

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

STAFF MEMORANDUM NO. 89-2-36

(Supplemental to Staff Memorandum No. 89-2-35)

August 18, 1966

SUBJECT:

Additional amendments to S. 3010, proposed by
Senators Monroney and Magnuson.

Eno
Center for
Transportation

Staff Memorandum No. 89-2-35, dated August 11, 1966, discussed amendments to S. 3010, which have been tentatively agreed to or are under committee consideration. Following distribution of this memorandum, additional amendments were proposed by Senators Monroney and Magnuson which are discussed below under appropriate headings:

1. Operational Continuity and Integrity with Respect to Aviation.

On page 3 of Staff Memorandum No. 89-2-35, paragraph No. 1 of Staff Amendments, it is noted that a concept has been developed under which all of the statutory functions, powers and duties transferred to the Secretary pertaining to safety are assigned by statute to the modal administrators, including the Federal Aviation Administrator.

Language designed to carry out this concept was developed by the staff and is contained in the first sentence of subsection 6(c) (page 26, lines 4-13, Confidential Committee Print). Under the staff version, all of the functions, powers and duties of the Federal Aviation Agency and its Administrator are transferred to and vested in the Secretary; however, those powers, functions and duties relating to aviation safety would, by statute, be carried out by the Federal Aviation Administrator.

Under Senator Monroney's proposal, the functions, powers and duties of the Federal Aviation Agency and its Administrator would continue to be transferred to and vested in the Secretary. However, the statutory language assigning safety functions, powers and duties to the Federal Aviation Administrator would be changed to provide for the further transfer of all such functions and powers to the Administrator. As amended, it would read as follows:

"(c) There are hereby transferred to and vested in the Secretary all functions, powers and duties of the Federal Aviation Agency, and of the Administrator and other officers and offices thereof, including the development and construction of a civil supersonic aircraft. Provided, however, That there are hereby transferred to the Federal Aviation Administrator, [shall carry out] and it shall be his duty to exercise the functions, powers and duties of the Secretary pertaining to aviation safety as set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111, and titles VI, VII, IX, and XII of the Federal Aviation of 1958. In [carrying out] exercising these enumerated functions, powers and duties, the Administrator shall be guided by the declaration of policy in section 103 of the Federal Aviation Act of 1958."
(New language is underlined, language proposed to be deleted is shown in brackets.)

In addition, under Senator Monroney's proposal, subsection 6(d) would be similarly amended to provide that the CAB's functions, powers and duties which are transferred to and vested in the Secretary would then be transferred to and exercised by the National Transportation Safety Board. (Page 27, lines 3-9, Confidential Committee Print). The proposed new language is as follows:

"There are hereby transferred to and vested in the Secretary all functions, powers and duties of the Civil Aeronautics Board, and of the Chairman, members, officers, and offices thereof under titles VI (72 Stat. 776) and VII (72 Stat. 781) of the Federal Aviation Act of 1958: Provided, however, That these functions, powers and duties are hereby transferred to and shall be exercised by the National Transportation Safety Board." (New language is underlined).

2. Proposed Amendments to Federal Executive Salary Act of 1964.

In S. 3010, as transmitted by the Administration, the compensation for the principal officers of the Department of Transportation would be as follows: the Secretary, Level I (\$35,000); Under Secretary, Level III (\$28,500); 4 Assistant Secretaries and the General Counsel, Level IV (\$27,000); the Assistant Secretary for Administration, and the Chairman of the National Transportation Safety Board, Level V (\$26,000); and the other Board Members, GS 18 (\$25,890).

Since no provision was made in the bill, as introduced, for modal administrators, no salary levels were indicated.

As reported by the House Committee, the Secretary would remain at Level I, the Under Secretary at Level III, 4 Assistant Secretaries and the General Counsel, at Level IV, and the Assistant Secretary for Administration, at Level V. However, the Chairman of the National Transportation Safety Board would be at Level IV and the Members of the Board at Level V. No action was taken with respect to the modal administrators, but in its report, the House Committee on Government Operations stated that it was the committee's understanding that the Federal Aviation Administrator would be placed at Level III and the other modal administrators at Level IV.

Senator Magnuson has proposed an amendment which is designed to place various principal officials of the new Department at salary levels commensurate with their responsibilities, and to give appropriate statutory recognition to the modal administrators, regarding salary levels.

His amendment would raise the salaries of the principal officers below the Secretary (except the General Counsel who would remain at Level IV) one level above the House version. Thus, the Under Secretary and the Federal Aviation Administrator would be raised to Level II (\$30,000); the 4 Assistant Secretaries, the Chairman of the National Transportation Safety Board and the

other modal administrators would be raised to Level III (\$28,500) and the Assistant Secretary for Administration and the members of the National Transportation Safety Board would be raised to Level IV (\$27,000). The position of Deputy Federal Aviation Administrator, not provided for in the House version, would also be placed at Level IV.

It may be noted that the current levels of the officers holding positions which would be transferred, in effect, to the Department of Transportation are Federal Aviation Administrator, Level II; Federal Highway Administrator, and Federal Maritime Administrator, Level V. There is presently no Federal Railroad Administrator.

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