, we insist that you desist from these efforts and wait for clear authority to be granted to the department in law for the distribution of these slots.

As we pointed out in our Committee report of July 14, 2008, your proposal to auction off slots certainly runs afoul of the provision included in the 2008 Transportation Appropriations Act (and prior Acts) which prohibits the FAA from promulgating new aviation user fees not specifically authorized by law. The FAA has itself admitted just two years ago in notices published in the Federal Register that it lacks legal authority to pursue this proposal. Even so, indications from your department are that you plan to press ahead nonetheless.

There is no question that your insistence on moving forward these controversial efforts will subject the Department and the FAA to extensive and costly litigation that will benefit neither the taxpayer nor the air traveler. We are also dismayed that you recently signaled your intention to potentially divert millions of dollars in FAA operating funds to administer this auction process. As we discussed at great lengths during our hearing process this year, the FAA faces a great many challenges in maintaining the appropriate levels of safety in our national aviation system. Staffing and training shortages at certain air traffic control facilities as well as the need for more aggressive and comprehensive safety inspections are most critical. Diverting funds from the FAA's operating budget for this untried, controversial, and illegal auction exercise will only further exacerbate these problems.

In summary, we ask that you stand down from your planned auctioning of these slots. Such an untried and controversial proposal must wait until clear authorization is granted in law. Redirecting dollars appropriated for aviation safety to the cost of administering the auction process will only undermine the FAA's efforts at maintaining safety in the skies.

We appreciate your immediate attention to this matter.

Sincerely,



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



Christopher S. Bond  
Ranking Member  
Subcommittee on Transportation,  
Housing and Urban Development  
and Related Agencies