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AIRPORT AND AIRWAY TRUST FUND

GOVERNMENT

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HEARINGS

BEFORE THE

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SUBCOMMITTEE ON

TRANSPORTATION AND AERONAUTICS

OF THE

COMMITTEE ON

INTERSTATE AND FOREIGN COMMERCE

HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

FIRST SESSION

ON

H.R. 7072 (and identical bills)

BILLS TO AMEND THE AIRPORT AND AIRWAY DEVELOPMENT
AND REVENUE ACTS OF 1970 TO FURTHER CLARIFY THE
INTENT OF CONGRESS AS TO PRIORITIES FOR AIRWAY
MODERNIZATION AND AIRPORT DEVELOPMENT, AND FOR
OTHER PURPOSES

JUNE 8 AND 9, 1971

Serial No. 92-35

Printed for the use of the
Committee on Interstate and Foreign Commerce



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1971

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AIRPORT AND AIRWAY TRUST FUND

TUESDAY, JUNE 8, 1971

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The subcommittee met at 11 a.m., pursuant to notice, in room 2322, Rayburn House Office Building, Hon. John D. Dingell presiding (Hon. John Jarman, chairman).

Mr. DINGELL. The subcommittee will come to order.

This morning the Subcommittee on Transportation and Aeronautics begins hearings on a series of bills which would amend the Airport and Airway Development and Revenue Acts of 1970 (Public Law 91-258, May 21, 1970) reported out of this subcommittee in the last Congress.

The stated purpose of these bills is to clarify the intent of Congress regarding the expenditure of aviation user-tax revenues from the airport and airway trust fund established by that law. In addition to the chairman and ranking minority member of our parent Interstate and Foreign Commerce Committee, these bills include among their sponsors myself and Messrs. Jarman, Murphy, Adams, Podell, Helstoski, and Metcalfe, all members of this subcommittee.

In enacting the Airport and Airway Development and Revenue Acts, Congress recognized that the Nation's aviation system needed modernization and expansion and determined that capital improvements to the airport and airway system—paid for by the users of the aviation system—should be made as expeditiously as possible.

The Nation as a whole has an abiding interest in the continued development of air transportation. Thus when the Airport and Airway Development and Revenue Acts were passed in the last Congress, it was our understanding that the newly available financial resources produced by that legislation would be employed on a priority basis to modernize the Nation's airports and airways and would not be used to defray routine FAA operations and administrative expenses, at least until the modernization effort was fully funded and substantially underway.

However, the administration has interpreted the acts to permit it to request appropriations less than the minimum levels for airport development and airways facilities specified in section 14 of title I of the Airport and Airway Development Act. In addition, the administration has not observed certain statutory priorities in the law and has given routine FAA expenses the same status as capital improvements.

The bills under consideration today would amend section 14 of the Airport and Airway Development Act to sharpen the intent of Congress by providing that amounts earmarked for airport development and airway facilities must remain in the trust fund until used for those purposes. In addition, the amendment proscribes the expenditure of these funds until the airport and airways programs have been adequately funded.

These bills also amend section 208 of the Airport and Airway Revenue Act so as to remove certain language which has caused ambiguity and incorporate, by reference, the priorities and minimum levels established in section 14.

(The text of H.R. 7072 (and identical bills) and departmental reports thereon follow:)

[H.R. 7072, 92d Cong., 1st sess., introduced by Mr. Staggers (for himself, Mr. Springer, Mr. Jarman, Mr. Dingell, and Mr. Pickle) on March 31, 1971;
 H.R. 7209, 92d Cong., 1st sess., introduced by Mr. Adams on April 6, 1971;
 H.R. 7266, 92d Cong., 1st sess., introduced by Mr. Broyhill of North Carolina, on April 6, 1971;
 H.R. 7415, 92d Cong., 1st sess., introduced by Mr. Moss on April 7, 1971;
 H.R. 7795, 92d Cong., 1st sess., introduced by Mr. Podell on April 27, 1971;
 H.R. 7841, 92d Cong., 1st sess., introduced by Mr. Collier on April 28, 1971;
 H.R. 7858, 92d Cong., 1st sess., introduced by Mr. Metcalfe on April 28, 1971;
 H.R. 8053, 92d Cong., 1st sess., introduced by Mr. Minshall on May 4, 1971;
 H.R. 8058, 92d Cong., 1st sess., introduced by Mr. Rooney of Pennsylvania on May 4, 1971;
 H.R. 8103, 92d Cong., 1st sess., introduced by Mr. Murphy of New York, on May 5, 1971;
 H.R. 8454, 92d Cong., 1st sess., introduced by Mr. Buchanan on May 17, 1971;
 H.R. 8487, 92d Cong., 1st sess., introduced by Mr. Helstoski on May 18, 1971; and
 H.R. 8518, 92d Cong., 1st sess., introduced by Mr. Thone on May 18, 1971;
 are identical as follows:]

A BILL

To amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Airport and Airway Development and Revenue Acts Amendments of 1971".

I

1 **TITLE I—AIRPORT AND AIRWAY DEVELOPMENT**

2 SEC. 101. Section 14 of title I of the Airport and Airway
3 Development Act of 1970 (84 Stat. 224; Public Law 91-
4 258) is amended by adding at the end thereof the following
5 new subsection:

6 “(e) **PRESERVATION OF FUNDS AND PRIORITY FOR**
7 **AIRPORT AND AIRWAY PROGRAMS.—**

8 “(1) Amounts equal to the minimum amounts au-
9 thorized for each fiscal year by subsections (a) and (c)
10 of this section shall remain available in the trust fund
11 until appropriated for the purposes described in such
12 subsections.

13 “(2) No amounts transferred to the trust fund by
14 subsection (b) of section 208 of the Airport and Air-
15 way Revenue Act of 1970 (relating to aviation user
16 taxes) may be appropriated for any fiscal year to carry
17 out the activities enumerated in subsection (d) of this
18 section (relating to administrative, research and devel-
19 opment, maintenance and operating expenses) unless at
20 least the minimum amounts for airport development es-
21 tablished by subsection (a) of this section and at least
22 the minimum amount for airways facilities established by
23 subsection (c) of this section have been appropriated
24 for such fiscal year.”

1 **TITLE II—AIRPORT AND AIRWAY REVENUES**

2 SEC. 201. Paragraph (1) of subsection (f) of section
3 208 of title II of the Airport and Airway Revenue Act of
4 1970 (84 Stat. 251, Public Law 91-258) is amended to
5 read as follows:

6 “(1) AIRPORT AND AIRWAY PROGRAMS.—Amounts
7 in the trust fund shall be available, as provided by ap-
8 propriation Acts, for making expenditures after June 30,
9 1970, and before July 1, 1980, to meet the obligations of
10 the United States authorized under title I of this Act.”

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 10, 1971.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Office of Management and Budget on H.R. 7072, a bill entitled the "Airport and Airway Development and Revenue Acts Amendments of 1971."

On June 8, 1971, Mr. John P. Olsson of the Department of Transportation testified before the Subcommittee on Transportation and Aeronautics of your Committee and stated the Department's reasons for opposing the enactment of this bill. For the reasons given in this testimony, we would also strongly recommend against enactment of H.R. 7072.

Sincerely,

C. WILLIAM FISCHER,
Acting Assistant Director for Legislative Reference.

DEPARTMENT OF THE TREASURY,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., July 27, 1971.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on H.R. 7072, "To amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes."

The bill would amend the Airport and Airway Development Act of 1970 to provide that receipts in the Airport and Airway Trust Fund derived from aviation user taxes may not be appropriated for any fiscal year to carry out activities relating to administration, research and development, and maintenance and operation of air navigation facilities unless at least the minimum amounts for airport development grants and acquisition of airway facilities established in sections 14(a) and (c) of the Act have been appropriated for such fiscal year.

The apparent intent of the bill is to require the spending of the amounts authorized in the 1970 enabling legislation for airport development grants and acquisition of airway facilities. The Department has generally opposed proposals which would require authorized amounts to be spent on the grounds that such proposals are contrary to the principles of efficient program administration and would limit flexibility to establish priorities in the allocation of scarce budgetary resources in response to rapidly changing domestic and national security needs. The Department understands that the Department of Transportation in testimony before your Committee opposed enactment of H.R. 7072.

In view of the foregoing, the Department would be opposed to the bill.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

SAMUEL R. PIERCE, Jr.,
General Counsel.

Mr. DINGELL. Mr. Murphy has a statement he wishes to make for the record.

Mr. MURPHY. Thank you, Mr. Chairman, and I will be brief with it.

It is significant that as we continue hearings today on the Airport and Airway Development Act, the newspapers, TV, and radio are spelling out the details of two tragic air accidents that took the lives of 78 persons within the last 24 hours. Added to this loss yesterday, a sad Nation buried America's most decorated war hero, Audie Murphy, who died as the result of a small private-plane crash.

We were fortunate last year that there were no scheduled airline crashes. But the plethora of charter flight disasters, devastating college football teams, eliminating whole troupes of vacationing tourists, and wiping out an entire high school graduating class, were indicators of what could happen.

Light plane crashes have continued to be so commonplace that one feels he is gambling with fate when stepping aboard.

According to the airport manager of New Haven, Conn., Tweed-New Haven Airport, James Malarkey, the Allegheny flight that killed 31 persons yesterday when it crashed short of the runway could have been prevented. He said, "The crash would not have happened if the field had an instrument landing system." The airport has equipment to measure an approaching craft's lateral direction, but not its height.

And so we are, again, in a position of reacting to a tragic situation. I am sure that everyone here chills at the thought of those victims in New Haven who were trapped helplessly inside that airplane—screaming to be freed while rescuers stood outside unable to help because of the overpowering heat. How many times have many of us been on an airplane and imagined what could happen in the event of an accident?

Well, I believe more people would be even more afraid if they knew of the lack of safety equipment and facilities at most airports. Pilots work under terrific handicaps trying to land airplanes without the proper instrument guidance systems, without long enough runways, knowing of the tenseness in the control tower, due to the strain of working with outdated equipment.

We have the available technology to correct these shortcomings, especially in the area of airplane and airport engineering where there are thousands and thousands of qualified persons now going begging for jobs, who could solve many of the technological problems that remain. Science is more than prepared to handle these tasks.

Certainly our flying public—and those who live in airport vicinities—welcome advances in the area of airport and airways safety development. Most of the Nation's airports are surrounded by cities and highly populated residential areas. Consider San Diego's Municipal Airport, which is snuggled in the center of that metropolis. Then imagine the devastation that could be caused by the crash of one of our new flying football stadiums into hotels, office buildings, and packed schools.

The above are some of the reasons I introduced legislation, on May 5, that would insure that money allocated by the Congress last year for airport safety would be used for that purpose.

The Congress intended, through the enactment of the Federal Airport and Airway Development Act of 1970, to provide not less than \$230 million annually for airport construction, development, and safety improvements. Because of a narrow interpretation of some language in the law, the Administration has attempted to use the funds appropriated for airport safety, for airway operation and maintenance.

The legislation before us would tighten up the language of the airport and airway trust fund which was created to protect user taxes from being diverted to other purposes, and release available moneys for safer skies and runways and taxiways.

I believe the people of America want the assurance of safe airports and airways. That is why we in Congress must act now. It is an unusual confluence that we are convened here at this particular time to discuss and to legislate on matters that have the attention of the entire Nation today and I ask that we in Congress take immediate steps to assure the Nation that we, its pulse and in a sense its protector, act decisively on the safety measures before us.

Thank you.

Mr. DINGELL. Our first witnesses this morning are two of our colleagues from the full committee. I understand they have statements they would like to present to the subcommittee.

First we shall hear from Hon. J. J. Pickle of Texas. Welcome, Mr. Pickle; please proceed as you see fit.

STATEMENT OF HON. J. J. PICKLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. PICKLE. Mr. Chairman, the Airport and Airway Development and Revenue Acts of 1970 (Public Law 91-258) was passed to meet the pressing needs for prompt capital expenditures to update and improve our Nation's airports and airways. A good measure of safety features were thrown in to ward off tragic air crashes.

The aviation industry was willing to dip into its own pockets to pay the bill.

However, we left a loophole big enough to fly an SST through and the Administration has made several attempts at siphoning off trust fund money. The Administration, with flagrant disregard for safety, has been attempting to use the money for things that the Congress never intended.

Mr. Chairman, while serving on the Transportation Subcommittee of the full Commerce Committee, I had a hand in drafting the Airport and Airways Act. However, those who helped draft the bill are ready to admit to a possible mistake in allowing too much leeway to the Administration.

The mistake we made was not so much a legislative mistake. Rather, it was a judgement mistake, I never dreamed the Administration would pirate these moneys. That judgment error can be corrected by H.R. 7072.

This legislation will echo again our intention that the principle and the purpose of the airport trust fund is to provide financing for new air-system improvements. This legislation will restate—definitely and positively—that only under specific circumstances is the money to be used for FAA administrative expenses.

As you well know, Congress enacted Public Law 91-258 to initiate a major catchup effort in the areas of (1) airport assistance and development grants, (2) construction of air traffic control and air navigation facilities, (3) research and development with respect to airway systems, and (4) operation and maintenance of airway facilities including support services.

Based on our contention that the increased spending on aviation systems should be financed, not by the general public, but by those who utilize such facilities, Public Law 91-258 created the airport and air-

ways trust fund. This fund is primarily capitalized by new and increased user taxes. These new tax revenues are estimated at nearly \$600 million for fiscal year 1971 and \$726 million for fiscal year 1972.

A second reason for the trust fund was to insure our Nation's aviators that their moneys would be put to good use; that the additional user taxes would finance desperately needed aviation improvements. Under this guarantee, they gave their support to Public Law 91-258, although its passage meant money out of their pockets.

Over the past several months the Administration has attempted, and with some success, to violate the congressional intent of Public Law 91-258. They have refused to spend even the minimum funds, as stipulated by Congress, on needed airport assistance and airway facility programs. They have reshuffled trust funds to finance administrative and operational expenses of FAA. They have violated the faith and confidence of our Nation's air travelers, aviators, and aviation industries. This committee has been presented numerous statistics which support these allegations, I need not reiterate that information.

Now, the Administration attempts to justify their insufficient spending by proposing increased funding in the latter part of the act's 10-year period. Their assertion that they will meet the required total appropriations for the 10-year period is not satisfactory. The need for additional and longer runways, for better airport lighting, and improved safety features is now. That is why Public Law 91-258 called for such substantial funding in the first 5 years of the program.

Last fall, when the Administration made known their intended use of the trust fund, I ardently expressed my objections on the House floor. Several of my colleagues in the Commerce Committee joined me in protesting the excessive use of trust funds to finance FAA operation and administrative expenses. We wrote Comptroller Staats asking for a legal opinion of the Administration's intended use of the funds. Although Mr. Staats' reply was somewhat nebulous, the question we raised did provoke a favorable alteration in the Administration's spending plans. However, since the Administration contends that they have a legal basis to abuse the trust funds, I urge that we enact H.R. 7072 to close the loophole.

On June 9 a representative from the Professional Air Traffic Controllers Organization testified before this committee that "many of the recent crashes, including the one which occurred in New Haven on June 7, might have been prevented had the necessary equipment which is available been operational." Gentlemen, I repeat this testimony only to emphasize the immediate need for improvements in our aviation system. The loss of lives due to outdated airports is tragic, indeed, and made even more so by the fact that the necessary funds for modernization are available, only to be diverted to other programs.

The purpose of H.R. 7072 is to insure that the desperately needed airport and airways improvement programs will be administered as Congress intended. It asserts no new principle that Congress has not already approved. I feel that it would be a tragic mistake if H.R. 7072 is not enacted as soon as possible.

Thank you, Mr. Chairman.

Mr. DINGELL. Thank you, Mr. Pickle, for sharing your views with us this morning.

Mr. PICKLE. Thank you, Mr. Chairman, for holding hearings on this important legislation.

Mr. DINGELL. Next we shall hear from the Hon. James T. Broyhill of North Carolina. Come forward, sir, and have a seat. We appreciate your appearance here this morning.

**STATEMENT OF HON. JAMES T. BROYHILL, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NORTH CAROLINA**

Mr. BROYHILL. Mr. Chairman, I would like to express my support for the legislation before this subcommittee to clarify the purposes for which user tax revenues in the airport and airway trust fund may be spent.

The passage of this measure is vital if we are to assert the will of the Congress and accomplish the many needed improvements which are so important to the Nation's aviation system. Last year, this committee spent a great deal of time, thought, and effort in writing the Airport and Airway Development Act, and at that time provided for the expansion and modernization of the airport and airway system. This much needed improvement was to be financed through user taxes imposed on the aviation industry.

In recognition of the national interest and the interest of the Federal Government in our air transportation system, provision was made for General Treasury funds to be used for defraying routine FAA operations and administrative expenses, as well as part of the research and development costs involved. However, it was the clear intent of the Congress that user taxes in the trust fund should not be used for this purpose and should be expended only to finance capital improvements in the airport and airway system.

This congressional intent has been circumvented by the Administration in the budget request for this year, in which routine FAA expenses are given the same priority as capital improvements.

Passage of this legislation would restore the will of the Congress and the interest of our Nation's aviation needs by assuring that amounts earmarked for airport development and airway facilities will remain in the trust fund until used for those purposes.

I urge the subcommittee to act expeditiously to approve this legislation, which I have cosponsored. Such action would reassert the will of the Congress in determining and meeting the Nation's aviation needs and the means through which they should be met.

Mr. DINGELL. Thank you, Mr. Broyhill, for your thoughtful comments.

Mr. BROYHILL. Thank you, Mr. Chairman.

Mr. DINGELL. Our next witness is John P. Olsson, Deputy Under Secretary of the Department of Transportation, accompanied by Mr. Kenneth Smith, Federal Aviation Administration.

Gentlemen, before I recognize you, if you would please identify yourself for the record and then I would like to have it clearly understood on the record that you are here in sufficient authority and capacity to speak on behalf of the Administration in regard to the legislation before us, because I can assure you that you will probably have some vigorous questions from the committee.

STATEMENT OF JOHN P. OLSSON, DEPUTY UNDER SECRETARY, DEPARTMENT OF TRANSPORTATION; ACCOMPANIED BY KENNETH M. SMITH, DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION; JAMES DOW, DIRECTOR OF BUDGET, FAA; AND RONALD PULLING, DEPUTY ASSOCIATE ADMINISTRATOR FOR PLANS, FAA.

Mr. SMITH. Yes, Mr. Chairman, we anticipate these kinds of questions.

Mr. DINGELL. We are certainly happy to welcome you.

Mr. SMITH. Mr. Chairman, Mr. Olsson, through a prior arrangement with the committee, indicated that he would be late this morning and he is with the President at the White House. I am sitting here on his behalf.

My name is Kenneth M. Smith and, as you indicated, I am the Deputy Administrator of the Federal Aviation Administration.

This is Mr. James Dow, Director of Budget; and Mr. Ronald Pulling, who is the Deputy Associate Administrator for Plans.

Mr. DINGELL. You are fully authorized to speak on behalf of the Administration, sir?

Mr. SMITH. Yes, I am.

Mr. DINGELL. One of the things that has constantly galled me in my tenure here in the House is we get people up from downtown who are not able to answer the questions and respond on behalf of the Administration, and that always outrages me thoroughly; and if you are not prepared to speak on behalf of the Administration, we had better terminate the hearings and get somebody up here who can, sir.

Mr. SMITH. I am a Presidential appointee and I am the No. 2 man in the FAA and as such I think we are completely in accord as far as the Administration is concerned and the Office of the Secretary, and we are prepared to answer questions and to make an opening statement.

Mr. DINGELL. Then we will be happy to recognize you. I assume you are going to read Mr. Olsson's statement?

Mr. SMITH. Yes; I will.

Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you today to discuss H.R. 7072 and similar bills amending the Airport and Airway Development and Revenue Acts of 1970.

The thrust of these bills is to preclude the use of moneys in the airport and airway trust fund to meet expenses attributable to research and development and the operation and maintenance of the airway system each year in which appropriations are not made of the minimum amounts for airport development and airway facilities specified in section 14 of the act. The Department opposes the enactment of these bills. We do not believe they are necessary to the achievement of the long-range goals established in the Airport and Airway Act, and we believe that, in some instances, the rigidity they would impose might be harmful to the effective administration of the airport and airway program.

Just last month we marked the first anniversary of the enactment of the Airport-Airway Act. At the time the act was passed, we regarded it as the most significant legislation in the aviation field since

the enactment of the Federal Aviation Act in 1958. The act was needed to give us during the decade of the 1970's the means for improving and expanding our airports and for upgrading and modernizing the airway system to insure the safe and efficient movement of air traffic. The act fulfilled that need most satisfactorily and established firmly in the field of aviation the principle that those receiving special benefit from the aviation services provided by the Government—the users of the airport and airway system—should pay through special charges sums needed for the development and operation of the system. Let me say that our enthusiasm over the enactment of the act is as keen on its first anniversary as it was on the day President Nixon signed it into law.

We recognize that controversy exists respecting the administration of the act, particularly with respect to funding the development of airports and the installation and improvement of airway facilities, and that this has contributed impetus to the introduction of the amendments in the bills before the committee. Therefore, I would like to take a brief look at our funding to date, our future funding plans, and how these square with the long-range funding goals of the act, as well as discuss the general operation of the trust fund during fiscal years 1971 and 1972.

First, let's take a look at funding for airport development. The declaration of policy of the Airport-Airway Act states that the obligational authority during the period July 1, 1970, through June 30, 1980, for airport assistance should be \$2.5 billion. So far, the Department's budget estimates provide for the obligation for airport development and planning grants of \$180 million in 1971, and \$220 million in 1972. The FAA 10-year plan under the act for the subsequent 3 fiscal years calls for the obligation of \$280 million in 1973, and \$285 million in each of the fiscal years 1974 and 1975. Under any foreseeable circumstances we would expect these amounts to be made available. The administration's budget plans and legislative proposals for the fiscal year 1972 budget and beyond have been predicated upon these planning amounts. From the standpoint of meeting the 10-year goal of the act, our program is right on the target.

On an annual basis the act authorizes not more than \$15 million of planning grant obligations and not less than \$280 million of development grant obligations. Thus, after the initial startup period of the airport program, our plans call for making funds available at approximately the annual obligational levels authorized by the act. We will be requesting appropriations for the cash payments to meet these obligations as required. Therefore, the true program level for the airport program is best measured by the obligations made during a given fiscal year rather than by the liquidating appropriations in that year.

Now let's turn to the funding on the airway side. The act states that the annual obligational authority during the period July 1, 1970, through June 30, 1980 for the establishment and improvement of air navigational facilities should be no less than \$250 million. The Department's budget for airway facilities contained \$238 million for 1971 and \$250 million for 1972. Our planning for the subsequent 3 fiscal years calls for the obligation of at least \$250 million for each of those years. Thus, the total amount we would obligate for airway facilities for the 5-year period is expected to be at least \$1.25 billion, which

again is on schedule from the standpoint of meeting the 10-year goal of \$2.5 billion contemplated by the act.

In the area of research and development, we are exceeding the annual amounts stated in the legislative history of the act. At the time of the hearings on the bill we contemplated an annual program of some \$50 to \$60 million. For 1971 our budget for research and development was \$62 million, and for 1972 it is \$73 million. The larger outlays we will be making for research and development early in the 10-year program should enable us to achieve greater cost effectiveness from our capital investments for airway facilities than otherwise would be possible as we move through the 1970's.

Mr. Chairman, I have here for the record a table which shows these funding levels by major category for the fiscal years 1971 and 1972.

Mr. DINGELL. I assume you would like to insert that in the record at this point.

Mr. SMITH. Yes; we would.

Mr. DINGELL. With that permission that may be done, but the Chair would request that you also extend it back for fiscal 1970 and 1969, and also to the fiscal years to which you have alluded to, because you have been talking here about fiscal years up through 1974 and 1975 and I think those figures should also be in the record as a part of the table. Otherwise, we don't have a very representative table.

I would also like to have that table show, if you please, sir, the amount of moneys which will be going into the fund from revenues to us since by any objective standard we have to know what the amount of money coming in is, before we can understand whether the expenditures are in conformity with the law.

Mr. SMITH. We will supply the information for the record.

(The table as originally submitted for fiscal years 1971 and 1972 follows:)

AIRPORT-AIRWAY PROGRAM—FISCAL YEARS 1971 AND 1972

[In millions of dollars]

Appropriation/estimate	Amounts mentioned in Public Law 91-258	1971 appropriations	1972 estimate	1971 and 1972 total
Operations.....		902.8	991.8	1,894.6
Airway system investment/development.....	300.0	300.4	322.8	623.2
Facilities and equipment.....	(250.0)	(238.0)	(250.0)	(488.0)
Research and development.....	(50.0)	(62.4)	(72.8)	(135.2)
Grants-in-aid for airports:				
Planning grants.....	15.0	10.0	15.0	25.0
Development grants:				
Obligations.....	(280.0)	(170.0)	(205.0)	(375.0)
Appropriation to liquidate obligations.....		60.0	92.0	152.0
Aviation Advisory Commission.....	2.0	1.5		1.5
Total appropriations.....		1,274.7	1,421.6	2,696.3
Funding:				
General fund appropriations.....		1,097.2	293.1	1,390.3
User tax revenues applied.....		177.5	1,128.5	1,306.0
Estimated user tax revenues (existing and proposed legislation).....		580.0	726.0	1,306.0

(The revised table to include fiscal years 1969, 1970, 1974, and 1975, was not supplied to the committee as requested.)

Mr. SMITH. Now I would like to discuss the manner in which we are applying to our airport-airway program the sums in the trust

fund available from the aviation user taxes and from the general fund of the Treasury.

There has been considerable confusion and misinformation prevalent concerning the operation of the trust fund. Let me take just a minute here to clarify the situation and hopefully put things in the proper perspective.

First, there are certain expenditures which cannot be funded out of the trust fund. These include both the operations aspects of safety regulations and enforcement, and the associated R. & D. Another non-trust fund item is the operation of National and Dulles Airports. These programs are financed by separate appropriations from the general fund of the Treasury and are not related to the trust fund or the user taxes.

Second, that portion of the airspace system considered to be chargeable to military operations is not financed from user charges, and properly so. While from a bookkeeping standpoint these expenses are included in the trust fund, the source of funds is the general fund, not user charges.

Thus, the expenditures actually financed by aviation user charges are limited to the areas directly benefiting the aviation user. The Airport-Airway Act states that amounts in the trust fund shall be available, as provided by appropriations acts, for making expenditures for (1) airport assistance; (2) construction of air traffic control and air navigation facilities; (3) research and development with respect to the airway system; and (4) the operation and maintenance of airway facilities, including supporting services. All of these four major areas may be financed from trust fund moneys if appropriations acts so provide, whether those moneys are derived from user taxes or other taxes.

Our current estimate of user charge receipts indicates that it will not be until the 10th year that user charges would cover completely the cost of services rendered under the act. In fact, during fiscal years 1971 and 1972 it is estimated that user charges will cover only about 50 percent of the cost of trust fund activities.

I would also like to take this opportunity to clarify the true status of the so-called balance in the trust fund at the end of fiscal year 1971. The regular FAA appropriations for fiscal year 1971 was not made from the trust fund. However, the fiscal year 1971 supplemental appropriation for the FAA was made from the trust fund. The effect of this was a buildup of a balance of approximately \$403 million in the trust fund by the end of fiscal year 1971, which normally would have been applied to eligible airport-airway programs in that year. This balance will be completely eliminated during fiscal year 1972 as the proper adjustment is made to balance out the 2-year period.

To return now to the specifics of H.R. 7072, we would not like to see absolute minimums established respecting the funding of airport assistance and airway facilities, nor a provision in the law prohibiting the use of trust fund moneys for R. & D. and O. & M. when such minimums are not met. We regard all four of the major functions financed by the act as important, and the law should remain flexible so that special emphasis may be placed on any one of these areas in a particular year as necessary to meet the need at hand. We believe it appropriate to allow all four of the areas to be financed by any moneys in

the trust fund. In fact, toward the end of the decade the act is designed to provide sufficient income from user taxes to meet nearly all of the costs of all of the eligible functions carried out under the act, including the operation and maintenance of the airway system. And this is as it should be. Certainly the crucial service afforded the users by air traffic controllers and systems maintenance personnel need not take a back seat to any of the other major parts of the program. The costs incurred in the provision of this service not only are proper ones to be charged to the users, but they are deserving of a very high priority in the application of available tax revenues to the various facets of the airport/airway program.

In summary, we do not believe that provisions in the Airport/Airway Act for the administration of the trust fund require amendment along the lines proposed in the bill. As we have shown, our current program is proceeding at a pace which should insure the attainment of the long-range funding goals of the act for airport assistance and the installation of airway facilities. At the level for 1971—\$170 million for airport development—we have made a dramatic jump in obligations over previous years when under the old Federal Airport Act the maximum annual authorized level was \$75 million, and actual appropriations sometimes fell short of that level.

As far as airway facilities are concerned, again we are very close to the funding schedule prescribed by the act, and if you take into account the added emphasis we are placing on R. & D., I would say we are a step ahead in this field.

We believe it is essential that trust fund moneys be available for all aspects of the airport and airway development program. All of these functions are essential to affording the users a safe and efficient system of airports and airways, and the act should remain flexible to allow effective administration of these functions, including necessary increases or decreases in funding on a temporary basis to accommodate urgent needs in different areas of the program.

That concludes the statement I have read for John P. Olsson, the Deputy Under Secretary on my right and now I am sure we will be happy to answer questions.

Mr. DINGELL. Mr. Olsson, the Chair observes you came in. I assume you endorse the views of the statement read on your behalf.

Mr. OLSSON. Yes, indeed, I apologize for being late and I regret that I could not have been here at 11 o'clock.

Mr. DINGELL. The chair observes that we are constrained here by a shortage of time and for that reason the Chair will recognize each member in turn for a period of 5 minutes of questioning.

The Chair recognizes, first, our good friend, Mr. Adams.

Mr. ADAMS. I will reserve until Mr. Podell has questioned.

Mr. PODELL. I will reserve.

Mr. HARVEY. I will pass at this time also, Mr. Chairman.

Mr. DINGELL. Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Olsson, I am greatly concerned by your statement, and you do subscribe to the statement?

Mr. OLSSON. Yes, indeed.

Mr. THOMPSON. I am greatly concerned because at the time we considered this legislation it was made abundantly clear by this committee

that the purpose of this legislation was to improve our en route navigational aids, our landing aids at airports, our runways and taxi areas.

Now, we had quite a discussion as to whether terminals, for example, should be included. I do not believe anyone on this committee thought that funds would be used for administrative purposes.

Just yesterday in Connecticut there was another crash that occurred because there was no glide slope provided at that airfield. I for one have been pressing the FAA for a long period of time to install glide slopes at every air-carrier airport.

Only 2 years ago, from a period of June until December, there were seven air crashes that occurred involving air carriers. Of those seven air crashes, six occurred at carrier airports at which there was no glide slope installed, two were in Bradford, Pa.; you may recall those. At that time I made it very clear that I felt the greatest priority of the FAA should be to install complete instrument landing facilities at every air carrier airport and let me say every busy general aviation airport as well.

I thought we were by the act we passed providing money for safety aids and here I see that only \$170 million is allocated for that purpose, even though we have more money that is coming in through the trust fund.

Now, what, Mr. Olsson, is the thinking in the administration, and in the Agency; is it planned to ignore what was an overtly stated purpose by this committee in enacting this legislation?

Mr. OLSSON. Let me comment on the general points first and then I will turn to Mr. Smith on the specifics with respect to New Haven and the accident that occurred there.

As we interpret the act, it authorizes \$280 million for airport assistance, including up to \$15 million for planning grants, and \$250 million for facilities and equipment for the airway system.

Now I think the only area where there is any difference when you come right down to it is with respect to the airport grant program. We are virtually at the authorized amount with respect to the airway system; the amount this year is \$238 million, the amount in 1972 is \$250 million, and over the 5-year period we envision spending the entire amount of \$1.25 billion.

Now with respect to the airport grant program, I think you are talking about a matter of timing. The amounts that we are programming, \$170 million, plus \$10 million for planning grants for a total of \$180 million in 1971, \$220 million in 1972, and then \$280 million in 1973, \$285 million in 1974, and \$285 million in 1975, gives us a total of \$1.25 billion, or one-half of the 10-year objective.

Now it is true there is a difference in the first 2 years of this program, but by the time you get to 1973 we are at virtually at the amount that is specified in the figures that you just cited.

Mr. THOMPSON. I see no reason really as to why there should be the difference in the first 2 years.

Another point I intended to make clear—I don't know about the other members of the committee, but I believe an entire community benefits because of an airport. I think that my city, Atlanta, has had tremendous growth because of the airport and I do not feel it is proper to put the entire expense on the user. In other words, I think the General Treasury should continue to fund various airport expenses.

The purpose for which this legislation was passed, in my opinion, was to provide for air safety facilities; this included runways and it included electronic navigational means and it included electronic instrument approaches but it was not to reduce the general funding. It is distressing to me that the FAA has not moved rapidly in trying to install these safety aids at the various airports.

May I make one other statement? Many of the private fields, non-publicly owned, have had a burden placed on them of collecting this gas tax. I do not think there is a legal basis for requiring an independent airport operator to collect the gas tax under the legislation we passed. I grant you the tax is imposed, but we were not specific in stating as to who should pay it, whether the purchaser or the seller should pay it. How would you feel to an amendment to the act which would, in effect, provide that at nonpublic airports, privately owned airports but which are open to the public without a landing fee, that the money collected by that airport operator under the gas tax could be used for airport improvements on that airport in order to provide some type of aid to small private airports. Have you given any thought to that?

Mr. OLSSON. Not personally. As I understand your suggestion, the funds collected would be limited to the particular airport at which they were collected?

Mr. THOMPSON. The point is this: The system we had used for collecting was the oil company, which, in effect, collected the tax and remitted the tax to the Internal Revenue. The Internal Revenue is now trying to place the burden of collecting of this tax on the individual airport operator.

There is nothing in the legislation, as I read it, that says he has that duty. It says a tax is imposed at retail, but I think there is just as much obligation on the purchaser to remit the tax individually as it is to the airport operator to collect it and remit it.

But in order to provide an incentive for the operator to go ahead and collect the tax and in order to help navigation, how would you feel if these private fields used this money for improvement of their own airports for landing aids, slope indicators, VASI-type lights, whatever it may be, then reporting this money on their income tax form. The purpose is to provide some aid to the private nonpublic airport?

Mr. OLSSON. I will let Mr. Smith comment on this in more detail, but I would think we would find it somewhat restrictive to apply the separate pools of funds that were collected to individual airports in the sense that you really could not sort out the relative priorities from airport to airport.

Mr. THOMPSON. How would you aid a non-Government-owned airport by any other means?

Mr. SMITH. We are doing that today.

Mr. THOMPSON. Through landing lights, slope indicators, and so forth?

Mr. SMITH. Yes; wherever a criteria exists or a special need exists, whether it is city owned or county owned or State owned, strictly in a private sense we do help them with their own aids where it is private land and as far as—

Mr. THOMPSON. But you do not provide the systems?

Mr. SMITH. In a very rare instance, if it is something that meets the national need, we will; but this is an unusual case.

Mr. THOMPSON. How would you feel if an amendment were proposed whereby the private airports—and there are many throughout the country which serve a public need, who allow the entire public to land without a charge—would collect the gas tax, put it in a trust fund in a separate bank account, give an accounting each year to Internal Revenue, and if they have used that money for improvement of the safety facilities on that field, then they would not have to remit any balance.

Mr. SMITH. That particular privately owned airport is only one leg of a system where this private individual may be traveling, he will be using airway systems and other airports.

Mr. THOMPSON. I am familiar with that, but there are means of providing aid to the publicly owned airports which are not available to the private airports.

Mr. SMITH. I think we would like to examine that and furnish it to the committee in more detail.

(The information requested by Congressman Fletcher Thompson was not furnished to the committee.)

Mr. SMITH. I have to correct one thing that you have said here this morning regarding New Haven, Conn. I think this is most important for the public's knowledge. In November 1970 the Supreme Court of Connecticut imposed a \$1,000 per day fine on airport authorities if more than the old runway length was used.

Now, we extended this runway and, until that piece of the New Haven runway can be used, there is no way we can put a glide slope on this runway and that was the kind of guidance information apparently that the Allegheny aircraft needed.

Mr. THOMPSON. If I may say this, then I think the minimums should have been increased greatly if you are not going to have the glide slope, because with a glide slope in my opinion the accident would not have occurred and if there has been a judicial decree prohibiting the use of a runway, then there should be no approved instrument landing operations allowed at that airport until the runway can safely be used.

Mr. SMITH. We have raised the minimums and we consider those minimums to be safe and we cannot install a glide slope until this thing is solved by the local community.

Mr. THOMPSON. In that instance I think that you should prohibit the instrument landings without the glide slope.

Mr. HARVEY. Could you read that again?

Mr. SMITH. November 1970 the Supreme Court of Connecticut imposed a \$1,000 per day fine on airport authority if more than the old runway length was used. This was after we extended the existing runway approximately 800 feet.

Mr. DINGELL. The Chair observes regretfully that the time of the gentleman from Georgia has expired.

Mr. Helstoski.

Mr. HELSTOSKI No questions at this time.

Mr. DINGELL. Mr. Adams.

Mr. ADAMS. Thank you, Mr. Chairman.

On page 5 of your statement I notice that you state that the regular FAA appropriation for fiscal year 1971 was not made from the trust fund, but the fiscal year 1971 supplemental appropriation was

made, which built up a balance of \$403 million in the trust fund by the end of fiscal year 1971. By "balance" you mean there was a deficit, money was taken out, don't you?

Mr. OLSSON. No, sir. What we mean here is that the funds that were collected and that were transferred to the trust fund were not used for the programs under the act; rather, the programs under the act were funded by general fund appropriations.

Mr. ADAMS. Now the basic problem that we have as well as the reason that many of us have introduced these bills is that as we approach this matter, there had been a series of general appropriations for the assistance to the navigational system. The FAA came in every year and got an appropriation, whatever its amount might be, to cover its operations.

Now we find that what is happening is that money is being taken from the trust fund and used for operations. You can buy this type of a bookkeeping system and either not ask for sufficient appropriations or you don't get sufficient appropriations, and you take them out of the construction portion, which is what we had set aside for user taxes.

Now I want to know how you can justify, for example, if you are going to put on sky marshals, taking this from the trust fund rather than from a regular FAA appropriation since they are regular FAA employees.

Mr. OLSSON. I think you have an unusual problem in fiscal year 1971. First of all, the act had just been enacted in May of 1970 and there was a certain amount of confusion as to how to implement the trust fund features of the act to carry out this funding program.

You also had the problem, of course, of delay resulting from operating under with the continuing resolution. The end result was what we described here, you did not fund the program from the trust fund.

Now on the points of the propriety of—

Mr. ADAMS. We understand that. I got the first point, which is you didn't put the money into construction and the priority items that Mr. Thompson and I are talking about.

Mr. DINGELL. If the gentleman will yield, the whole committee felt this was important.

Mr. ADAMS. We were interested in doing something first in the capital area with these airports, because we found that the local communities were not keeping up for a variety of reasons. But now we understand that in the first year it may take you time to gear up, and so on. Today, bygones are bygones.

But now what we are trying to determine is whether it is necessary to pass a statute to say, "All right, now that you have geared up, we don't want construction and capital money shifted over into operating money." You are supposed to go and ask for the regular appropriation for that and we try to help you with it.

What is your position on that?

Mr. OLSSON. The permitted uses of the trust fund encompass the airport construction program, airway facilities and equipment, R. & D., and the operation of the air navigational system.

Our budget varies only slightly from the authorized amounts, in this case the only real differences are those with respect to the airport construction program because all the other areas are on target. I think

we would have to conclude we feel that the funds can be utilized for these other purposes, they are permitted.

Mr. ADAMS. That is what we are deciding, whether we ought to change that so that there will be a minimum available at least for construction every year. If you carry to the extreme what has been done the last year, if you don't have any lid each year to protect the construction money, you will simply drain it away in operations and not have to ask for appropriations.

That is what we are concerned about. We are trying to get some idea of what your position is going to be and what you are going to do with this fund.

Mr. OLSSON. We frankly don't believe that the restrictions that are proposed in H.R. 7072 are needed at this point of time. We would prefer to avoid these restrictions. We feel that the program that we are outlining will carry you up to the level that is envisioned by 1973.

Mr. KUYKENDALL. Will the gentleman yield?

Mr. ADAMS. I will yield after one further point. On your own chart you were at 170 last year and 205 this year as opposed to 280, and that is why we are interested in this minimum.

I will yield to the gentleman.

Mr. KUYKENDALL. On this same line, I will give you some of my time if you want it. This is something that bothers me. When you talk to the Congress in general or to the general public and so forth, why, you can say, "Well, this is what our opinion of the intent of Congress is."

But when you are talking to this subcommittee and the one like it over in the Senate, you don't talk about the intent of Congress. We know what the bill is, because we wrote it and every one of us on this committee knows what our intent was and it wasn't to have the trust fund invaded.

Now that is really the case here today. You can't talk about what was the intent of Congress. We will tell you what the intent of Congress was.

Mr. DINGELL. If the gentleman will yield, I will say it is flat, arrogant brazen gall for you people to come in here and tell us what the intent of Congress was. We know darned well what it was and we don't need you to tell us.

We are trying to enlighten you as to what our intent was and we hope, when you go back downtown, you will take that message with you.

Mr. ADAMS. The only point I am trying to develop is whether it is necessary that we go in with this kind of an amendment to make it very clear or if the attitude or the method of allocating funds is going to change. There is just a very simple point involved here, that if you take money, and I use the sky marshals because they are an easy example, there would have been no problem in this Congress of coming up here and asking for an appropriation to put sky marshals on airplanes and getting it passed. Every member of this committee, I am certain, would have gone in and supported it.

I think it would have gone through like that and you could have asked for whatever amount you wanted to justify. But to take money instead for what is basically a continuing operating expense from the

trust fund, particularly in its early years when you are trying to gear up, is something that I don't think anybody envisioned when they passed this bill.

Now we don't know what your plans are for the next year. There may be another type of operating expense that could be taken from the trust fund. What at least this member is trying to say to you is, if you are going to do this, I am going to try to pass this bill to keep you from doing it.

I don't want to destroy your flexibility for later years, I agree with you on that point. After 10 years and this thing gets geared up and functioning, I can see how the whole thing begins to go together. But you have a very small, weak baby at this point and you are bleeding it before it ever starts to walk.

That is, I guess, all I have to say, Mr. Chairman. I would be happy to hear Mr. Olsson, if I have said it wrong to him in any way.

Mr. OLSSON. Not at all. I would like to comment on your point and also Chairman Dingell's. It is certainly not our intent to infer or interpret what Congress' intent is, particularly to this committee which developed the legislation. We are merely trying to lay out what we have done and the rationale behind it and why we think it is in conformity with the law.

I might also mention that we believe we have a program here that is going to be in conformity with the most liberal interpretation of the statute. We realize or recognize in all candor there is a difference respecting the airport grant program in 1971 and 1972.

Mr. THOMPSON. Would the gentleman yield on that point?

May I ask a question here on that? Was that done to try to make the budget deficit appear to be less than actually it was? In other words, would taking money from the trust fund, applying it to those areas, make the budget deficit appear to be smaller?

Mr. OLSSON. No, sir; not at all. Under the consolidated budget of the Federal Government this has no impact at all with respect to the Federal budget deficit on that particular point. But what I would like to say, with respect to what I was raising here earlier, is that by 1973 we will be on target in the one area where we have a difference of view with the committee.

In all the other areas for 1972 we are on target. As you can see by our outprojection, the airport program scales up from \$180 million to \$220 million, to \$280 million, and that is our planned progression.

I can speak for the administration and say that is the intention of the administration in this area.

Mr. ADAMS. Thank you, Mr. Chairman.

Mr. DINGELL. Mr. Devine.

Mr. DEVINE. I have a very few questions because I unfortunately was not here when the original testimony was read by Mr. Smith. But, Mr. Olsson, I think you should get the message that we on this committee are very concerned with what we call raiding of the airport trust fund for administrative purposes, and if you are going to interpret the law as having more or less carte blanche to use this fund for whatever purpose you feel you want to apply an interpretation to, we will have to amend the law and change it and spell it out more clearly.

It is just that simple.

Mr. OLSSON. Our intent is to get up, as we mentioned earlier, to the higher level with the airport grant program. We feel that with that objective being laid out, we would prefer not to have the flexibility of this program tied down for all of its 10 years by having figures locked in on certain items which as time goes on may not have been advisable.

That is really our concern.

Mr. DEVINE. We understand that and we grant you need flexibility, but on the other hand, let's not wander too far away from what the original intention of this committee was. I will yield.

Mr. DINGELL. If that is your position, why didn't you come forward and make that statement at the time we were writing this legislation, if you please, sir?

This legislation was written with the assistance of the Department of Transportation; you people were fully represented in our hearings and were afforded an opportunity to appear and be heard. Why didn't you make that statement at the time the legislation was before us instead of coming before us now and demanding flexibility?

I think you are about 2 years late.

Mr. SMITH. The comments were made specifically to have this degree of flexibility which is now in the act and we are not attempting here, Mr. Chairman, to interpret the will of Congress. It is our job to interpret the act and then apply it to practice.

But, gentlemen, it is only the first year, barely, that we have had this act before us.

Mr. DINGELL. I will read the statute here. The statute is quite clear. It says for airways facilities for expenditure, not less than \$250 million for each of the fiscal years 1971 through 1975. That is very clear, it is to me. I don't have any trouble reading it.

Maybe you or some of those Philadelphia lawyers you have down there have trouble with it. Now with regard to the other matters, it says here to relieve congestion, airports having a high density shall have \$250 million for each of the fiscal years 1971 through 1975, and airports serving noncarriers shall have \$30 million for each of the fiscal years 1971 through 1975. The section then goes on to discuss obligatory authority.

Now, if we had intended you folks to have had broad general authority in this program, we could have just set up a 10-year program and allowed you to come forward and request money on the appropriation basis, which we did not do.

Mr. OLSSON. There is no question these are the authorized amounts for this program. I might add one other limiting factor that is a part of this congressional process, that is the specific appropriations that are made with respect to the liquidating cash to carry out the program.

Mr. PODELL. Mr. Chairman, will you yield?

Mr. DINGELL. I don't have the floor, Mr. Devine has the floor.

Mr. DEVINE. I just have a few moments left, but I would say to you, Mr. Olsson, that your apparent interpretation of this is the reason a number of us were signatories on letters to the Comptroller General and to other persons for their interpretation of what the law said and that is why there has been such concern and that is why we are here this morning.

So I think you should get the message.

Mr. OLSSON. We are deeply appreciative of not only the fact that this committee was really the father of the act, but also of the fact that you have a deep and continuing interest in it. As we were mentioning a moment ago, we feel that we are at the point where in 1 more year we will be at the full level of the airport grant program and we are trying to be as candid and as forthright as we can in laying out what the administration's plans are in this area.

Mr. DEVINE. I will yield my time, Mr. Chairman.

Mr. DINGELL. Mr. Podell.

Mr. PODELL. I was not here when this bill was originally passed and approved by the committee, as I am a new member of the committee. But I am deeply interested, of course, in improving our airways. I live in an area which has within its vicinity some three airports in New York City and every day it seems to look like a D-day invasion, planes are coming and going.

I am just trying to establish in my mind the discrepancy here. It seems, if I am correct, that there is a question of interpretation of an existing statute, which members of this committee have interpreted one way and you have interpreted to mean something else.

Is that a fair simplification of a problem?

Mr. OLSSON. I would say so, yes.

Mr. PODELL. It further seems to me that legislative intent becomes as much a part of the legislation that is passed sometimes as is the actual legislation itself. I simply ask you at this time now having heard from the members of the committee, both through the bills that were introduced and through their statements here, are you now satisfied that the legislative intent accompanying the statute is clear that there is to be no invasion of the trust by anything in the way of operational activity?

If you are not satisfied that this is the intent of the legislation, and there is no question that this committee should, in order to make itself felt, pass the bill which is presently before us. If you are satisfied that this is the intent of the original act and we have the assurances that no such invasion of the corpus will take place, then it would seem to me that we need not pass this bill.

Isn't that rather what we are down to?

Mr. OLSSON. I think you have put your finger on some of the issues here and the matter of interpretation of the act. I think that what has been done has been in conformity with the act. I don't think it is in conflict with the act. I say that on the basis that I don't believe that the act restricts the use of the trust fund just to the areas of facilities and equipment or airport grants. I think the difference comes down essentially to the matter of the airport grant program.

We are on target with respect to the authorized amounts for all of the other areas and in some cases over target, for example, in the area of research and development, I think I mentioned earlier that in 1 year from now in 1973, fiscal 1973, we will be at \$280 million in the airport area, which is virtually at the figure mentioned in the bill.

Mr. PODELL. I can appreciate that during the first year you were unable—

Mr. OLSSON. It is a scaled-up program. I think it should be pointed out that when the go-ahead was given with respect to the supplemental

which occurred, as I recall, in late calendar year 1970, is that correct, November or December of 1970, since then virtually \$170 million will have been obligated for airport development grants. And bear in mind one other factor. Environmental considerations are very important, but they do add a time factor to the processing of grant applications and there is no way to avoid that time problem.

This has stretched out the time required from the time a project is conceived until it is finally put into operation. I think one factor here was an attempt to lay out a program that would scale up from the level prior to 1971; \$75 million was the maximum authorization during the previous decade. That went up to \$180 million in 1971. It will go to \$220 million in 1972, and to \$280 million in 1973.

It was an attempt on an orderly basis to reach what we considered to be the goals of this act, and that is, I would say, as forthright a comment as I can make on it. We thought that by doing it on this basis—having a buildup on an orderly basis, it would be a much more effective way of implementing this bill.

That is just a judgment, obviously, but that was the rationale that was involved here.

One other point I might mention is, as you know, there is a requirement in the grant program for sponsor money—sponsors have to put up a portion of the funds. This also takes time. I think we have moved with dispatch in attempting to carry out this act.

Mr. PODELL. Mr. Olsson, let me just make this clear, because I too don't have much time. I don't criticize your expenditure, I don't think I am in a position to do so. I can well understand that you just can't pass a law creating funds, authorizing funds and then saying "airport be created." It takes time and I can well appreciate that.

Nor do I criticize your present expenditure of these funds by way of my timetable. What I am concerned about, and I have served in the State legislature for 14 years when I have seen on many occasions the executive branch of the government playing pussyfoot with trust funds.

We have it in New York when they did it with the gasoline tax fund; they have tried it with the transportation trust funds and this has always been a source of concern because, when we pass such a law, a trust fund is just what it is. It is a trust fund for the purpose for which the law is passed and very frankly when there is a question of interpretation of a trust fund, the courts do—and I am sure that your agency can at the same time—consider the intent with which that bill was passed.

Now if the intent reads "X," then I think it is your obligation and responsibility, whether correct or incorrect, whether the responsibility originally or the intent was correct, is not the question. It is whether or not that was the intent and if that was the intent, it would seem to me, sir, that it was your obligation to enforce the law in that manner and not change it as it suits the executive agency.

Mr. OLSSON. That is certainly a very valid point.

Mr. PODELL. Thank you.

Mr. DINGELL. Mr. Kuykendall.

Mr. KUYKENDALL. Welcome to the hot seat, Mr. Olsson. You have very good experience before this subcommittee.

Mr. OLSSON. Yes, sir, I was up here before the chairman a few months ago on Amtrak and that was even a hotter subject, I think.

Mr. KUYKENDALL. I don't think you have found yourself at odds with this committee ever before. I want to take the tack of the gentleman from New York and go a little further on it.

We are not talking about the past, we are not talking about your good judgment. We are not talking about your integrity, we are not even talking about what you did. I think this committee is just telling you unless you tell us you are not going to use that loophole any more, we are going to plug it.

It is that in a nutshell. I am not trying to put you on the spot here, but if you don't have the authority, if you are going to have to go see your boss to tell us you are not going to use that loophole any more, we are going to pass this bill.

This is bipartisan. I think you know this, but I am telling you right now unless you are in a position to give us your word you are going to stop using that loophole, we are going to plug it.

Mr. Chairman, is that it in a nutshell?

Mr. DINGELL. I propose to plug it anyhow. The reason we set up a trust fund, quite frankly—and I introduced the first bill on this—was because we didn't trust FAA and the Department of Transportation to administer the laws we had been putting out of this committee. So we called it a trust fund because we didn't trust you folks. And you proved that we shouldn't and can't and don't!

Mr. THOMPSON. If the gentleman will yield on one point, I see nothing wrong with allowing some of this money to accumulate in the trust fund, because you say you are starting up—believe me, we don't have enough money coming in this trust fund. If we are going to truly meet the navigational and air safety needs of the airlines, there is not going to be enough money available.

So I don't want any of this money used for administrative expenses simply because you say we don't have the grant applications in hand, and let the fund build up and then use it a year later, because it will be needed.

Mr. OLSSON. Let me answer a question you just raised here and the question that was raised about whether or not we can speak for the administration. I think the best indication on that point is this, sir: we have laid out a 5-year plan. There are very few Government departments that can lay out a 5-year plan.

We have a plan that has been cleared with the administration and it spells out the administration's commitment to carry out this act. Now I think granted there is a difference in 1971 and 1972—

Mr. KUYKENDALL. Mr. Olsson, does it have any invasions of the trust fund in it?

Mr. OLSSON. Beyond that we are utilizing virtually the entire amount spelled out beyond 1972 for F. & E., R. & D., and for the airport construction grant program. Now with those funds being utilized, they will consume the bulk of the trust fund receipts.

We are talking here in the neighborhood, as we discussed, of \$280 million in 1973 for the airport program, at least \$250 million facilities and equipment for the air navigational system, and in excess of \$70 million for R. & D.

In total that is in the neighborhood of \$600 million.

Mr. KUYKENDALL. If you will stop right here, and we all have to go and answer rollcall, I don't think you have ever caught our point. I really sincerely am telling you as a good friend, I don't think you have ever caught our point here. We are telling you regardless of what the plan is, regardless of how legitimate it is, regardless of whether it is a Republican or Democrat, liberal or conservative, we don't want you invading the trust fund.

If your plan for 5 years has any trust fund money used for administration, we don't want it.

Mr. OLSSON. Let me just elaborate on that, sir, if I may, and I don't want to take a great deal of time, but it is a complicated subject. The trust fund receipts are in the neighborhood of \$600 million today, as I recall.

They will grow and approximately double—these are ballpark figures—over the next 10 years. Now the program we are outlining here for the air navigational system and for the airport construction system should continue at this level and the trust fund receipts should grow from the \$600 million base up to the \$1.2 billion base, at that time there will be funds available beyond the \$600 million for use for the operation and maintenance of the airway system.

Mr. KUYKENDALL. But we are not going to let you do that.

Mr. OLSSON. The point I am getting at is, these funds are in addition to or in excess of the needs when you get to that point.

Mr. KUYKENDALL. Is there any crime of having a surplus in a trust fund? You see, we don't think there is, and I am telling you, Mr. Olsson, I understand what you are saying—

Mr. OLSSON. I think what I would say is this, sir; we think it is a valid use of the trust fund to finance the operation of the air navigational system.

Now we will be addressing that very point in the cost allocation study.

Mr. KUYKENDALL. When you have a surplus and when you have a justification, you come back in and sell it to this committee. Let me share something with you and let me tell you the spot you are really on; it really doesn't have anything to do with your long-range plans.

The first time one of my friends in Memphis, at the airport authority down there, called me up and said, "We understand they are invading the trust fund." You know what my response was. "Oh, my administration could not possibly be that politically stupid." That was my answer to him, and you know you haven't got a better friend on this committee than I am.

Now that is my point. I don't care whether you are talking about surpluses that ought to be used for something else, unless you can convince this subcommittee that you are not going to invade that trust fund in the immediate future, you are going to have a bill and it is going to plug it and you are going to have to come back in here whenever you get that so-called surplus. And that will be the day, really. I will be glad to see it—and ask us for leeway to go on a broader basis.

Mr. ADAMS. Would the gentleman yield?

Mr. KUYKENDALL. Just a moment.

Mr. DINGELL. The Chair observes the time of the gentleman from Tennessee has expired.

Mr. KUYKENDALL. This is my very friendly admonition to you, that is the only issue here today, yes.

Mr. ADAMS. If you just look at 1972, here is the problem. You have already started draining the trust fund. You have \$991.8 million for operations, that is the top of your chart. You have obligated potentially for 1972, \$205 million for grants in aid to airport and obligated potentially \$250 million for facilities and equipment, but you are not going to spend that.

You are only going to try and spend \$92 million on doing something for the airports, so if you add up what has happened for your 1972 estimate, you have \$991 million in operations, \$322 million in the airways system, \$15 million in planning grants, \$92 million in obligations, for \$1,421,000. And out of that you are taking user taxes and applying \$1,128 billion to it.

So you are taking the user taxes of 1972 and you are paying for operations with them. Now that is what the gentleman from Georgia and the gentleman from Tennessee and the gentleman from Michigan and myself are saying, and you are saying, "Well, we got appropriations in 1971 and the user taxes were small, so we ought to balance them out."

In other words, all you are asking for general fund appropriations this year is \$293 million, which makes it easier for you, I grant. What we are saying is that we didn't intend that you shift from general appropriations to the trust fund.

Mr. THOMPSON. Would the gentleman yield?

May I make one comment on this? We made it amply clear we wanted the FAA to come in and continue to ask for the general appropriations just as though this trust fund did not exist. We do want the FAA to continue to ask for full funding by general appropriations. The overall society benefits by aviation to that extent these general appropriations should continue. This trust fund was to be additional money to be used only for capital purposes for safety aids.

Mr. OLSSON. We see certainly a benefit to the general public from the aviation system and the question of the proper allocation of costs with respect to the trust fund is an issue that is now being addressed and, as you know, in the act itself calls for a report, a cost allocation study report 2 years after the act. That will be 11 months from now.

Mr. ADAMS. Are you only going to ask for \$293 million? Because when that report comes in, if that is all you ask for—

Mr. OLSSON. Let me just point out one item here, Congressman Adams, which does make the figure somewhat complicated, and that is, as you note in the earlier year, in 1971 the amount that was requested for general fund appropriations was \$1.097 billion and the only amount used from the trust fund was \$177 million, in spite of the fact that you had \$238 million in the facilities and equipment program. In other words, this is the problem we discussed earlier.

The trust fund moneys were not used except to a very limited extent.

Mr. ADAMS. That parenthesis around it means "obligated but not spent"?

Mr. OLSSON. No, sir. This is just the way it is presented here; this means simply that the figure right above it, \$300.4, has been counted in the totals below. The two items which are components of the \$300.4, \$238 million for facilities and equipment, and \$62.4 million for R. & D., should not be added also.

The parenthesis merely indicate the numbers should not be counted.

Mr. ADAMS. You put the \$9 million into operations, \$300 million into the airways system, \$70 million into airports, and \$1.5 million into the advisory unit, which means that most of the money even in 1971 went into operations.

Out of the \$1.97 billion, you spent \$902.8 million in operations. Now that is fine, because you asked for the money and you spent it. But then the next year you are only going to ask for \$293 million, but you are going to spend \$991 million.

Mr. OLSSON. I think the only fair way to look at this is to look at the 2 years in total.

Mr. DINGELL. No, the statute doesn't allow you to look at the 2 years in total; the statute specifies what you should do each year and it doesn't allow you to look at the 2 years in toto, you are giving us a horse and rabbit stew. It is like the fellow who said, "What is in that stew?" and he said, "It was part horse and part rabbit." And he said, "What is the percentage?" and he said, "One to one, it is one horse and one rabbit."

Now quite frankly you have given us a horse and rabbit stew and the committee doesn't like it, and you might as well know it.

I want my colleagues on the committee to have a full opportunity to explore this thing. Can you come back at 2 o'clock?

Mr. OLSSON. Certainly.

Mr. DINGELL. I want you to know there is nothing personal, but I gather you know there is a sense of outrage up here on the committee.

The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:15 p.m. the subcommittee recessed, to reconvene at 2 p.m. of the same day.)

AFTER RECESS

(The subcommittee reconvened at 2 p.m., Hon. John D. Dingell presiding.)

Mr. DINGELL. The subcommittee will come to order.

This is a continuance of the review of this subcommittee this morning regarding the handling of airport trust fund revenues by the FAA and the Department of Transportation, and hearings on a series of bills beginning with H.R. 7072 by Mr. Staggers and other members of the subcommittee including the present occupant of this Chair.

The Chair will recognize the gentleman from Washington, Mr. Adams.

Mr. ADAMS. I wanted to inquire on your statement at the end, your summary where you indicate the general fund appropriations for the 1972 estimate. As I understand it, that is the figure that the FAA is requesting for operation this year, is that correct, or do they have additional amount beyond that? This is on the last page of your attachment.

Mr. OLSSON. The figure opposite "Operations" is the amount, Congressman Adams, for operating the air navigation system. There are

other expenses of the FAA that are not included in this amount, but they are not proper trust fund charges.

Mr. ADAMS. I asked and I hoped that one of you could give me the information when you came back today at 2 o'clock on what have been the appropriations for the FAA from 1965 up until 1970.

Mr. OLSSON. I am afraid, Mr. Chairman, that was an oversight on our part. We will have to supply that for the record.

Mr. ADAMS. What I am thrusting at and what I want to know is what has been the money that the Government has put in for the military and for FAA use of the airways, in other words, the airport and airways system during this period of time from 1965 until we went into this act?

Mr. OLSSON. I will ask Mr. Dow, the FAA budget director, to comment on this to the extent of his knowledge.

Mr. ADAMS. I have had to use basically your figure of \$1,972,000 as being what has been put into the act. Now it's my remembrance, and I want to be corrected by Mr. Dow if I am wrong, that the 930.2 that you are requesting is less than the amount we normally authorize for use of the military use of the airport-airways system.

Mr. Dow. I think I was looking for the appropriation history number that we have from 1965 up to the present. Actually, what prior to 1971 the appropriations were broken into, like the operations appropriation, the capital investment facilities and equipment, research and development, et cetera, and we did not have a specific appropriation for the military or for trust fund activities versus the other.

Now, we did have computations on the estimated percentage of use of the system which was military, we used to run as I recall around 20 percent of the total system, but the budget per se was not broken into separate appropriations.

As Mr. Olsson indicated, what the 293.1 is is the difference between the total activities which have been budgeted as trust fund activities total costs, the difference between that and the revenues from 1971 and 1972 from the user charges in this appropriation into the trust fund in the appropriation action is the difference to come up to the total.

Mr. ADAMS. Now, that is the information that I want to get. What we did before, and by "we" I mean what the U.S. Government spent on, in effect, FAA operations, the navigational system, the allocations that were made over for administration; I agree with you, and it is my remembrance too, that we just said a percentage of this is military and that was used as a justification for the total figure.

What our problem is here is that we have applied a user tax to accomplish a particular purpose. That was to go on top of the regular appropriation. Then we lumped the capital expenditure and operations program together and the amount that we previously had appropriated plus the user tax together so that it was all in one operating barrel. I want to be certain that I am not maligning the Department when I say that you are reducing appropriation requests and using trust funds for it, since the money for the operations is going to be put into one of two accounts.

It's either going to come out of the Federal debt or it's going to come out of the trust fund. We didn't intend that it come out of the trust

fund. We intended that the trust fund accumulate for a particular purpose for which we are charging the users.

Now, can you give me that? If you can't I would like to have you submit it to the committee, but I would like to follow through on the point if you could even give me an estimate of the amount.

My remembrance is that it was somewhere between \$750 million and \$1 billion a year.

Mr. DINGELL. If the gentleman will yield, would you submit the questions in proper form, and I would suspect you ought to give it over a period of years.

Mr. ADAMS. I am simply suggesting 1965 to 1970 as giving a sweep for that period of time. Can you give me a general figure?

Mr. DINGELL. You might also give us the projections through about 1975 or 1976.

Mr. ADAMS. I understood you were going to do that.

Mr. OLSSON. We will do that for the record.

(The information concerning projections through 1975 or 1976 was not furnished to the committee. See also Mr. Dow's comments on p. 31.)

Mr. ADAMS. Can you give me an estimate of what it was?

Mr. Dow. The operations without pay costs and like fiscal year 1970 are approximately 785 to 805, it's in that neighborhood, and that would be the total operations appropriation which would include all the activities which we fund in day-to-day operations.

Mr. ADAMS. Has that been a consistent general pattern?

As I say, my remembrance was that we were appropriating between \$750 million and \$1 billion a year into this airport-airways FAA system prior to creation of this new program.

Mr. Dow. The total appropriation into the system, the 785 to 805 would be the operations funds which would include salaries and expenses, line rental and this type of thing. Now the capital investment of facilities and equipment we mentioned in here would be in addition to that number, and the research and development amounts, the amount appropriated for airport development, in other words, would be in addition to that.

The operation as I am using it in an operations appropriation would be the operations funds which would include salaries and expenses, line rental, the costs of the ongoing system. So to that we would add the facilities and equipment.

Mr. ADAMS. The facilities and equipment were basically 50 percent matching funds for, in effect, safety which was runways, navigational aids, controllers' towers, creation of the control operation of the controller system; is that correct?

Mr. Dow. No, I think there are two separate ones. The Airport Development Act was matching funds, 50 percent generally from response and 50 percent from the Federal appropriation, and this did provide the safety devices or as we refer to it, runways, lights, et cetera.

Now the towers and the surveillance radar instrument landing systems were funded from the facilities and equipment which was in total a Federal appropriation.

Mr. ADAMS. The only point, and I will close, is that it appears to me from your chart and from my recollection, and I will compare the figures to be sure I am accurate, that what has happened is that you

have taken through the period that is demonstrated here the user taxes we were going to put in a trust fund and used them instead of the appropriations that you used to go in and ask for.

Mr. OLSSON. There is an aspect of that I would like to have Mr. Smith comment on.

Mr. SMITH. I think this is a pretty good example of the effect that the airport-airways legislation has already had in the 1 year that we have been in operation.

For example, through 1970, and I am picking now to Mr. Thompson's example of the ILS system, is a very vital, safe instrument that we need in many additional locations. But, for example, through 1970, we have had through 1970, 370 instrument landing systems installed, 370.

In 1971 we have programed, and we will have an additional 178. Now, that is approximately slightly short of a 50-percent increase in 1 year as a result of the Airport-Airways Act.

We also have under contract 62 advanced radar terminal systems called the ARTS, A-R-T-S, 12 of which were previously financed, and 50 more of these, 50, or 400-percent increase, as of June 30. We have obligated \$170 million in airport grants at 267 geographic locations, a fantastic percentage increase over what we have had before.

Mr. DINGELL. Will the gentleman yield?

Can you tell us how many of the airports remain without instrument landing and how many remain without the new radar systems?

That will give us a better reference point.

Mr. KUYKENDALL. Would you yield, Mr. Chairman?

Shall we say airports serviced by commercial airlines?

Mr. DINGELL. I think that would probably be fairer.

Mr. SMITH. With the 178 additional that will bring us up to 548 airports that serve scheduled air carriers, plus or minus a few because there are some ILS's at high general aviation airports.

Now we have 633 airports throughout the United States that serve scheduled air carriers, so we have approximately 100 more to go to furnish all of the airports that serve scheduled air carriers.

I would like to have a right to recheck the exact numbers.

Mr. DINGELL. It would be helpful if you could give us that information, if you please, sir.

Mr. ADAMS. Could I finish, by trying once more?

Could you give me, out of your information, the total appropriations for the FAA for any year?

Mr. OLSSON. Yes, we do have some figures here that relate to these earlier years.

Mr. Dow. In 1965 the total appropriations were \$726.8 million, and the ones we are concerned with here, the operations that year was \$551.9 million, the facilities and equipment was \$50 million, and the grants-in-aid to airport was \$75 million, to complete research and development was \$40 million, and the National Capital Airports was \$9.9 million.

In 1966 the total was \$866.9 million, of which \$555 million, I believe that is, we will check the addition, is operations, \$49.8 million is facilities and equipment, \$75 million in grants-in-aid for airports, \$37.5 million, research and development, \$9.6 million, the National Capital Airports, and that year there was \$140 million in SST.

In 1967 the total is \$991.3 million, of which operations was \$575.3 million, facilities and equipment was \$28 million, grants-in-aid to airports was \$71 million, research and development, \$28.5 million, National Capital Airports was \$8.5 million, and the SST was \$280 million.

In 1968 the total was \$915.7 million, of which \$617.4 million was operations, \$54 million was facilities and equipment, grants-in-aid for airports was \$66 million, research and development, \$27 million, National Capital Airports, \$8.9 million, and the SST was \$142.4 million.

In 1969 the total appropriation was \$932.2 million, of which operations was \$705.4 million, facilities and equipment was \$120 million, grants-in-aid to airports, \$70 million, research and development, \$27 million, National Capital Airports, \$9.8 million, and the SST appropriation does not show that year.

In 1970, the total appropriation was \$1,288 million, of which \$845.6 million was operations, facilities and equipment, \$224 million, grants-in-aid for airports, \$80 million, research and development, \$41.3 million, National Capital Airports, \$12.1 million, and the SST was \$85 million.

Mr. ADAMS. Thank you. That is precisely the information that I wanted. It indicates that in 1972, instead of continuing to fund at the same level for operations, in other words, operations have now gone to \$991.8 million, general fund appropriations have been dropped to \$293.1 million, which means that it has got to come out of the trust fund.

Mr. DINGELL. If the gentleman will yield, you are saying that \$700 million are coming out of the trust fund?

Mr. ADAMS. Basically, yes.

Mr. DINGELL. Do you deny that, gentlemen?

Mr. Dow. I think the way the budget is structured all the activities which are eligible for the trust fund funding as we interpret, as we prepared it, are put into the trust fund as an account and then the costs of those activities are computed and the appropriations then, as requested, show an appropriation from the trust fund for trust fund activities, like in operations, for example, are the air traffic controllers and the system maintenance technicians costs and the costs of the land lines to connect the air route traffic control centers, the airport traffic control towers and surveillance radars, not in the operations account are the surveillance of the air carriers, the inspectors, the flight checks, any costs of training our flight inspectors and checking, so that is the division between, once the division is made then there is an appropriation of \$293 million in this particular case into the trust fund to go with the taxes and then an appropriation out of the trust fund which would include the \$293 million plus the taxes that are in it which actually makes the authority to spend.

Mr. DINGELL. What you are really saying the long way around is, yes, Mr. Adams is right, that you transferred a whole lot from the safety equipment to general operation accounts?

Now, whether it be \$770 million or \$630 million, or just what the figure is, it's somewhere in the ballpark figure of \$750 million that you transferred from your safety equipment expenditures and so forth and facilities to just general operations?

Mr. Dow. There are two operations appropriations under the current account structure, one is the operations appropriation from the trust fund which in this case here is correct, the other which is an operations appropriation is made from the general fund, and then it goes through the trust fund, and also under the current structure, and the way the budget is acted upon, there are two operations appropriations; one is for the trust fund activities, and the other one is the so-called safety regulation activities that are not submitted as trust fund candidates.

Mr. ADAMS. But the total amount that you have asked for in the general fund appropriation in the 1972 estimate is \$293.1 million. Your operations alone are \$991.8 million. Thus, you could not possibly, no matter how you appropriate it, avoid the fact that you have put \$700 million into operations out of the user tax revenues, which is not just a division; it's the bulk.

Mr. DINGELL. Actually the record doesn't reflect his nod.

Mr. Dow. Yes, those numbers are right.

Mr. OLSSON. I wonder if I could address that point, Mr. Adams.

Mr. ADAMS. Please do, because I have already arrived at the conclusion that you have done it; now I am just trying to decide how badly you have done it.

Mr. OLSSON. I am tempted to tell a story, but I won't. I would like to draw a distinction, if I may, between the program levels that are involved here and the operations of the trust fund. I think those are two distinct features here.

Now, this morning we spent a fair amount of time discussing the program levels that are involved here. We had an exchange involving the amount of funding that is provided for, for example, in the airport grant program, what our intention was here and what is expressed in our 10-year plan. We discussed the same things with respect to the air navigational system.

I think I established the point that with respect to these programs we are on target with the specifics of the bill with the exception of the airport grant program where there is this difference that we pointed out in the early years, but where we have a program decision as to how to increase the program activity over a 3-year period.

Mr. DINGELL. Now just a minute.

Mr. Olsson, you simply can't get off the hook that easily here. The statute here says airway facilities and then it goes on "for the purposes of acquiring, establishing and improving air navigational facilities under section 307(b) the Secretary," and I skip a few words here, "Secretary is authorized within limits established in the appropriations act to obligate for expenditure not less than \$250 million for each of the fiscal years 1971 through 1975."

You still can't get around that, "not less than."

Now, you folks can make all the arguments you want, but you still are down to this point where, how are you going to get around to that "not less than," and you have been "less than" 2 years running.

This is the reason this committee is concerned, this is the reason you folks are up here today.

Mr. OLSSON. I was trying to focus first of all on the program issue and then turn to the trust fund issue, which is the other side of this problem.

Now, with respect to the program levels, the only difference I would beg to point out is on the airport grant program. I think it's clear that with respect to the other programs we are, or virtually are, on target.

Mr. DINGELL. The staff advises me you have \$226 million as opposed to \$250 million for navigational aids.

Mr. OLSSON. It's actually \$238 million in 1971 and the full \$250 million in 1972.

Mr. DINGELL. So you are \$12 million light.

Mr. OLSSON. Yes.

Now, with respect to research and development, a program of \$50 to \$60 million was contemplated. I think it's fair to say the R. & D. has to lead the investment in facilities and equipment because the one follows the other, and in a sense you can look upon these as what we call a system investment and development program, and with these two programs, two facets, we are spending more money than the act contemplated both for 1971 and 1972.

With respect to the airport grant program our intent is to build up a program which starts with a low base—the maximum annual authorization permitted under the old Federal Airport Act was \$75 million a year during the 1960's. We have scaled this up to \$180 million in 1971, \$220 million in 1972, \$280 million in 1973, and \$285 million thereafter.

Now, I think this is a well-thought-out plan to build up the program and get to a level you think you can effectively administer. That is a program judgment.

Mr. DINGELL. The statute, however, is rather clear as to the requirements imposed upon you.

You have added R. & D. to navigation facilities, you have added apples and oranges in so doing, and I am glad to know that is the total level that you are doing it, but you are still \$12 million light in the one account even though you have exceeded the minimum authorized for R. & D. Now, I have no bones to pick with you for exceeding your R. & D. budget, that \$12 million, that is just fine. But it still does not comport with the intention of Congress.

Mr. OLSSON. If I could turn back to the other points, I wanted to establish first of all the program levels we are carrying out.

Mr. ADAMS. We have covered that, and you are low.

Now let's go to what you did with the money.

Mr. OLSSON. Now, with respect to the trust fund operations, I think one of the things that has caused some confusion is the fact that the method of appropriations in 1971 was very unusual.

I cited the fact that the regular appropriation was not brought into the trust fund at all. Somebody this morning brought up the issue of the sky guards.

As you may recall, we proposed a program for the sky guards when we had a number of serious hijacking incidents last fall. There were two facets to the program. One was to add sky guards and establish an aviation security program to deal with the problem, and the other was to establish a system for funding the program through user charges.

Now, the Congress provided funds for the program, but it did not adopt the user charges. I merely want to sketch in the background as

to the way it evolved. There was no effort to circumvent the trust fund or anything else of this nature. It was a very straightforward attempt to deal with a specific problem at that point in time. But nevertheless, through a combination of all of these factors you ended up with the bulk of the program expenses for the FAA being carried out by general fund appropriations.

Mr. ADAMS. Correct; \$1,097,200, and the year before, \$1.288 million.

Mr. OLSSON. And only somewhere around 15 percent funded by user taxes in 1971. Now this resulted, in our judgment—in our judgment admittedly—in a distortion in the operation of the trust fund. We proposed the program you see here with respect to 1972, trying to interpret the act as we saw it, trying to take into account the fact that there was this distortion in 1971. Now obviously if you correct a distortion that exists in a prior year, you are going to have a distortion in the year in which you make the correction, and that is what is being cited in this discussion.

Mr. DINGELL. Can you tell us where in the statute you have authority to correct these distortions? I don't find such authority in the statutes.

Mr. OLSSON. I think the statute is silent on that point.

Mr. DINGELL. As I read the statute, it says you shall spend not less than a certain amount of money for these programs each year and you haven't.

Mr. OLSSON. I was trying to make the distinction between the program levels and the trust fund operations.

Mr. ADAMS. Staying with that in 1971 which are the trust fund operations, you spent or obligated \$170 million for the grant-in-aid program. The other program, the airways system, was traditionally an appropriated program. And we had anticipated in the early part of this fund that it would continue as an appropriated program; in other words, at approximately the same level as in the past.

Now if you had done that, then coming into this year you would have the \$580 million of user taxes together with the user taxes collected this year, which would allow you to fully fund the grant-in-aid program, and also to pick up part of the airways system in this operations part that you mentioned. By asking for the same appropriation you have in the past, you would fund your operations which have been traditionally funded out of the general fund.

Mr. OLSSON. There is no question a substantial distortion did occur in 1971.

Mr. ADAMS. That is all I have.

Mr. DINGELL. Mr. Kuykendall.

Mr. KUYKENDALL. Mr. Olsson, since we adjourned for lunch, I have been doing a lot of thinking and discussing with other members of the subcommittee and I think we are all a little bit sympathetic with the task that the team down at OMB and DOT have assigned you to try and do today.

I want to extend word back to Mr. Volpe and Mr. Shultz; we are not buying it, we haven't bought a thing, not a thing have we bought here today.

The subject of your good planning was not even up for argument. We agree your planning has been good. You haven't heard any of us criticize, except as far as the law is concerned, your planning outlook.

This has not been something that has been up for discussion. You see, I think either you don't quite understand or don't want to. Every one of us on this subcommittee gave our word to the carriers and to the American people that we would not raid this trust fund and we gave them our blanket word. This is a matter of honor with most of us here, and it is a black-and-white matter, it is not a matter of even negotiation. It is a black-and-white matter; we gave our word.

You know how much the men on this side of the aisle owe to you and the administration and the committee, I think you must know that. But my word that I have given to the carriers and to the riding public is not something that is negotiable.

Now I think I know the rather cute little thing that OMB has done on this. This way it doesn't show up in the Federal debt and the other way it does. That is about the only difference it makes.

The cash flow is the same as you said earlier.

Mr. OLSSON. Could I comment on that? It is my understanding that with the consolidated Federal budget the matter of how the trust fund is handled with respect to the amount that is utilized from the trust fund to finance this program has no impact on the overall Federal budget or on the reported deficit.

Mr. KUYKENDALL. I can tell you have never been on the legislative side, because you don't have to vote to increase the Federal debt, but I do.

Mr. ADAMS. Not the budget; he is talking about the debt.

Mr. KUYKENDALL. The debt; I know this is the basis for it. If the money is borrowed out of the trust fund and into the fund and back to us, it shows up in the Federal debt and if it is taken directly out of the trust fund, it doesn't.

Please go tell Mr. Shultz that we understand the gimmick; we fully understand it, but we can't buy it because we have given our word of honor we will not violate this trust fund. I am sorry to see you have been given an impossible task. The task was to come up here and convince us not to pass this bill. And there is not a person on this committee that I know of that has changed at all.

Mr. DINGELL. The job they have done is to sell the bill to the committee.

Mr. KUYKENDALL. You have proven to us that the trust fund has been raided and the plans are to continue to do so. As a result of the testimony, I think we have absolutely no choice but to proceed instead of to refrain from proceeding. So the only answer in the world, I think, you could have given some of us to have prevented this bill from being passed, you see we are the guys who have to vote to increase the national debt because of our position; because of my position I am going to have to vote to increase the national debt.

If I were taking your position, the national debt would be, oh, how many millions and billions of dollars less, I know that. But I have given my word. My message back to the administration is this: We are not getting enough assurances not to pass this bill.

I don't know that asks for any comment.

Mr. OLSSON. Mr. Smith has a comment to add.

Mr. SMITH. I have tried to refrain from making the following statement, but I can't any longer because our intentions, our good will, our

honesty, our integrity are also not up for negotiation. I would like to ask you to define when you say "raiding the trust fund," please, as compared to the act.

Mr. KUYKENDALL. All right, your figure that you read to us seven times a while ago, operations, it is in the record, it approximates around \$500 million. That is the round figure you were going all the way from 1965 up to approximately—all right, when you come back in here and your own figures show that you are asking for a general appropriation of \$200 million less than what you have designated as operations for the past 6 years and it was the intent of this committee that your appropriation request for operations continue to be full, now that is my point.

Your own figures bear out my position. You read us a continuing line of figures that ran around \$500 million entitled "Operations."

Now I am telling you that when this committee sat down and spent week after week after week on this bill, we intended that figure remain the same and that is the way we wrote the bill.

Now is there agreement on the committee that was our understanding?

Mr. DINGELL. I will certainly agree.

Mr. SMITH. There has got to be an understanding that we have used some of this money for operational use and should not have from the trust fund, is that correct?

Mr. KUYKENDALL. That is our opinion according to the intent of Congress. I happen to feel that you did find a loophole and legally used it and honorably used it, and I will say we are going to plug the loophole.

Mr. SMITH. Does that act provide us to use the money for operational use?

Mr. KUYKENDALL. I think you found a loophole where the technical interpretation of the act allowed you to do it, not the spirit, not the intent. I think there is probably enough of a loophole, you could have done it.

Mr. DINGELL. If the gentleman will yield, I am not going to agree with that at all. I am going to say they haven't complied with the law. You have not complied with the law as intended by the committee and I want you to know I introduced the first bill to set up the trust fund, and one of the reasons was I foresaw exactly the kind of chaotic situation that you are headed into now.

Mr. SMITH. I would like to say I was not a part of the Government at that time. I have been here now approximately 1 year. This committee certainly must recognize the prudent use of this money whether it be for—

Mr. DINGELL. The question is one of conforming to the law—now if you want to change the law, I think it behooves you to come up here and request a change.

Mr. SMITH. May I indicate why some of these things have happened the way they have in the very first year of usage? First of all, if we are going to establish a new airport, we have to determine the airway usage in that particular airport, we have to have planning done that adequately fits the needs, we have to have environmental items checked, we have to be sure the sponsors' capital funds are there, we have to

have the architects' and engineers' plans to approve, we cannot spend these enormous amounts of money until you have done a decent job of prudently using the funds.

Now the same thing is true with F. & E. equipment, the F. & E. equipment we need has to be planned out and bought in advance. We can't just go down and take it off the shelves and spend money for it.

Mr. DINGELL. I want to treat these two points after my good friend has finished here.

Mr. KUYKENDALL. Sir, we are not getting through. That is not the point. That is not the point at all.

Now you saw and it was planned by me for this to happen. You saw a slight difference of opinion as to whether or not you found a legal loophole to use. I happen to think you did, Mr. Dingell doesn't. But we don't have any disagreement on the intent of this committee, none whatsoever.

Now the question, sir, is not whether what you did was right, certainly what you did was right as far as your planning and the money you spent and all of these things, but it all really gets back—when did you come in Government?

Mr. SMITH. A year ago.

Mr. KUYKENDALL. You don't remember the wrangling we had in accounting and justifying this additional tax and justifying this licensing for the airplanes with the airlines and all of this business that we had to justify. And in doing so in our own way, we had some pledges to make.

That is what the point is, sir. You are not being criticized for what you have done except the way that the OMB found some money available. And this is maybe George Shultz—he ought to be sitting here. I think he probably should, because unless you deny it and prove me otherwise, I think this is where it came from.

Mr. THOMPSON. Let's ask the specific question on that point. Did this idea, the means of what we call raiding the trust fund, originate with the FAA or with Mr. Shultz and his Department?

Mr. DINGELL. Would the gentleman yield? I would like at this point to just read something.

The National Journal is a fairly responsible organ and they ran in their January 13, 1971, issue a rather careful survey on page 334. They say:

Volpe, John P. Olsson, the Transportation Department Deputy Under Secretary, and Shaffer met several times with budget officials to ask them to request the full allocations in the act, but the OMB denied their request.

Then here:

Apparently they didn't have the sense of urgency that we had, Shaffer told National Journal.

And then:

With pressures coming at them from every department and agency, we didn't make our case sufficiently strong for them to reject other governmental priorities.

From these meetings emerged the official position that administration officials have followed. It was outlined in a position paper for Members of Congress by James E. Dow, FAA budget director, after word of the budget proposals began to spread in Washington in late November. The paper said the proposals are legal.

Then here is another direct quote:

The charge that the administration is using some \$250 million from the airport and airways trust fund to defray routine expenditures of the Federal Aviation Administration is not true,

the paper said.

Of course, the committee disagrees with that.

The paper said the funds requested represented:

The amount of funds which it was felt could be obligated * * * considering national budget priorities and the time which would remain in the fiscal year once appropriation legislation had passed, action required on the part of the sponsor and the Federal Aviation Administration to enter into grant agreements, and progress anticipated in airport development construction which generate requests for Federal payment.

Now was it your position, sir, was it Mr. Volpe's position that in your importuning of the Office of Management and Budget that the money should be spent in a fashion other than has been set out here by you today?

MR. OLSSON. I am not exactly sure I understand. You are talking about the amount of the treatment of the trust fund, sir?

MR. DINGELL. Both.

MR. OLSSON. Obviously in the development of these budgets, a department's requests are always more than the administration finally grants, and that is true throughout the Government. It is up to each department to make the best case they can for their program, and that is certainly what we endeavor to do.

Now the final decision is obviously an administration decision which takes into account the whole set of priorities, and that is the base we go ahead on.

Now with respect to the earlier question that was raised, I believe, by Congressman Thompson on the trust fund treatment, I am not aware of that being illegal, any OMB directive. We can look into that matter.

MR. THOMPSON. I would appreciate it if you would.

MR. DINGELL. Perhaps you might assist us by informing us of what your original position was with regard to allocation of these funds, what was the department's original position before the meetings with the Office of Management and Budget?

MR. OLSSON. With respect to how the funds were handled?

MR. DINGELL. And with regard to how the particular funds were—

MR. KUYKENDALL. Would you yield right there? May I put it in a slightly different way? When you first went to the OMB or Bureau of the Budget and your request for operating funds, do you remember whether or not your operating budget was approximately the same size it had been before to come out of general revenue and then the negotiation took place?

MR. OLSSON. Sir, I don't believe that the issue was addressed on the method of financing—whether it came from the trust fund or the general fund. It was an issue of program level.

MR. KUYKENDALL. You are saying somewhere down the line maybe before you got involved directly into this negotiation, that probably somebody had already decided that these funds were available?

Mr. OLSSON. I don't recall that a specific decision level.

Mr. KUYKENDALL. So it probably had already been decided that these funds were available?

Mr. OLSSON. I don't recall the background on that point.

Before the Congressman leaves, I just want to say I recognize his strong interest in this field and welcome his support and recognize occasionally there may be differences of interpretation.

Mr. KUYKENDALL. I hope you realize I am in no way questioning that whatever you did, you even found a legal loophole for, but I think you understand. You know this is an interesting subject. It is about the most unified group I have ever been with. They are very, very nonpartisan, a bunch of intensely interested people, and we have gotten ourselves involved in a matter here that really, I guess if you had to put your finger on one thing way down deep, that we probably were more involved in a personal commitment to intent on this issue than any other I have ever seen come out of the subcommittee. It got down to our almost giving our personal word on this thing and that is why we are so intense about it.

Mr. OLSSON. And we recognize the intensity of feeling and your viewpoint.

Mr. DINGELL. Now what were your original submissions to the Office of Management and Budget? What were the department's original submissions to OMB for the operational allocations here?

Mr. OLSSON. I don't recall. I can supply them for the record.

Mr. DINGELL. I would like to have them for the record. They obviously are different than the amounts reflected.

Mr. OLSSON. Yes, sir; and I might add that is also the case for every single part of our department.

Mr. DINGELL. I would like to have it for airways, for research and development, for grants to the cities and States, for airports and so forth, and construction. I think it would help us to have a clear understanding.

Mr. Skubitz.

Mr. SKUBITZ. I have no questions.

Mr. DINGELL. Mr. Thompson.

Mr. THOMPSON. Getting back to the operations part, did I understand you to say, in effect, that none of the operations of flight safety and so forth have been paid for out of the trust fund?

Mr. Dow. That is correct. We are in agreement and I believe we are on the surveillance, and the certification of aircraft and the enforcement action, that's right, the salaries of the inspectors, for example, are not from the trust fund, yes, sir.

Mr. THOMPSON. I am asking that question because I for one see no need for the FAA to have a Convair 880-M, or a 727, DC-9's, two 135's, et cetera. I would much prefer to see the FAA contract with the airlines for their safety agents to obtain training on a return basis through the airlines and, in fact, I even question the need for many of the agents that are, in effect, supposed to check on these scheduled airline operations, the companies themselves and the ALPA and the allied pilots do a fine job on that.

So I am delighted to see at least in that area you haven't raided the trust fund and applied any funds to something that I consider to be not necessary really.

Mr. SMITH. I appreciate your comments, Congressman Thompson. May I also say that it is invalid to test an airways system, an ILS approach system for radar performance with very low-performance aircraft.

Mr. THOMPSON. If the gentleman will yield at that point, you have been using DC-3's. You have about 52 DC-3's which you have been using for years on this. I frankly would like to see you update that fleet of aircraft. The aircraft that are to be used for en route navigational check, I think, very definitely you need and I want to see them modernized.

However, I see no need whatsoever for your 727's, for your Convair 880-M, for your 707's or 135's and your DC-9's. I think the cost of maintaining those is completely out of proportion to any benefit that is derived.

That is my personal opinion.

Mr. SMITH. We would like to have the opportunity of exposing you to all of these activities, including the Saberliners.

Mr. THOMPSON. The Saberliners are doing high altitude and navigational checks, but you don't need a 135 for that purpose. You don't need a 135 or a 707 flying up at 35,000 feet if you can have a Saberliner do it.

Mr. SMITH. I would like an opportunity to explain to you the fleet we presently have and how we are using it.

Mr. THOMPSON. I would like to see some modernization of your fleet, but I want to see modernization of those aircraft that are used for your calibration of your navigational facilities and your ILS's and so forth, and I would like to see the FAA get rid of these large transport aircraft. If the agency feels that their safety agents need some experience in large aircraft then contract with the airlines for some training there.

I feel as though it is a gross waste of the taxpayers' money for the FAA to be operating the large jets that you are operating.

Thank you, Mr. Chairman.

Mr. DINGELL. Gentlemen, I would just like to read you a couple of things. I have not been able to find it in the House report, but the Senate committee in Senate Report No. 91-565 says the following:

"The reported bill provides that no other user of charge-derived trust fund revenues should be obligated for other purposes until the minimum amount has been allocated to the capital investment portions of the program. Therefore, if the Secretary of Transportation at any time fails to obligate for expenditure these allocated revenues, they will remain in the trust fund unavailable for other uses."

That is pretty clear language, isn't it?

Mr. OLSSON. What was the source of that?

Mr. DINGELL. That is the Senate report, if you please, on the airport trust fund legislation. It is the 91st Congress Report No. 91-565 from the Senate, and here the Senate Appropriations Committee came out and said the same thing. They said the committee wishes to make it abundantly clear that in the utilization of the trust fund receipts, the priorities be observed. The act clearly makes the funds for administration of the program the lowest priority and sets forth the finding for airport grants, airway facilities and research and development.

Now that is pretty clear and it is rather in stark contrast to what you gentlemen have asserted today. Your position is in stark contrast to the position of members of this committee.

Mr. OLSSON. Could I comment on one aspect?

Mr. DINGELL. You can, please.

Mr. OLSSON. The Ways and Means Committee commenting on the trust fund stated here:

The purpose of this provision is to insure that the user taxes provided for in this bill are expended for the improvement and maintenance of the systems that the taxpayers have used . . . In order to maintain effective control over the funding of the airport and airway system, the bill also provides that any general fund appropriations needed to supplement the user taxes are to be paid into the Trust Fund. Both the tax revenues and the general fund appropriation will be paid out of the fund in accordance with congressional appropriations act.

The thrust of this, in our opinion, is that the trust fund is to be used for not only the improvement of the system, but also for the maintenance of the system.

Mr. DINGELL. I don't intend to belabor it, but the Senate committee said it was the lowest priority, the Senate Appropriations Committee said that maintenance and so forth were the lowest priority. I just don't see how you can get around that very clear language.

Mr. OLSSON. I wonder if I can come back to the central or what I consider one of the central points of this matter here, and I think it is perhaps a matter of judgment, but it is simply this. I hate to be repetitious, but I think in my opinion the matter that has stirred the controversy on this subject, and there is controversy on this subject, there is no question about it, is the difference between the obligational levels provided for in the administration's program for airport grant and the amounts that are cited in the act.

I think that is the major thrust of the difference. There are other aspects, too, but I want to comment on this particular matter. It is a judgment as to how quickly you gear up on this program. It was the consensus judgment that this program be geared up in the way we have described it, \$180 million, \$220 and \$280 million, and so forth.

Granted there is a difference in 1971 and 1972, but we will be at the level, or virtually at the level, in 1973 that we are discussing with respect to the airport grant program.

Mr. DINGELL. What you are saying is you will comply with the law in 1973 and this committee is curious as to why you haven't done so in 1970, 1971, and 1972. Let me dispense with that and get on to some questions.

How many requests has FAA received for airport aid this year? As I understand it, something like \$540,670,000-odd in requests.

Mr. Dow. As of the present time the number of requests total 671 and the dollar volumes, \$545.9.

Mr. DINGELL. Doesn't this, gentlemen, demonstrate that we have an unfilled need that we should be meeting here?

Mr. OLSSON. I think it does and I think that is the intent of the bill and that is the intent of the program we are trying to carry out.

Mr. DINGELL. Now we are getting down to the fact that this committee says you haven't carried out the law and, in addition, we find here that you have a tremendous number of requests pending. Per-

haps all of these aren't ready to be funded, but the fact of the matter is you have some that are going to be funding and you folks are not funding them when you are putting funds which should go into development and into construction grants and things of that kind into routine operation.

MR. OLSSON. I would like to comment that with respect to the amount Mr. Dow cited here, the total amounts involved here, there is a requirement as you know, that applicants match the Federal grants, and in certain cases, many cases in fact, those funds have not yet come forth. So it is just not a matter of the Federal Government putting up the funds. It is a matter also of the State and local governments having the funds available and it takes time for them to issue bonds and get their funding lined up.

MR. DINGELL. You are not going to make a bold assertion to us that those 670 requests are without exception invalid so far as their being able to proceed forthwith?

MR. SMITH. Ninety-three of these have been withdrawn in the amount of \$73 million as of this date.

MR. DINGELL. We still have \$470 million.

MR. OLSSON. What we are trying to say is that these are gross figures we are looking at, they are indications of the size of the backlog. But because they are gross figures, they cannot be taken as the amounts that will comprise the program. That is the distinction I would like to draw.

MR. ADAMS. Mr. Chairman, would you yield? Now you have not stated correctly what the concerns of many of us are when we refer to the diversion of funds and it is precisely on this point. It is correct that you haven't had all of your requests geared up or can get to them. but if you take someplace between \$250 million and \$500 million out of trust funds and pay them out in operations, that money is gone forever. Whereas the bill under section 14 says, the balance of the moneys available above the amounts we set forth can be used for operations.

We tried to protect a fund each year so the funds would build so that when your requests do mature in 2 or 3 years, trust funds are available. But once you pay them out for operations, which is what you are going to do next year—

MR. DINGELL. If the gentleman will yield, which you have already done.

MR. ADAMS. It is being done to a degree. I can't tell from the chart how much you did last year as compared to what you are going to do in 1972. But do you get the point that we are trying to protect a balance in that trust fund to spend on capital expenditures and we want you to have it out with the Budget Bureau. We have to have it out with the Appropriations Committee here to get you a general appropriation for your operating expenses, and if it has to be done by statute, then we will do it by statute.

MR. OLSSON. We understand your concern, it is expressed very well.

MR. DINGELL. I think Mr. Adams made the point I wanted to make very neatly and very well. Now explain to us, if you please, how many airports remain which qualify for ILS, instrument landing systems, if you please.

MR. OLSSON. I think we will have to supply that for the record, sir.

MR. DINGELL. Is it a goodly number?

Mr. SMITH. We intend, Mr. Chairman, by the end of the 10-year period to have 1,100 ILS's installed.

Mr. DINGELL. And you have indicated something like 370 or thereabouts, as I remember your testimony earlier.

Mr. SMITH. Through 1970 we actually have in place now 370 instrument landing systems installed. This may be incidentally one, two, or three at any one large airport; for example, it does not necessarily mean that is for 370 airports. Now, in addition, 178 units—50 percent increase—will be installed and operational in 1971.

Mr. DINGELL. Would you submit to us the number of major airports you have without instrument landing systems? Serving scheduled air carriers?

Mr. SMITH. Yes, sir; we will.

(See letter dated August 20, 1971, from J. H. Shaffer, Administrator, FAA, to Congressman John D. Dingell, p. 51, this hearing.)

Mr. DINGELL. How much does it cost to install an instrument landing system at a fairly major airport?

Mr. SMITH. Somewhere between \$80,000 and \$100,000.

Mr. DINGELL. So for the \$12 million that you didn't spend this year, you could have put in something on the order of 14 to 16 of these, am I right, instrument landing systems?

Mr. SMITH. If we are going to put in 178 systems in 1971, we have to gear that to our ability to manage them.

Mr. THOMPSON. Has a glide slope been installed in Huntington?

Mr. SMITH. We have been investigating an offset and the problem is the valley, which does not give us the bounce capability. We have been looking at the ability of installing a system that we think might work. It is not operational at this point in time. We are still looking into the possibility.

Again this is terrain that prevents us from having an ILS system there.

Mr. THOMPSON. But there are industry officials who state that can be installed for \$75,000 there.

Mr. SMITH. Yes; but it has to get basic safety standards before we will commission it.

Mr. THOMPSON. Have you investigated the new Raytheon glide slope presentation that will vary from 2.5 degrees up to about 12 degrees for that location?

Mr. SMITH. Anything in excess of 3 to 3.5 degrees would not be compatible with the kind of equipment that we use.

Mr. THOMPSON. This is the one where the pilot in the cockpit selects—and I understand they are using it on carriers, and even though there is a ravine at the end of the runway, with this Raytheon system if the pilot wants to fly a 2.5-degree glide slope, he can fly and if he wants to fly a 6-degree, he can fly on this equipment. Has that been investigated in Huntington?

Mr. SMITH. We are investigating three or four different systems. I am familiar with the Raytheon system. We have modified—getting back to your earlier point—some of the heavy equipment the FAA operates to determine the feasibility, the capability, the safety of using glide slopes at higher angles. I have just been informed that we have an offset at Huntington right now.

Mr. THOMPSON. I thought I saw just a few days ago that Huntington had an offset approved by the FAA. It is an ILS, a glide slope, and they didn't have to fill the valley in and it didn't cost \$200,000. It cost \$75,000. That is what I was told.

Mr. SMITH. I don't have the cost here. I can supply it to you.

Mr. THOMPSON. Would you please, because I would like to check my source of information. If you would supply the committee with the cost of installing the glide slope at Huntington, I would appreciate it, because I was told by Jack Shaffer that it would be a million and a half dollars.

Mr. SMITH. The glide slope is only part of an instrument landing system and we could get ourselves in trouble by having just ILS.

(The information requested by Congressman Fletcher Thompson was not furnished to the committee.)

Mr. DINGELL. Please tell us what is an adequate airport radar system? You obviously have some standards.

Mr. SMITH. Yes, we have the ARTS, the automated radar terminal system, which we are now installing, with alpha-numeric presentations including altitude.

Mr. DINGELL. How many of your radar systems at airports currently comply with your minimum requirements?

Mr. SMITH. All of them comply. We do not commission a system as operational unless it does comply.

Mr. DINGELL. How many of them are obsolete or obsolescent?

Mr. SMITH. It depends on how you want to define it. None of them in operation are obsolete or obsolescent. Some require a lot more maintenance than we would like, such as those vacuum tube systems versus the more solid state modern systems.

Mr. DINGELL. Which do spend a good amount of time down?

Mr. SMITH. No, sir. I would be very happy to supply the service record of these radars.

Mr. DINGELL. How many of the vacuum tube systems that we are discussing do you have as opposed to the more modern systems?

Mr. SMITH. I would have to supply that for the record.

(See letter dated August 20, 1971, from J. H. Shaffer, Administrator, FAA, to Congressman John D. Dingell, p. 51, this hearing.)

Mr. ADAMS. How many airports do you have under any type of radar control in the United States at the present time?

Mr. SMITH. I think we have that number. It is approximately 120 terminal radar systems.

Mr. DINGELL. Out of how many airports set up for commercial aircraft used.

Mr. SMITH. There are 633 airports serving scheduled air carriers today.

Mr. ADAMS. So one out of three that you land in you don't land with radar observance from the tower?

Mr. SMITH. Mr. Adams, in some cases an airport may have one flight a day. It is not economically possible with the long history of a drought of money in the FAA to have every airport equipped with this kind of radar.

Mr. ADAMS. That is what we are talking about.

Mr. DINGELL. I think you are getting close. That is why we are upset.

Mr. SMITH. We are just as pleased with the bill as you should be in offering it.

Mr. THOMPSON. Would the gentleman yield? I am getting into somewhat of a speculative field here, but has the FAA considered seriously the TRW satellite system of air traffic control, is there any investigation currently by the FAA going into a satellite system of air traffic control?

Mr. SMITH. We have quite a program underway with the Office of Telecommunication Policy, with NASA, with Comsat people, with many different agencies in the Government as well as suppliers who are capable of helping us. This is a very complex subject because it also involves our international relations with other air carrier usage.

We hope to have a satellite across the Pacific Ocean first, two satellites to help cover these great voids we have in communications now.

Mr. THOMPSON. You are speaking of satellites in permanent stationary orbit, not random?

Mr. SMITH. No, stationary orbit thousands of miles out that would be fixed and would help us cover the communications gap we now have.

Mr. THOMPSON. Are you familiar with the TRW proposal where they have 12 satellites in random orbit and they maintain them by using transponders in each aircraft and then through the triangulization—any three satellites would be over head at any one time—you would be able to locate the position of an aircraft within 50 feet horizontally and 80 feet vertically?

Mr. SMITH. Yes, we are familiar with that system. We are also familiar with the digital readout of initial navigational systems, which has come into being since that program.

Mr. THOMPSON. Would not an initial navigation system be too costly for every individual aircraft? I am thinking of problems of midair collision and keeping track of up to, say, 200,000 aircraft, this I understand is the capability of the TRW system.

Mr. SMITH. Our position is we have to, first of all, fill this void in the Atlantic and Pacific and then take this gradually step by step further.

Mr. THOMPSON. The TRW system is a worldwide system. These satellites are going around the entire world, so it is a world system.

Mr. SMITH. I appreciate the TRW system and all I am saying is our present plan is to, first of all, fill the voids where we have no communication whatsoever, or very sketchy communication in the Atlantic and Pacific, and then our next step would be into the full utilization.

Mr. THOMPSON. But you do have a very active program of research into satellite air traffic control as a possible means of air traffic control in the future?

Mr. SMITH. I would not define it as a very active program at this point in time. We are trying to determine what the industry can come up with and what the capabilities might be, but our first thrust is for the Pacific and Atlantic, and not over the continents.

Mr. DINGELL. Let me ask you this question now. How many radar sets do you have in your new budget, radar installations, and how many different airports?

Mr. OLSSON. We will supply it for the record, sir.

(See letter dated August 20, 1971, from J. H. Shaffer, Administrator, FAA, to Congressman John D. Dingell, p. 51, this hearing.)

Mr. SMITH. Let me just add to that, if I may, we presently have 125 terminal radars. This is the airport terminals. Then 34 will be added in the 1971 program, 34 in 1 year, a 25-percent increase in terminal radars—I might add, an additional 114 in the 10-year program, which makes it possible as a result of this act.

Mr. THOMPSON. In your definition of "terminal radar," would New York be one terminal area? You have three airports there. Would that be one terminal area?

Mr. SMITH. Yes, because of the complex size.

Mr. THOMPSON. So actually you may have more airports served by terminal radar.

Mr. DINGELL. How soon will your alpha-numeric system begin covering the country? As I understood it, it would cover the country by 1973.

Mr. SMITH. You mean the en route system?

Mr. DINGELL. Yes, sir.

Mr. SMITH. Late 1974.

Mr. DINGELL. What was the original date? When I was down looking at it in Atlanta and up at the FAA Headquarters in New Jersey, I was told it would cover the country by 1972.

Mr. SMITH. You are looking at the ARTS in Atlanta.

Mr. DINGELL. I am talking about the alpha-numeric. That was supposed to cover the whole country and wherever the aircraft was, you could have the height of this and the number on it.

Mr. SMITH. We have 62 of those ART's in the budget and funded and contracted, and those are in the process of being installed throughout the country and the completion of the ARTS program is 1973, that completes the ARTS program.

Mr. DINGELL. So you will know wherever aircraft is by number and height?

Mr. SMITH. No, that is the ARTS.

Mr. DINGELL. That will be in 1973. When is the other?

Mr. SMITH. That is now in stage A, which will be 1974.

Mr. DINGELL. How much would it cost you to expedite that so you could have it in by 1972 and 1973 and you can submit that for the record.

(The information requested was not furnished to the committee.)

Mr. OLSSON. I just might add with respect to the ARTS III, the final contract has been let and it is all underway. There is no way to speed that up.

Mr. DINGELL. Now what is the number of air traffic controllers that you presently have functioning? You can break it down as to en route and as to terminal.

Mr. Dow. In the authorized positions there are 11,981 in the en route centers, and the authorized positions in the towers is 10,493, the actual employment that we will have to furnish. That is the actual people in the positions.

Mr. DINGELL. Does your budget provide for full funding for the total number of authorized positions?

Mr. Dow. No, the budget has a lapse in it so we are not funding for the employment at the same level as the authorized positions. Now

parts of this is the problem of keeping the positions filled, the other part is what we call employee recruiting, where the last 2 years we have been under a continuing resolution, particularly in the first quarter, July, August, and September, so that we have had authorized positions we have used to recruit to keep the personnel recruitment and the training programs funded across the flow, et cetera. But the funding funds remain in the same numbered positions.

The lapse figures, of course our new positions are in for an average of four and a half months, normally they are budgeted at six. The new ones are in for four and a half months, and they were in for six, and that would be 50 percent. On the continuing jobs the turnover is on the order of 4 to 5 percent, and the positions we carry over for the full recruitment I would have to check. There is a vicinity of a thousand positions because there are something like 300 a month, something in excess of 300 a month.

Mr. DINGELL. I will ask you to submit an explanation of this matter so it is covered properly for the record.

(See letter dated August 20, 1971, from J. H. Shaffer, Administrator, FAA, to Congressman John D. Dingell, p. 51, this hearing.)

Now how many air traffic control towers are in the budget for new locations?

Mr. Dow. In the fiscal 1972 budget there are 47 new establishments of control towers in new locations.

Mr. DINGELL. This contract indicates 18 which qualify for tower service, am I correct?

Mr. Dow. I believe that number is approximately correct. I would have to check the record as to the number of qualifiers versus the budget.

Mr. DINGELL. Frankly do you have enough controllers in your budget, sir?

Mr. OLSSON. My own judgment is that we do. I think one thing that has happened, as you know, is that there has been a lessening of the growth in aviation activity and that has taken off some of the pressure on the recruitment of air traffic controllers. Quite a number of air traffic controllers which we can supply for the record, have been added to the system over the past 2 years.

(See letter dated August 20, 1971, from J. H. Shaffer, Administrator, FAA, to Congressman John D. Dingell, p. 51, this hearing.)

Mr. DINGELL. Can you tell us, if you please, why you have gone over on R. & D. requests while holding your facilities and equipment to a minimum?

Mr. OLSSON. Yes, I will comment in general and I will have Mr. Smith comment on the specifics. We feel a very important part of the whole long-term aviation programs is to be sure we have an air traffic control system toward the 1980's adequate to handle the growth we know is going to occur. We want to be prepared rather than having to react.

That is the reason why we put priority on R. & D. so that we will have a system that is not merely a repeat—though it is advanced equipment—not a repeat of the equipment that has been in the system. That in a nutshell is what we are trying to do here. I will ask Mr. Smith to comment further on that.

Mr. SMITH. I believe Mr. Olsson has made the basic points. Cost effectiveness is very important to us. We don't believe that we should keep adding just more and more people as the system continues to grow. We think we would like to find ways and better ways, which would permit more efficient use of the air space and still maintain the same safety.

Mr. DINGELL. Now, gentlemen, can you help me to come to some understanding on one point? In this recent crash which occurred in the Western United States where a military aircraft and civilian aircraft came together, were either of them on any radar display, either on terminal radar or on an alpha-numeric route radar system?

Mr. SMITH. Yes, the Air West DC-9 was under positive control. It had filed a flight plan and was operating exactly on that plan. We do not wish to preempt the National Transportation Safety Board in the accident investigation that is now underway. However, we have determined that we had no transponder signal from the F-4 aircraft.

Now why we didn't have a transponder signal from the F-4, the Marine pilot aircraft, we do not know yet. It may have been a malfunction of the transponder in the aircraft or it may not have been turned on.

We have been deeply involved in the specifics of the accident. We have been in contact with the military people, and we are going through a full investigation now.

Mr. DINGELL. I suppose it would prejudice the investigation if you were to make any comments on this particular point. But I am troubled, we have this continuing wave of near-misses, I don't know what the number of near-misses in the country is today, but some while ago you had a period of clemency during which a person could report any near-misses and, as I remember, your figure was something on the order of 900 near-misses in the country a day and the number of aircraft has increased tremendously.

I am not as outraged about the airport construction funds as I am about the \$12 million short in your navigation facilities.

Mr. SMITH. We feel, for example, in the near-miss situation, the automated radar terminal system where you have altitude recording showing on the scope in alphanumeric display will be a tremendous boon to our ability to better manage the airspace system use.

There are certain areas in the country where we have no airport terminal surveillance. There are certain areas where we cannot determine because of the lack of equipment on board the aircraft the altitude situation.

We are marching toward this as fast as we can, and we have full cooperation of the air carriers and general aviation business aircraft people and so forth are cooperating.

Mr. DINGELL. Frankly, one of the reasons I was so anxious to have the airport trust fund legislation was to get that portion of the airport and airways safety activities moving at the most rapid pace possible. Gentlemen, are there any further questions?

Mr. THOMPSON. I would like to ask one or two other questions. It has been my experience that often times in flying there are targets that are not identified to me, in light aircraft—and I am flying a light aircraft. I wonder has the FAA detected any operations of the air traffic

controllers whereby they turn their radar gain down or polarize the set or whatever it is to cut out the nontransponder returns?

Do you know of this happening with any controls?

Mr. SMITH. No, definitely not, Mr. Thompson.

Mr. THOMPSON. You have never been in a control center and walked up and seen where the gain is turned down so you are only receiving transponder returns?

Mr. SMITH. No; and this would be completely against the gain of the air traffic controller.

Mr. THOMPSON. May I say I have, I specifically have in several instances.

Mr. SMITH. I would like to know of the case.

Mr. THOMPSON. I will give you several cases. As I stated, when you are in a terminal area, this normally doesn't happen. But en route flying at 6,000 or 7,000 feet, it seems to happen frequently and it may be that they can't spot, I don't know.

Mr. SMITH. Throughout parts of the country, again back to this situation we had, we have lowered the area of positive control to 18,000 feet so that anyone above this must be identified and so equipped.

Now on one hand, the general aviation people, certain of them, do not appreciate this at all. On the other hand, the people who are flying the system with that kind of equipment do appreciate it.

Mr. THOMPSON. What is the target date for the installation of altitude-recorded capabilities in aircraft so that your centers with alphanumerics will know the altitude of the aircraft?

Mr. SMITH. I don't have the specific date. I don't know that we have a finite rule at this point in time, but we will get the information and supply it for the record.

Mr. THOMPSON. I know most of your small aircraft transponders now are equipped for the installation of this, but I see no projections as to when it should be installed.

Mr. SMITH. Some of the transponders in the general aviation aircraft are not capable of accepting the digits. We can gather that information for you.

Mr. THOMPSON. I would appreciate it.

(The information requested by Congressman Fletcher Thompson was not furnished to the committee.)

Mr. HARVEY. Mr. Dingell?

Mr. DINGELL. Mr. Harvey.

Mr. HARVEY. When do you expect the Safety Board to file the reports on these latest two accidents?

Mr. SMITH. I cannot answer for the Safety Board. They are not a part, of course, of the FAA. It will be a number of months, no doubt, as we average out the kinds of reports that all of the investigations that are required to determine the cause.

Mr. SKUBITZ. Mr. Chairman?

Mr. DINGELL. Mr. Skubitz.

Mr. SKUBITZ. Mr. Smith, Mr. Dingell stated that there were around 900 near-misses a day. What do you consider a near-miss?

Mr. SMITH. Did you say 900 a day?

Mr. DINGELL. That is a figure that sticks in my mind.

Mr. SMITH. I am not aware of that kind of a number and the kind of report you were talking about is the pilots themselves reporting what they consider to be a near-miss and this can vary from 500 or 1,000 feet right on down to a few hundred or whatever the case might be.

Our definition for a near-miss, it is within 3 miles laterally and a thousand feet vertically is what we consider to be registered as a near-miss, and anything less than that.

Mr. SKUBITZ. It used to be 5 miles.

We had a witness some time ago who stated that whenever two planes were within a distance of less than 5 miles, it was considered a near-miss.

Mr. SMITH. This was during the days when we had much less definition on radar and much closer contact and when we flew at fixed altitudes.

Mr. SKUBITZ. I have only been on the committee a couple of years and that has been within the last 2 years. That means taking your present definition if a person is 2.9 miles away, that is a near-miss?

Mr. SMITH. Yes.

Mr. SKUBITZ. And if you are within a thousand feet, that is a near-miss, so we are not talking about just missing wings when we are speaking of near-misses?

Mr. SMITH. That is correct; we are not.

Mr. DINGELL. The administration's special revenue-sharing program for transportation contemplates something like \$200 million from this trust fund into general aid to the States or special aid to the States for aviation or for just general transportation purposes. Is any portion of the changes in the structuring of the airport and airways trust fund expenditures about which the committee has been complaining today related to that projected change?

Mr. OLSSON. Not at all.

Mr. DINGELL. So you have made no changes then in the practices with regard to that matter?

Mr. OLSSON. None at all.

Mr. DINGELL. Gentlemen, you have been most patient. You have had a very difficult time. We thank you for your testimony.

The committee stands adjourned until 10 a.m. tomorrow.

(The following letter and attachment was received for the record:)

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
Washington D.C., August 20, 1971.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is in reply to your letter of 11 June 1971 in which you requested answers to 20 questions concerning the adequacy of our airport and airways system.

You may recall that in our acknowledgement letter of 28 June 1971 we said you may expect to receive the information in approximately 30 days. Subsequently, we received a telephone call from Mr. Curtis who requested that we provide the answer to one additional question (number 21) and include it in our reply.

We regret the delay in making this reply but the depth and complexity of some of the questions required considerable time to analyze and research. The enclosure contains our responses to your questions.

We appreciate your interest in aviation safety matters. Please let us know if we can be of further service.

Sincerely,

J. H. SHAFFER, *Administrator.*

Enclosure.

FEDERAL AVIATION ADMINISTRATION (FAA) RESPONSES TO QUESTIONS RAISED BY
HONORABLE JOHN D. DINGELL, MEMBER OF CONGRESS, ON MATTERS OF AIR SAFETY

Question 1. What is the number of airports which have radar?

(a) *traffic control*

(b) *route surveillance*

Answer. (a) The Federal Aviation Administration (FAA) operates 122 airport surveillance radar (ASR) systems which provide terminal radar services to 136 air carrier airports and 66 general aviation (satellite) airports. An additional eight air carrier airports receive terminal radar service from military operated facilities. In addition, there are 33 ASR systems programmed for future installation at 33 more air carrier airports.

(b) The FAA currently operates 91 air route surveillance radars which provide long-range radar coverage over most of the United States. These radars are used to facilitate handling of air traffic along airways and between terminal (airport) areas.

Question 2. What is the number of airports handling regularly scheduled aircraft flights which have no terminal area radar?

Answer. Of 606 U.S. airports with scheduled air carrier service, 462 do not have terminal radar service.

Question 3. What is the number of airports which had radar breakdowns or shutdowns for one reason or another and what was the period of time involved and the cause of these radar shutdowns?

Answer. During Calendar Year 1970 all ASR equipped airports had one or more radar outages. The average duration of an outage was 1.56 hours. The average availability for ASR for CY-1970 was 99.72%, or approximately two hours of downtime a month for each facility for all causes of outage, scheduled and unscheduled. Please refer to Table 1 for a complete listing of outage causes, total number of outages and total hours of outage.

Question 4. What is the number of airports which have instrument landing systems? (A breakdown as to the completeness of the systems would be helpful.)

Answer. There are 248 U.S. airports which have instrument landing systems (ILSs). Of these, 229 serve regularly scheduled air carrier flights. There are also 23 airports serving regularly scheduled flights which have partial ILS systems consisting of localizers and associated marker beacons.

Question 5. What is the number, location and cause of shutdowns of such instrument landing systems?

Answer. During CY-1970 there were 4,493 outages affecting the localizers (directional guidance) at 304 facilities and 5,592 outages affecting the glide slopes (vertical guidance) at 288 facilities. It should be noted that many of the outages affecting these two facilities are concurrent due to associated power failures, weather effects, preventive maintenance, etc. Tables 2 and 3 provide specific information on the causes and extent of these outages.

Question 6. What is the number of airports which handle regularly scheduled flights which lack instrument landing systems?

Answer. As indicated above, a total of 606 U.S. airports handle regularly scheduled commercial flights. Of this number, 354 do not have an ILS.

Question 7. What is the limit as to the ideal number of aircraft which should be handled by a single air traffic controller?

Answer. Numerous operational studies and simulations have been conducted for major terminals to determine controller workload, airport capacity, controller capacity, instant traffic count, etc. One of the studies using a mathematical model for use in computing control load at air traffic control facilities, treats controller load in a simulation environment. This study indicated the number of aircraft which can be handled by one man ranges from 7 to 23. Actually, two aircraft in an emergency can be the limit of any controller, while

a considerable number of nonmaneuvering aircraft are easy to maintain. Take away a navigational aid, radio facility or a radar system and controller capacity can be greatly reduced. We are continuing our studies in an effort to form a base for establishing "norms" as they would relate to the development of staffing standards and for manpower planning.

Question 8. What is the number of aircraft on an average or other basis handled by each controller in the several regions under your administration?

Answer. Because of the variables mentioned in response to Question 7, including the amount of time and effort involved in handling a particular flight average, controller workloads can be misunderstood. However, by reference to the CY-1970 traffic totals, our primary workload (activity) indicators in centers, towers and stations, divided by the number of positions (control, noncontrol and support) in each group, our CY-1970 average per position was:

Centers.—1,973 annual instrument flight rule (IFR) aircraft handled in the center area. A center IFR handled count includes departures, arrivals and overflights occurring in the center's geographical area.

Towers.—13,325 annual aircraft services. An aircraft service count is computed by adding tower operations (landings and takeoffs) to instrument operations times four—the latter to give proper weighting to the greater workload of an instrument flight.

Stations.—11,386 annual flight services. A flight service count is arrived at by adding properly weighted services (aircraft contacted, flight plans filed and pilot briefs) rendered by stations.

Question 9. What is the number of air traffic controllers requested by you in your budget of last year?

Question 10. What is the number of air traffic controllers requested by you in this year's budget?

Question 11. What is the number of controllers authorized by your 1970 and 1971 budgets?

Answer. The number of air traffic service positions, including flight service station and administrative personnel, requested in our FY-1970, FY-1971 and FY-1972 budgets and the actual number authorized are as follows:

	Budget request	Congress authorized
Fiscal year 1970.....	24,785	25,754
Fiscal year 1971.....	27,976	27,976
Fiscal year 1972.....	27,976	27,976

In our FY-1970 appropriations Congress authorized 1,000 additional controllers over our budget request. These positions were to be made available through savings elsewhere within the agency. We actually authorized a total of 969 additional controllers to our regions. Our FY-1971 budget requests were based on our requirements to handle the forecasted activity in centers and terminals for FY-1973 (two-year advanced recruitment). However, in January 1971 we revised our forecasts downward because of the current economic slowdown. We now expect the activity levels, which we had previously forecasted for FY-1973, not to be attained until FY-1974 to FY-1975. As a result, we slowed our hiring rate and did not fill all the positions authorized by Congress for FY-1971. Also, our FY-1972 budget now before Congress does not request any additional controller authorizations. We have only requested an increased level of employment within our current authorizations.

Question 12. What is the number of controllers required by you on a region-by-region basis to bring the number of aircraft handled by a controller down to the level denominated by you as being the appropriate number to be handled by a controller in Question 8.

Answer. To the best of our judgment, the number of controllers contained in our FY-1972 budget request is sufficient to efficiently handle the forecasted activity for FY-1974 in our center and terminal facilities. Additional flight service specialists may be required in our station facilities, but we have not requested any increase in these facilities pending a more detailed examination of the system requirements.

A breakdown by region and function of the 27,976 positions in our FY-1972 budget is as follows:

Region/office ¹	Centers	Terminals	Stations	System direction, planning, and supervision	Total
Eastern.....	3,042	2,675	825	122	6,664
Southern.....	2,207	1,930	835	80	5,062
Southwest.....	1,538	1,354	643	82	3,617
Central.....	2,535	1,777	1,005	110	5,427
Western.....	2,205	2,467	894	117	5,683
Alaskan.....	212	134	225	41	612
Pacific.....	242	156	139	33	570
European.....				4	4
Washington office.....				347	347
Total.....	11,981	10,493	4,566	936	27,976

¹ Note: We are currently in the process of reorganizing our 5 conterminous U.S. regions into 9 regional offices. The allocation of air traffic positions under the new regional configuration has not yet been determined.

Question 13. What types of failures in instrument landing systems were experienced during the past year and what were the periods for which shutdowns occurred? (List airports involved by types of failures.)

Answer. Please refer to response to Question 5 (and Tables 2 and 3) for ILS failures as part of the total outage data. This information, by location, is partly coded and in computerized form and, therefore, does not lend itself to ease of reference. However, if you wish it in this form, please advise and we shall be happy to oblige.

Question 14. What were your budgetary requests for the last two fiscal years and the forthcoming fiscal years for both radar and instrument landing equipment? Please give both the number of new sets of each requested and the dollar amount of each.

Answer. The number of airport surveillance radars (ASRs) and instrument landing systems (ILSs) requested in our budgets and programmed within our appropriations are as follows:

	ASR		ILS	
	Number	Amount	Number	Amount
Fiscal year 1970 budget request.....	0		0	
Fiscal year 1970 appropriations.....	23	\$24,540,000	50	\$6,132,000
Fiscal year 1971 budget request.....	0		0	
Fiscal year 1971 supplemental request.....	0		31	
Fiscal year 1971 appropriation.....	0		56	\$15,840,000
Fiscal year 1972 budget request.....	8	10,175,000	29	\$2,500,000
Fiscal year 1972 appropriation.....	31	59,175,000	131	\$500,000

¹ Includes approach lights.

² Cat. II.

³ Cat. III.

⁴ Congress added 23 to the request. Original 8 requested provides transmitter site equipment only.

⁵ Same as requested.

Unit costs of ASR and ILS equipments vary considerably due to differences in system configuration, amount and kind of equipment, airport layout and terrain and many other factors. At the present time, typical unit costs are \$1,884,900 for an ASR, \$203,400 for single channel ILS and \$256,150 for dual channel ILS. The costs of the approach lights associated with an ILS range from \$69,000 for a medium intensity approach light system (MALs) with runway alignment indicator lights (RAILs) to \$201,500 for a full Category I approach light system with sequenced flashing lights.

Question 15. What is the number of airline flights and landings by both commercial and noncommercial aviation which were affected by the shutdowns of:

(a) radar, or

(b) instrument landing equipment above?

Answer. The unavailability of our ASR systems was 0.17% in CY-1970. In the same year unavailability of ILS glide slopes was 5.18% and ILS localizers 2.45%. Our outage data are neither tabulated by nor related to the number of airline flights that may have been affected.

It may be of interest to note that scheduled outages (for facility improvements and scheduled maintenance) account for a major portion of the unavailability times of these facilities.

Question 16. In what number of airline crashes and aircraft crashes of both commercial and noncommercial aviation was radar or instrument landing equipment either out of order, or nonexistent at the airport involved in the last three calendar years?

Answer. During the last three years for which we have complete accident data (air carrier and commercial operators, CY-1968-CY-1970; general aviation, CY-1967-CY-1969), there were five air carrier, no commercial operator, and 16 general aviation accidents that occurred while landing at U. S. airports with "radar or instrument landing equipment either out of order or nonexistent." These figures include only those aircraft operating on IFR flight plans under IFR weather conditions.

Question 17. How soon do you expect to have your radar-computer flight control system in operation?

Answer. The national en route radar computer tracking system is presently under development at NAFEC and will be available to the field in mid-1972. A prototype system is operational (high altitude only) at Jacksonville ARTC Center.

The national ARTS III terminal radar computer tracking and alphanumeric system is undergoing live operational testing at the first field site, Chicago O'Hare at the present time.

First generation terminal automation systems are operational at Atlanta Tower and the New York Common IFR Room. A phased installation and operational implementation of ARTS III systems at 61 high and medium density terminal radar control facilities will be accomplished by early 1973.

Question 18. How soon do you propose to certify the new supersonic aircraft, and the several jumbo aircraft for commercial use?

Answer. The estimated dates for type certification of the new supersonic and jumbo aircraft are as follows:

(Supersonic) Concorde, August 1974.

(Jumbo) Douglas DC-10, August 1971.

(Jumbo) Lockheed L-1011, December 1971.

(Jumbo) European Airbus (A-300), July 1972.

Question 19. How many airports in this nation are operating at capacity during any portion of the day?

Answer. We define airport capacity in terms of acceptable values of aircraft delays. Delays increase very rapidly at about the four-minute mark. In using the four-minute measure to estimate airports operating at capacity during any portion of the day, it is reasonable to assume that all airports with annual airport operations over 100,000 have periods where demand exceeds capacity and some delay is encountered. Approximately 240 airports in this country exceed 100,000 annual operations. About 60 of these active airports are not used by scheduled air carriers. Only a few airports in the country have average runway delays during peak hours of ten minutes or more.

At five of the nation's busiest airports where delay frequently exceeded ten minutes, it became necessary to regulate the number of operation per hour during peak periods. This was accomplished by Federal Aviation Regulation, Part 93, Subpart K, which was effective 1 June 1969. The airports regulated are John F. Kennedy, La Guardia, Newark, O'Hare and Washington National. This has resulted in improved scheduling and better use of airport capacity during a greater portion of the day. At the present time quotas for Newark Airport have been suspended indefinitely due to scheduling and the recent leveling of air traffic growth.

All of our regions have been instructed to determine the number of airports where IFR (instrument flight rule) demand exceeds capacity during peak periods. Preliminary results indicate there are approximately 25 airports in this category. Further regulatory action for these airports is not anticipated. We

hope to be able to meter the traffic flow with improved IFR flow control procedures.

Question 20. How many of these capacity situations are marginal or beyond desired safety limits? Please identify these airports.

Answer. At active airports in the United States with air traffic control towers and other FAA operated air navigation aids, we do not permit demand to cause situations wherein the airport is operating beyond capacity or beyond desired safety limits. The air traffic controllers must adhere to separation standards contained in FAA Handbooks 7110.8B/7110.9B to assure the safety of the flying public. Safety is not compromised to meet demand. When the demand exceeds the capacity of the airport or the air traffic control system, aircraft are placed in holding patterns until they can be safely accommodated.

Question 21. What is the total number of positions presently authorized in air route centers and in towers? Does your budget provide for full funding of the total number of authorized positions?

Answer. Our authorized positions for Fiscal Years 1971 and 1972 and 30 June employment ceilings for centers and towers are as follows:

	Centers	Towers
Authorized positions.....	11,981	10,493
Employment:		
June 30, 1971 (actual).....	11,311	9,222
June 30, 1972 (EDY ceiling).....	11,659	9,626
Estimated unfilled positions June 30, 1972.....	322	867

The 1972 budget includes funding to achieve the end-of-year employment goal of 21,285 for centers and towers. The employment target reflects the manning necessary to meet Fiscal Year 1972 projected air traffic activity workload.

As of 30 June 1972 the budget reflects 1,189 unfilled positions for centers and towers. This number is carried forward to provide for continued even-flow recruitment at the rate of about 300-400 per month through the first quarter of Fiscal Year 1973 to meet the activity increases anticipated for 1973 and subsequent years.

TABLE 1.—ASR RADAR OUTAGES, CALENDAR YEAR 1970 (117 FACILITIES)

Initial cause of outage	Total outages		Initial cause of outage	Total outages	
	Number	Hours		Number	Hours
Relocation.....	10	23	Training.....		
Modernization.....	18	47	TELCO line, scheduled.....		
Construction.....	5	28	FAA line, scheduled.....		
Modification.....	19	79			
Special project.....	31	121	Total, scheduled activity.....	900	1,159
Total, facility improvement.....	83	298	Weather effects.....	24	42
Equipment failure:			Power failure.....	88	47
Electronic.....	412	720	Line cause, known.....	2	5
P. & S.....	60	33	Propagation conditions.....	24	67
Weather damage.....	4	3	Path fade.....		
Other damage.....	5	43	Interference.....	6	3
Personnel error.....	26	9	Line cause, unknown.....		
Equipment failure, related.....	31	45	Total, external causes.....	144	163
Total, failures/emergencies.....	538	852	Related facility outage.....	95	310
FAA preventive maintenance.....	857	1,057	Administrative.....	10	24
Other preventive maintenance.....	2	1	Other unspecified.....	80	75
Structure/grounds maintenance.....	14	31	Total, miscellaneous.....	185	408
Facility ground inspection.....	16	28	Total, all causes.....	1,850	2,830
Facility flight inspection.....	11	42			

TABLE 2.—ILS OUTAGES, LOCALIZER, CALENDAR YEAR 1970

Initial cause of outage	Total outages		Initial cause of outage	Total outages	
	Number	Hours		Number	Hours
Relocation.....	17	5,013	Training.....	22	67
Modernization.....	46	6,508	TELCO line, scheduled.....	1	3
Construction.....	422	34,355	FAA line, scheduled.....		
Modification.....	30	353	Total, scheduled activity.....	1,453	3,690
Special project.....	117	2,178	Weather effects.....	282	699
Total, facility improvement.....	632	48,407	Power failure.....	159	277
Equipment failure:			Line cause, known.....	28	322
Electronic.....	1,070	2,451	Propagation conditions.....	3	30
P. & S.....	62	95	Path fade.....		
Weather damage.....	39	563	Interference.....		
Other damage.....	20	606	Line cause, unknown.....	2	4
Personnel error.....	16	24	Total, external causes.....	474	1,332
Equipment failure related.....	5	10	Related facility outage.....	40	115
Total, failures/emergencies.....	1,212	3,749	Administrative.....	94	433
FAA preventive maintenance.....	867	1,695	Other unspecified.....	788	6,110
Other preventive maintenance.....	11	9	Total, miscellaneous.....	922	6,658
Structures/grounds maintenance.....	200	670	Total, all causes.....	4,693	63,835
Facility ground inspection.....	65	197			
Facility flight inspection.....	287	1,050			

TABLE 3.—ILS OUTAGES, GLIDE SLOPE, CALENDAR YEAR 1970

Initial cause of outage	Total outages		Initial cause of outage	Total outages	
	Number	Hours		Number	Hours
Relocation.....	22	12,408	Training.....	23	76
Modernization.....	73	18,825	TELCO line, scheduled.....	1	3
Construction.....	279	58,251	FAA line, scheduled.....		
Modification.....	141	1,533	Total, scheduled activity.....	1,388	4,099
Special project.....	76	3,052	Weather effects.....	616	4,158
Total, facility improvement.....	591	94,069	Power failure.....	137	261
Equipment failure:			Line cause, known.....	22	296
Electronic.....	755	3,566	Propagation conditions.....	2	12
P. & S.....	60	148	Path fade.....		
Weather damage.....	18	92	Interference.....	4	681
Other damage.....	11	61	Line cause, unknown.....	3	6
Personnel error.....	26	49	Total, external causes.....	784	5,415
Equipment failure, related.....	294	563	Related facility outage.....	1,082	12,620
Total, failures/emergencies.....	1,164	4,477	Administrative.....	96	434
FAA preventive maintenance.....	653	1,051	Other unspecified.....	487	6,001
Other preventive maintenance.....	8	13	Total, miscellaneous.....	1,665	19,055
Structures/grounds maintenance.....	183	509	Total, all causes.....	5,592	127,114
Facility ground inspection.....	47	120			
Facility flight inspection.....	473	2,328			

(Whereupon, at 3:40 p.m., the subcommittee adjourned, to reconvene at 10 a.m., Wednesday, June 9, 1971.)

AIRPORT AND AIRWAY TRUST FUND

WEDNESDAY, JUNE 9, 1971

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2322, Rayburn House Office Building, Hon. John M. Murphy presiding (Hon. John Jarman, chairman).

Mr. MURPHY. The subcommittee will come to order.

The first witness this morning is Mr. Arthur J. Fallon, director, Airport Operators Council International, and executive director of Niagara Frontier Transportation Authority.

Mr. Fallon, we appreciate your testimony this morning. If you would identify those people that are here with you, we would certainly appreciate it.

STATEMENTS OF ARTHUR J. FALLON, DIRECTOR, AIRPORT OPERATORS COUNCIL INTERNATIONAL AND EXECUTIVE DIRECTOR, NIAGARA FRONTIER TRANSPORTATION AUTHORITY; AND J. J. O'DONNELL, PRESIDENT, AIR LINE PILOTS ASSOCIATION; ACCOMPANIED BY J. J. CORBETT, VICE PRESIDENT, FEDERAL AFFAIRS, AOI; J. B. HARTRANFT, PRESIDENT, AIRCRAFT OWNERS AND PILOTS ASSOCIATION; EDWARD W. STIMPSON, PRESIDENT, GENERAL AVIATION MANUFACTURERS ASSOCIATION; AND LEO SEYBOLD, VICE PRESIDENT, FEDERAL AFFAIRS, AIR TRANSPORT ASSOCIATION OF AMERICA

Mr. FALLON. I am Arthur J. Fallon and I have with me Mr. J. J. Corbett, vice president, Federal Affairs, Airport Operators Council International and Capt. J. J. O'Donnell, president of Air Line Pilots Association. Mr. J. B. Hartranft, president, Aircraft Owners and Pilots Association, Mr. Edward Stimpson, president, General Aviation Manufacturers Association and Mr. Leo Seybold, vice president, Federal Affairs, Air Transport Association of America.

Mr. MURPHY. You may proceed, Mr. Fallon.

Mr. FALLON. We are here today representing 19 major aviation and community organizations which are united in support of enactment of H.R. 7072, or similar legislation to protect the new Airport and Airway Trust Fund. As can be seen cities, airlines, pilots, general aviation, air traffic controllers—these and others support our statement and recommendations to this subcommittee.

Our memberships are both extremely disappointed and greatly concerned. They are disappointed because they do not believe the airport and airway modernization programs approved by Congress last year are being implemented as rapidly as is possible. Likewise they are concerned that, unless a greater effort is made to reduce the present backlog of unfunded aviation projects, our margins of safety within the total air transportation system will be strained.

Last spring, after many years of public and industry concern about congested airports and airspace and their cumulative effect on safety, Congress enacted the Airport and Airway Development and Revenue Acts of 1970—Public Law 91-258. This statute clearly recognized the need for prompt capital funds to modernize our aviation system and to expand its capacity. All the legislative history we can find is directed to this end.

Substantial new and increased taxes were levied on aviation users to support this overdue program of capital development with total tax receipts estimated at almost \$600 million in fiscal year 1971 and \$726 million in fiscal year 1972. Assurances were given that these user taxes would be promptly translated into runways and airway facilities, the building blocks of a safe air transportation system. An Airport and Airway Trust Fund was established to prevent these user contributions from being expended for other than aviation programs.

However, the two budget proposals sent to Capitol Hill since Public Law 91-258 was signed effectively negate Congress' intent to finance a major catchup effort for aviation capital development. In the budget submissions for fiscal year 1971 and fiscal year 1972, there is as much emphasis—in terms of dollars—on paying FAA's operations and administrative expenses from user funds as there is on expanding aviation capital facilities. As a single example, in the fiscal year 1972 budget it is proposed that only \$107 million in user tax dollars be appropriated for the airport construction and planning programs, permitting the expenditure of \$699 million of the users' contributions for FAA operations, administrative and maintenance expenses.

We will attempt to show that these budgetary proposals to use large amounts of user tax funds to offset routine aviation expenditures run counter to the Congress' intent in enacting obligations to these airport and airway system users whose taxes were increased last year so that their dollars could buy more safety and system capacity and efficiency.

STATUTORY PROVISIONS OF P.L. 91-258

As finally enacted, Public Law 91-258 was divided into two titles. Title I, developed by the commerce committees of the Congress, detailed the airport assistance programs and established a financing outline for fiscal years 1971-1975 for airport grants, airways hardware acquisition and research and development efforts. Title II, developed by the tax committees of the Congress as an amendment to the Internal Revenue Code of 1954 created the Airport and Airway Trust Fund and established the pattern of aviation excise taxes which would provide the resources upon which the title I capital programs would depend through 1980.

TITLE I

Chart No. 1 condenses the authorizing language of title I of the 1970 law for the capital programs and relates the language of the statute to its stated priorities for expenditure.

Section 2 declares congressional policy that, over the 10 years of the decade, \$2.5 billion in airport assistance grants and not less than \$2.5 billion in airways facilities are to be provided. Subsequent provisions specify the time frames in which the capital programs are to be implemented.

Chart No. 1

PUBLIC LAW 91-258, TITLE I—AUTHORIZATION LANGUAGE

DECLARATION OF POLICY 10-YEAR TOTALS

Section 2.—Airport grants, \$2.5 billion; airways facilities, not less than \$2.5 billion.

ANNUAL AUTHORITY, FISCAL YEAR 1971-75

Section 13.—Airport planning grants, \$15 million.

Section 14.—(a) and (b) Airport development grants, “not less than” \$280 million.

(c) Airways facilities, “not less than” \$250 million.

(d) other expenses:

Research and development; administrative; maintenance; operations expenses; “the balance of moneys available in the trust fund.”

Section 13 authorizes \$15 million per year through 1975 for airport planning grants. Section 14, the central provision, first authorizes DOT to make airport development grants to sponsors for each of the years 1971-1975 “in amounts not less than” \$280 million (\$250 million for air carrier and reliever airport development; \$30 million for other general aviation airport development). Next, section 14 authorizes the DOT Secretary to obligate annually “not less than” \$250 million for airways hardware, facilities and equipment.

Two facts are noteworthy here. Congress, with respect to the airport and airway capital programs, stated in title I that the specified levels of funding for the first 5 years were minimums and not maximums. Further, relating the annual levels of funding established by Congress to the total amounts of funds to be provided over the decade, it becomes clear that Congress intended a major catchup effort in the first 5 years of the program. Considerably more than half of the 10-year airport funds were to be used in the first half of the decade. This is contrasted with the implementation to date under the airport aid program, which is premised on starting out slowly and building up airport project obligations in the latter half of the 10-year program.

Finally, section 14 provides that “the balance of the moneys available in the trust fund” shall be allocated for necessary FAA administrative, maintenance and operations expenses and for research and development activity.

TITLE II

Section 208(d) of title II of Public Law 91-258, as developed by the tax committees of the Congress, then provides that general funds should annually be appropriated to the trust fund so that the fund, including user tax receipts, will be large enough to cover the airport

and airway programs, research and development and daily FAA expenses.

Section 208(f), like sections 13 and 14 of title I, refers to expenditures from the trust fund. It generally authorizes trust fund expenditures for airport and airway programs, including FAA administrative expenses and operations and maintenance costs, but without specifying any set of priorities to correspond to those of section 14.

When the final version of the trust fund legislation was being considered by Congress last year, the aviation community believed that the two sections authorizing expenditures would be considered together, with the more specific language of title I controlling. The administration, however, relies only on the general language of title II to justify its now following the priorities clearly set out by the Commerce Committees in title I.

We do not agree with this interpretation.

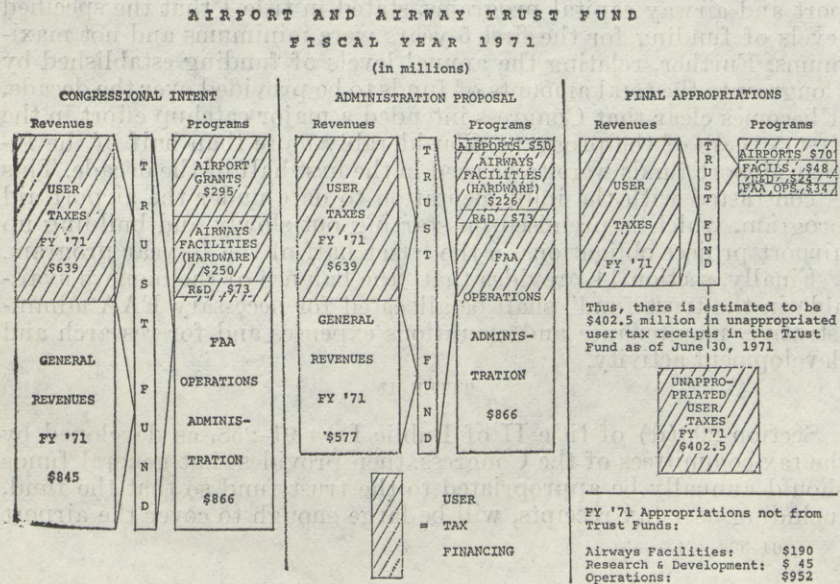
As the aviation community understands the law, the airport and airway program appropriations at the minimum statutory levels must come off the top of the trust fund. The balance of the trust fund user tax receipts plus general fund appropriations will finance the rest of the administrative, operations, and maintenance account expenses.

APPROPRIATIONS

In fiscal year 1971, contrary to the statutory intent of Public Law 91-258, only \$50 million of the \$295 million minimum authority for airport programs was requested to be appropriated for fiscal year 1971. Further, the airways hardware account was to be reduced from the statute's \$250 million minimum to \$226 million.

As chart No. 2 shows graphically, the low level of requested airport and airways appropriations would have resulted in increased used financing of the FAA operations and administrative account and decreased requirements for general tax funds.

Chart #2



This distinction between shaded and unshaded areas as shown on the charts is a crucial one: For every user tax dollar which can be taken away from the airport and airway capital programs, there is an equivalent reduction in the amount of the Federal general tax contribution which will be required to pay FAA operations expenses.

The Appropriations Committees of the Congress modified this budget submission. Before the 91st Congress adjourned, it appropriated more airport and airways funds than had been requested, including airway appropriations from general tax revenues, and left the remaining balance of user tax funds (\$402.5 million), in the trust fund for later appropriation and expenditure.

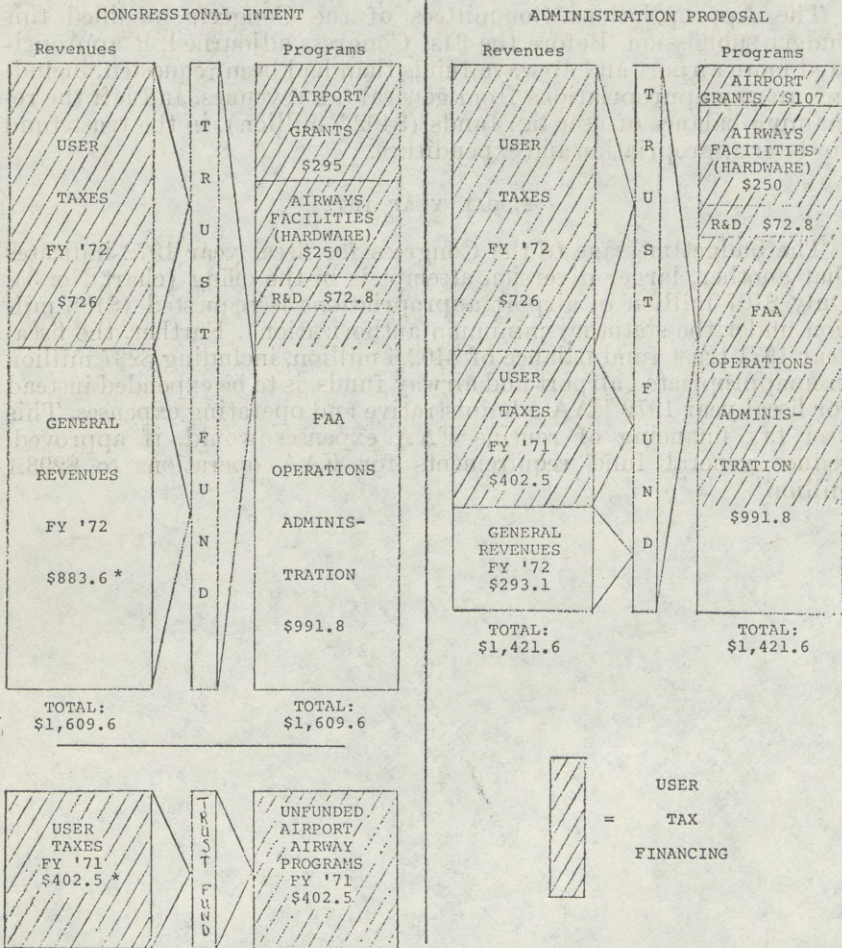
FISCAL YEAR 1972

The budget message to the Congress for fiscal year 1972 indicates that another, larger diversion attempt is in the offing (chart No. 3). Only \$107 million in airport appropriations is requested (\$188 million under the statutory minimum authorization). Further, the fiscal year 1971 trust fund balance of \$402.5 million, including \$237 million in unappropriated airport and airway funds, is to be expended instead for fiscal year 1972 FAA administrative and operating expenses. This user tax financing of routine FAA expenses would, if approved, reduce general fund requirements for FAA operations to \$293.1 million

AIRPORT AND AIRWAY TRUST FUND

FISCAL YEAR 1972

(in millions)



AIRPORT OBLIGATIONS: FISCAL YEAR 1971

Although the Congress authorized DOT to immediately commit up to \$840 million in airport grants, fiscal year 1971 airport development obligations were initially restricted to \$100 million, \$180 million less than dictated by the Congress. After the aviation industry and innumerable communities raised objections, this limit was raised to \$170 million.

FISCAL YEAR 1972

An unrealistically low limit on airport project obligations has likewise been imposed for fiscal year 1972. This artificial ceiling of \$220

million (\$205 million for development; \$15 million for planning), is substantially less than available under the statute.

Thus, in both the obligating process (for airports) and in the appropriations process (for airports and airways), the Congress' statutory intent in Public Law 91-258 is being frustrated and needed safety improvements to the Nation's aviation system are being deferred.

PRESENT STATUS OF AIRPORT AND AIRWAY PROGRAM NEEDS: AIRPORT DEVELOPMENT AND PLANNING PROGRAM

The effect of the administration's reduced budget recommendations will be particularly critical to the future safety of the major and smaller airports used by the airlines and business and private aviation. The backlog of unfunded airport expansion projects is large and pressing. More airports are critically needed in all parts of the Nation. Longer runways, better airport lighting, and additional runways and taxiways have been delayed again and again by the unavailability of matching Federal funds, authorized by Congress but not spent by the executive branch.

In fiscal year 1971, some 671 requests for development aid totaling more than \$546 million have already been received from airport sponsors. In addition, numerous airport planning grant requests are under preparation. For fiscal year 1972, pending projects not funded in the current year, plus additional projects which will have cleared the environmental protection requirements of the new law, will bring the airport program requests to a record level.

AIRWAY FACILITIES

With regard to the airways capital program, the budget request for fiscal year 1971 was below the level authorized by Congress while the fiscal year 1972 proposal would only meet the \$250 million annual minimum figure. Although industry recommendations for levels above the minimum amounts most appropriately are addressed to the Appropriations Committees of the Congress, this subcommittee should be aware that the funding levels being requested in the fiscal year 1972 budget will now allow the construction of many projects which are fully deserving of immediate implementation. ILS and control tower installations at additional airports are only two of the more pressing areas where the fiscal year 1972 budget is inadequate.

CONCLUSIONS AND RECOMMENDATION

The above discussion of the dollar amounts involved for appropriation and obligation for the first 2 years of the airport and airway programs is, we realize, quite complex. Some conclusions can, however, be drawn.

The administration has, in response to Public Law 91-258, greatly enlarged the airport and airway programs, well above the levels of the years preceding the new law's enactment. This we acknowledge. It is not, however, adding new and needed aviation safety facilities as fast as Congress directed, as fast as it could, or as fast as it should,

given the amounts of new contributions being made by the users for this specific purpose.

At the end of fiscal year 1971, there will remain unfunded within FAA more than \$300 million worth of environmentally sound airport projects that are ready to go forward. These are necessary system improvements, proposed by local airport sponsors who have indicated they can obtain the 50 percent local matching funds if FAA makes Federal funds available. Only the absence of an FAA allocation of funds stops these projects from being started this summer. If FAA had conformed to the act's statutory priorities, \$280 million in good solid airport projects would be underway by this date, not just \$170 million.

But the administration presently refuses to be bound by the statutory priorities developed by the commerce committees and the Congress last year. Further, unless the Congress clarifies the trust fund law, the administration admits that it will not completely comply with the act's capital financing levels.

The FAA acknowledges that Congress' statutory action has had no effect on its plans: Quoting FAA correspondence, April 9, 1971—

Although total planned obligations [or airport grants] are some \$190 million below the levels authorized in the act, the budget proposals do provide for meeting the original commitment of \$400 million for the first 2 years of this program, made about 1 year ago.¹

Only by enacting H.R. 7072 can Congress be assured that its 1970 statutory priorities will be observed, both in fact and in spirit. In addition, unless amendatory legislation is enacted, the users of the Nation's airport and airway system have no assurance that in future years their increased tax contributions will be used, as promised, to buy more safety, more capacity, and more system efficiency.

All of our 19 organizations and their respective memberships urge this subcommittee to act favorably on this important legislation. We will be glad to answer any questions you have.

(The list of the 19 organizations referred to follows:)

NINETEEN MAJOR AVIATION AND COMMUNITY ORGANIZATIONS WHICH ARE UNITED IN SUPPORT OF ENACTMENT OF H.R. 7072, TO PROTECT THE NEW AIRPORT AND AIRWAY TRUST FUND

American Association of Airport Executives (AAAE); Aerospace Industries Association of America (AIA); Air Line Pilots Association (ALPA); Association of Local Transport Airlines (ALTA); Airport Operators Council International (AOCI); Aircraft Owners and Pilots Association (AOPA); Air Transport Association of America (ATA); Air Traffic Control Association (ATCA); General Aviation Manufacturers Association (GAMA); National Aeronautic Association (NAA); National Air Carrier Association (NACA); National Association of Counties (NACO); National Aviation Trades Association (NATA); National Air Transportation Conferences (NATC); National Business Aircraft Association (NBAA); National League of Cities (NLC); National Pilots Association (NPA); Professional Air Traffic Controllers Organization (PATCO); U.S. Conference of Mayors (USCM).

Mr. MURPHY. Do any of the gentlemen accompanying you have a statement that would supplement your statement before we go into questions?

¹ Source: FAA correspondence to Congress, April 9, 1971.

Mr. FALLON. I understand when we finish this session that Airline Pilots Association might have a separate statement but this is the statement we are making as a group assembled here and this is the one we would like to concentrate on now.

Mr. MURPHY. Mr. Helstoski?

Mr. HELSTOSKI. No questions. I would like to compliment Mr. Fallon on his concise and lucid statement.

Mr. MURPHY. Mr. Harvey?

Mr. HARVEY. I did not notice in your statement any reference to the research that the department says they were doing. Do you have any comment on that at all? Is that likely to prove beneficial or change your recommendations for funds?

Mr. FALLON. I don't think it will change our recommendations for funds in accordance with the statutory language. To answer your question specifically, we hope the research that is going on will contribute to the entire aviation system in the United States and we expect it will.

Mr. HARVEY. They indicated they were putting great emphasis on research. Perhaps that is one of the reasons they had not been following through with the other expenditures.

Mr. FALLON. I think we would like to distinguish here between the basic research going on with respect to the airways system which we acknowledge and the basic need which is not going on for concrete on airports.

I don't think the research really has much to do with the airport program. The airport program is thoroughly researched. What we need is hardware, pavement, land and so on. Now, the airways program I think is the one toward which the research is directed. What we are saying here is that we are not getting the minimum level to airports that was dictated by the legislature. So I think we have two separate situations.

Mr. HARVEY. The other argument they advanced yesterday was that the passage of the act we have before us would deprive them of the needed flexibility to administer the law. Would you comment on that?

Mr. FALLON. Possibly only in the sense, sir, that the law as written allows flexibility within the total amount collected from the user charge but it does state a minimum level of funding.

Now, if the administration is saying that they want total flexibility, then they are saying they do not want to comply with the law as written, because there are limitations as to how much money should be spent on the airport side, how much should be spent on airways, how much should be spent in planning and so on.

There is certainly plenty of flexibility within those limits but to have total flexibility would be to disregard the amounts that have been set forth in the law to be applied to the various programs, and we would not agree with that.

Mr. HARVEY. I have no further questions, Mr. Chairman.

Mr. MURPHY. Mr. Kuykendall?

Mr. KUYKENDALL. It is good to have you. I think those of you that were at yesterday's meetings know that you have a fairly agreeable panel here as far as your disposition is concerned. Those of you that

were here yesterday know that the only disagreement that popped up on the committee itself was the disagreement that Mr. Dingell and I had on whether or not the administration people acted legally, inside a loophole or whether they were in an unsure area.

I happen to think they were acting legally and I think that is the reason legislation is necessary, to clarify this situation, but nobody, Mr. Chairman, has described what the loophole is. You remember that. Nobody. Where is that loophole? Under what authority are they operating.

Mr. SEYBOLD. The problem stems from the difference in the language between section 14 in title I and 208(f) in title II. Section 14 was written by this committee and the counterpart committee in the Senate, section 208(f) was written by the Ways and Means Committee and the Finance Committee. They are, in effect, ambiguous when the two of them are put together as to what is authorized to be spent from the trust fund.

It is clear from section 14 that what was intended was that the priority for capital items have primacy and that until those minimums were met, none of the trust fund moneys would be spent for the other items: maintenance, operations or administrative expenses, or R. & D.

Mr. KUYKENDALL. Was that implied or specific?

Mr. SEYBOLD. It is very specific.

Mr. KUYKENDALL. I am on the second step. I know the requirements of capital expenditures put in the legislation are specific, but the fact that after they do that minimum requirement, that the balance shall be allocated for necessary administrative expenses—that is not what we intended. But now exactly what language gives them enough leeway to think after they spent the minimums they are free to do what they want?

Mr. SEYBOLD. Are you speaking about your language or the language in section 14.

Mr. KUYKENDALL. I am speaking of the ambiguity.

Mr. SEYBOLD. One by one, in section 14, (a), (b) and (c) the obligatory authority is laid out for airports, minimum amount for airports and minimum for airways. Then section 14(d) says: "The balance of the moneys available in the trust fund shall be allocated for necessary administrative expenses incident to the administration of the programs," and so forth.

Mr. KUYKENDALL. That is in whose language?

Mr. SEYBOLD. That is section 14(d).

Mr. KUYKENDALL. The Ways and Means language?

Mr. SEYBOLD. No, that is your language, but then you turn to section 208(f), which is the language written in title II, and it says there:

(f)(1) "Airport and Airways Program. Amounts in the Trust Fund shall be available, as provided by appropriations Acts for making expenditures after June 30 of 1970, and before July 1, 1980, to meet those obligations of the U.S.—(A) hereafter incurred under title I of this Act"—which is the program that you laid out, "or incurred at any time before July 1, 1970, under the Federal Airport Act; (B) heretofore or hereafter incurred under the Federal Aviation Act, as amended, which is attributable to planning, research and

development, construction, or operation and maintenance of—(i) air traffic control, (ii) air navigation, (iii) communications, or (iv) supporting services, for the airways system; or (C) for those portions of the administrative expenses of the Department of Transportation which are attributable to activities described in subparagraph (A) or (D)”—in other words, airways or airports.

Those are given in section 208(f), you might say, equal level of priority, or the administration is given flexibility, to determine the way they would be used.

But it is very clear from reading the history and from reading the language of section 14 that this committee intended that the priority go to those minimum amounts for capital items, airports and airways hardware; after that they be spent for these other purposes.

Mr. KUYKENDALL. It is my feeling about the legislative intent of this committee—and some of the members of the committee here now were on the committee last year—it was our intent, just as in the Highway Trust Fund, that such things as sky marshal salaries could not be paid out of it, whether it is surplus, nonsurplus, now or 10 years from now, now or ever. This is what our intent was.

I was using that because it was used as an extreme case of out-and-out salary being paid out of a capital trust fund.

Now, you are reading on part (d) there, continuing on the “expenses.” It was our intent that the “other expenses” be expenses of the capital program, salaries that have to do with the capital program and not the salaries that have to do with something totally unrelated to a capital program.

I will grant, as I said yesterday for the record, that the OMB and DOT and FAA were all acting within the letter of the law, but certainly not the intent.

Mr. Chairman, I am not sure that even our bills as written are clear enough as to really what we can and cannot do.

Do you think they are?

Mr. SEYBOLD. I think they are: I think the aviation community thinks they are, because they do two things. They first clarify in section 14 the absolute priority of the capital items, and they preserve in the trust fund until they are actually appropriated those minimum amounts for airports and airways hardware, so that there could not be appropriated out for airways maintenance and operations or research and development any moneys until after those minimum amounts had been preserved and kept in the trust fund.

Mr. KUYKENDALL. I am not so concerned with that. Everybody recognizes that R. & D. is a legitimate capital expansion expense. We recognize this. Maybe we should have put R. & D. in a priority even before the other. I don't know; but we did not.

We spend the necessary money for R. & D. We spend necessary money for maintenance of capital expansion programs. When you blow out a radar receiver, I think this is perfectly legitimate that the new one should come out of the trust fund. But I am not talking about that.

I am talking about when we accumulated \$500 million that is not in this trust fund. In making these plans, we show we probably start with a deficit somewhat, and then would go down and gradually build

back up to a satisfactory program, which would come out roughly even at the end of 10 years.

You cannot do that if you do not accumulate some fairly sizable surpluses during periods of that time.

Now, the administration regretfully has pretty well told us they have no intention of letting us accumulate sizable surpluses, and for the sake of the record and for the sake of the public that may be reading the record, I think we should put something in here that all of us know but the public is not aware, that there is never any real surplus in these funds. The money is loaned to the general Government fund every day as it comes in and interest is paid to the trust.

So there is no bank account for the Airport and Airways Trust Fund any more than for Social Security Trust Fund or Medicare Trust Fund or Railroad Retirement Trust Fund. There is no trust fund sitting there with money in it, so the Government has the use of this money every day and they pay interest for it.

I happen to think that is all a brainchild of OMB, and one of Mr. Shultz's boys figured out a way to borrow this money without paying interest and without being part of the national debt. It was a cute gimmick, but we are not going to let it work.

So what we want, we want to be sure that not only are our priorities guaranteed, Mr. Seybold, but we want to be sure that our legislation does not allow them to take even the surplus out.

Mr. SEYBOLD. We think the bill will accomplish that. I am not sure I completely understand you, but it will accomplish this. It will say they cannot use any moneys in the trust fund for operation, administration expenses, or anything until those minimum amounts—

Mr. KUYKENDALL. I don't like the "until."

Mr. SEYBOLD. If the committee wishes to change it so the money is available only for capital purposes, I am sure we would not object to that.

Mr. KUYKENDALL. It wasn't our intent that they fulfill minimum requirements and then have the money to do what they wanted to do.

Mr. ADAMS. The intent of it is as stated in section 14. We wanted a minimum capital balance fund created and protected.

The expense section is, as the gentleman stated, to take care of administrative expenses for capital expenditures for the creation of the airport and airways system. It was not for operating expenses of the FAA.

Mr. KUYKENDALL. Salaries of traffic controllers.

Mr. ADAMS. No. I have concern, as you have, for whether the bill by protecting minimum amounts will go far enough? But I think it is now, after the testimony we heard yesterday, certainly a minimum legislative proposal to protect a minimum balance in the fund. Every year that the users taxes are not paid out to the extent of the amount stated in the fund, they would accumulate in the fund for usage at a later year.

Mr. KUYKENDALL. Isn't it your recollection that when we look at this fund over a 10-year period we find it necessary to accumulate balances to take care of heavy draw later on?

Mr. ADAMS. Yes, you would have to have heavier general appropriations in earlier years.

Mr. KUYKENDALL. So if we drain the balance as soon as we have one, when the times comes that we need and start getting the New York area metropolitan airport, if Mr. Murphy finds some place to accept it—

Mr. MURPHY. Stewart Field is now under consideration.

Mr. KUYKENDALL. When something like this comes up, we are going to have a terrific drain on this program, and we need a capital fund to take care of it. I don't like the idea of saying, "You have to fulfill, and then you have a free hand." I don't want them to have a free hand with this trust fund, period.

Mr. HARVEY. I am bothered by one thing Mr. Seybold said. That is that if section 208(f) is giving us trouble, and it is the section that runs contrary to the generally expressed intent of this committee in the past, what are we doing trying to amend that section, when it was enacted first by the Ways and Means Committee?

Mr. SEYBOLD. You are not amending that section. This bill does propose to amend that section, but it proposes also to amend section 14 to preserve those moneys, those minimum amounts. The bill will have to go to the Ways and Means Committee.

Mr. HARVEY. You are talking about H.R. 7072?

Mr. SEYBOLD. Yes, sir, and similar bills. The bill as presently drafted will also have to go to Ways and Means Committee, and it does propose an amendment which will have to be approved, which says that the purposes for which the funds in the trust fund can be spent are those specified in title I. In other words, as drafted we have to persuade the Ways and Means Committee to agree with the fact that you are the authorizing committee and you state what is to be done.

Mr. KUYKENDALL. We were discussing something before we went into hearing. Is it your impression from talking to representatives of the Ways and Means Committee that in this type of legislation that they wait for our legislative intent and then they facilitate, they expedite what our intent is? Isn't that pretty much what you were told—they wanted us to act, to give us their intent before they could act?

Mr. SEYBOLD. We thought that would happen when the law was passed. Somehow or other, this ambiguity came up and they also wrote a legislative intent. It was suggested to me that we go to the other committee and get a resolution or some action from them as to what they intended, and come back, and Ways and Means would take a look at it.

I would like to make one further comment on the question Mr. Harvey asked about research and development, if I may. The aviation community fully supports this research and development program that is going on at FAA, but our problem is trying to find out what they are headed for, what they expect to get out of it.

I should point out to this committee, since you are concerned with safety and the factors that affect aviation safety, that of the \$250 million that is being requested currently in the FAA budget for F. & E., \$40 million is for automation research, another \$40 million will go to—only another \$40 million—will go to landing and ap-

proach aids, and \$170 million goes to terminal and enroute radar and implementation of automation-base facilities.

And as a practical matter, the current budget therefore provides for no new basic category 1 instrument-landing systems, essentially no approach-light systems, and no visual approach slope indicators, all of which are badly needed basic facilities.

Mr. KUYKENDALL. Did you tell us the extent to which they have in the works the ILS systems and the fact that they claim to have in the works a 50-percent increase in those systems? That is in the record as of yesterday.

Mr. SEYBOLD. Almost every time we have a hearing on aviation matters, we have an accident and then we are talking about what we needed was those facilities. Every year we say we did not have the facilities here (see letter dated June 15, 1971, p. 73).

I don't want to take the time of this committee, but I would like to submit for the record, if I may, a summary of the statement which we have just submitted to the Appropriations Committee, outlining the minimum facilities addition that should be put into the budget this year, in the instrument landing area, VASI area, and lighting area.

Mr. KUYKENDALL. I suggest you check the record as of yesterday, because it was more concrete than we have had in the past, concrete in more ways than one, about the actual physical beginning of approximately 50-percent increase in ILS systems.

We have had, now, two crashes—one in New Haven and the one in West Virginia—where when we got to real deep questioning we found that there was a conflict and a standoff between Federal and local governments that had caused an absolute halt in any progress toward longer runways and an ILS system. The same thing was true in both cases. The FAA had been brought to a halt in the case of *New Haven* by a supreme court ruling, of all things, of the State supreme court.

Now, what happens here when safety gets caught in an impasse between State and local governments? Maybe you do not want to answer that now. Maybe you want to do research and furnish it for the record.

Were you here yesterday, Mr. Chairman, when that came up again? FAA reported to us that they had gotten caught in an impasse between Federal Government and local government that caused them not to complete the runways and so forth in New Haven.

Mr. MURPHY. But that was the subject of much debate between Mr. Watkins and me last year when this act was implemented. We had his amendment.

Mr. KUYKENDALL. We had the same thing on the crash in West Virginia.

Mr. MURPHY. The same things came up when the committee adopted his amendment, incidentally, supporting the local jurisdictions in those instances.

Mr. SEYBOLD. It is a hard problem without an easy answer. We will submit an answer.

(The following information was received for the record:)

CONFLICT IN JURISDICTION OVER AIRCRAFT SAFETY

Federal control of all aspects of aviation safety including the flight, landing and takeoff of aircraft has been upheld by the courts time and time again. In that connection, I should like to call your attention to the fact that on June 24, 1971,

subsequent to the Committee's hearings, the U.S. Court for the District of Connecticut entered an order enjoining further enforcement of the State court order regarding the New Haven runway.

Mr. KUYKENDALL. I am sure those people who are dead would like to know how they got caught in a governmental jurisdiction fight.

Mr. SEYBOLD. I think Captain O'Donnel in his separate statement will comment.

Mr. MURPHY. Without objection, Mr. Seybold's summary of the appropriation statement will be entered in the record; and also without objection, we will ask FAA to respond to the question you raised about FAA's R. & D. program.

Mr. SEYBOLD. We would appreciate that.

(The following letter was received for the record:)

AIR TRANSPORT ASSOCIATION OF AMERICA,

June 15, 1971.

Hon. JOHN JARMAN,

Chairman, Subcommittee on Transportation and Aeronautics, Interstate and Foreign Commerce Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to the Committee's request that the Air Transport Association provide further background on several questions raised at the June 9 hearing on the Aviation Trust Fund diversion before the Subcommittee on Transportation and Aeronautics.

The airlines believe that every opportunity should be taken to enhance the development of the nation's airport and airways system, in order to meet the public need for safe, dependable, and fast air transportation. This involves not only preventing diversion of the Trust Fund, but assuring adequate funding for capital improvements, and timely implementation of projects as well. In this regard, the airlines recommend:

1. User tax revenues—both the \$402.5 million which accumulated in 1971 and the estimated \$729 million which will come in during the coming year—should be used to embark on a badly-needed "catch-up" effort in FY 1972. P.L. 91-258, passed by Congress in 1970, calls for an expenditure of "not less than" \$250 million annually for airways facilities, providing authority for a higher level of funding, if needed. In view of this, the airlines have recommended to FAA that, in addition to \$250 million funding for the airways, an additional \$79 million be allocated to implement a series of facilities which are readily available and can be installed quickly. This includes, at least, 15 additional control towers, 17 surveillance radars and beacons, 34 instrument landing systems, 34 approach light systems, 44 VASI's, 29 ARTS III terminal automation base systems, 6 long range radars, and a special effort in the Caribbean. (A detailed listing of the locations at which these aids are needed is enclosed as Attachment I.)

When looking at the Administration proposal of \$250 million for facilities and equipment, it should be kept in mind that some \$40 million would be used for research and development described as F&E Implementation Support. An example of this is Enroute Automation Implementation Support at \$16 million. Since these funds will not result in the establishment of air navigation or traffic control facilities, it seems more appropriate to regard them in the research and development category.

2. Greater reliance on "turnkey" operations should be made in order to speed up the installation of facilities and equipment. In this process, the FAA could specify performance specifications and manufacturers could do the installation and then turn the equipment over to the government. This procedure has been utilized to a limited degree, but the airlines feel it should be accelerated.

3. FAA's research and development effort should be stepped up if the air traffic control system and the airport system are to cope with the increases of traffic which is anticipated, and if aviation is to be able to meet environmental demands. In this regard, the airlines feel it appropriate that FAA be asked to make a report to Congress in the middle of the coming fiscal year:

- (a) to report on its progress in establishing a meaningful research and development program;

(b) to indicate what the character of the emerging air traffic control system will be;

(c) to indicate what specific improvements we may expect in what time frame in terms of increasing the capacity of the air traffic control system, both enroute and at airports;

(d) to establish what increases we may expect in what time frame in the productivity of the air traffic controllers, in order to stem the growth of the number of controllers; and

(e) to indicate what progress FAA expects in what time frame in the various other areas of research and development on which large expenditures are to be made. We would also expect at an early date a similar report on FAA's approach to and effort on noise reduction and air pollution control.

The research and development necessary to provide a knowledge base for prudent and feasible noise abatement and air pollution reduction expenditures has been too sparse and is inadequate. The government is spending about \$25 million on noise R&D annually, and industry nearly an equal amount. These expenditures, however, do not attack the very fundamentals of noise generation; they do not explore in depth the psychoacoustical and physiological effects of noise on people, they do not provide a thorough investigation of engine noise (produced by the front portion of the engine) and jet roar (produced by the jet blast), nor do they lay the base for a program which will in time bring under control the most serious single threat to the continued growth of air transportation. The airlines therefore urge a greatly expanded effort in environmental research and development so that these areas of uncertainty may be reduced prior to decision making—and so that we can confidently expect, in time, that these environmental problems will be solved. (A detailed program is set forth in attachments II and III.)

4. The mandate of Congress, that at least \$295 million be allocated annually for airport development and planning, should be honored. As of June 4, 1971 requests for aid totaling in excess of \$545 million had been received by FAA, so the need is well-documented. The long lead time (4 to 8 years) inherent in airport/airway development makes it imperative that the program be funded as planned if the needs of the industry and public are to be met. Otherwise, the airport users who supported the new taxes so the backlog of facilities could be provided can justly feel that they were misled.

The airline industry—and users—are grateful to you and the members of the Subcommittee on Transportation and Aeronautics for the manner in which the most recent attempt to divert the Trust Fund is being met. Of the \$392.7 million collected by the Government through March, 1971 over \$350 million came from the scheduled air carriers and the passengers. Therefore, the airlines feel a keen sense of responsibility and a special concern about the Trust Fund and the way it is used to improve the aviation system. The airlines share your concern to protect the integrity of the Trust Fund and appreciate your efforts and the members of the Subcommittee in keeping faith with the users who are being taxed to provide the improvements necessary to assure a safe, dependable and fast air transportation system.

As you can see from the above, the airline industry feels there is a need for clarification of the objectives of the current airways research program and also a need for much greater speed and emphasis on the installation of readily available facilities in the landing and terminal area aspects of air traffic control.

We hope this brief summary will be assistance to the Committee and we would like to discuss these problems further if the Committee has time to look into them.

Cordially,

LEO SEYBOLD,
Vice President, Federal Affairs.

Attachments.

Attachment 1

A FACILITIES CATCH-UP EFFORT

In the fiscal year 1971, the vast majority of the FAA budget funding went for the automation base program, so only a relatively small amount was available for the air navigation and airport facility catch-up which is badly needed. In FY 1972 the situation with respect to such facilities is not much better. FAA proposes to build only four new towers, relocate twenty more, and "improve" some others. Their proposal provides for establishment of only fourteen VOR's, five terminal

DME's, nine Category II ILS's, one Category III ILS, and one approach light system, as well as miscellaneous other items. This means that the budget provides for no new basic Category I Instrument Landing Systems, essentially no approach light systems, and no Visual Approach Slope Indicator (VASI) lighting systems. All of these are badly needed basic facilities in which we are way behind. The National Transportation Safety Board correctly noted in a recent report that the majority of airline accidents occur in approach and landing—just where these aids provide help.

This proposal is based on a selection of facilities which airlines feel would provide substantial improvements on a short time scale. Selected facilities are included which, in a number of cases, may be in FAA's plans, but for future years.

AIR TRAFFIC CONTROL TOWERS

15 Towers at approximately \$200,000 each, \$3,000,000; Bradford, Pa., Rocky Mount, N.C., Lima, Ohio, Alexandria, La., Staunton, Va., Temple, Tex., Dubuque, Iowa, Laredo, Tex., Mosinee, Wis., Arcata, Calif., Mason City, Iowa, Lewiston, Ind., Muscle Shoals, Ala., Chico, Calif., Kinston (Stallings Field), N.C., Florence, S.C.

AIRPORT SURVEILLANCE RADAR/RADAR BEACON SYSTEMS

17 Systems at approximately \$1,475,000 each, \$25,000,000; Allentown, Pa., Tallahassee, Fla., Lynchburg, Va., Beaumont, Tex., Islip, N.Y., Lafayette, La., Evansville, Ind., Lake Charles, La., Springfield, Mo., Palm Springs, Calif., Waterloo, Iowa, Eugene, Oreg., Daytona Beach (Regional Airport), Fla., Hilo, Hawaii, St. Croix, V.I., St. Thomas, V.I.

INSTRUMENT LANDING SYSTEMS/APPROACH LIGHTING SYSTEMS

34 Instrument Landing Systems at an estimated \$140,000 each, \$4,760,000; Location and Runway Designated Below.

Atlanta, Ga. 27R
Memphis, Tenn. 35L
Muscle Shoals, Ala. 11
Florence, S.C. 9

Abilene, Tex. 35R
El Dorado, N. Mex. 22
Alamogordo, N. Mex. 3

Seattle-Tacoma, Wash. 16R
Idaho Falls, Idaho 20
Los Angeles, Calif. 7R

Chicago-O'Hare, Ill. 4R
Wichita, Kans. 1L
Great Falls, Mont. 3
Muskegon, Mich. 23

Huntington, W. Va. 11*
Utica, N.Y. 15
Lima, Ohio 27
Bradley Field, Winston
Locks, Conn. 24
Honolulu, Hawaii 4R

Miami, Fla. 9R
Asheville, N.C. 16
St. Croix, V.I. 9

Houston, Tex. 26
Carlsbad, N. Mex. 19
Enid, Okla. 35

Los Angeles, Calif. 6L
Grand Canyon 21

Milwaukee, Wis. 19
Omaha, Neb. 32L
Butte, Mont. 15

Cleveland, Ohio 23L
Philipsburg, Pa. 16
Altoona, Pa. 20
Albany, N.Y. 1

It is estimated that in order to achieve best cost-effectiveness from these ILS facilities, 75% can be served by MALS/RAIL facilities while 25% are likely to require full ALS.

24 Medium Intensity Approach Light Systems with RAIL Lights at an Estimated \$10,000 each, \$1,680,000.

10 Approach Light Systems with Sequence Flashers at an Estimated \$212,000 each, \$2,120,000.

Note.—This is only a small part of the actual need. Airlines previously have identified 250 locations where approach light systems would render valuable service within the next two years.

* Glide Slope Only.

VISUAL APPROACH SLOPE INDICATORS (VASI)

44 VASI's at an estimated \$20,000 each, \$880,000; location and designated runway shown below.

San Juan, P.R. 25
Knoxville, Tenn. 22R
Jacksonville, Fla. 25

Dallas, Tex. 18
New Orleans, La. 28
Albuquerque, N.M. 26

Los Angeles, Calif. 6R/6L
Seattle-Tacoma, Wash. 16L/34L
Phoenix, Ariz. 26L

Chicago-O'Hare, Ill. 4L
Chicago-O'Hare, Ill. 22L
Chicago-O'Hare, Ill. 4R
Detroit, Mich. 9
St. Louis, Mo. 6

Huntington, W. Va. 11/29
Philadelphia, Pa. 17/35
Baltimore, Md. 33
Cleveland, Ohio 18R/36L
Dayton, Ohio 24R

Raleigh/Durham, N.C. 23
Albany, N.Y. 22
Muscle Shoals, Ala. 11

Farmington, N. Mex. 25
San Antonio, Tex. 26
El Paso, Tex. 26

San Francisco, Calif. 10R
Las Vegas, Nev. 7
Salt Lake City, Utah 16R

Chicago-O'Hare, Ill. 9L
Chicago-Midway, Ill. 31L
Chicago-Midway, Ill. 22L
St. Louis, Mo. 30L

Charleston, W. Va. 5/23
Pittsburgh, Pa. 10R/28R
Rochester, N.Y. 22
Columbus, Ohio 28R
Toledo, Ohio 25

Note.—This is a small part of the actual need. Airlines previously have identified 416 locations where VASI's would render valuable service within the next two years.

LONG RANGE ENROUTE RADARS (ARSR)

6 Systems at an estimated \$2,000,000 each, \$12,000,000; Pittsburgh, Pa., (replace military systems); Bedford, Va., (replace military systems); Benton, Pa., (replace military systems); St. Croix, V.I., Los Mesas, P.R., Grand Turk Island (Caribbean).

ARTS III TERMINAL AUTOMATION BASE SYSTEM

29 ARTS III Systems at an estimated \$1 million each, \$29 million, "Third Buy" Locations; Tampa, Fla., Baltimore, Md., Long Beach, Calif., Portland, Oreg., Indianapolis, Ind., Buffalo, N.Y., Washington (Dulles), Va., Omaha (Offutt AFB), Neb., Nashville, Tenn., Jacksonville, Fla., Louisville, Ky., Burbank, Calif., Milwaukee, Wisc., Birmingham, Ala., Hartford, Conn., Raleigh/Durham, N.C., Salt Lake City, Utah, Rochester, N.Y., Syracuse, N.Y., Orlando, Fla., Tulsa, Okla., Albuquerque, N.M., Charlotte, N.C., Providence (Quonset Pt. NAS), R.I., Knoxville, Tenn., El Paso, Tex., Des Moines, Iowa, Albany, N.Y., Andrews AFB (Washington, D.C.).

A CATCHUP IMPROVEMENT EFFORT FOR SERVICES IN THE CARIBBEAN AREA

A major effort to achieve needed improvement in ATC facilities in the Caribbean should be undertaken. Air/ground communications are not satisfactory. There is a relatively high incidence of "near misses"; there is an inadequate or unreliable radar coverage, and navigation deficiencies exist in the enroute and terminal areas.

We consider the following list of improvements as a minimum:

Long range enroute radars (LRR's) at St. Croix, Los Mesas, and Grand Turk (\$6,000,000).

Airport surveillance radars (ASR's) at St. Croix and St. Thomas (\$2,950,000). These radars have been included in the preceding ASR and LRR list.

In addition, the following aids are needed:

1. ILS at St. Croix, V.I.----- \$140,000
2. Remote control air/ground communications at St. Croix and
Los Mesas----- 60,000
3. DME at VOR at St. Thomas, St. Croix, and Ponce----- 180,000
- Establish 3 VORTAC's at Grand Turk, Mayaguez, one location
between Bimini and Grand Turk----- 420,000

Total ----- 9,750,000

Total (excluding radars and ILS)----- 660,000

Attachment 2

AVIATION NOISE R. & D.

As has been noted, R&D in aviation noise has been sparse and entirely inadequate considering contemplated expenditures in noise abatement and the information required for these expenditures to be both prudent and wise. The recommended R&D program is detailed below by priority in both basic and applied categories.

BASIC RESEARCH

1. *Subjective Response* (\$2M/yr.)

Of first priority is research on the subjective effects of aircraft noise on people. Research to date, culminating with the TRACOR Study, has not provided conclusive results. The subjective content of individual annoyance remains unknown. The expenditure by the public of large sums of money for noise abatement cannot be justified on the basis of presumed benefits. As a consequence, it is essential that subjective response information be developed.

2. *Jet Noise* (\$60M/yr.)

Recent research programs offer many design avenues for the reduction of noise caused by the fan, compressor, and turbine. The potential offered by these new approaches for the abatement of noise generated by the turbo-machinery of current and future aircraft brings the question of primary jet noise suppression into focus as the major barrier to further reduction of the aircraft noise environment. Thus there is a need to develop a clear theoretical understanding of the mechanisms of jet noise production as well as reliable and effective techniques for jet noise suppression.

3. *Engine Noise* (\$2M/yr.)

With a particular view of future engine designs and V/STOL needs, research should be increased in the fundamental mechanisms of turbo machinery noise including wake/blade interaction, wake development and control as well as in energy transport in compressor and turbine sections.

4. *Acoustic Lining* (\$3M/yr.)

Acoustic treatment has been demonstrated to be an effective technique in the suppression of fan-generated noise and research on materials and techniques should be continued.

5. *Quiet Engine Program* (\$9M to complete.)

The NASA Quiet Engine Demonstration Program should be completed. The fan noise reduction techniques being developed are quite promising and are applicable to next-generation engines.

APPLIED R. & D.

There is increasing consideration and pressure for retrofit of at least a portion of the current airline fleet for noise reduction. However, the objectives of a retrofit program are not at all clear. The cost/benefit objectives within the constraints of technical and economic reasonableness have not been established. Therefore, a two-step retrofit exploration program is indicated.

RETROFIT EXPLORATION

a. In order to define retrofit objectives it is necessary to conduct a short term research program in psychoacoustic testing and in cost/effectiveness-benefit analysis of aircraft retrofit options. (\$2M)

b. It is anticipated that the results of item a. will indicate particular promise in certain retrofit options for the JT8D powered fleet. It will then be necessary to conduct a feasibility program to verify noise reductions, performance changes, costs, safety and reliability aspects forecast for certifiable noise retrofit modifications proposed for current 727, 737 and DC-9 fan jet powered aircraft. (\$30M)

The psychoacoustic testing and cost/effectiveness analysis short term research program should have the following elements. First, it must be determined whether noise reductions which are technologically achievable are "meaningful". It should be possible to provide this needed answer with a well-conceived psychoacoustic test program. It should be possible to simulate over a short period of time the change in noise exposure that would occur with and without noise retrofit of

current aircraft. To be complete, the psychoacoustic test part of the program should be combined with an evaluation of noise exposures at representative airports, including a cost-benefit analysis of all relevant factors. The methodology evolved in the ICAO Committee on Aircraft Noise, Working Group A, is applicable. The methodology would consider such factors as: runway layout, flight path, number of operations, runway utilization, fleet composition, aircraft noise levels and performance and retrofit acoustical, performance and economic change to determine the change in noise contour areas. With cost information, monetary value, and population density inputs and the annoyance weighting factor from the psychoacoustic testing, cost-benefit may be determined, providing a basic evaluation of aircraft retrofit options. In this fashion, the basic information necessary to establish the retrofit objectives may be generated.

Attachment 3

AIR POLLUTION CONTROL R. & D.

AIRPORT ENVIRONMENT

a. The airport environment should be studied to determine the impact of aircraft engine emissions on the airport and adjacent to the airport with varying degrees of aircraft operational activity. This study should measure downstream effects, if any, of aircraft emissions on ambient air quality emission standards. Compare with a similar sized area—in a) downtown and b) a suburb. (\$0.5M for 1 yr.)

b. Study the contribution of airport generated emissions from automobiles, trucks, airport vehicles, stationary power plants, incinerators, etc., to lands adjacent to the airport. This study should identify the potential violators of air quality standards and suggest corrective measures, if required. Various airport loadings and mixes should be studied to pinpoint if a problem exists or when a problem might arise through future growth or lack of controls. (\$0.2M for 1 yr.)

c. Identify airport-generated water pollution sources and describe control methods. (\$0.2M/yr. for 2 yrs.)

d. Research on the abatement of odors associated with aircraft operations around airports. (\$0.3M/yr. for 2 yrs.)

ATMOSPHERE

a. Determine how emissions from airborne aircraft are dispersed in the air at various cruise altitudes and what is the effect on the environment (including SST altitudes). (\$0.4M/yr. for 2 yrs.)

b. Research to develop a better definition of meteorological and atmospheric chemistry and physics related to pollution control. (\$0.6M/yr. for 2 yrs.)

ENGINE EMISSIONS

a. Improved sampling and analysis techniques so that measurement systems may be standardized. (Note: Airline engineers believe that an inhouse capability for measurement of aircraft engine emissions should be established. Such a capability would probably not cost more than \$20K at any given location.) (\$0.3M/yr. for 2 yrs.)

b. Improved combustor designs to minimize emissions (especially CO and HC) particularly in idle and low power engine operating regimes. (\$1.0M/yr. for 2 yrs.)

c. Research to develop a better understanding of the formation of oxides of nitrogen and other emissions detrimental to health. (\$0.8M/yr. for 2 yrs.)

Mr. HARTRANFT. Ancillary to the comment, I have two suggestions to make. First, I think the staff in looking at this research and development program ought also to consider the augmentation of those funds through the DOT Fund and augmentation through NASA. They have a pertinent bearing, I think, on the overall picture.

Second, I should like to point out that at least as late as August of this year, in testimony of the FAA Administrator and in testimony

of the Honorable Mr. Volpe before the Department of Transportation and Related Agencies Subcommittee of the Appropriations Committee, there was every indication that they intended to ask for the full amounts on these items.

For instance, in Mr. Volpe's statement—and this was in the testimony given July 30—there is this:

The Federal Aviation Administration recently completed a review of the plans of airport sponsors for airport improvement and construction projects. The review indicates that FAA can expect requests for grants amounting to approximately \$340 million in fiscal year 1971.

The Airport and Airways Development Act of 1970 did authorize grants totaling \$280 million for fiscal year 1971. Assuming no fiscal restraints, the Department believes that the full amount of the authorization could be utilized for project grants during fiscal year 1971.

That does not jibe at all with what they put in.

Mr. KUYKENDALL. Let me make something clear here. Actually, these grey areas of decision as to what particular item might be pulled out of the trust fund and classified as an administrative item—I don't think that is so much the point of these hearings as the fact that I know, for instance, there is no such thing in the highway trust fund enabling legislation that uses such phrases as "none of these funds may be used until this has been accomplished."

Their trust fund says, "None of these funds may be used," period.

So, whether or not that "until"—I think that one word is really the question here.

Are we justified in using these trust fund figures? All of these—the witnesses have all gotten bogged down in justifying an individual expenditure. I have not seen much wrong with the planning or the suggestions from any of our witnesses as far as what our long-range plans are.

Our position here is that the members of this committee and this subcommittee and a lot of Members of Congress that supported this legislation on the floor gave our word to you people, to the ADPA, to the riding customer, that this was a trust fund that would not be violated; we gave them our word.

That is what the issue is today, gentlemen. It is not details. It is whether or not our word is going to be good, and this is the reason I am glad you brought out the fact that you did not feel that even our bill satisfied that until bit.

If it does not, I think our bill ought to be amended to where it closes the door and does not give a long line of conditions for opening it. We want the door closed and locked, and the key thrown away. Then if you want to manufacture a new key, they can come back up here and see us again. This is the way I feel about it.

Mr. ADAMS. I have checked, and I am worried about one part. That is in your statement, Mr. Seybold, with regard to section 208(f). Is it your understanding that title II of the bill as presented would be the portion that would go to the Ways and Means Committee?

Mr. SEYBOLD. That is my understanding.

Mr. ADAMS. And that title I, which is the authorizing section, is the one we would consider?

Mr. SEYBOLD. Yes.

Mr. ADAMS. Now, can you give me a figure? They could not yesterday, but I wanted to get some idea of it, of what percentage is ordi-

narily allocated to military aircraft out of the general FAA budget prior to our going in with this new system.

Mr. SEYBOLD. That is a matter of debate between the aviation community and the Budget Bureau and the military. Of course, there is a provision in the Airport and Airways Development Act, for a study now underway of airways costs and the allocation of those costs. I think there is sufficient going on that this committee ought to look into the way that that study is being handled.

Mr. ADAMS. I don't know whether you were here during all of the hearings yesterday, but I have been trying to determine what is the amount that has actually been or is going to be diverted in the 1972 appropriation if it is not handled correctly.

My understanding is the only general funds appropriation is this \$293.1 million. The \$293.1 million under the general information we had is just about what is ordinarily allocated as being the military usage of the system in terms of the FAA expenses, which according to the testimony that was given to me yesterday have run, starting in 1965, about \$726.8 million. Then they run through 1966, \$866.9 million; 1967, \$991.3 million, and so on. And that with some other items, but the general operating expenses have been in the neighborhood of \$500 million to \$700 million.

Is that correct?

Mr. SEYBOLD. Overall costs of running airways is up around \$900 million to \$1 billion.

Mr. ADAMS. The operating expenses of FAA includes in there a certain amount of R. & D., the FAAP program, at one point the SST program, and so on. So I am trying to get some idea of what I think the Bureau of the Budget has done to us here.

Trying to pinpoint that figure is difficult, but some place between \$293.1 million and a figure of \$500 to \$700 million the diversion that is taking place out of the user taxes under the 1972 proposal.

Is that correct?

Mr. CORBETT. \$697 million, counting carryover from the past fiscal year. One of the things we noted this year is coming up with the charts is that the FAA, thinking it is going to be able to fund all of the operations cost or most of the operations cost from the trust fund, is trying to increase that account this year. It is proportionately much larger than in past years.

For fiscal 1972, instead of having user taxes pay for little more than half of the total airport-airways system cost, the administration will propose increasing the user tax support for the FAA operations so that the amount of user tax funds to pay for operations is \$699 million.

Mr. ADAMS. Your chart indicates you have \$402.5 million being used out of the Trust Fund under the administration proposal on the right-hand side. In effect, is that the figure that is being used for operations of the FAA?

Mr. CORBETT. The FAA operations request for fiscal 1971 is \$991.8 million. The FAA is only requesting a general tax fund contribution of \$29.1 million.

Mr. ADAMS. Part of that is the FAAP program. As I understand it, that is still left in that. That is what I am trying to get at. How much are they diverting over?

Mr. KUYKENDALL. Do you remember yesterday when you asked the CPA-type to read the string of figures into the record showing FAA operating requests for 6 straight years, they went between \$500 and \$600 million each of those 6 or 7 years that were read into the record yesterday.

When you dropped it down to less than \$300 million, the \$293 million, that means obviously that slack between an average of that "roughly \$600 million" for all those years is a diversion.

Mr. ADAMS. My problem right now is, as I said yesterday, they had convinced me after their testimony that they had in effect raided the fund. Now, I am trying to figure out how much, because I assume we are going to have this on the Floor at some point, both with the Appropriations Committee and through the authorization process.

The only part in here that is bothering me is that they ordinarily lump under the FAA operations administration the FAAP program. So I think there is some legitimacy to using some of the user taxes in the FAAP program, and I don't want to be trapped off on that.

That is what I want to find out from you. Can you help me with that?

Mr. CORBETT. I don't have a specific response in numbers.

Mr. ADAMS. That is the 50 matching funds for the facilities and runways.

Mr. CORBETT. That is a small amount of funds. Stated separately, the FAA would request \$107 million for the whole program. The amount of funds within this FAA operations administration account which relates to operating that Federal program is a minimum amount.

I cannot remember the figures from the appropriation justification, but it is very small.

Mr. SEYBOLD. About \$13 million a year ago.

Mr. ADAMS. The entire \$991.8 million is in effect operations that have in the past been paid for by general appropriations. Therefore the \$293.1 million request for general appropriations means you are short between \$600 million and \$700 million out of the user funds.

That is all I want to know. I can make the statement with some accuracy that there has been a diversion of some place between \$600 million and \$700 million of user taxes for operation. Is that right?

Mr. CORBETT. Yes, sir.

Mr. ADAMS. Is there any disagreement in that?

Mr. SEYBOLD. There would be a diversion of between \$600 and \$700 million, if the appropriations committee does what the administration is asking this year. The reason there has not been such a diversion so far is that the appropriations committee, with the assistance of this committee refused to go along with the diversion in the last year's appropriations, and took the money, instead, out of the general fund and left it sitting in the trust fund.

Mr. ADAMS. I understand that. We had a general fund appropriation last year of \$1.097 billion, and we applied \$177.5 million of user taxes. We have that information. We understand we are coming up to the fight on the Department of Transportation appropriation bill, but we want an authorization through beforehand that directs the appropriation in the appropriate way.

You are indicating to me that we have a \$600-\$700 million problem. I have one further question.

Mr. CORBETT. On the assumption that a very high proportion of that \$293.1 million figure would represent the share of the total airport-airways system cost that can be properly allocated to the military, you might say that the user taxes are paying, in fiscal 1971, for almost the entire cost of the program. So it is an entire rate.

Mr. ADAMS. That is where I was going, \$293.1 million just about covers what the military does.

Mr. SEYBOLD. You asked a question about what percentage of total airways cost generally had been attributed to military.

Mr. ADAMS. They testified yesterday 20 percent.

Mr. SEYBOLD. That is what has always been agreed to, leaving out civilian government airplanes, which have always been thrown into the civil category as part of that.

Mr. ADAMS. Do you think it would help the system if all military jets had to follow the same rules as the commercial aircraft?

Mr. O'DONNELL. If they don't follow them, we will have more accidents.

Mr. ADAMS. Is there, in your opinion—and I would ask this generally to the panel—is there a shortage of trained controllers in the system? We had discussion about that yesterday. That goes to the total amount. We don't want to cut off our nose to spite our face here.

Mr. SEYBOLD. It is our opinion that it is being overcome. It is not a real shortage anymore. It is being rapidly wiped out.

Mr. HARTRANFT. We came up with a figure of \$615 million as the total diversion of funds which should be used for capital investment, for whatever.

Mr. STIMPSON. There is a special situation with that \$402 million, since they last year froze that and some of the capital funds were taken out of the regular FAA budget, as you know.

Mr. DEVINE. No questions.

Mr. MURPHY. Mr. O'Donnell.

Mr. O'DONNELL. I think it would have helped if I had made my statement earlier, because we touched on some of the things I want to touch on.

I am going to enter into the record a statement, and also a supplementary data piece of material to support some of the statements I make. I don't want to spend your valuable time going through the data, but it will be available.

Mr. MURPHY. Without objection, it is so ordered.

STATEMENT OF JOHN J. O'DONNELL

Mr. O'DONNELL. I am John J. O'Donnell, president of the Airline Pilots Association.

Our association represents 31,000 airline pilots of 39 commercial airlines and 12,000 stewards and stewardesses of 22 U.S. commercial airlines.

I appreciate this opportunity to appear before your committee to express the serious concern the members of our association have regarding the Department of Transportation's appropriations request for fiscal 1972.

In recognition of your committee's important mission and the limited time available for all participants who wish to be heard, I will confine

my remarks to two important areas seldom understood by persons other than pilots who fly the system and have the safety of their passengers as their prime concern—men who must perform without all the available safety tools of the trade.

We who command and fly the airliners of this Nation have for many years fought for maximum safety within the airport/airways environment, many times without audience until tragedy struck.

On numerous occasions, prior to today, we have testified before congressional leaders and groups. We have appealed for action that would eliminate or reduce substantially the waste of lives, equipment, and property resulting from inadequate or antiquated equipment, while new, more efficient tools are available but not installed.

The need for funds to upgrade the Nation's air transportation system inspired our association to vigorous action in support of Airport/Airways Trust Fund legislation last year. It is our judgment that distribution of these funds as designated by Congress could have been weighted more heavily to insure that airports will be safer for the final approach and the landing phases. But the important thing is, the fund was created. We are proud of having made an important contribution to this major legislative action and look forward to working with Congress on future modifications and requirements that may develop.

During the past 10 years there were 19 fatal and 32 nonfatal accidents resulting in 587 deaths and a monetary loss of over \$111 million during nonprecision landing approaches. These are approaches that airline pilots are required to make when the runway to be used does not have a precision instrument landing system (normally referred to as an ILS).

Gentlemen, today in this great Nation of ours approximately 90 percent of the runways of our 530 air-carrier airport system do not have instrument landing systems and other important landing aids required for precision approaches. Yet these are the runways that airline pilots are required to use in good weather or bad.

Almost as many runways do not have visual approach slope indicators (normally called VASI). These lighting systems are designed to provide the pilot with a visual track to follow to the runway touchdown position when visibility permits.

ALPA research shows that approximately 1,722 runways used by airline pilots on a continuing basis do not have either precision instrument landing systems (ILS), visual approach slope indicators (VASI), or runway end identification lights (REIL). The latter provides positive visual identification of the runway threshold under poor visual conditions.

Ironically, after we had reviewed the 10-year accident history data, two tragic accidents involving airliners occurred during the past 4 days. Again, these accidents point up the tragic cost of these inadequacies which still have not been corrected even though the remedies and the equipment have been available for a decade.

How would anyone in Government explain to the loved ones of the 49 persons aboard the Air West DC-9, lost last weekend, that a contributing cause to death is a system that will permit two jet aircraft to be on a collision course on different flight plans, several miles above the earth?

How can anyone really explain or excuse the death of 28 persons aboard the Allegheny Airlines' propjet last Monday that was attempting a nonprecision approach at the New Haven airport? The airport manager is quoted as saying that the crash "would not have happened if the airport had an instrument landing system."

Another accident still haunts us. It occurred at Huntington, W. Va., last November and it is still under investigation by the National Transportation Safety Board. There were no survivors among the 75 passengers and crew of a chartered Southern Airways DC-9 that impacted on a hilltop in restricted visibility during a nonprecision approach. That airport did not have a full instrument landing system; now it does—75 lives too late.

I could name other similar accidents, two at Bradford, Pa.; one at Charleston, W. Va. All suffered from the lack of precision landing system services at the time. These are terrible losses, too costly in lives to excuse. But still there is pitifully little action.

I emphasize again the fact that only about 10 percent of the runway approaches used by U.S. airlines do have complete instrument landing systems which give the added margin of safety the air-traveling public deserves.

To place ILS systems on the remaining unprotected 90 percent of the runways—not now programed for such installation by 1981—will cost \$250 million additional. The systems are proven and the manufacturing capability is available. All we need is \$250 million in trust funds and simplification of Government paperwork to speed the installation of these systems at these unprotected runways.

Let me draw a comparison for a moment. We have been told the reason such systems have not been installed is due to lack of funds. Now, you, the Congress, have provided the National Air Transportation Modernization Trust Fund to remedy this situation. Still, the money has not been designated for ILS installations. Only 310 systems are installed, and 1,810 are needed as of now.

However, the FAA finds time and energy to plan for modernization and enlargement of its private aircraft fleet. It intends—with congressional approval, I assume—to spend more than \$123 million for its aircraft fleet by 1981. This figure, of course, does not include the operational costs of its present roster of 90 aircraft.

Let's look at the breakdown of these costs:

Airways checking aircraft (including modification and electronic packages), \$69.2 million; research and development aircraft, \$10.1 million; flight training aircraft (including modifications, simulator, and avionics), \$44.2 million.

The total planned new aircraft procurement amounts to \$123.5 million. This money alone would finance more than half of the ILS systems needed—would accelerate achievement of an acceptable safety level for the total system. Perhaps with fleet operational savings we could achieve a goodly portion of the remaining \$126.5 million needed to complete the package. More importantly, such redirected priorities may save the lives of another 587 passengers and prevent the loss of another \$111 million-plus investment by 1981. This is the real price we cannot afford to ignore any longer.

We realize that airways systems and approach systems require checking and monitoring. But there are other ways that are less expensive than a fleet of aircraft larger than 80 percent of the airlines they are supposed to assist.

The need to spend \$44 million for aircraft and simulators for flight training of FAA personnel is a facade, a game of blind man's bluff.

Is anyone (other than FAA) foolish enough to suggest that an FAA inspector of limited airline experience, if any at all, who received at best minimum flying in these high-performance jet aircraft, is qualified to judge the competence of a highly skilled professional airline pilot, whose very day-to-day survival depends on his skill and judgment?

The number of deaths that have occurred during flights that FAA inspectors have been aboard during training and proficiency check rides compared to the total training hours spent in the air by airline pilots does not reflect increased safety by their presence. It is the collective judgment of the 31,000 airline pilots whom I represent, that the man who checks them and judges their proficiency should be at least as qualified and experienced as they are. Such a system is like having a law student judge the competence of a Supreme Court Justice.

Therefore, we believe FAA should return to the "airline check airman and FAA designee" system similar to that now in effect for non-jet aircraft.

Mr. Chairman, if trust funds are to be diverted for administrative and operational purposes, I condemn the practice and place the responsibility for future accidents squarely upon the shoulders of those responsible for such decisions.

I have shown that we are woefully short in the approach landing area alone. There are many other safety-related programs that could move forward as well, if the trust fund money is applied according to the intent of Congress.

Testimony prior to this hearing in these chambers has defended the administration's plan to siphon off the funds for other than facilities and airport/airways modernization purposes.

The 43,000 members of the Airline Pilots Association deplore the intention of the administration and urge this committee and the U.S. Congress to make sure that legislative restraints are placed on such freewheeling interpretations of an otherwise very clearly defined bill. Such budgetary subterfuge is an insult to the Congress and to the American people.

We endorse the provisions of H.R. 7072 and similar bills, and urge speedy passage.

Your action will hasten the day when all air carrier airports serving the air-traveling public will have modern, safe facilities and equipment. It will provide the pilots who man those planes with confidence that their passengers will be delivered on time, safely, under good and bad weather. When they break out of the fog at 200 or 100 feet, at 160 or 170 miles per hour, they will be confident that the runway threshold is there where it should be for a safe landing. Anything less than the best and the safest airports and approach systems will be measurable in accidents and deaths that are now preventable.

You and I will have room for little pride in our great FAA fleet, if one more preventable accident takes your life or mine—or those of your loved ones, friends, and constituents.

Trust fund money must be spent for better airports and airways facilities and equipment.

Thank you.

(The supplementary material to Mr. O'Donnell's statement follows:)

SUPPLEMENTARY DATA SUBMITTED FOR RECORD WITH STATEMENT

(By John J. O'Donnell, President, Air Line Pilots Association)

The data compiled by the Airline Pilots Association includes:

Summary Cost Estimates: ILS, VASI and REILS for runways not presently equipped and FAA Aircraft cost figures programed for 1981

Individual Cost of FAA Facilities and Programed Installation to 1981

FAA Programed Cost of Aircraft Procurement by Type and Use from 1972-1981

Summary of Non-Precision Approach Accident Statistics (10 years—1961-1970)

U.S. Air Carrier Fatal Accidents—Underrun Non-Precision Approaches (By incident and location) 10 years 1961-1970

Airline Airport Summary (May 1971) including list of airline airports, number of runway ends, ILS localizer installations, VASI's and back course approaches (Runway length of 4,000 ft. or more)

SUMMARY COST ESTIMATES:¹ ILS, VASI, AND REILS FOR ALL RUNWAYS NOT PRESENTLY EQUIPPED AND FAA AIRCRAFT COST FIGURES PROGRAMED TO 1981

[Dollars in millions]

	Number	Amount
Existing conventional ILS.....	310	
Conventional ILS proposed to 1981.....	325	\$91.9
Replacement ILS proposed to 1981.....	454	97.5
Total ILS by 1981.....	1,089	189.4
530 airline airports estimated.		

¹ Numbers and estimates based on National Aviation System Plan 1972-81 made by FAA, March 1971.

Runway ends (estimated two runways/airport average).....	2,120
Conventional ILS runways in 1971.....	310
VASI and REIL equipped in 1971.....	88
Runways without ILS in 1971.....	1,810
Approximate airports without ILS in 1971.....	300
Runways without ILS, VASI or REIL in 1971.....	1,722

As of 1971—Estimated cost to equip each runway not so equipped:

ILS— $1810 \times 243,000 = \$439,830,000$.

VASI & REIL— $1722 \times (20,000 \text{ VASI} + 10,000 \text{ REIL}) = \$51,660,000$.

As of 1971—Estimated cost to equip each airport not so equipped:

With One ILS— $300 \times 243,000 = \$72,900,000$.

Cost of 779 ILSs Programed to 1981, \$189,400,000.

Estimated additional cost of ILS for all runway ends at 1981, \$250,430,000.

Programed cost of FAA aircraft fleet to 1981 (not including existing fleet).....	\$123,500,000
Airways checking aircraft, modification and avionics.....	69,200,000
Research and development aircraft.....	10,100,000
Flight training aircraft, modifications, simulators and avionics.....	44,200,000

INDIVIDUAL COST OF FAA FACILITIES¹ AND PROGRAMED INSTALLATIONS TO 1981

	Establish- ment	Annual operating cost
Total number by 1981:		
635: Conventional full capability ILS (CAT II type).....	\$282, 000	-----
454:		
Replacement low activity airport ILS.....	138, 100	29, 000
Localizer plus one marker.....	85, 600	15, 000
525: Air traffic control tower (16 hour day).....	200, 000	128, 000
273: ASR/ATCRBS.....	1, 050, 000	348, 000
1,080:		
Full approach light system with flashers.....	200, 000	-----
Medium intensity approach light system (MALS/RAILS).....	65, 900	37, 000
469: VASI 4 box (average).....	20, 000	-----
148: TVOR.....	80, 000	-----
905: VOR.....	187, 000	-----
905: TACAN/DME.....	39, 000	-----
354: REIL.....	10, 000	-----

¹ From FAA correspondence and national aviation system plan 1972-81 made by FAA March 1971.

LOGISTICS/JOB SUPPORT AIRCRAFT (F. & E. ITEM)

	On hand 1970	Anticipated 1981
L-1329.....	1	0
TV-2 Lockheed.....	1	0
G-159.....	1	0
C-123.....	4	0
DC-3.....	4	0
BE-80.....	2	0
BE-65.....	4	0
BE-55.....	0	12
Light turboprop.....	0	4
Light turbojet.....	0	1
Medium jet.....	0	1
Medium turboprop.....	0	1
Total.....	18	18

Note: New aircraft funding needed, \$27,200,000.

New research support aircraft (F. & E. item):

Funding needed by 1981 (million).....	\$18.3
Number by 1981.....	6
Heavy turboprop.....	1
Light turboprop.....	3
Twin turbine helicopter.....	1
Long-range jet.....	1
Old CV-580 (retained).....	(1)

FAA PROGRAMED COST OF AIRCRAFT—PROCUREMENT BY TYPE AND USE FROM 1972-1981

FAA AIRCRAFT FLEET—NUMBER AND COST SUMMARY PROGRAM

	Present	New 1972-81	On hand 1981
Aircraft.....	90	53	62

Note: New aircraft funding needed by 1981: \$123,500,000.

FUNDING BY TYPE USE—1972-81

Airways aircraft program (Facilities and equipment).....	\$69,200,000
Research and development aircraft.....	10,100,000
Flight training aircraft (F. & E.).....	44,200,000

FLIGHT INSPECTION AIRCRAFT (F. & E. ITEM) 1970-81

	On hand 1970	Inventory 1981
C-135.....	2	0
CV-580.....	4	0
T-29 Convair.....	3	0
DC-3.....	43	0
Light Turbo.....	0	21
Light Turbojet.....	5	5
Heavy Turbo.....	0	1
Total.....	57	27

Note: New aircraft funding needed \$69,200,000.

FLIGHT TRAINING AIRCRAFT (F. & E. ITEM)

	On hand 1970	On hand 1981
B-720.....	1	1
B-727.....	1	1
DC-9.....	1	1
L-188.....	1	0
DC-3.....	2	0
STOL.....	0	2
Light twin.....	0	2
Light turbojet.....	0	3
Total.....	6	10

Note: New aircraft funding needed, \$44,200,000.

SUMMARY NON PRECISION APPROACH ACCIDENT STATISTICS 10 YEARS 1961-70

Number of people killed.....	559
Number of fatal accidents.....	18
Number of nonfatal accidents.....	32
Estimated value of aircraft damage.....	\$58,000,000
Estimated insurance cost of people killed.....	28,000,000
Estimated additional costs of loss of revenue, insurance and investigation.....	25,000,000
(50 accidents at \$500,000 each).....	
	111,000,000

U.S. AIR CARRIER FATAL ACCIDENTS-UNDERRUN-NONPRECISION APPROACHES 10 YEARS—1961-70

Date and location	Air carrier	Aircraft	Damage	Fatalities
Nov. 8, 1961; Richmond, Va.....	Imperial.....	L-049.....	Destroyed.....	77
Dec. 14, 1962; Hollywood, Calif.....	FTL.....	L-1049H.....	do.....	8
Nov. 29, 1963; Morgantown, W. Va.....	Prudue.....	DC-3.....	Substantial.....	1
Mar. 12, 1964; Miles City, Mont.....	FAL.....	DC-3.....	Destroyed.....	5
May 7, 1964; San Ramon, Calif.....	PAC.....	F-27.....	do.....	44
Nov. 15, 1964; Las Vegas, Nev.....	BAL.....	F-27.....	do.....	29
Nov. 8, 1965; Constance, Ky.....	AAL.....	B-727.....	do.....	58
Apr. 22, 1966; Ardmore, Okla.....	AFAX.....	L-188.....	do.....	83
Oct. 20, 1967; Constance, Ky.....	TWA.....	CV-880.....	do.....	69
June 13, 1968; Calcutta, India.....	PAA.....	B-707.....	do.....	6
Aug. 10, 1968; Charleston, W. Va.....	PAI.....	FH-227.....	do.....	35
Oct. 25, 1968; Hanover, N.H.....	NEA.....	FH-227.....	do.....	32
Dec. 24, 1968; Bradford, Pa.....	AAA.....	CV-580.....	do.....	20
Jan. 6, 1969; Bradford, Pa.....	AAA.....	CV-440.....	do.....	11
Mar. 13, 1969; Minchumina, Alaska.....	WCA.....	DHC-6.....	do.....	1
Oct. 10, 1970; McGuire AFB, N.J.....	SAT.....	L-100.....	do.....	3
Nov. 14, 1970; Huntington, W. Va.....	SOU.....	DC-9.....	do.....	75
Dec. 28, 1970; St. Thomas, Virgin Islands.....	TCA.....	B-727.....	do.....	2
Total.....				559

U.S. AIR CARRIER NON-FATAL ACCIDENTS—NON-PRECISION APPROACHES 10 YEARS—1961-70

Date and location	Air carrier	Aircraft	Damage
Feb. 18, 1961; Stuttgart, Germany	PAA	DC-7	Substantial.
Feb. 25, 1961; Houston, Tex.	BNF	B-720	Do.
Mar. 26, 1961; St. Louis, Mo.	TWA	B-707	Do.
July 5, 1961; Bismark, N. Dak.	FAL	DC-3	Do.
Oct. 10, 1961; Des Moines, Idaho	BNF	CV-340	Do.
Nov. 19, 1961; Tri Cities, Bristol, Tenn.	PAI	DC-3	Do.
Nov. 23, 1961; Morgantown, W. Va.	LCA	DC-3	Do.
Dec. 2, 1961; Jacksonville, Fla.	DAL	DC-7	Do.
Jan. 26, 1962; Ft. Lauderdale, Fla.	NWA	B-720B	Do.
April 27, 1962; Manila, Philippines	PAA	B-707	Do.
Aug. 6, 1962; Rocky Mount, N.C.	PAI	M-404	Do.
Dec. 21, 1962; Grand Island, Nebr.	FAL	CV-340	Do.
May 28, 1963; Manhattan, Kans.	STD	L-1049G	Destroyed.
June 5, 1964; LaGuardia, N.Y.	NEA	DC-6B	Substantial.
July 16, 1964; Richmond, Va.	EAL	DC-7B	Do.
Sept. 22, 1964; Sacramento, Calif.	WAL	B-720	Do.
Jan. 21, 1965; Weyers Cave, Va.	PAI	M-404	Do.
April 27, 1965; Ponce, Puerto Rico	CBA	CV-340	Do.
May 18, 1965; Knob Noster, Mo.	AAXICO	DC-6A	Destroyed.
Sept. 14, 1965; Stevens Point, Wis.	NCA	DC-3	Substantial.
Oct. 16, 1965; Charlotte, N.C.	EAL	DC-7	Do.
Mar. 21, 1966; Norfolk, Va.	FTL	CL-44D	Destroyed.
June 29, 1966; Mojave, Calif.	AAL	B-720B	Substantial.
Oct. 22, 1966; New Orleans, La.	DAL	DC-8	Do.
Oct. 5, 1967; Kansas City, Mo.	UNI	DC-6A	Do.
Nov. 1, 1967; Great Falls, Mont.	FAL	CV-340	Do.
Jan. 1, 1968; Oxford, Miss.	SOU	M-404	Destroyed.
Jan. 28, 1968; Benton Harbor, Mich.	NCA	CV-440	Substantial.
Mar. 20, 1968; Evansville, Ind.	DAL	CV-440	Destroyed.
Sept. 27, 1968; Cherry Point, N.C.	UNI	DC-7C	Do.
1969; None in category			
Jan. 11, 1970; Harlingen, Tex.	TXI	DC-9	Substantial.
Aug. 8, 1970; Acapulco, Mexico	MOD	CV-990	Destroyed.

AIRLINE AIRPORT SUMMARY, MAY 1971

A list of the airline airports in the United States, including Puerto Rico and the Virgin Islands, showing the number of runway ends, ILS, localizers, VASIs and back-course approaches. In this summary the following is shown:

Airports	578
Runway ends	2,200
ILS	280
Localizer only installations	19
VASI (including AVASI)	119
Back courses with approach procedures	50

The above list includes all airports having runways at least 4,000 feet in length. "Runway ends" includes only those runways of 4,000 feet or more in length.

Note.—The sources for the airport listing are the ALPA "Master Airport List" and the World Aviation Directory; the Jeppesen Manuals provided the data.

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
Alabama:					
Anniston	2	0	1	0	0
Birmingham	4	1	0	1	1
Decatur	2	0	0	0	0
Dothan	4	0	1	0	0
Gadsden	4	0	0	0	0
Huntsville	4	1	0	0	1
Mobile	6	1	0	0	0
Montgomery	6	0	1	0	1
Muscle Shoals	4	0	1	0	0
Tuscaloosa	4	0	0	0	0
Total	40	4	3	1	3

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
Alaska:					
Adak.....	4	0	0	0	0
Amchitka.....	2	0	0	0	0
Anchorage.....	6	2	0	3	0
Aniak.....	2	0	0	0	0
Annette Island.....	2	1	0	0	0
Attu.....	2	0	0	0	0
Barrow.....	2	0	0	2	0
Barter Island.....	2	0	0	0	0
Bethel.....	12	0	0	1	0
Bettles.....	12	0	0	0	0
Big Mountain.....	12	0	0	0	0
Cape Lisborne.....	12	0	0	0	0
Cape Mewenham.....	12	0	0	0	0
Cold Bay.....	4	1	0	1	1
Cordova.....	2	0	0	1	0
Dillingham.....	12	0	0	0	0
Fairbanks.....	2	1	0	1	1
Fairwell.....	14	0	0	0	0
Fort Yukon.....	12	0	0	0	0
Galena.....	2	0	0	2	0
Gulkana.....	2	0	0	0	0
Gustavus.....	4	0	0	0	0
Haines.....	12	0	0	0	0
Homer.....	2	0	0	1	0
Iliamna.....	12	0	0	0	0
Juneau.....	2	0	1	1	0
Kenai.....	2	0	0	1	0
King Salmon.....	4	1	0	2	0
Kodiak.....	6	0	0	1	0
Kotzebue.....	2	0	0	1	0
McGrath.....	2	0	0	0	0
Middleton Island.....	12	0	0	0	0
Moses Point.....	2	0	0	0	0
Nome.....	4	0	0	1	0
Northway.....	2	0	0	0	0
Port Heiden.....	4	0	0	0	0
Shemya.....	4	0	0	0	0
Sitka.....	2	0	1	2	0
St. Paul.....	2	0	0	0	0
Tanana.....	12	0	0	0	0
Umat.....	2	0	0	0	0
Unalakleet.....	12	0	0	1	0
Utopia.....	12	0	0	0	0
Yakutat.....	4	0	0	0	0
Total.....	114	6	2	22	2
Arizona:					
Flagstaff.....	2	0	0	0	0
Grand Canyon.....	2	0	0	0	0
Kingman.....	6	0	0	0	0
Page.....	2	0	0	0	0
Phoenix.....	4	0	0	1	0
Prescott.....	4	0	0	0	0
Tucson.....	6	0	0	0	0
Winslow.....	4	0	0	0	0
Yuma.....	8	0	0	0	0
Total.....	38	0	0	1	0
Arkansas:					
El Dorado.....	6	0	0	0	0
Fayetteville.....	2	0	0	0	0
Fort Smith.....	4	1	0	0	1
Harrison.....	2	0	0	0	0
Hot Springs.....	4	0	0	0	0
Jonesboro.....	6	0	0	0	0
Little Rock.....	6	1	0	0	1
Pine Bluff.....	2	0	0	0	0
Texarkana.....	4	1	0	0	0
Total.....	36	3	0	0	2

¹ Gravel runway.

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
California:					
Apple Valley/San Bernardino	2	0	0	0	0
Arcata	4	1	0	1	0
Bakersfield	4	1	0	0	0
Blythe	6	0	0	0	0
Burbank	4	1	0	0	0
Chico	2	0	0	0	0
Crescent City	4	0	0	0	0
Fresno	4	1	0	0	1
Imperial	2	0	0	0	0
Invokern	2	0	0	0	0
Lancaster	2	0	0	0	0
Long Beach	10	1	0	0	1
Los Angeles	8	4	0	2	2
Marysville	4	0	0	0	0
Merced	2	0	0	0	0
Modesto	4	0	0	0	0
Monterey	4	1	0	0	0
Oakland	8	2	0	0	1
Ontario	4	1	0	0	1
Oxnard	2	0	0	0	0
Palm Springs	2	0	0	0	0
Redding	4	0	0	0	0
Riverside	2	0	0	0	0
Sacramento	6	1	0	0	1
Salinas	4	0	0	2	0
San Diego	4	1	0	0	1
San Francisco	8	2	0	1	1
San Jose	4	1	0	0	1
San Luis Obispo	4	0	0	0	0
Santa Ana	2	1	1	0	1
Santa Barbara	4	1	0	0	0
Santa Maria	4	0	0	0	0
Santa Rosa	4	0	0	0	0
South Lake Tahoe	2	0	0	1	0
Stockton	2	1	0	0	0
Visalia	2	0	0	0	0
Total	140	21	1	7	11
Colorado:					
Alamosa	2	0	0	0	0
Colorado Springs	6	1	0	2	1
Cortez	2	0	0	0	0
Denver	6	2	0	2	2
Durango	2	0	0	0	0
Grand Junction	4	1	0	0	0
Gunnison	2	0	0	0	0
Hayden	2	0	0	0	0
Lamar	2	0	0	0	0
Montrose	2	0	0	0	0
Pueblo	8	2	0	0	1
Total	38	6	0	4	4
Connecticut:					
Bridgeport	6	0	0	0	0
Groton	6	0	0	0	0
New Haven	4	0	0	1	0
Windsor Locks	6	1	0	1	1
Hartford	2	0	0	0	0
Total	24	1	0	2	1
Delaware: Wilmington					
Total	8	1	0	0	0
Total	8	1	0	0	0

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
Florida:					
Daytona Beach	2	1	0	0	0
Ft. Lauderdale	4	1	0	0	0
Ft. Myers	4	0	0	1	0
Gainesville	6	0	0	0	0
Jacksonville	4	1	0	0	1
Key West	2	0	0	0	0
Melbourne	4	0	0	0	0
Miami	8	2	0	3	2
Ocala	2	0	0	0	0
Orlando	4	1	0	0	1
Panama City	4	1	0	0	0
Pensacola	4	1	0	0	1
St. Petersburg	6	1	0	0	1
Sarasota	4	0	0	1	0
Tallahassee	4	1	0	0	2
Tampa	6	2	0	0	2
Vero Beach	4	0	0	0	0
West Palm Beach	4	1	0	1	1
Total	76	13	0	6	10
Georgia:					
Albany	4	0	0	0	0
Athens	4	0	0	0	0
Atlanta	8	3	0	2	1
Augusta	4	1	0	0	0
Brunswick	6	0	0	0	0
Columbus	2	1	0	0	1
Macon	4	1	0	0	0
Moultrie	4	0	0	0	0
Rome	6	0	0	0	0
Savannah	6	1	0	0	1
Valdosta	6	0	0	0	0
Waycross	6	0	0	0	0
Total	60	7	0	2	3
Hawaii:					
Hilo	4	1	0	1	0
Honolulu	6	1	0	1	0
Kahului	4	1	0	0	1
Kailua	2	0	0	1	0
Kamuela	2	0	0	0	0
Lanai	2	0	0	0	0
Lihue	2	0	0	0	0
Total	22	3	0	3	1
Idaho:					
Boise	4	1	0	0	0
Burley	4	0	0	0	0
Coeur D'Alene	6	0	0	0	0
Idaho Falls	4	0	0	0	0
Lewiston	4	0	0	0	0
Pocatello	6	1	0	0	0
Sun Valley/Hailey/Ketchum	2	0	0	0	0
Twin Falls	2	0	0	0	0
Total	32	2	0	0	0
Illinois:					
Alton	4	1	0	0	0
Bloomington	2	0	0	0	0
Champaign	6	1	0	0	0
Midway	12	1	1	0	0
O'Hare	12	5	2	3	2
Danville	4	0	0	0	0
Decatur	6	1	0	0	0
Galesburg	2	0	0	0	0
Marion	2	0	0	0	0
Mattoon	2	0	0	0	0
Moline	6	1	0	0	1
Mt. Vernon	2	0	0	0	0
Peoria	6	1	0	0	1
Quincy	6	1	0	0	0
Rockford	6	1	0	0	1
Springfield	6	1	0	0	1
Total	84	13			

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
Indiana:					
Bloomington.....	2	0	0	0	0
Columbus.....	4	0	0	0	0
Evansville.....	4	1	0	0	0
Ft. Wayne.....	6	1	1	0	1
Indianapolis.....	6	2	0	1	2
Kokomo.....	4	0	0	0	0
Lafayette.....	2	0	1	0	0
Marion.....	2	0	0	0	0
Muncie.....	4	0	0	0	0
Richmond.....	6	0	0	0	0
South Bend.....	8	1	0	0	1
Terre Haute.....	4	1	0	0	1
Total.....	50	6	2	1	5
Iowa:					
Burlington.....	4	0	0	0	0
Cedar Rapids.....	4	1	0	0	1
Clinton.....	2	0	0	0	0
Des Moines.....	4	1	0	0	1
Dubuque.....	4	0	0	0	0
Fort Dodge.....	4	0	0	0	0
Iowa City.....	4	0	0	0	0
Mason City.....	4	0	0	0	0
Ottumwa.....	4	0	0	0	0
Sioux City.....	6	1	0	0	1
Waterloo.....	6	1	0	0	1
Total.....	46	4	0	0	4
Kansas:					
Dodge City.....	4	0	0	0	0
Garden City.....	8	0	0	0	0
Goodland.....	2	0	0	0	0
Great Bend.....	6	0	0	0	0
Hays.....	2	0	0	0	0
Hutchinson.....	4	1	0	0	1
Liberal.....	6	0	0	0	0
Manhattan.....	2	0	0	0	0
Parsons.....	6	0	0	0	0
Salina.....	4	1	0	0	1
Topeka.....	6	1	0	0	1
Wichita.....	6	1	0	0	1
Total.....	50	3	0	0	3
Kentucky:					
Bowling Green.....	2	0	0	0	0
Frankfort.....	2	0	0	0	0
Lexington.....	2	1	0	0	1
London.....	2	0	0	0	0
Louisville.....	6	2	0	1	2
Owensboro.....	2	0	0	0	0
Paducah.....	4	0	0	0	0
Total.....	20	3	0	1	3
Louisiana:					
Alexandria.....	4	1	0	0	1
Baton Rouge.....	6	1	0	0	1
Fort Polk.....	2	0	0	0	0
Lafayette.....	4	1	0	0	1
Lake Charles.....	4	1	0	0	1
Monroe.....	6	1	0	0	0
New Orleans.....	6	1	0	0	1
Shreveport.....	4	1	0	0	1
Total.....	36	7	0	0	6
Maine:					
Auburn.....	2	0	0	0	0
Augusta.....	2	0	0	0	0
Bangor.....	2	1	0	0	0
Bar Harbor.....	2	0	0	0	0
Portland.....	4	1	0	1	0
Presque Isle.....	4	0	0	0	0
Rockland.....	4	0	0	0	0
Total.....	20	2	0	1	0

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
Maryland:					
Baltimore	6	2	0	1	2
Hagerstown	2	0	0	0	0
Salisbury	6	0	0	0	0
Total	14	2	0	1	2
Massachusetts:					
Bedford	4	1	0	2	1
Boston	8	2	0	1	1
Hyannis	4	1	0	0	0
Martha's Vineyard	2	0	0	0	0
Nantucket	4	1	0	0	1
New Bedford	4	1	0	0	0
Worcester	4	1	0	0	0
Total	30	7	0	3	3
Michigan:					
Alpena	6	0	0	0	0
Battle Creek	8	1	0	0	1
Benton Harbor	2	0	1	0	0
Cadillac	2	0	0	0	0
Detroit (Metro)	8	3	0	0	0
Detroit (Willow Run)	10	1	0	0	1
Escanaba	2	0	0	0	0
Flint	6	1	0	0	1
Grand Rapids	2	1	0	0	1
Hancock	4	0	0	0	0
Iron Mountain	2	0	0	0	0
Ironwood	2	0	0	0	0
Jackson	2	1	0	0	0
Kalamazoo	2	1	0	0	1
Lansing	4	1	0	0	1
Manistee	2	0	0	0	0
Marquette	2	0	0	0	0
Menominee	2	0	0	0	0
Muskegon	4	1	0	0	0
Pellston	4	0	0	0	0
Pontiac	2	0	0	0	0
Saginaw	4	1	0	0	1
Saulte Ste. Marie	2	0	0	0	0
Traverse City	4	0	0	0	0
Total	88	12	1	0	7
Minnesota:					
Bemidji	4	0	0	0	0
Brainerd	4	0	0	0	0
Duluth	6	2	0	2	1
Fairmont	2	0	0	0	0
Hibbing	2	0	0	0	0
International Falls	2	0	0	0	0
Mankato	2	0	0	0	0
Minneapolis	6	3	0	1	3
Rochester	4	1	0	0	1
Thief River Falls	2	0	0	0	0
Winona	2	0	0	0	0
Worthington	2	0	0	0	0
Total	38	6	0	3	5
Mississippi:					
Columbus	2	0	0	0	0
Greenville	6	0	0	0	0
Greenwood	4	0	0	0	0
Gulfport	6	1	0	0	0
Hattiesburg	4	0	0	0	0
Jackson	4	1	0	0	1
Laurel	4	0	0	0	0
Meridian	4	1	0	0	0
Natchez	6	0	0	0	0
Oxford	2	0	0	0	0
Pascagoula	6	0	0	0	0
Picayune	2	0	0	0	0
Tupelo	4	0	0	0	0
Vicksburg	2	0	0	0	0
Total	56	3	0	0	1

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
Missouri:					
Cape Girardeau	4	0	0	0	0
Columbia	2	0	0	0	0
Jefferson City	2	0	0	0	0
Joplin	6	1	0	0	1
Kansas City (Municipal)	4	1	0	0	0
Kansas City International	4	2	0	0	2
Kirksville	2	0	0	0	0
St. Joseph	6	1	0	0	0
St. Louis	8	2	0	0	2
Springfield	4	1	0	0	1
Total	42	8	0	0	6
Montana:					
Billings	6	1	0	0	1
Bozeman	6	0	0	1	0
Butte	6	0	0	0	0
Glasgow	4	0	0	0	0
Glendive	2	0	0	0	0
Great Falls	6	1	0	0	0
Havre	2	0	0	0	0
Helena	4	0	0	1	0
Kalispell	6	0	0	0	0
Lewistown	6	0	0	0	0
Miles City	4	0	0	0	0
Missoula	6	0	0	0	0
West Yellowstone	2	0	0	0	0
Total	60	2	0	2	1
Nebraska:					
Alliance	8	0	0	0	0
Chadron	4	0	0	0	0
Columbus	2	0	0	0	0
Grand Island	6	0	0	0	0
Hastings	2	0	0	0	0
Kearney	6	0	0	0	0
Lincoln	6	1	0	0	1
McCook	2	0	0	0	0
Norfolk	4	0	0	0	0
North Platte	6	0	0	0	0
Omaha	6	1	0	0	1
Scottsbluff	6	0	0	0	0
Sidney	2	0	0	0	0
Total	60	2	0	0	2
Nevada:					
Elko	2	0	0	0	0
Ely	4	0	0	0	0
Fallon	2	0	0	0	0
Las Vegas	8	1	0	0	0
Reno	4	1	0	0	1
Total	20	2	0	0	1
New Hampshire:					
Berlin	2	0	0	1	0
Keene	4	1	0	1	0
Laconia	2	0	0	1	0
Lebanon	2	0	0	1	0
Manchester	4	1	0	0	0
Total	14	2	0	4	0
New Jersey:					
Atlantic City	6	1	0	0	0
Cape May	2	0	0	0	0
Newark	4	2	0	2	0
Teterboro	4	1	0	0	0
Trenton	4	1	0	0	0
Total	20	5	0	2	0

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
New Mexico:					
Albuquerque	8	1	0	1	1
Carlsbad	6	0	0	0	0
Clovis	4	0	0	0	0
Farmington	4	0	0	0	0
Gallup	2	0	0	0	0
Hobbs	6	0	0	0	0
Roswell	6	1	0	0	0
Sante Fe	6	0	0	0	0
Silver City	2	0	0	0	0
Total	44	2	0	1	1
New York:					
Albany	4	1	0	0	1
Binghamton	4	1	0	0	0
Buffalo	4	2	0	0	1
Elmira	6	1	0	0	0
Glens Falls	4	0	0	0	0
Islip	6	1	0	0	1
Ithaca	2	0	0	0	0
Jamesstown	4	1	0	0	0
Massena	4	0	0	0	0
LaGuardia	4	3	0	3	1
Kennedy	8	4	0	4	0
Ogdensburg	2	0	0	0	0
Olean	2	0	0	0	0
Plattsburg	6	0	0	0	0
Poughkeepsie	2	0	0	0	0
Rochester	8	2	0	0	1
Saranac Lake	6	0	0	0	0
Syracuse	4	1	0	0	1
Utica	4	1	0	0	1
Watertown	4	0	0	0	0
White Plains	6	1	0	0	0
Total	94	19	0	7	7
North Carolina:					
Asheville	2	1	0	1	0
Charlotte	4	1	0	0	0
Elizabeth City	4	0	0	2	0
Fayetteville	4	1	0	0	0
Greensboro	4	1	0	0	0
Hickory	4	0	0	0	0
Kinston	4	0	0	0	0
New Bern	4	0	0	0	0
Raleigh	4	1	0	0	0
Rocky Mount	2	0	0	0	0
Southern Pines	2	0	0	0	0
Wilmington	4	1	0	0	1
Winston-Salem	2	1	0	0	0
Total	44	7	0	3	1
North Dakota:					
Bismarck	4	1	0	0	0
Devils Lake	4	0	0	0	0
Fargo	4	1	0	0	1
Grand Forks	4	0	0	0	0
Jamesstown	4	0	0	0	0
Minot	4	0	0	0	0
Williston	2	0	0	1	0
Total	26	2	0	1	1
Ohio:					
Akron	6	1	0	0	1
Cincinnati	6	2	0	2	2
Cleveland	10	4	0	1	1
Columbus	8	2	0	0	2
Dayton	6	2	0	0	2
Findlay	4	0	0	0	0
Lima	2	0	0	0	0
Mansfield	4	1	0	0	1
Toledo	2	0	0	0	0
Youngstown	4	1	0	0	1
Zanesville	4	0	0	0	0
Total	56	13	0	3	10

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
Oklahoma:					
Bartlesville.....	2	0	0	0	0
Duncan.....	2	0	0	0	0
Enid.....	6	0	0	0	0
Lawton.....	2	0	0	0	0
McAlester.....	2	0	0	0	0
Muskogee.....	2	0	0	0	0
Oklahoma City.....	6	1	0	1	1
Ponca City.....	2	0	0	0	0
Stillwater.....	6	0	0	0	0
Tulsa.....	8	2	0	0	0
Total.....	36	3	0	1	1
Oregon:					
Astoria.....	4	0	0	0	0
Baker.....	6	0	0	0	0
Corvallis.....	4	0	0	0	0
Eugene.....	4	1	0	0	0
Klamath Falls.....	6	1	0	0	0
Medford.....	4	1	0	0	0
North Bend.....	6	0	0	0	0
Ontario.....	2	0	0	0	0
Pendleton.....	6	1	0	0	0
Portland.....	6	2	0	0	1
Roseburg.....	2	0	0	0	0
Salem.....	4	1	0	0	0
Total.....	54	7	0	0	1
Pennsylvania:					
Allentown.....	4	1	0	0	1
Altoona.....	2	0	0	0	0
Bradford.....	4	1	0	0	0
DuBois.....	2	0	1	0	0
Erie.....	2	1	0	0	1
Franklin.....	2	0	0	0	0
Hazleton.....	2	0	0	0	0
Johnstown.....	4	0	0	0	0
Lancaster.....	4	1	0	0	0
Middletown.....	2	1	0	2	1
Philadelphia.....	6	1	0	1	0
Phillipsburg.....	4	0	0	0	0
Pittsburgh.....	8	2	0	1	0
Reading.....	6	1	0	0	0
Wilkes-Barre.....	2	1	0	0	1
Williamsport.....	4	1	0	0	0
Total.....	58	11	1	4	4
Puerto Rico: San Juan.....					
	2	1	0	0	1
Total.....	2	1	0	0	1
Rhode Island: Providence.....					
	6	1	0	1	0
Total.....	6	1	0	1	0
South Carolina:					
Charleston.....	4	1	0	3	1
Columbia.....	4	1	0	0	1
Florence.....	4	0	0	0	0
Greenwood.....	6	0	0	0	0
Greer.....	2	1	0	0	1
Myrtle Beach.....	2	0	0	0	0
Spartanburg.....	6	0	0	0	0
Total.....	28	3	0	3	3
South Dakota:					
Aberdeen.....	2	0	0	0	0
Brookings.....	2	0	0	0	0
Huron.....	2	1	0	0	0
Mitchell.....	4	0	0	0	0
Pierre.....	4	0	0	0	0
Rapid City.....	2	1	0	0	1
Sioux Falls.....	4	1	0	0	1
Watertown.....	4	0	0	0	0
Yankton.....	2	0	0	0	0
Total.....	26	3	0	0	2

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
Tennessee:					
Bristol	4	1	0	0	0
Chattanooga	4	1	0	1	1
Clarksville	4	0	0	0	0
Crossville	2	0	0	0	0
Jackson	2	0	0	0	0
Knoxville	4	1	0	0	0
Memphis	6	2	0	1	1
Nashville	6	1	0	1	1
Shelbyville	2	0	0	0	0
Total	34	6	0	3	3
Texas:					
Abilene	6	1	0	0	1
Amarillo	4	1	0	2	1
Austin	4	1	0	1	1
Beaumont	6	1	0	0	1
Big Spring	2	0	0	0	0
Borger	2	0	0	0	0
Brownsville	8	0	1	0	0
Brownwood	4	0	0	0	0
College Station	6	0	0	0	0
Corpus Christi	2	1	0	0	1
Dallas	6	2	0	2	2
El Paso	6	1	0	0	0
Ft. Worth	4	1	0	0	1
Galveston	6	0	0	0	0
Harlingen	8	0	0	0	0
Houston	6	1	0	1	1
Laredo	2	0	0	0	0
Longview	6	1	0	0	0
Lubbock	4	1	0	0	1
Lufkin	4	0	0	0	0
McAllen	2	0	0	0	0
Midland	8	1	0	0	1
Paris	6	0	0	0	0
San Angelo	6	1	0	0	1
San Antonio	4	2	0	0	1
Temple	4	0	0	0	0
Tyler	6	1	0	0	1
Victoria	8	0	0	0	0
Waco	6	1	0	0	1
Wichita Falls	6	1	0	1	1
Total	152	19	1	7	16
Utah:					
Cedar City	4	0	0	0	0
Moab	2	0	0	0	0
Ogden	6	0	0	0	0
Salt Lake City	6	1	0	1	1
Vernal	2	0	0	0	0
Total	20	1	0	1	1
Vermont:					
Burlington	2	1	0	0	0
Montpelier	2	0	0	0	0
Newport	4	0	0	0	0
Rutland	2	0	0	0	0
Total	10	1	0	0	0
Virginia:					
Blacksburg	2	0	0	0	0
Charlottesville	2	0	1	0	0
Danville	6	0	0	0	0
Hot Springs	2	0	1	1	0
Lynchburg	2	1	0	0	0
Newport News	4	1	0	0	1
Norfolk	6	1	0	0	1
Richmond	6	1	0	0	0
Roanoke	4	1	0	0	0
Staunton	2	0	1	0	0
Washington National	6	2	0	4	0
Dulles International	6	2	0	1	0
Total	48	9	3	6	2

Location	Number runway ends	Number ILS	Number LOC	Number VASI	BC
Virgin Islands:					
St. Thomas (Truman)	2	0	0	1	0
St. Croix (Hamilton)	2	0	0	1	0
Total	4	0	0	2	0
Washington:					
Bellingham	4	0	0	0	0
Ephrata	6	0	0	0	0
Hoquiam	2	0	0	0	0
Moses Lake	4	1	0	0	0
Olympia	4	0	0	0	0
Pasco	6	0	0	0	0
Port Angeles	4	0	0	0	0
Pullman	2	0	0	0	0
Seattle (Boeing)	2	1	0	1	0
Spokane	4	1	0	0	1
Tacoma International	4	1	1	0	0
Walla Walla	6	0	0	0	0
Wenatchee	6	0	0	0	0
Yakima	6	1	0	0	0
Total	60	5	1	1	1
West Virginia:					
Beckley	2	0	0	0	0
Bluefield	2	0	0	0	0
Charleston	4	1	0	0	0
Clarksburg	2	0	0	1	0
Elkins	4	0	0	0	0
Huntington	2	1	0	0	1
Martinsburg	4	0	0	0	0
Morgantown	2	0	0	1	0
Parkersburg	4	0	1	0	0
Wheeling	4	1	0	1	0
Total	30	3	1	3	1
Wisconsin:					
Appleton	4	1	0	0	0
Eau Claire	4	0	0	0	0
Green Bay	4	1	0	0	1
Janesville	6	0	0	0	0
La Crosse	6	0	0	0	0
Madison	8	1	0	0	1
Manitowoc	2	0	0	0	0
Milwaukee	8	1	0	1	0
Oshkosh	4	1	0	0	0
Rhineland	4	0	0	0	0
Sheboygan	2	0	0	0	0
Stevens Point	4	0	0	0	0
Total	56	5	0	1	2
Wyoming:					
Casper	8	1	0	0	1
Cheyenne	6	1	0	0	0
Cody	2	0	0	0	0
Jackson	2	0	0	0	0
Laramie	4	0	0	0	0
Riverton	2	0	0	0	0
Rock Springs	4	1	0	0	0
Sheridan	4	0	0	0	0
Worland	2	0	0	0	0
Total	34	3	0	0	1

Mr. MURPHY. Thank you, Mr. O'Donnell.

Mr. Adams?

Mr. ADAMS. On page 5, you state that "the FAA should return to the airline check airman and FAA designee system similar to that now in effect for nonjet aircraft."

What is that system?

Mr. O'DONNELL. Historically, the airlines have taken highly qualified, competent, and above-competent airline pilots and made them FAA designees. FAA would designate them as qualified men to check additional airline pilots and to periodically check their proficiency.

FAA, with the advent of jets, felt they should assume this responsibility and they removed it from the air carriers. We have had instances where the man who has checked out another man on the jet was not qualified himself on the equipment.

Mr. ADAMS. In other words, when you refer to "system in effect for nonjet aircraft," you use a designee system of having one set of pilots check out another.

Mr. O'DONNELL. Yes, sir.

Mr. ADAMS. Now, what bothers me about that is, how do you prevent the "buddy" system? In other words, where somebody has been flying for many years and is a very competent pilot but then has to check out somebody else who in effect has the camaraderie of being in the same situation he is, and he just does not want to say, "Well, he is getting a little slow," or "his eyesight is not as good." This kind of problem.

That is a problem you have with lawyers and doctors, the same way. I am not saying it is limited to your profession at all. But how do we overcome that?

Suppose you have to check out someone whom either you have known or your friends have known for 25 years? Shouldn't we have FAA hire some pilots rather than this other system?

Mr. O'DONNELL. No, for the simple reason that there is a great feeling among airline pilots that the professional competency of the fellow pilot is quite a pride to see, but if he does not have it, no airline check airman is going to pass him for the reason that tomorrow he or his family may be riding in that airplane.

I have never heard of an instance where we had a buddy system. Your own family may be with him tomorrow.

Mr. ADAMS. I think your proposal has merit.

The second thing that we had testimony on yesterday was the ILS system. When you indicated in your testimony the number that were programed—and you have it also in your summary cost estimate in No. 1—are all of these systems programed within the 10-year period?

There was testimony yesterday that they were.

Mr. O'DONNELL. No, sir, they are not.

Mr. ADAMS. Now that I want to get right to. How can you best explain to me which ones are not and why? Because certainly, the \$250 million is available and that is the first and primary goal of the capital system, to be certain that we have an ILS system or at least the most adequate guidance system possible going into each airport.

Which ones are not in this program? Can you give me categories or can you tell me why? Can you explain to me what has happened there?

Mr. O'DONNELL. What we have done, sir, in our summary here is we have taken the number of airports that air carriers operate on, which is 530, and we have taken an average of two runways per airport. On the two runways per airport, it comes to 2,120 runway ends potentially, and in 1971, 310 ILS systems.

Mr. ADAMS. 310 airport ends are covered?

Mr. O'DONNELL. In 1971, approximately 1,810 runway ends without ILS systems.

Mr. ADAMS. What is their program?—because I assume from your analysis that you have analyzed what they have proposed.

How many does FAA propose in 1971 to cover?

Mr. O'DONNELL. They propose to put in conventional ILS, on 325 by 1981.

Mr. ADAMS. Only 325 by 1981?

Mr. O'DONNELL. And they are going to replace ILS of 454 in their budget.

Mr. ADAMS. That I don't understand. Does the 454 cover some already existing?

Mr. O'DONNELL. Some that are not full systems, sir.

Mr. ADAMS. In other words, when you say "replacement," what you mean is to really increase the system that is already there, so it goes on top of the 310? It does not replace part of the 310?

Mr. O'DONNELL. That is right.

Mr. ADAMS. So that by the end of 1981, even with this program, you are still going to have about 810 without?

Mr. O'DONNELL. Yes, sir.

Mr. ADAMS. Now I assume you have had some discussions with the FAA people about this. Why?

Mr. O'DONNELL. Only for 15 years; we have been screaming at them for 15 years to put in proper instrument landing systems. Their answer historically has been, "No funds."

Mr. ADAMS. If now we say, or if this committee goes forward and we say you have the money, now to do it—what is the reason?

Mr. O'DONNELL. I am sure, sir, that anybody who intends to build up a fleet of 90 airplanes for their own bureaucratic base, can come up with reasons. As fast as we can destroy their reasons, they can come up with new ones. If they do not intend to install them, we can't force them.

Mr. ADAMS. Do you have in this chart that you have attached here, which goes down after the accident chart—it lists location and runway ends—are these what you refer to as the summary of the airports that do not have this type of facility?

You described the two types. But in other words, these are the ones that do not have what you as a pilot consider as adequate precision landing systems?

Mr. O'DONNELL. Yes, sir. We have broken them down. We showed you those that have them. For example, Alabama, we show 40 runway ends. They only have four ILS in Alabama on a runway end. They have three that do not have a localizer, that is the one with that 454 number, and only one has a VASI light. So the balance do not have ILS systems.

Mr. ADAMS. So I could go to any Member of Congress and say "All right, if you are from Missouri, Montana, or wherever"—let's take Montana—"you are going to land at Billings, Mont. They have six runway ends, and only one has an ILS system. So, the weather is bad and you have a lot of fog. He is coming in under visual—"

Mr. O'DONNELL. No, sir. If he cannot land on the runway—if the weather is too low, he cannot land there.

Mr. ADAMS. In other words, he goes by.

Mr. O'DONNELL. Or he makes a nonprecision approach.

Mr. ADAMS. A nonprecision approach is a visual approach, isn't it?

Mr. O'DONNELL. We can go down to 400 feet on a nonprecision. We can approach over a 1,600-foot beacon, and then descend to 400 feet, which is what they did at New Haven. At 400 feet, there is a time limit from the time you pass the beacon until you find the end of the runway.

When that time limit expires and you have not found the runway—

Mr. ADAMS. You mean, see it?

Mr. O'DONNELL. Yes, sir.

Mr. ADAMS. You have to get this into layman's terms so I can explain to Congressman X who is flying up there, what the man in front is doing as he is carrying him into the field, because this gets through more than statistics do.

In New Haven, what happened, in effect, was there was no ILS system so he gets to come down to 400 feet and then he starts looking—

Mr. O'DONNELL. That is right. In New Haven, he gets to 380 feet in 1 minute, 50 seconds. When that time expires, if he has not seen the runway end by looking out at the front windshield, he has to execute a nonvisual.

Mr. ADAMS. So every one of these that does not have an ILS on it, that is what he does.

Mr. O'DONNELL. Yes, sir.

Mr. ADAMS. Thank you, very much.

Mr. HARTRANFT. I would like to make a brief statement.

As has been pointed out in the testimony of the 19 groups here, we had unanimous support, but this did not include the statement that ALPA has just made. That statement I had not seen until this moment, but I believe that what is being said here today is that FAA seems more concerned with the problems of 1980 than they are in the problems we have right here today, which can be solved right here today with hardware which is available right here today, and that the purpose of the legislation which we are talking about here today is to solve today's problems—now, we support the use of capital investments for that purpose, for both airports and airways.

In our segment, we have the same kind of grievance. Our weather reporting facilities are going down the drain. They are deteriorating badly. It is costing lives.

The system of flight service stations has the same unsafe record. We would support ALPA in their request to get with it today on this hardware. We would hope and I think they would probably support us in our needs.

That is why I think this committee ought to look at these thousands of dollars that are going down the drain on all of this utopian research, and take those funds and solve today's problems now, which we have the ability to do. I think that is what the captain was saying.

Perhaps I put a few words in his mouth, but I think that is the direction in which those of us who fly—those 160,000 pilots that I represent in the nonairline segment—would agree and stand right with the airline pilots in saying, "Let's get these today's problems

solved now, and get out of this starry-eyed dreaming and research which may be fine for the 1980's, but let's get today's problems solved today."

That is why we are paying these taxes, and nothing is coming out of the spigot in substantial amounts to solve those problems.

That is what the argument is here today.

Mr. DEVINE. Mr. O'Donnell, on page 3 of your statement you point out that 1,722 runways used continuously by airline pilots do not have the ILS or the VASI or the runway end identification lights. Do you mean they do not have any of them, or they do not have all of them?

Mr. O'DONNELL. They do not have any of them. They are completely devoid of all of them.

Mr. DEVINE. When we run into a situation like occurred in Connecticut Monday, how much latitude does the pilot himself have? The pilot, of course, runs into some of these problems. Can the pilot himself—or doesn't he have the judgment or latitude to decide that he is not going in under certain conditions? I think that ceiling there was something like 200 feet.

Does he have to go in under conditions like that, knowing there is no ILS or anything else? Can't he just exercise his own prerogatives and not wait for a waveoff, but pull the plane out of there and go on to a nearby airport that is an alternate?

Mr. O'DONNELL. Without question, the final responsibility and authority rests on the captain, but you have to recognize the health and the state of the airline industry today, that every airline captain is concerned about the health of his company. He is making every effort to make this airline industry viable and healthy. When they have 28 people who want to go into New Haven, they make every effort to get those people on that ground.

There have been many instances—I have flown into New Haven. I had experiences, myself, where in my judgment I have made four or five approaches to get into New Haven when the fog was down. We had 58 people waiting to leave. I was going to Miami. I stayed there and made these continual approaches. Had we had an ILS system I would have made it the first time on the ground. No problem.

But I sense today, in the pilots within our association, this concern for the health of their company and health of the industry and I would suspect there are times when we make every effort to get this airplane on the ground.

Nobody can surmise what that crew saw when they broke out at the bottom of those clouds at 380 feet. They could have seen the fog. You have probably 5–6½ seconds to judge what you see before you put that airplane below that 380 feet.

In my judgment he probably saw lights that they thought were runway lights and when you get down another 70 or 80 feet and realize it is not a runway, whether it is a car or truck or whatever, you push the throttle forward and it is still going to sink.

There is a tremendous procedure you have to apply. There is a continuing sink and this is probably what occurred. If he had seen the runway—but this is prejudging what actually happened.

Mr. DEVINE. We can't afford to do that because we don't know the facts, but are you trying to tell me that economic factors of the airline maybe sometimes outweigh the pilot's judgment from the safety standpoint?

Mr. O'DONNELL. Sir, the record is clear; there have been instances where airline pilots have been harassed by management. We are here today in a unified body to support this act but there have been cases where a pilot has refused to take a flight because in his judgment certainly safety conditions were not appropriate and actions have been taken against him by the companies.

Mr. DEVINE. I think this committee would be very happy to have any documentation to support this statement.

Mr. O'DONNELL. Sir, we have had two instances where a pilot refused to take a plane. One was because he did not have radar. The company gave him 15 days on the ground. We will submit the document.

Mr. DEVINE. I think we should receive them for the record.

Mr. MURPHY. Without objection it is so ordered.

(The following supplementary statement was received for the record:)

SUPPLEMENTARY STATEMENT BY JOHN J. O'DONNELL, PRESIDENT, AIR LINE PILOTS ASSOCIATION

Mr. Chairman, you asked that I furnish three essential items of information following my testimony on June 9. They are as follows:

Question. How many U.S. airports used by commercial airlines are without control towers?

Answer. According to FAA, there are 158 out of 515 airports served by scheduled air carriers in the 48 contiguous states that do not have control towers. A total of 342 of 817 fields served by scheduled air carriers in the 50 states and U.S. possessions in the Caribbean do not have them.

Question. What are the circumstances surrounding a fatal accident which was due, in part, to pressure from a company for a pilot to fly an aircraft with inoperative engine accessories?

Answer. An airliner crashed into the waters of Santa Monica Bay after departing the Los Angeles International Airport in January, 1969. Our engineering and air safety staff found the probable cause to be a consecutive chain of events which started when the plane was allowed to take off with one of three generators wired off. This left two generators, one of which was not operating just prior to the accident because the pilot received fire warning indication and had to shut that engine down. The sole remaining generator was not able to support the electrical load and all power to aircraft systems was lost. This included attitude and navigational instruments. The return of power occurred too late to permit the crew to recover control of the aircraft before it crashed. Six crew members and 32 passengers lost their lives.

Underlying all this, of course, is the question of why a pilot had to fly an aircraft with an inoperative generator when the Air Line Pilots Association had been raising the serious safety consequences that were involved.

Another question is why the pilot who had not flown this type aircraft for seven weeks prior to the accident, was scheduled for this flight. He had just completed training on the larger DC-8 jet and normally would not have gone back to flying the smaller jet.

The National Transportation Safety Board found that the aircraft had been operating for 42 flight hours before the crash with the generator inoperative but this was allowed by what is called the Minimum Equipment List. The FAA excuses a company from maintenance of equipment through this list and puts pressure on a pilot to fly when he knows the accident potential of such a practice.

The fact that a captain was scheduled to fly an aircraft in which he was previously qualified after transitioning into a new and larger plane cannot be attri-

buted to anything else but company pressure. The NTBSB wryly noted in its conclusion about the accident that "this type of scheduling could potentially lead to a compromise in safety."

Question. Are there instances where airline companies have pressured pilots to fly aircraft with inoperative equipment against their better judgment?

Answer. There are several recent cases that come to mind immediately. One company put tremendous pressure on their pilots to fly against the pilots' better judgment and suspended three captains because they refused to fly aircraft into bad weather when the plane's yaw dampers and automatic pilots were inoperative. These men were eventually vindicated when an arbitrator ruled in their favor.

Another case involved a pilot who refused to take his airplane into a bad weather situation when he found the auxiliary power unit inoperative. This case is still pending before an arbitrator.

In these four cases, the FAA had approved Minimum Equipment Lists which would allow flight with the cited conditions existing. However, because the flights were to be made into areas of bad weather, the pilots felt that the complexity of circumstances was such that their passengers' lives would be endangered. Their judgment and command authority were questioned and the companies tried to force them to fly for economic reasons. Pilots will not compromise safety even in the face of disciplinary threats by the carriers.

I trust that the above answers the questions. If not, I will be glad to furnish more specifics for the record when requested.

Mr. DEVINE. Mr. O'Donnell, I think all this would be delightful if we could have an ILS approach to every runway in the country, particularly those that service commercial aircraft. But we have to live realistically and it is a question of priorities and funds. And I think everybody on this committee agrees with you that the airport, airways safety trust fund should be used for the very purpose we designated at the outset and should not be utilized for operational or administrative costs of the FAA.

But it just can't be done within the anticipated revenues. We all have our own priorities, not only in this program but everything else. You have been quite critical of the fleet that apparently has been acquired by the FAA people. Has that increased measurably in the last 2 or 3 years?

Mr. O'DONNELL. In the last 4 years. The last figure I saw was 1965. At that time the fleet was 48 airplanes. They used a large number to test the electronic system in these ILS system and airways systems. They specified in their report how many aircraft they use for that. There is a large number of aircraft that are not used for that. They are used to fly FAA people around the country.

We say that type of fleet is not needed. We say money should be spent for safety. They are talking about diverting \$600 million of this airport trust fund. You only need \$200 million to appropriate the rest of these ILS. That FAA money should be used to give us a better air traffic control system and as the gentleman said, better weather reporting systems.

Mr. DEVINE. Again we have selection of priorities.

Mr. O'DONNELL. No, Sir; I concur with him on the weather.

Mr. DEVINE. But you differ on FAA priorities?

Mr. O'DONNELL. That is where we differ.

Mr. DEVINE. It seems to me based on what you say this is highly excessive. This fleet is highly excessive and unnecessary. I don't know whether it would be fair to ask Mr. Simpson who was formerly with the FAA if he has an opinion.

Mr. STIMPSON. I think, being objective about it, I think that there is a good case for the fleet. I think the record will show that the fleet has decreased in the past few years instead of increasing. The FAA has taken some of the criticism to heart and has tried to reduce it. I am not sure if you are talking about strictly the pilot jet fleet also where they train the pilots. That is a multipurpose fleet to train the pilots to check the airline pilots.

It is also to check avionics and navigation systems. It is also in part to use for transportation of FAA personnel. I think it is a minor part in contrast to these other two functions. But I think the record will show the FAA is making progress on reducing the scope of that.

Mr. DEVINE. This is an area where I think might be well to call Jack Shaffer in to talk about.

Mr. O'DONNELL. They intend in the next 10 years out of the trust fund to spend \$123 million for this aircraft.

Mr. STIMPSON. I don't want to debate on the fleet. But I think there are cases where FAA is now the largest operator of a DC-3 fleet in the world. Many of these airlines are checking navigation system throughout Alaska and other places and there are new ways they can make this more economical and efficient by getting faster and smaller airplanes.

I think this is a thing you may want to get into but I think it is a complicated issue.

Mr. CORBETT. Mr. Devine, perhaps one philosophical comment. I think the discussion here recently might indicate to this subcommittee that while in the past this industry, like a lot of other industries, has come to Congress and generally asked for more funds, more requirements. When the user tax funds are involved, everyone on this panel wants to make sure that the things FAA spends funds for are the highest priority items. This community is going to come to the Congress and say, "Let's cut back here and go ahead there," so we will have greater benefits from the user tax dollar.

With that thought in mind, with these user taxes coming in from the community, the community wants to make sure that they are going to be used for the purposes for which Congress intended them.

Then given those minimum levels, we can debate with the Appropriations Committee as to what programs should be cutback and which should be expanded.

Mr. DEVINE. One other question I think directed to Mr. Seybold. I think that prior to my arrival at this hearing this morning, it was pointed out there were inconsistent provisions under the trust fund law, one of which was prepared by our committee and the other by the Ways and Means Committee.

Do you feel this legislation pending here resolves any differences or do you think additional legislation is necessary?

Mr. SEYBOLD. This would resolve it if the Ways and Means Committee concurs with the amendment that this bill proposed to title II, together with the change evolved in title I.

Mr. DEVINE. It will be taken care of then?

Mr. SEYBOLD. Right.

Mr. STIMPSON. I think the committee should be complimented for getting into this issue. There is a great deal of misunderstanding about this throughout the whole aviation community.

To explain this to the users is an impossibility. They are paying and they do not see where the funds are going. I think any action the committee can take in supporting this bill and getting it passed by Congress will do a great deal to help the situation. We do not have a question of legality here. It is really a question of intent which you people understand. Your action in this regard will, as you see, be supported by this group and unanimously supported by millions of people.

Mr. MURPHY. This is not the only trust fund where intrusions are attempted or intrusions have been made. Evidently there was some language here where there was a question of interpretation.

You are not alone in having this fund being a fund that is intruded on and don't think that in the future it is not going to be assaulted as far as other special interests are concerned.

Mr. STIMPSON. That is why we feel it is important to get this loophole closed.

Mr. MURPHY. Thank you very much, gentlemen.

The next witness will be Robert E. Green, vice president of Professional Air Traffic Controllers Organization.

Mr. Green, identify yourself and give your address.

STATEMENT OF JOHN LEYDEN, PRESIDENT, PROFESSIONAL AIR TRAFFIC CONTROLLERS ORGANIZATION; ACCOMPANIED BY ROBERT E. GREEN, NATIONAL VICE PRESIDENT AND WILLIAM PEER, COUNSEL

Mr. LEYDEN. I would like to make a slight correction for the record. I am John Leyden, president of Professional Air Traffic Controllers Organization (PATCO). On my immediate right is Robert Green, National Vice President and on my left is William Peer, PATCO attorney in Washington.

I beg your indulgence. I just finished testifying before the Post Office Retirement Committee on legislation pertaining to air traffic controllers and I did not think we would be able to make both committees. Thank you.

Mr. Chairman and members of the committee: I appreciate the opportunity to appear this morning representing the professional air traffic controllers' views concerning the Airport/Airways Trust Fund. I wish to thank you, Mr. Chairman, and the other members of Congress who appropriated the necessary funding through the Airport/Airways Developmental and Review Act of 1970 to help improve the air traffic system. As you are aware, the Airport/Airways Act states that amounts in the trust shall be available, as provided by appropriation acts for making expenditures for: (1) Airport assistance; (2) construction of air traffic control and air navigation facilities; (3) research and development with respect to airway systems; and (4) operation and maintenance of airway facilities including support services.

I would like to address myself specifically to item 2, which refers to the construction of air traffic control and air navigation facilities. I cannot overemphasize the important role played by the air traffic controller in the total airway system. As Administrator Shaffer in

his testimony before Chairman Dulski of the Post Office and Civil Service Committee stated as recently as yesterday. "Without the controller, the air traffic system is only cement and metal." The concern of other associated groups in the industry should be evidenced by their total concern in proper disbursement for the funds already appropriated.

The overriding concern of all is for the quality and safety of the entire system and we feel the Federal Aviation Administration has not addressed itself to the imminent dangers which are still present in many of the airports and facilities which serve aviation in this country. We strongly feel that many of the recent crashes, including the one which occurred in New Haven on June 7, might have been prevented had the necessary equipment which is available been operational, namely a fully operational instrument landing system (ILS). We all recognize that many previous accidents might have been prevented had we fully utilized the technological hardware that is available to the aviation industry.

Any deficiencies in the system by equipment or design are not only the concern of the day-to-day operating team of the pilot/controller, but also, Mr. Chairman, the concern of Congress.

We in the industry expected a much greater impact on the acknowledged problems in the system as a result of the passage of this legislation. Unfortunately, we find the implementation has been deficient in many respects.

In closing PATCO would like to emphasize that our primary concern in appearing before this committee is the overall safety of what could be the finest air traffic system in the world, and hopefully in the very near future, will be.

Mr. Chairman, that concludes my prepared statement. Now I would be happy to answer any questions you or the committee may have.

Mr. MURPHY. What is the year model of the most up-to-date radar that is used in air traffic control?

Mr. LEYDEN. They have installed in some of the facilities, RBD 5 bright display units and some of the airport's equipment is now operational. It was installed in Chicago at O'Hare but it is not operational. They expect it to be July 1.

Mr. MURPHY. 1971 model?

Mr. LEYDEN. That is correct.

Mr. MURPHY. What are some of the older models, model years that are being used in airports such as New York and Washington National.

Mr. LEYDEN. I was controller in New York for 10 years. A year ago we were using equipment better than Navy VG's. The models we were using 6 or 8 years old.

Mr. MURPHY. In New York?

Mr. LEYDEN. They do not have height-finding capability. They do not have target-tagging, altitude readout or many of the things available in the system today.

Mr. MURPHY. Why hasn't the system been updated particularly in an area of traffic density such as New York?

Mr. LEYDEN. I think I will have to go back in time somewhat and lay the blame on lack of foresight of the agency between 1963 and 1967.

Although Congress appropriated funds to the administration to be used to improve the system they had a lean and clean period and money was turned back to Congress because they could not find things to do with it. During that period of time, in our profession, between 1963 and 1967 not a single controller was hired.

Yet during that period of time the capacity of the system doubled. We ended up with overtime and lack of personnel in the system. Lack of foresight on the agency's part in preparing for the future.

Mr. MURPHY. Mr. Adams?

Mr. ADAMS. Thank you. Mr. Leyden, I understand as of Friday of last week you were reinstated as the union for FAA. Is that correct?

Mr. LEYDEN. That is correct.

Mr. ADAMS. I am pleased that you are. We have to have a system where we talk about these things and I am glad that you now represent these people. Now, what I am still troubled about is the use of the ILS system.

I have the chart that was just given to me by the panel. I also know that you probably don't need an ILS system at the end of every runway but can you give me any idea out of the total number how many we need that would provide some kind of adequacy.

For example, I notice we have a number of graveled fields in Alaska that are listed in the chart. I have flown in and out of these a lot. I know if you had one ILS system in those you could get in or go by one of the two. Can you give me an idea out of the 2200 ends what your people feel are the number that should be immediately installed?

Mr. LEYDEN. I feel that we had been shooting for would be an installation of ILS equipment in any airport that serves commercial aviation in this country.

Mr. ADAMS. That I got some testimony on yesterday as to how many had and did not have. Do you have that figure in mind?

Mr. LEYDEN. I don't have the figure and I don't have the testimony available before me but we could check and supply it for the record.

Mr. ADAMS. Would you supply that, as to how many airports don't have it and should?

Mr. MURPHY. Without objection the submitted data will be included in the record.

(The following information was received for the record:)

INSTRUMENT LANDING SYSTEMS (ILS) AND AIRPORTS STATISTICS

1. Total number of airports in United States—11,261.
2. Total number of airports in United States served by air carrier aircraft—542.
3. (a) Complete instrument landing systems (ILS) installed at airports in United States—292.
- (b) Partial instrument landing system installed at airports in United States—24.
- Total: 316.

Mr. ADAMS. Now, do we have the personnel if we install some of the new systems which have been testified to. Like yesterday the terminal radar systems and so on, how many more controllers would we need? What is our current status in terms of total number of people needed as compared to total number of people we have?

Mr. LEYDEN. In 1967 there were approximately 8,900 controllers in the system. Obviously we were short of personnel. We were work-

ing 6 days a week, 10 hours a day around the clock. Because of recent hirings, the vast number of hirings (the system has doubled since 1967), we now have 19,000 controllers in the system.

Of that number, more than 50 percent are in a developmental state and are actually not being utilized in air traffic control but are in some form of training—a developmental state.

The agency has additionally at this time openings for 1,000 more controllers. It is unfortunate for the airlines that we are in an economic recession. I think it is time for us to prepare for what we consider to be an increase that will take place in 1972 or 1973. We would like to see that full complement available so we don't find the same problem as we did in the mid 1960's. There are now 1,000 slots that the agency could fill and they are not moving too far ahead.

Mr. ADAMS. My last question is, they talked yesterday about terminal radar systems for specified airports. Can you give me any idea of how many more terminal radar systems should be installed and in what time sequence?

Mr. LEYDEN. I think we have to address ourselves to the degree of implementation and what type of equipment would be installed. We are in the process of putting the ARTS system into terminal areas.

As you know, terminal radar approach facilities sometimes serve up to 10 and 12 airports, in that vicinity. I do think that that program should be expedited so that we have the very best equipment that is available today in the facilities that do not have it.

Again, I don't have the figures of those that don't or how long it will be before they are put into the system. I think in line with the recent crash in Los Angeles, some of the things that are available in the system are not being fully utilized. I think if we had the same restrictions imposed upon military and civil jets that we do upon commercial jets, namely they would be in contact and be working with the facilities that are available, some of the previous accidents might have been prevented.

A controller cannot separate traffic that he is not working, even though he is in the system. We can only separate those we are in contact with. That is part of the problem. It is not universally applied. Commercial jets must be in contact with an FAA facility. Military, not necessarily and civil jets, not necessarily.

Mr. MURPHY. If there will be no further questions, thank you very much, Mr. Leyden. We appreciate your testimony.

That concludes the witnesses for today and that concludes the hearings.

The subcommittee will stand adjourned.

(The following statements and letters were received for the record:)

STATEMENT OF C. R. DUNDORE, PRESIDENT, YORK AERO, INC.

Mr. Chairman, my name is C. Richard Dundore and I am the President of York Aero, Inc., Thomasville, Pa. This is a corporation composed of commercial (i.e.: profit-motivated) aviation "support operations", sometimes referred to as "fixed-base operator". The members of our corporation are charged with selling airplanes, teaching people to fly, storing and maintaining business, corporate and personal airplanes, fueling aircraft, including "air carrier" aircraft operated by local service and regional carriers, as well as corporate, business and private aircraft. Our members also perform a transportation function under "Air Taxi

and Commercial Operator" (ATCO) Certification from the F.A.A., and many of them operate scheduled "air commuter" airlines, which are the sole means of commercial air transportation to hundreds of small communities.

Thus, our corporation has a real and present interest in the proposed amendments before this Committee. We endorse their purpose and pray for their enactment.

Three years ago, when the original legislation was proposed on "user charges" to defray the recognizable and recognized need for improvements to the airports and airways systems of the United States, our corporation opposed the issue, not blindly or out of spite, but because we did not believe that the specific needs had been clearly defined, the specific costs evaluated or the allocation of funds-to-be-collected clearly established. No priorities were set, no checks and balances ever established, no safeguards ever designed.

A year and a half ago this legislation was rushed through the Congress because of the alleged pressing need for *immediate* programs to increase the capacity of the airports/airways systems, based on growth predictions that were overwhelming. From the various documents indicating the legislative intent, there is not any doubt whatsoever that the Airports/Airways Act of 1970 verged on being "emergency legislation".

It was only after the dust had settled from the legislative whirlwind that the taxpayers—some of whom had fully endorsed the "user tax" concept as it had been presented to them by Administration proponents—realized how sloppily drawn the Act was, or how they had been misled, to their own detriment.

The heart of the legislation, Section 208 (f) (1) (b), says:

(Amounts in the Trust Fund shall be available . . . to meet those obligations of the United States—

(B) heretofore or hereinafter incurred under the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1401 et seq.), which are attributable to planning, research and development, construction or operation and maintenance of—

- (i) air traffic control,
- (ii) air navigation,
- (iii) communications, or
- (iv) supporting services, for the airway system, or

(C) for those portions of the administrative expenses of the Department of Transportation which are attributable to activities described in subparagraphs (A) and (B).

This language was written into the Act without the knowledge of any of the of the industry proponents of the legislation and effectively thwarts the intent of the proposed legislation which had been to upgrade and improve "airports and airways systems", the funding of such specific improvements having been the reason for the legislation in the first place.

Now the officials of the Department of Transportation may, on their own initiative, withhold the Trust Fund moneys from airport and airways improvements and spend them as they see fit. The "users' tax" and appropriated funds in the Trust Fund could conceivably be spent for esoteric "research and development" projects and never be spent for the improvement of the airports/airways system.

This situation must be cured by amending the Act of 1970 to establish clearly priorities of expenditure which will guarantee that the airports and airways improvements will be funded at the levels established by Title I of the Act of 1970 so that the expressed intent of the Congress will be implemented.

York Aero, Inc. endorses the proposed curative amendments to the Act.
Thank you.

NATIONAL AVIATION TRADES ASSOCIATION,
Washington, D.C., June 7, 1971.

HON. JOHN JARMAN,
Chairman, Subcommittee on Transportation and Aeronautics, U.S. House of Representatives, Washington, D.C.

DEAR MR. JARMAN: This association joins completely with eighteen other aviation organizations in a united effort to protect the aviation Trust Fund for airport and airways capital improvements by amending the Airport and Airway Development and Revenue Acts of 1970.

However, in addition to the unified position taken by the industry and the testimony to be given on behalf of this effort by a single spokesman, J. Donald Reilly, Executive Vice President of Airport Operators Council International, we wish to make an endorsing separate position statement on the same issue.

We request that this testimony of position be included in the printed record of the hearings.

Respectfully,

FRANK KINGSTON SMITH,
President.

STATEMENT OF FRANK KINGSTON SMITH, PRESIDENT, NATIONAL AVIATION
TRADES ASSOCIATION

Mr. Chairman, my name is Frank Kingston Smith and I am the President of the National Aviation Trades Association. This is an association composed of commercial [i.e.: profit-motivated] aviation "support operations", sometimes referred to as "fixed-base operators". The members of our association are charged with selling airplanes, teaching people to fly, storing and maintaining business, corporate and personal airplanes, fueling aircraft, including "air carrier" aircraft operated by local service and regional carriers, as well as corporate, business and private aircraft. Our members also perform a transportation function under "Air Taxi and Commercial Operator" [ATCO] Certification from the F. A. A., and many of them operate scheduled "air commuter" airlines, which are the sole means of commercial air transportation to hundreds of small communities.

Thus, our association has a real and present interest in the proposed amendments before this Committee. We endorse their purpose and pray for their enactment.

Three years ago, when the original legislation was proposed on "user charges" to defray the recognizable and recognized need for improvements to the airports and airways systems of the United States, our association opposed the issue, not blindly or out of spite, but because we did not believe that the specific needs had been clearly defined, the specific costs evaluated or the allocation of the funds-to-be-collected clearly established. No priorities were set, no checks and balances ever established, no safeguards ever designed. [A copy of the NATA Policy Statement is attached.]

A year and a half ago this legislation was rushed through the Congress because of the alleged pressing need for *immediate* programs to increase the capacity of the airports/airways systems, based on growth predictions that were overwhelming. From the various documents indicating the legislative intent, there is not any doubt whatsoever that the Airports/Airways Act of 1970 verged on being "emergency legislation".

It was only after the dust had settled from the legislative whirlwind that the taxpayers—some of whom had fully endorsed the "user tax" concept as it had been presented to them by Administration proponents—realized how sloppily drawn the Act was, or how they had been misled, to their own detriment.

The heart of the legislation, Section 208(f) (1) (b), says:

(Amounts in the Trust Fund shall be available * * * to meet those obligations of the United States—

(B) heretofore or hereinafter incurred under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1401 et seq.), which are attributable to planning, research and development, construction or operation and maintenance of—

- (i) air traffic control,
- (ii) air navigation,
- (iii) communications, or
- (iv) supporting services, for the airway system, or [italics supplied]

(C) for those portions of the administrative expenses of the Department of Transportation which are attributable to activities described in subparagraphs (A) and (B).

This language was written into the Act without the knowledge of any of the industry proponents of the legislation and effectively thwarts the intent of the proposed legislation which had been to upgrade and improve "airports and airways systems", the funding of such specific improvements having been the reason for the legislation in the first place.

Now the officials of the Department of Transportation may, on their own initiative, withhold the Trust Fund monies from airport and airways improvements

and spend them as they see fit. The "users' tax" and appropriated funds in the Trust Fund could conceivably be spent for esoteric "research and development" projects and never be spent for the improvement of the airports/airways system.

This situation must be cured by amending the Act of 1970 to establish clearly priorities of expenditure which will guarantee that the airports and airways improvements will be funded at the levels established by Title I of the Act of 1970 so that the expressed intent of the Congress will be implemented.

The National Aviation Trades Association endorses the proposed curative amendments to the Act.

Thank you.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 10, 1971.

Mr. W. E. WILLIAMSON,
Clerk, Interstate and Foreign Commerce Committee, House of Representatives,
Washington, D.C.

DEAR Mr. WILLIAMSON: I enclose letter in support of H.R. 7072 from the Manager of the Wood County Airport in Parkersburg—Mr. Wallace J. Bennon.

I would appreciate Mr. Bennon's letter being included in the Committee's record when this measure is taken under consideration.

Sincerely yours,

ROBERT H. MOLLOHAN, M.C.

WOOD COUNTY AIRPORT,
Parkersburg, W. Va., April 30, 1971.

HON. ROBERT MOLLOHAN,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: The following are our thoughts on legislation now affecting the aviation industry.

First, we support prompt action on H.R. 7072 to amend the Airport and Airway Development Act to protect aviation user taxes from being diverted by the President's Office of Management and Budget, who have misconstrued Congress' intent in enacting the aviation trust fund law. Although the statute clearly authorizes DOT to enter into grant agreements with sponsors for not less than \$280 million a year for airport development, and another \$15 million for planning, the OMB for FY '71 and FY '72 has cut back airport appropriations by \$413 million; has requested diversion of some \$600 million in user tax funds from airports and airways programs to pay for FAA internal administrative and operations costs and to further restrict DOT's statutory authority to immediately commit \$840 million in grant agreements to \$180 million in FY '71 and \$220 million in FY '72.

This budget cutting by OMB will have a drastic adverse affect on all public airport development in all fifty states this year and for many years to come.

With regard to the President's Special Revenue Sharing Program for Transportation, our initial reaction is that if such a program came about, with state governments controlling the funds, West Virginia, with a high priority for roads and bridges, might divert all the funds to this part of the transportation system, leaving the airports with no effective assurances that there would be any funds available for aviation purposes and therefore defeating the Congressional goal of establishing a national system of airports to serve the unique interstate aspects of air transportation.

Very truly yours, H

WALLACE J. BENNON,
Airport Manager.

TRANSPORTATION ASSOCIATION OF AMERICA,
Washington, D.C., June 11, 1971.

HON. JOHN JARMAN, Chairman,
Transportation and Aeronautics Subcommittee, House Interstate and Foreign Commerce Committee, Washington, D.C.

DEAR CHAIRMAN JARMAN: On behalf of the Board of Directors of the Transportation Association of America, I should like to express TAA's support of H.R.

7072, a bill now subject to hearings before your Subcommittee that would assure the expenditure of aviation user charge receipts for airways and airport development and improvement.

Recent action taken by the TAA Board reaffirms our support of the transport trust fund concept as a means of self-financing of needed public transport facilities. Based on TAA Board action taken last month, and cleared through all eight permanent advisory panels—representing users, investors, and air, freight forwarder, highway, pipeline, railroad, and water carriers respectively—the Association now is officially on record as follows:

"TAA supports the principle that trust fund tax moneys collected from users of such facilities as highways and airports should be retained in the respective trust funds and used solely for the purposes for which the funds are established."

The above policy, it should be pointed out, does not indicate any position by TAA on the desirability of a single transportation trust fund if that is considered at a later date.

As we interpret H.R. 7072, it is in line with the newly adopted TAA policy, since the basic purpose of the Airport and Airway Development Act of 1970 was to develop and improve our airport and airways systems to ease serious safety and congestion problems and to provide the facilities clearly needed to meet future demands on these systems.

Since the early fifties, TAA has worked closely with transportation interests in seeking agreements in the user charge area, as our Association has long been in favor of users of publicly provided transport facilities paying their fair share of the cost of such facilities. Despite considerable resistance on the part of various groups to the extension of the user charge concept, we are happy to see its gradual but growing acceptance.

Unfortunately, the availability of user-generated revenues in transport trust funds have encouraged some government officials to look upon them as a means of financing other programs—sometimes related to the trust fund purposes and sometimes unrelated. The danger of such diversion of trust fund receipts is that the entire concept becomes undermined and loses the support of those paying into the fund. Also, it will make it more difficult to extend the transport trust fund concept to other modes, if that is thought desirable sometime in the future.

It should be made clear that TAA support of transport user charges for publicly provided facilities covers capital, operating, and maintenance costs. While we recognize that the intent of H. R. 7072 is to require priority use of airway-airport trust fund receipts for capital expenditures, we do not feel that this is inconsistent with the TAA user charge policy. As stated previously, there is no doubt in our mind that the purpose of the Airport and Airway Development Act of 1970 was to stress capital improvements and that aviation groups agreeing to pay considerably higher user charges did so with this understanding.

As we read H. R. 7072, the proposed emphasis on capital improvements covers the period through fiscal 1975. By that time, the total receipts from aviation user charges should have grown to assure substantial contributions towards other types of airways and airport costs. The fact remains, however, that without the capital expansion and improvements provided for by this Act, the expected growth of air transportation—and user charge revenues—will fail to materialize.

We, therefore, urge early and favorable consideration of H. R. 7072 by your Subcommittee and request that that letter be made a part of the official record of hearings on this and related bills.

Sincerely,

HAROLD HAMMOND,
President.

DALLAS/FORT WORTH REGIONAL AIRPORT BOARD,
Arlington, Tex., April 16, 1971.

HON. HARLEY STAGGERS,
*U.S. House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: With the scarcity of funds at all levels of government reaching crisis proportion, I was pleased to learn that you have introduced

H.R. 7072 to assure capital improvements to the nation's airport and airways system.

When the Congress passed the 1970 Airport Act, it, in effect, pledged a comprehensive ten-year development of the air transportation system and diversion of the aviation users tax for administrative purposes certainly seems at odds with the spirit, if not the letter, of the law.

As an airport planner and developer, I can assure you that the amendments are timely and appropriate provisions that should be included into the law. Without assurance of capital grants, it is impossible to develop comprehensive and adequate aviation facilities in any orderly fashion.

The legislation you have introduced appears to be a rare opportunity to reaffirm the original intent of this progressive program, and I hope you will urge your colleagues to act in the best interest of the nation by acting favorably on these amendments.

JACK D. DOWNEY,
Deputy Executive Director.

WEST VIRGINIA STATE AERONAUTICS COMMISSION,
OFFICE OF THE EXECUTIVE DIRECTOR, KANAWHA AIRPORT,
Charleston, W. Va., June 7, 1971.

HON. HARLEY STAGGERS,
House of Representatives,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN: The West Virginia State Aeronautics Commission would like to offer the following statement with regard to Senate Bill S. 1437 and House Resolution H.R. 7072.

The West Virginia State Aeronautics Commission supports the passage of S. 1437 and H.R. 7072 to clarify the Airports and Airways Development Act of 1970.

It is our opinion that to levy user taxes on aviation fuel and on registration fees to create a trust fund to improve our airport and airways system, and then to divert vast sums of this money to other purposes is a breach of faith to those from whom the taxes were collected, and we request that these trust fund moneys be only spent for the purposes for which they were collected.

We appreciate very much this opportunity to present our views on this matter.

With kindest regards,

Sincerely,

WILLIAM E. RICHARDS,
Executive Director.

GORDON, KIETZMAN, DENNIS, INC.,
Oklahoma City, Okla., May 10, 1971.

HON. HARLEY O. STAGGERS,
House of Representatives,
Washington, D.C.

DEAR MR. STAGGERS: I am writing to ask that you work for early enactment of H.R. 7072, the proposed amendment of the Airport and Airway Development and Revenue Act.

It is necessary that this amendment be enacted so that the intent of Congress may be carried out in airway modernization and airport development. To use the trust funds generated by the user taxes for other than those purposes originally intended constitutes a real breach of faith with all aircraft owners and airline users, whose taxes fund the trust.

As our company owns one aircraft and leases another, we are aware of the tremendous need for the airway and airport improvements. We earnestly request your support of H.R. 7072 and ask that you insist that user tax funds, which were earmarked for capital development programs, remain in the trust fund until expended. Let's not forget that this is a "trust" and we urge that the word "trust" not be removed from this Trust Fund.

We would also appreciate knowing your position on this matter. Thank you for your interest.

Cordially,

DUANE N. HEFNER,
Executive Vice President.

(Whereupon at 12 noon the subcommittee adjourned.)

