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FAA PERSONNEL PRACTICES

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HEARING
BEFORE THE
SUBCOMMITTEE ON
EMPLOYMENT POWER AND CIVIL SERVICE
OF THE
COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES
NINETY-SECOND CONGRESS

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FAA PERSONNEL PRACTICES

TUESDAY, JUNE 27, 1972

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:40 a.m., in room 219, Cannon House Office Building, Hon. David N. Henderson (chairman of the subcommittee) presiding.

Mr. HENDERSON. The subcommittee will come to order.

The subcommittee is meeting this morning to review certain personnel practices of the Federal Aviation Administration relating to air traffic controllers. Primarily, we are concerned with the Administration's minority hiring program.

The overall efficiency of the air traffic control program is a matter of vital concern to this committee.

This fact is evidenced by the committee's action with respect to the bill, H.R. 8083, which established a new career development program and provided improved retirement benefits for air traffic controllers.

The primary function of the air traffic controller is to insure the safe, orderly, and rapid movement of air traffic through the Nation's air space.

The ever expanding aviation industry has made air traffic control work extremely complex. Obviously, there can be no room for error in the performance of the air traffic controller's duties.

The marginal or unsatisfactory performance of any one of the critical elements of the air traffic control function constitutes a potential safety hazard to the Nation's air travelers.

In view of the complexities of the air traffic control function and the tremendous responsibility which each controller must bear, it is imperative that only the most qualified individuals be appointed to such positions.

While I applaud the efforts of the Federal Aviation Administration to recruit and employ disadvantaged persons, I want to be absolutely certain that such program does not have the effect of compromising the high standards which have been established and are necessary for the critical positions of air traffic controller and electronic technician.

I hope that today's hearing will serve to eliminate any doubts that I, or other members of the committee, may have in that regard.

Also, I believe the subcommittee will be interested in obtaining information relating to the overall effectiveness of the Federal Aviation Administration's minority hiring program in relation to the additional cost involved in training personnel under that program.

We are honored to have as our witnesses this morning Hon. John H. Shaffer, Administrator of the Federal Aviation Administration.

Mr. Administrator, it is my pleasure to welcome you this morning.

STATEMENT OF HON. JOHN H. SHAFFER, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY BERTRAND M. HARDING, ASSOCIATE ADMINISTRATOR FOR MANPOWER; ALLAN MARKHAM, GENERAL COUNSEL; AND LEON WATKINS, DIRECTOR OF CIVIL RIGHTS

Mr. SHAFFER. Mr. Chairman, it is a pleasure for me to be here. I am accompanied by Bertrand Harding, who is Associate Administrator for Manpower in Federal Aviation Administration.

Mr. HENDERSON. Mr. Shaffer, Mr. Harding is well known to the members of the subcommittee who have been here. Mrs. Andrews, of course, is relatively new on the subcommittee. Certainly in the period of our consideration and concern for legislation affecting controllers, we have been especially impressed with Mr. Harding's performance as related to other matters of interest within the subcommittee.

I want to take this opportunity to tell you that we consider him one of the best civilian personnel administrators in the entire Government. I am delighted that he is here this morning.

Mr. HARDING. Thank you, Mr. Chairman.

Mr. SHAFFER. Mr. Chairman and members of the committee, I am here today in response to your invitation to discuss with this committee the Federal Aviation Administration's minority hiring program, particularly the "150 program."

The 150 program gains its name from the fact that 150 air traffic controller and electronic technician (ET) positions are utilized on a continuing basis for the recruiting and training of employees from economically and socially disadvantaged backgrounds. Before going any further, I would like to briefly describe the air traffic controller and electronic technician occupations.

I believe the air traffic controller needs little introduction to this committee. Your awareness and appreciation of the responsibilities of this highly trained work force has been demonstrated by your outstanding support of H.R. 8083, the Air Traffic Controller Career Act, now Public Law 92-297. We are indebted, Mr. Chairman, to the Post Office and Civil Service Committee for this support. As you are aware, the controller is the essential element in our national airspace system—the element directly responsible for making it the safe and efficient system it is today.

The electronic technician is the controller's indispensable teammate. His responsibility is to keep the national airspace system functioning, to maintain all of the navigational aids, radars, computers, and other highly complex electronic equipment that comprise the hardware part of the system. Without his faithful performance, the controllers and the pilots would lack the basic tools fundamental to safe and efficient use of the system.

Because of the critically important nature of these two occupations, we refer to them as the FAA's "firing line" jobs.

The 150 program was inaugurated in 1969 as a part of the FAA's continuing commitment to the administration's equal employment opportunity program. Most, but not all, of those recruited through this program are from minority groups. In the 3 years since the 150 program began, the FAA has hired from all sources a total of 9,592 controllers and electronic technicians. Of these, 8 percent have come from minority groups.

During this same 3-year period, 452 controllers and electronic technicians have been recruited through the 150 program. Of these, approximately 85 percent have been from minorities. The total number of "firing line" positions in the controller and electronic technician work forces is 29,000, of which 5.4 percent are from minority groups.

It is apparent from these figures that the 150 program provides a relatively small contribution, both to the total hiring program and to the total minority recruiting effort as well. But it nonetheless plays a very significant role in our overall hiring objectives. It is intended to reach a particular segment of society, namely those individuals with genuine potential who, because of their disadvantaged economic and social environment, are difficult to reach, in fact, could not be acquired through the more conventional recruiting programs.

Those recruited from this program are given 6 months of orientation training before entering the normal controller or electronic technician training curriculum to compensate for the lack of preemployment experience required for the two occupations. The additional cost of this training, approximately \$6,500, is only 13 percent of the total cost of training a controller to the full performance level, and only 19 percent of the cost of training an electronic technician.

I should like to make one point emphatically clear, Mr. Chairman: The FAA's very high standards for air traffic controllers and electronic technicians are in no way compromised by the 150 program. Those we recruit from this source must meet and maintain the same medical standards, attain the same minimum scores on the aptitude tests, and maintain the same degree and rate progress in training as those trainees recruited through the normal channels. Once he enters the normal training curriculum the "150" trainee is indistinguishable from any other controller or electronic technician trainee.

If people from disadvantaged circumstances, who might otherwise go unemployed or under employed, can be recruited and developed into competent, dedicated employees, performing meaningful and important assignments, without compromising aviation safety, we believe it is an entirely proper mission for an agency of the U.S. Government. In fact, we feel we have a moral obligation to do this.

We also have a legal responsibility which dates back at least to 1955, when President Eisenhower issued Executive Order 10590, establishing equal employment opportunity. This was followed by the passage of the Civil Rights Act of 1964 and, more recently, by Executive Order 11478. The latter was incorporated into the Equal Employment Opportunity Act of 1972, Public Law 92-261.

In this order President Nixon clearly committed this administration to an affirmative EEO program. It directed agencies of the executive branch to develop action programs to attract and assist the hiring of minorities into the Federal Government.

The 150 program, Mr. Chairman, is part of the FAA's response to that mandate. I should like to briefly mention some of the other agency efforts. In early 1970 the FAA initiated a maximum effort to significantly increase the representation of women and minorities in all agency work forces.

I asked each employing office to commit its resources to the hiring of 16 percent women and 20 percent from minority groups. These are not hiring quotas; they are goals or objectives which each element of the FAA seeks to achieve within the needs and requirements of the service. It does not result in the hiring of unqualified persons to the exclusion of qualified candidates.

Another minority program, still in the developmental or pilot stage in our eastern and southwestern regions, is the summer cooperation education program. This program is designed to provide working experience in the air traffic controller occupation for minority and women college students who meet the physical and aptitude standards. The students are hired for the summer months during their junior and senior years and actually work in air traffic control facilities. This program, like the 150 program, is designed to provide those with the basic potential but insufficient practical experience an opportunity to gain that experience.

In conclusion, Mr. Chairman, we believe the small additional investment of time and money required to train a recruit in our minority hiring programs is returned to the public many times over in the form of higher earnings and greater human dignity and productivity.

That concludes my prepared statement Mr. Chairman, I shall be glad to answer any questions the committee may have.

Mr. HENDERSON. Mr. Shaffer, I think my primary interest at this point would be to ask you if you could expand on the process as you understand it relative to the decision to go into the 150 program.

You mentioned in your statement on page 2:

It is intended to reach a particular segment of society, namely those individuals with genuine potential who, because of their disadvantaged economic and social environment, are difficult to reach through the more conventional recruiting programs.

Could you spell that out? Was this the primary reason that motivated your formation of the 150 programs?

Mr. SHAFFER. The principal reason for the 150 program stems from, I guess you would call the transitional document which I was presented with by the previous administration.

A paragraph of that I think is germane to this. This is in a memorandum dated December 27, 1968, from Alan Boyd, the first Secretary of Transportation:

I am requesting that you do the following immediately. Initiate from fiscal 1969 resources a small pilot program for subentry level training of disadvantaged persons for air traffic controller and electronic maintenance positions.

That, as I say, was part of what I would carry through—not drop the ball—in the process of transitioning from the 1968 Secretary of Transportation, Alan Boyd, to the present incumbent, Secretary Volpe; that was part of my instruction.

The second document, the one I would really like to quote from is titled "Equal Opportunity in Federal Employment." It is dated August 8, 1969, and I quote from the President:

We must search for new ways to provide the necessary encouragement, assistance and training opportunities where appropriate so that all employees may utilize their capabilities to the fullest extent in meeting the manpower needs of federal agencies.

Those two instructions were quite clear to me. Being a loyal soldier, I decided to do something about it. The thing that we have done, and the thing that I am particularly pleased with and proud of is the "150" program.

It does not require any extraordinary effort on our part; only 11 additional academy instructors.

We operate a decentralized organization, nine regional offices, fully staffed who can recruit from the raw material available to them within their geographical areas, the cities of New York, Chicago, Detroit and so forth, without any added labor, no additional overhead.

We are able to identify this from firsthand knowledge of let us say the black community—but it is not just the black minority; but rather the socially and economically disadvantaged neighborhoods—those young people who have tremendous potential, but obviously have not had opportunity because they have not the money to go to school or the mobility to get out of the ghetto.

With an alert, inspired, motivated organization—and I think the FAA is as honestly motivated as any organization I have been associated with—we are able to reach these people, identify them, and develop them.

The raw material is every bit as good as the products of some of our finer schools, except they have not been afforded this opportunity for education. We provide that at a very modest additional investment.

Mr. HENDERSON. This leads me to the second question, that is, whether or not it is your conclusion, or whether you understood the recommendation of your predecessor, Mr. Boyd, was based on overt discrimination in the past.

It seems to me what you are saying is that the ordinary or the conventional recruiting program had not produced the results that it should have or that you would have liked it to. Has it been brought to your attention that prior to your assuming your responsibilities there had been overt discrimination in the air traffic controller recruitment hiring? Can you relate this to recruiting programs?

This is one of our responsibilities. One of this subcommittee's interests is how effective is the recruiting program? What are its weak spots?

The one thing I wanted to get into the record this morning is whether you know of any evidence of overt discrimination in the past? Or are you saying that what you learned was that recruitment had not produced the results that you wanted produced, or the results you think are in keeping with both the Executive order and the civil rights order?

Mr. SHAFFER. I think the principal problem that worked against reaching these people was our own specification. We enter the air traffic controller career field normally at the GS-5 level, and because of the specifications for that position, the man or woman who does not have or has not reached a certain academic level, is not able to qualify as a GS-5, so they were truly excluded from getting into this career

field simply because they had not demonstrated a level of academic achievement.

This program, as you know, enters them at the GS-4 level for 6 months at an annual salary of \$6,500. We have them in this program for 6 months. During this time we give them the necessary orientation—and actually the academic training or the additional instruction that they have lacked, which costs roughly \$3,000.

Thus far there have been 452 trainees produced, roughly \$3 million of additional investment, more than offset by the higher retention rate.

We honestly do believe that we not only find the right person, we find the one who, when we have afforded him an opportunity to rise above his background, stays with us. We really do reach these people, and they are coming along.

To answer your question very specifically, I do not believe there was discrimination. I actually think it was the mechanical problem of seeking out disadvantaged people who meet our qualifications.

Mr. Harding may want to elaborate on that, but I think that was it.

Mr. HARDING. I think that is exactly right, Mr. Chairman. I have been in the Federal service for almost 30 years now. I have in recent years seen very little overt discrimination.

That is not the problem today. The problem is simply the availability of people from this social and economic background who can qualify under our existing rules and regulations.

Mr. HENDERSON. So you do not really have any recommendations to make to us as they relate specifically to your Agency, but rather the 150 program or similar programs are related to recruitment.

There is no evidence of discrimination or that the recruitment program in and of itself is discriminatory, but rather the 150 program is designed to get to the problem that existed for other reasons.

Mr. SHAFFER. I think we are more fortunate than a great many agencies in that we are widely distributed geographically. We have 20 air traffic control centers in the United States; we have nine regional offices; we have 335 towers. We are everywhere, you might say, in the 50 States.

With the attention to the fact that it is really an enunciated program that is very specific in its objectives, every one of those people who works for the FAA is looking for this man or this woman.

When we have identified them—and we carefully identify them—we then make a conscious effort to bring them into the system. I think our results are impressive over the long haul. We really have a better work force, and obviously we are not trying to paint the place black—we are seeking to help disadvantaged young people.

Mr. HENDERSON. This will be of interest to our subcommittee as you follow through to see what the results are.

I also wanted, finally, to ask you to comment on the other opportunities in FAA. Would this kind of program, the 150 program, related to ACT's have the same result in other areas of the Agency?

Mr. SHAFFER. Yes. I am sure there are other career fields or disciplines that this would be applicable to, but obviously we are not going to be able to get an accountant or engineer or that kind of employee through this system. Those jobs do require a specific level of academic achievement.

Mr. HENDERSON. The entire FAA work force as you move away from ATC, your tower, your electronic technician, require very high skills or educational or management qualifications.

Mr. SHAFFER. Yes. But one aspect of our new responsibility is that of airport security which offers another career opportunity for the disadvantaged.

There are obviously others, and here again we have such a broad range of disciplines that it is clearly possible to find some of these I think potentially outstanding individuals who have not been afforded the educational opportunity, but who, once given a chance to learn, absorb it faster than the average.

They are quite talented and gifted. They just have not had the chance to demonstrate this. In other words, they live in homes where their first objective is to get enough to eat that day. They do not have the opportunity to go to school. As a matter of fact, they are denied the opportunity. They have consciously withdrawn from schooling to help support the family, and they learn only menial jobs.

These are the building custodians and the waiters and service people who really have found those occupations to be just about all that is open to them.

Mr. HENDERSON. Thank you, Mr. Shaffer.

Mr. Gross.

Mr. Gross. Mr. Shaffer, I am still not clear as to why you call this the 150 program. Was this originally a 150 quota?

Mr. SHAFFER. No, sir. The reason we call it the 150 program is we allocate 150 spaces or positions to the disadvantaged.

Those positions are refilled every 6 months as the students complete the program. But this is a small percentage of the controller and electronic technician hiring which is roughly 1,600 annually; these 150 program recruits account for something less than 100 annually.

So a portion of the controller authorization is assigned to what I will call the extraordinary task, but in my opinion a desirable objective. It is not in any sense a quota. It is a goal, an objective, something that I think is desirable within our social system, to reach people with potential, who have by an unfortunate circumstance effort not had opportunity available to them.

It is as simple as that. There are those kinds of people with some very bright minds which just need training, and that is all we are providing. Obviously if we were not able to maintain the throughput of 1,600 annually, which we need for attrition, retirement, and people who just quit, this sort of thing, if we were not able to have that program continue on a roughly steady basis, then we would also make the necessary downward adjustment in this element of the hiring program, too.

It is not a quota, sir.

Mr. GROSS. The figure I have heard is 400.

Mr. SHAFFER. That could be the total we have employed in the 150 program, Mr. Gross, 452 people in 3 years. Four hundred fifty-two people have entered this training in the 3 years we have had the training program.

Mr. HARDING. At the rate of approximately 150 every 6 months.

Mr. GROSS. At 150 per year.

Mr. SHAFFER. No, sir. Every 6 months.

Mr. GROSS. These are also called minority?

Mr. SHAFFER. I think 80 to 85 percent are minorities. This program is something that I sincerely believe in. One has to get in there and get involved, and I have been to the graduating classes.

Mr. GROSS. You have done what?

Mr. SHAFFER. I have been to every one of the graduating classes of the 150 program, and I do not want to embellish this record at all, but I have to say they are just as impressive as the other graduates of our training program.

Mr. GROSS. What scholastic record do you pick from? By that I mean do you go out and seek people from broken homes, people who have not had a meal that day? How do you go about this? You do not take just blacks or Jews or Chinamen? I assume that this is an all embracing minority program. You do not distinguish between the minorities, do you?

Mr. SHAFFER. No, sir. It is indistinguishable in the minority sense. We hire women—who are not minorities, incidentally—and any ethnic background. All we ask them to do is to at least achieve the minimum aptitude test score that is applicable to every other entry employee in these occupational fields. They have to do that.

That is the real requirement that we make all of them meet.

It does not in any way erode the standards of the FAA controller and the electronic technician work forces.

Mr. GROSS. You take one of the minorities, whether he had a college degree or a high school diploma, or how far down? To the illiterate?

Mr. SHAFFER. No, not quite that, sir. We do maintain a standard. They must be high school graduates.

Mr. GROSS. Do you make a distinction between a minority and one who is disadvantaged? Do you make any distinction between the two?

Mr. SHAFFER. No sir. Our program is truly for the socially and economically disadvantaged rather than strictly a minority program. It includes females who are not minority, and it is clearly structured after the instructions in Executive Order 11478 and in the Civil Rights Act of 1964.

We do that the law requires us to do, and that is all this is. This is a response to a mandate from the Congress. The Civil Rights Act is quite clear, and we are not, as I indicated earlier, engaged in an effort to paint the place black or anything like that. We are just responding to the clarion call to do a better job with equal opportunity.

Mr. GROSS. Whose clarion call are you responding to?

Mr. SHAFFER. The Congress of the United States.

Mr. GROSS. Did the Congress of the United States fix any quotas or percentages that you know of?

Mr. SHAFFER. We do not have a percentage or quota. The total work force of the FAA includes, I believe, something less than 6 percent minorities, and quite low, relatively speaking, female employment. We stand out in the crowd of the U.S. Government overall. We do not compare favorably, it seems to me, with a great many of the departments.

We have for a long time you might say restricted ourselves to hiring college level graduates, as again clearly indicated by our own analysis of our work force. The air traffic controller career committee which also reviewed it, determined that the air traffic job itself requires a

bright mind, an alert mind, an agile mind but it does not necessarily require a college degree.

So we have changed our recruitment ever so slightly. We do not now think that a college sheepskin is necessarily the end of it all. It is desirable if a man has a college degree and these other attributes such as physical and mental dexterity.

Mr. GROSS. Since you do not distinguish between the disadvantaged and minority groups—I believe that was your statement?

Mr. SHAFFER. That is correct.

Mr. GROSS. Then how do you justify 452 of minorities and 80 some whites? How do you do this?

Mr. SHAFFER. I think you are justified by the end result. First of all, one must believe that it is desirable to do it, and then after you have charted the program you review it and audit it.

Mr. GROSS. In that case are you not discriminating against a white? A white can be just as disadvantaged as a member of the yellow race or any other minority.

Mr. SHAFFER. We agree to that. This is not a minority disadvantaged program. This is a socially and economically disadvantaged group, and we have American Indians, we have Alaskan Indians, Eskimos; we have every other ethnic group, the Spanish American. Everyone is eligible for the program, and we actively seek them out as I have indicated.

We have such a broad geographical representation and an aggressive program in every community that we can find these people, regardless of race, color, or religion.

Mr. GROSS. The Chairman of the Civil Service Commission, Mr. Robert Hampton, on accepting an award on May 26 stated:

It is now time to rededicate ourselves to merit principles.

He is also extremely critical of so-called compensatory preferences in hiring which set aside merits of job qualifications.

Are you satisfied that your 150 program is fully in accord with merit principles, and that is it not a compensatory preference or a quota hiring program of which Mr. Hampton is critical?

Mr. SHAFFER. I am quite confident it is not a quota program or compensatory hiring program.

Mr. GROSS. You know that it is a quota program.

Mr. SHAFFER. I have indicated our specifications for the person do not either identify him as a black or whatever. It is these people who are hand picked without any consideration of color.

Mr. GROSS. You mean you cannot find out of 450 people any whites?

Mr. SHAFFER. We do have whites in this program.

Mr. GROSS. Only 80 whites who are disadvantaged out of a so-called class of 400 plus.

Mr. SHAFFER. No, sir. More than 15 percent of these people in this training program are whites, and also there are some females in this training program who are categorized as "minority."

Mr. GROSS. I did not say anything about sex. What percentage of those—we have liberated women, at least the House of Representatives has; I do not know that anybody else has, but we have in the House—what percentage of those persons originally hired under the 150 program actually became full fledged air traffic controllers?

Mr. SHAFFER. The program has only been ongoing for 3 years. Normally a journeyman controller requires 3½ years from entry into training status to full journeyman status.

As I have indicated, we have a 6-month orientation program, so the first of this group are probably 2½ years into the career field, so none of them has reached journeyman status yet, but there is no doubt in my mind that they all will. As I have indicated, the retention rate is higher in this group than the other, and that more than offsets the additional cost of the training.

We have a higher turnover rate in our overall work force by far—twice as high—as in this special group, if you want to call it a special group.

In other words, it is a better investment.

Mr. GROSS. Can you put a percentage figure on it? How does this percentage compare with the persons hired under the regular merit recruitment program?

Mr. SHAFFER. I believe we have had a 15-percent loss in the 150 program since its inception.

Mr. GROSS. What is the annual cost involved in conducting this 150 program?

Mr. SHAFFER. It is 6 months additional time, the annual salary of \$6,500, for this additional time.

Mr. GROSS. An annual cost you mean of \$6,500?

Mr. SHAFFER. No. His salary at the GS-4 level is \$6,500 annually. We have him in the program for 6 months, so it is half of that plus about \$3,000 per person in training costs. The total cost of the program thus far is less than \$3 million.

It is more than compensated in the higher retention rate. In other words, to retrain or to train for the attrition that we suffer or experience in the rest of the system, it costs us substantially more than it costs us to make a controller or (ET) out of this raw product.

Mr. GROSS. What is the type of additional training that is given to these persons who are hired under the 150 program?

Mr. HARDING. It is an aviation oriented training program, Mr. Gross. It covers such things as basic rules of air traffic and it is a built up program to prepare them for the regular program. There is compensatory education in reading and speaking and so forth.

Mr. GROSS. By compensatory you mean what?

Mr. HARDING. Compensating for the lack of formal education during the individual's younger years.

Mr. SHAFFER. It is teaching them glossary or identification of aircraft. This is an aviation-oriented career. Many of them may not have seen an airplane, or if they have seen it, they did not know one from another.

Mr. GROSS. What are you saying, that there is a youngster in this country who has not seen an airplane? You cannot be going that far.

Mr. SHAFFER. It is possible but that's not the point.

Mr. GROSS. They might not have seen a railroad locomotive belching smoke, but please do not go quite that far, Mr. Shaffer.

What specifically determines whether or not any given individual can qualify for hiring under the 150 program?

Mr. HARDING. He is hired at the GS-4 level, Mr. Gross, which means that he can have 1 year less experience and/or education than the normal person we hire at the GS-5.

The GS-5 must have a high school education and must have 3 years of general experience. He can come in with a high school education or 2 years' experience.

Mr. HENDERSON. Will the gentleman yield.

Mr. GROSS. Of course.

Mr. HENDERSON. What type GS-4 is this?

Mr. HARDING. The normal probational appointment.

Mr. HENDERSON. How many of the employees hired under the 150 program have moved from probational to permanent employment?

Mr. HARDING. Those that are still in would receive permanent status after 3 years. The very first group have probably reached that stage.

Mr. HENDERSON. Are your air traffic controllers in other than the 150 program probationary through their training cycle also?

Mr. HARDING. Through the training cycle, Mr. Chairman? They are recruited generally, the other air traffic controllers, either at the GS-5 or GS-7.

Mr. HENDERSON. And given what kind of appointment?

Mr. HARDING. Probational appointment.

Mr. HENDERSON. How long is that probational period?

Mr. HARDING. Three years. They are regular Federal employees.

Let me correct what I said earlier. The first year is the probational year really. They gain career status after 3 years. The first year is probational.

Mr. SHAFFER. The first group is within reach of the permanent status. They have been in 3 years. We started this program in 1969.

Mr. HENDERSON. Because of the very close timing I would like to ask you to submit to us, as soon as you take the personnel actions on that first group, the final actions on the entire group, how many drop outs, et cetera, and at what point they dropped out.

Mr. SHAFFER. Surely.

(The following information was furnished:)

Since the inception of the "150" program 452 persons have been enrolled and 85 percent of them are still with the Agency. During the "150" program training at the academy 8 percent of the participants left the program at the GS-4 level, during the first 6 months, for various reasons: three entered military service, 19 withdrew without explanation, eight failed, two transferred to other positions, three resigned because of family problems, and there was one death.

Subsequent to the academy training an additional 7 percent of the "150" program participants dropped out of the air traffic or electronic technicians occupation. Of this 7 percent, however, nine of them were placed in other occupations such as engineering and general mechanic helper, office and service clerk, mail clerk, motor vehicle operator, et cetera.

Thus far, participants who have progressed to the GS-7 and GS-9 levels have remained in the air traffic and electronic technicians occupations. The full operating level of these positions range from GS-11 to GS-13 and each participant will be developed to these levels or removed from the occupations if they cannot meet training and operating requirements for development purposes.

The following is the percentage, by grade level, of the 383 (85 percent of 452) of "150" participants and graduates who are still in the system: GS-4, 21 percent; GS-5, 42 percent; GS-7, 32 percent; and GS-9, 5 percent. The GS-4's are in the "150" program academy training or have recently graduated, returned to facilities and are in the process of being promoted to GS-5. The GS-5's, GS-7's and GS-9's who previously graduated from the "150" program are being trained under the normal development process for air traffic control specialists and electronic technicians, as appropriate, to the full operating (performance) level.

Mr. HENDERSON. Do you recall how many, if any, dropped out after the 6 months period?

Mr. HARDING. I do not recall off hand, but I am sure some did, Mr. Chairman.

Mr. HENDERSON. Give us that as a supplement too.

Mr. SHAFFER. I believe it was about 8 percent. As a matter of fact, again some of them were homesick. Others responded as you might think. They never had it so good, and liked the experience.

But there were some who emotionally were not yet ready for it.

Mr. GROSS. Mr. Shaffer, suppose you had a class of 500 disadvantaged, and you trained these people. Who then makes the selection?

Mr. SHAFFER. We have a program called job corps, and I do not think it is nearly as effective as this program; I am simply saying—

Mr. GROSS. You have or who has?

Mr. SHAFFER (continuing). The U.S. Government has a big program called job corps which was the first manifestation I think of the equal opportunity program that resulted in a lot of job corps training centers scattered throughout the United States.

In my opinion it was a bigger program than was manageable, and it was not managed very well initially. I understand why. I am not bad mouthing management; I am simply saying this one is small enough that we can give it personal attention and we do.

Mr. GROSS. All right. I still do not have an answer to my question. You have 500 recruits. These are disadvantaged people. How are they finally chosen?

Mr. HARDING. These are finally chosen, Mr. Gross—unless they break out of training—they have been chosen at the time of entering the program as GS-4's. They continue in a program as long as they successfully complete this 3½ years of training to become a full fledged air traffic controller.

There is no selection in or out during that process.

Mr. GROSS. There comes a time when you have to shake this out. Let us say you do not need 500.

Mr. HARDING. We only hire in accordance with the authorization for the current year, Mr. Gross. Those are needed to be hired. This is a small portion of the total air traffic controllers and electronic technicians that we hire every year—a very small portion—and they remain in the program as long as they successfully compete in the training operation.

There is no further selection from this group.

Mr. SHAFFER. We have, Mr. Gross, a continuing requirement for new input. The FAA is roughly 52,000 strong today, suffering for the first time massive retirement. The replacement problem that the Agency has is staggering. With the—I will call it the golden opportunity—we have suffered a loss of 1,000 management people, for example, in this last year. So the recruiting and mailing program that I have is one that causes me a lot of concern.

The 500 figure, the hypothetical figure you used, is really—

Mr. GROSS. I can make it 400 if that would be easier for you to handle.

Mr. SHAFFER (continuing). No, Mr. Gross. We have 3,000 normally in air traffic controller training all the time. In other words, that is our annual throughput, that is just to replace attrition, people who retire, people who quit, or people who become physically unable to perform.

Mr. GROSS. You have a trainee who cannot make it.

Mr. SHAFFER. Of course, we do.

Mr. GROSS. Who decides that?

Mr. SHAFFER. They have to meet the standards, the achievement standards, and they have to meet milestones. In other words they have to progress with their class according to a set timetable.

Mr. GROSS. But you have not told me who shakes them out, Mr. Shaffer. Who in your organization does this?

Mr. SHAFFER. The Director of the Air Traffic Controller Academy at Oklahoma City.

Mr. HARDING. As they complete that training, Mr. Gross, then they go on the line in an air traffic control facility, and the direct line supervisors shake them out if they do not meet standards.

Mr. SHAFFER. We have the Air Traffic Controller Academy at Oklahoma City.

Mr. GROSS. Then the \$6,500 in salary, GS-4.

Mr. SHAFFER. Annually.

Mr. GROSS. They are paid a per diem? Their living costs are taken care of?

Mr. SHAFFER. One man shakes his head and the other says that is right.

Mr. HARDING. They are paid per diem. I thought you meant they were taken care of at a Government facility, which they are not.

Mr. GROSS. They are paid a per diem?

Mr. HARDING. Yes; as are all our trainees.

Mr. GROSS. Who put the pressure on, Mr. Shaffer, for this program?

Mr. SHAFFER. I do not believe anybody put the pressure on.

Mr. GROSS. Who originated it then?

Mr. SHAFFER. In my transition document I had a letter from the previous Secretary of Transportation, Alan Boyd, a Johnson appointment, if that be germane—

Mr. GROSS. It is germane.

Mr. SHAFFER (continuing). Then I also have President Nixon's mandate under Executive Order 11478, I believe.

Mr. GROSS. He did not mandate this kind of program. He did not specify it or delineate it.

Mr. SHAFFER. Quite right, sir. He was not the architect of it. The President asked us or encouraged us to use some imagination, which I suggest we have, and I also submit that it is a program that we can all be very proud of.

The results are impressive, and I think its true worth may some day be recognized, not because I personally—

Mr. GROSS. Just to pinpoint it, was it Mr. Volpe or was it you?

Mr. SHAFFER (continuing). It is my program.

Mr. HENDERSON. Who is the head of the academy at Oklahoma City?

Mr. SHAFFER. I am sorry I cannot recall his name; he is a key employee, too.

Mr. HARDING. I should certainly know.

Mr. HENDERSON. How long has he been there?

Mr. HARDING. He has been there about a year and a half.

Mr. SHAFFER. The previous superintendent is now in the Rocky Mountain Regional office.

Leon Dougherty is the present superintendent.

Mr. HENDERSON. Who was his predecessor?

Mr. SHAFFER. Dr. Ray, who was superintendent during what I would call the high-yield years when we had to respond to the emergency.

Mr. GROSS. Will the gentlemen yield for just one quick question.

Mr. HENDERSON. Of course.

Mr. GROSS. Does the title of "doctor" represent medical training or Ph. D.?

Mr. SHAFFER. He is an educator, not a medic.

Mr. HENDERSON. As I understand, when the members of the 150 program arrive at Oklahoma City for the ATC training that is given there to about 1,600 a year, they go right into the same training program and are treated the same?

Mr. HARDING. No sir. It is a special program, a special 6 months program at the academy for those GS-4's.

Now, the normal employee, the GS-5 or 7, will follow several different training routes. Sometimes he gets his initial indoctrination at the facility; sometimes it is officially at the center, the academy. It depends upon which option he happens to be in, but they are given this pretraining training.

Mr. HENDERSON. After the pretraining training—

Mr. HARDING (continuing). Then he follows the normal course. He either goes back to a facility, or he enters into a further training at the academy.

Mr. HENDERSON. What you are saying is after the 6 months special training he is given the same training as everyone else.

Mr. SHAFFER. Yes. They are indistinguishable from the rest of the people in the pipeline.

Mr. HENDERSON. Mrs. Andrews.

Mrs. ANDREWS. That was the question that was in my mind. You say on page 3 that once he enters the normal training curriculum of the 150 trainee, he is indistinguishable from any other controller.

I wondered if it were automatic at the end of 6 months that he enters the regular program, or if he must pass certain standards before he is allowed to enter into the program.

Mr. SHAFFER. Oh, yes. He has to pass the aptitude test for entry level prior to being entered in the program.

Mrs. ANDREWS. He is not automatically passed into the next program?

Mr. SHAFFER. No, madam.

Mrs. ANDREWS. I was glad to hear you say that you do not sacrifice any standards for safety. He is treated just as any other technician would be treated, and must meet the same safety standards.

Mr. SHAFFER. That is correct. We are not permitting any erosion or derogation of quality of service or performance.

These people have to perform equal to and maybe even slightly better than the average.

Mrs. ANDREWS. I believe you said one time that if he does not meet the standards during this 6 months period, he has to go back to some facility. Is he sent back to that program and allowed to start over again?

I just picked up the phrase "sent back." If he does not go into the regular program, what happens to him?

Mr. SHAFFER. I do not know that I have a tip of the tongue answer to that. He probably loses an opportunity, or if there is a vacancy and he can qualify at a GS-4 level or below level, he would have that opportunity. But otherwise I believe the words are "thrown back."

Mr. HARDING. I believe you misread me. What I was talking about, Mrs. Andrews, was going back to the facility after he has finished his 6 months training as a GS-4.

Some of our training starts at the facility. If an employee is going to be a center controller, for example, he will go from the academy after his 6 months back to a center for further indoctrination in the center operations, and then later on he comes back to the academy for further technical training.

If the employee does not make it in the 6 months, or does not make it after the 6 months, during his probationary period he is separated from Government service unless we can find another spot for him in the agency in another category.

Mrs. ANDREWS. He is not allowed, after he goes back to the facility, to enter into the 150 program again?

Mr. HARDING. No, he is not.

Mrs. ANDREWS. I believe those are all the questions I have.

Mr. HENDERSON. Mr. Shaffer, we may have been over this but I would like this to be clear in the record. Is it fair to say what the 150 program does is give preference or unusual treatment by way of additional training? As I understand it, upon satisfactory completion of that 6 months training, there is no preference from there on out.

He meets the standards, the requirements, of those who are recruited otherwise. Is that a fair statement?

Mr. SHAFFER. To take it backward through your thought process; yes. They are not really special in any way. We do however put an extra effort into the identification of the testing of them, to be certain, you might say, that our first impression is right; that they have the bright mind, and that it is trainable.

Once we have established that, here again it is a very modest program: close to 300 people annually in an organization of 52,000 people, in which we have thousands of managers who are able to personally know the raw material.

Mr. HENDERSON. What I am getting at, if I were to ask you the question, are you going to discriminate against the specially selected group, your answer would obviously be "No."

Mr. SHAFFER. That is so.

Mr. HENDERSON. Let us take the other side of it. Are you going to give them special preference after you have developed the training program? You said they have to meet the standards and so on.

Mr. SHAFFER. No sir; they get blended into the student body, and they have no serial number, no special identification. They are just like every other trainee at the academy.

Once they are assigned to their facility, the tower or the center, they are treated just like every other developmental controller in the center or in the technician work force.

They then are supervised by and performance audited by their immediate supervisor. He makes the decision as to whether or not they are performing to standard, substandard or what.

Mr. HENDERSON. Have you had any charges brought to your attention that there has been discrimination against any of the 452 that were hired under the 150 program?

Mr. SHAFFER. I am not aware of any charge from any of them. I do not think anyone in our work force has—I am positive it has never come to my attention—anyone in our total work force has said we are giving special treatment to any of these.

Mr. HENDERSON. No. I am asking: Have any of these charged that they have been discriminated against at any point in time?

Mr. SHAFFER. I do not believe so. As a matter of fact, I hear Mr. Watkins saying "No" in the background.

I am not aware of any, and he would know because he is responsible for the compliance program as well. In other words, all kinds of discrimination would become ultimately through Mr. Watkins' office, the Office of Civil Rights.

Mr. HENDERSON. I have before me—and I am reluctant to mention this—a Federal Times article of May 24. I wonder if this has been brought to your personal attention. It says: "Black controllers charge FAA with bias in not promoting three."

As it relates here it says the charge of racial discrimination has been directed against the agency because these three as well as others have not been promoted beyond the GS-4 entry level. All were hired under the 150 program which is designed to give the blacks and other disadvantaged groups a chance at entering the FAA service at lower rates for initial upgrading.

Mr. EARL GINYARD (civil rights specialist, FAA). Mr. Chairman, if I may respond do that, this is a program in which the three persons you are talking about have initiated a discrimination complaint against the FAA.

Mr. HENDERSON. Is this within the agency?

Mr. GINYARD. Within the agency itself. This claim was rejected by our departmental office because of the lack of substance to the case.

If you read into the press release further you will note that these persons were appointed on what we call TAPER appointments.

Mr. HENDERSON. Stop right there a minute and let me come back. I asked a question: How did you appoint them? You run up a red flag when you say TAPER. As Mr. Harding knows, I have been screaming for years about TAPER appointments.

You answered that they are given probational appointments.

Mr. HARDING. That is the normal, Mr. Chairman.

Mr. HENDERSON. In these instances they were TAPER. How many TAPER's do you have?

Mr. GINYARD Only three TAPER appointments. They have now been converted to regular appointments and have received a GS-5 as of May 26.

Mr. HENDERSON. That is a good way to get rid of a charge of discrimination, just give them what they say you are discriminating about.

Let me suggest, because you were not aware of this, submitting a supplemental to your appearance this morning, submit any comments you would want to make on this, and give us a full report.

It is this sort of thing that could throw your total program out of perspective and bring charges of our subcommittee that there is some

kind of hanky panky. I think the best thing to do is to put this on the record and give us a full report on the handling of these three.

Let me suggest that if you are going to use TAPER appointments in this program in the future, let us know. We are doing our best to monitor those. It has been our experience that TAPER appointments are not very desirable, because while there is a place for them, suppose a temporary appointment turns out to be not so temporary. We find TAPER's in positions for years. Obviously that is not the best way to handle it.

Mr. SHAFFER. I will give you a full report.

(The following information was furnished:)

Three persons, Sherry Ann Billings, Sydney Slocum and Stephen Smith were appointed on 5 January 1971 as Air Traffic Control Specialists, GS-4, in the "150" Program under TAPER authority. The authority to make TAPER appointments was approved by the Civil Service Commission because there were insufficient eligibles on the register to fill vacancies in the "150" class scheduled for 12 January 1971. The appointment of these persons did not infringe upon the rights of others as at the time of the TAPER appointments as, noted previously, there were insufficient eligibles on the register.

The appointees passed the Civil Service Commission Air Traffic Control Specialist Aptitude Examination prior to their appointments. In addition, during December 1971 the three employees cited above were certified from a Civil Service Commission register and were given career-conditional appointments with the FAA at the GS-4 level.

On 4 April 1972 these employees were promoted to the position of Air Traffic Control Specialist, GS-5. The Civil Service Commission requires that an employee given a competitive appointment from a register must serve a waiting period of at least three months prior to promotion. The promotion of these employees on 4 April 1972 was the earliest date permissible under Civil Service Commission Regulations.

The three employees, in question, filed a formal complaint of discrimination with FAA on 18 February 1972 alleging discrimination because of the length of time in grade GS-4. The Department of Transportation Civil Rights Office rejected the complaint of discrimination based on the facts above.

Mr. HENDERSON. I would also like to ask, Mr. Shaffer, that in this connection in your report you specifically respond that these three by filing a complaint were not given preferential treatment. I want to be sure. I think it is just as important if they were not properly handled—I will not say discriminated against—I just want to be sure by this action you have not really discriminated against others.

Beyond that I personally have been very impressed with your statement this morning, and our entire approach to this. One of the most impressive things was your personal attention to it.

I would think that in the future these kinds of special problems from the 150 group would be brought to your attention before there was a resolution. I am rather surprised that you did not know about that. I will not criticize you, because I know the tremendous amount of responsibility that you have. However, one of the most difficult things for this subcommittee is that there is no way we can operate without from time to time getting individual cases brought to our attention.

I frankly would prefer we be able to operate without giving attention to them, but I know of no way to do it. I do believe though that because of the reasons brought out in our hearing this morning, we can all anticipate that our subcommittee members are going to want to continue to look at this, and I know you are going to want to continue to be as informed as you can about it. It is for that reason that I make this comment.

Let me further invite you, as you and your staff read the record of this morning, to feel free to submit to us any documents or any clarifying statements that you have to make. I am a firm believer, from the experience I have had on our subcommittee, that when hearings of this nature are held and full opportunity afforded members to question, to make any points they may want to make, and to afford you, the administrators, an opportunity, we are making a record that will be here for quite some time, and it will be salutary.

You certainly have to embark on your position as the Administrator with an attitude that you are going to do things better. We all oftentimes look back and think that it was not so good, but I commend you for having that type of approach to your job, because if there is anything that I have seen that changes in this world, it is aviation.

In our lifetime we hear so much about what we think is progress, but we have had enormous, immense problems, and you are on the day-to-day firing line with these problems.

It certainly commends the Administrator, Mrs. Andrews, that he does have interest in the problems of the personnel of his agency.

I was very much impressed with your predecessor and some of the high-ranking managers, not only in the civilian personnel field but in the operating areas. I have often wondered really with the very tremendous responsibility you have, and they have, how you could give this attention, but I certainly have come to see how essential it is.

My experiences have really evolved around the air traffic controllers. I am reminded of the time 3 or 4 years ago when at the request of David Thomas I went to Ohio, and to Oklahoma City to the Academy. When this matter came up I had a much better feeling for what your problems are, what you are trying to do.

I often suggest how much I would like to do some things that never get done. I really would like to get back to the Academy. I do not know whether I would want to spot the pilots of the 150 program, on your assurance that they will be going through that process just as everybody else.

It impresses me that you are turning out a product that is very essential, very special. I do not know really how you do as good a job as has been done out there.

I think one of the things that impressed me on the trip with Mr. Thomas, especially as we stopped in Ohio, was his interest in trying to do something to take the tremendous pressures out of the tower and the darkroom, the pressures that exist for the air traffic controller. After that he suggested to me that a grade increase would perhaps be of some help. It was so simple. I anticipated there would be some criticism of doing that, but certainly if that accomplished something—and I think it did help some—it impressed me that sometimes solutions are not as complicated as we might think they are.

Mrs. Andrews, do you have any further questions or comments?

Mrs. ANDREWS. No, except that I have been very interested in this, especially having just flown through a storm yesterday.

Mr. SHAFFER. May I respond briefly?

Mr. HENDERSON. Surely

Mr. SHAFFER. Mr. Chairman, perhaps it would be useful to have a little background, not because I am anxious to draw attention to myself, but the opportunity to make a truly significant contribution is something that you do not get very often in a lifetime.

I came to this job from a company that I considered to be the most enlightened personnel management operation in the United States, the TRW Co., going back to the founding company, Thompson Products. A great man, Fred Crawford ran that company with what he called the Golden Rule: Treat others as you would have them treat you.

In the years that I was there TRW never had a work stoppage—never lost a day of production from any man by reason of labor problems. Today, that is an organization of 85,000 people. So it is pretty easy to see why I believe and feel the way I do.

Mr. HENDERSON. I also remember an early trip 3 or 4 years after I was in the Congress. Mr. Halaby and I went out to Leesburg, and I will not recite all the details, but I will tell you that we were visiting there primarily to have him show me the job of the air traffic controller, the radar and the electronic technician positions.

As we were going through the office portions I received the impression that he discovered that some employees were involved in union negotiations, and we went in and spoke to them. We found that one of the issues that the employees were suggesting as a negotiable item was commuter pay. I thought he was going to jet back to Washington without the helicopter.

So I have been aware of these problems, and I commend you because I think that you know better than anyone else the unique aspects of the FAA operations.

Then, as they relate to the minorities within the Agency, I would think that a very serious mistake would be made for them to feel that FAA is not unique. All of the employees of the FAA are in my opinion going to be different from any other Federal employee and, I think to make that point, Congress has responded to this, understanding that few of us have intimate knowledge of the problems of air traffic controller which brought about the enactment of legislation which you commented on.

We think it was right. We hope it will be helpful to you, and I just want to make a point, that I think we also recognize your Agency as different. There is nothing else in the Federal Government like it.

I hope that all of your employees will continue to have what I sense is an esprit de corps, something that shows they are doing a job that is essential. We are appreciative.

The most impressive thing that David Thomas ever said to me, recognizing he was a very excellent pilot with broad experience, was his opinion that the air traffic controller had a tougher job than any pilot under any adverse weather condition.

I understand that he has done some of the zero landing testings, but he said, that the man in the Center has demands on him that are greater than the tower operator's. He has to believe what he is told about that weather out there, and he is just as essential to your safety coming through that storm—perhaps more so, Mrs. Andrews—than the pilot of the aircraft.

He said that the pilot has all of the mechanical devices, automatic pilot, and all these aids in that aircraft. The employee in the dark-room, looking at a radar, or employee in the tower at the airport, in a lot of ways has pressures that pilots do not have.

Mr. SHAFFER. Yes.

Mr. HENDERSON. I thought it was only fair that you know that those of us on the subcommittee, at least some of us, try to be aware of the conditions that you have to live under—you and your employees.

Finally, Mr. Shaffer, I do anticipate that we will continue through our staff and through our own personal interest to follow this because we too join in your hope that it will be a successful program. If it is not, we hope to find a better one. If it is, we will be just as anxious to give it the attention in the record as we have given to some of our questions about the wisdom of the program and the expenditure of the money and so on.

On that point I believe it was only recently that I complimented Mr. Harding on the cooperation our staff has had from FAA. I recall, Mrs. Andrews, a few years ago Tom Cresswell came to us on loan from the agency, did a special study on training and some areas we were interested in, and he was very instrumental in writing reports for our subcommittee. Recently, I learned he is going to Alaska. We have a very high regard for him.

Mr. SHAFFER. We want you to know we did not send him to the American equivalent of Siberia. We sent him there because he deserved a promotion.

Mr. HENDERSON. I am sure of that. We had the impression when he was working with us that you have some very outstanding personnel achievements in your agency. I am unable to remember the name of a young friend from my hometown. I knew his father very casually, I think he may have started in the agency as a GS-5 or 6, and the last I heard he was a GS-15, a very essential part of our communications section.

I was so impressed that this individual has been able to take such educational opportunities while in the civil service and to advance as he had, that it was almost the original Horatio Alger story of civil service employees.

The point I am trying to make is we are not just looking at your Agency on the one occasion. We have looked at it with great admiration through the past years, and I am sure the record of the 150 program will be one that is admired or if not successful, like a lot of the others will go by the board.

The subcommittee stands adjourned.

Whereupon, at 11 a.m., the hearing was adjourned.)

