

Public Law 85-133

AN ACT

To provide for the development and modernization of the national system of navigation and traffic control facilities to serve present and future needs of civil and military aviation, and for other purposes.

August 14, 1957
[S. 1856]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Airways Modernization Act of 1957.

Airways Modernization Act of 1957.

AIRWAYS MODERNIZATION BOARD

SEC. 2. (a) There is hereby established the Airways Modernization Board, hereinafter referred to as the "Board." The Board shall consist of three members: A Chairman of the Board, hereinafter referred to as the "Chairman," who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$20,500 per annum, the Secretary of Defense, and the Secretary of Commerce. Either of the said Secretaries may designate an officer of his Department to act in his stead as a member of the Board with respect to any matter or matters. All actions of the Board except those relating to transfers of functions as provided in section 4 of this Act shall be by affirmative vote of a majority of its members.

Establishment, etc.

(b) The Board shall develop, modify, test, and evaluate systems, procedures, facilities, and devices, as well as define the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation except for those needs of military agencies which are peculiar to air warfare and primarily of military concern, and select such systems, procedures, facilities, and devices as will best serve such needs and will promote maximum coordination of air traffic control and air defense systems. When there is any substantial question as to whether a matter is of primary concern to the military, the Board is authorized and directed to determine whether it or the appropriate military agency shall have responsibility. Technical information concerning any research and development projects of the military agencies which have potential application to the needs of, or possible conflict with, the common system shall be furnished to the Board to the maximum extent necessary to insure that common system application potential is properly considered and future potential conflicts with the common system are eliminated.

(c) The Board, before selecting any system, procedure, facility, or device, is directed to effect coordination with the Civil Aeronautics Board and the Federal Communications Commission in order to assure that full consideration is given to all of the statutory responsibilities of the Civil Aeronautics Board and the Federal Communications Commission.

Inter-agency coordination.

(d) The Board is also authorized—

Duties.

(1) subject to the civil-service and classification laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and to define their authority and duties;

(2) to appoint such advisory committees as shall be appropriate for the purposes of consultation and advice to the Board in performance of its functions hereunder and to obtain services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55 (a)), at rates not to exceed \$100 per diem for individuals.

60 Stat. 810.

Members of such committees shall be entitled to travel expenses and per diem authorized by the Act of August 2, 1946 (5 U. S. C. 73 b-2), for all persons employed intermittently as consultants or experts receiving compensation on a per diem basis;

69 Stat. 394.

(3) to enter into contracts without regard to section 3648 of the Revised Statutes, as amended (31 U. S. C. 529);

60 Stat. 809.

(4) to use with their consent the available services, equipment, personnel, and facilities of other agencies and instrumentalities of the Federal Government on a reimbursable basis when appropriate, and on a similar basis to cooperate with other agencies and instrumentalities in the use of services, equipment, and facilities of the Board;

63 Stat. 954.
5 USC 1071 note.

(5) to place in grades 16, 17, and 18 of the General Schedule established by the Classification Act of 1949, as amended, not to exceed twenty positions. Any such position shall be additional to the number authorized by section 505 of that Act and shall be subject to the standards and procedures of such section;

70 Stat. 762.
5 USC 1105.

(6) to establish and fix the compensation for not to exceed five positions of officers and employees of the Board of a scientific or professional nature without regard to the Classification Act of 1949, as amended, each such position being established to effectuate those research, development and related activities of the Board which require the services of specially qualified scientific or professional personnel. The rates of basic compensation for positions established pursuant to this subsection shall not exceed the maximum rate payable under Public Law 313, Eightieth Congress, as amended, and Public Law 854, Eighty-fourth Congress, and shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointment to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose; and

61 Stat. 715; 70A
Stat. 641.
5 USC 171p.
70 Stat. 736.
5 USC 2201 note.

(7) to construct, improve, or renovate laboratories and other test facilities and to purchase or otherwise acquire real property required therefor.

(d) With the approval of the President, members of the Army, the Navy, the Air Force, or the Marine Corps, may be detailed by the appropriate Secretary, pursuant to cooperative agreements with the Board, for services in performance of functions under this Act to the same extent to which they might lawfully have been assigned to such service in the Department of Defense.

DUTIES OF THE CHAIRMAN

SEC. 3. (a) Except as provided in subsection (b) hereof, and in the selection of systems, procedures, facilities, and devices, the Board shall assign to the Chairman responsibility for carrying out activities of the Board. Included among the responsibilities of the Chairman shall be (1) the appointment and supervision of personnel employed under the Board, (2) the distribution of business among such personnel and among administrative units of the Board, and (3) the use and expenditure of funds.

(b) (1) In carrying out any of his functions under the provisions of this section, the Chairman shall be governed by general policies of the Board.

(2) The appointment by the Chairman of the heads of major administrative units under the Board shall be subject to the approval of the Board.

(c) The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function of the Chairman assigned to him by this section.

TRANSFER OF RELATED FUNCTIONS

SEC. 4. The Board, upon unanimous decision and with approval of the President, may transfer to itself any functions (including powers, duties, activities, facilities, and parts of functions) of the Departments of Defense or Commerce or of any officer or organizational entity thereof which relate primarily to selecting, developing, testing, or evaluating systems, procedures, facilities, or devices for safe and efficient air navigation and air traffic control. In connection with any such transfer, the President may provide for appropriate transfers of records, property, and necessary civilian personnel to be made available to the officers, department, or other agency from which the transfer is made.

TERMINATION

SEC. 5. This Act and all authority conferred thereunder shall terminate at the close of June 30, 1960, but the President may continue the Board for purposes of liquidation for not to exceed six months after such termination. Concurrently with the said termination all functions transferred under section 4 hereof shall, except as may be otherwise hereafter provided by or pursuant to law, revert to their status as it existed prior to such transfer. The President shall provide for the disposition to be made of the records, property, employees, and funds of the Board, consonant with law, at or after the time of termination of the Board.

APPROPRIATIONS

SEC. 6. There are hereby authorized to be appropriated, without fiscal year limitation, such sums as may be necessary and appropriate for the carrying out of the provisions and purposes of this Act.

INDEPENDENT AVIATION AUTHORITY

SEC. 7. It is the sense of the Congress that on or before January 15, 1959, a program of reorganization establishing an independent aviation authority, following the objectives and conclusions of the Curtis report of May 14, 1957, entitled "Aviation Facilities Planning", be submitted to the Congress.

Report to Congress.

Approved August 14, 1957.

Public Law 85-134

JOINT RESOLUTION

Amending a joint resolution making temporary appropriations for the fiscal year 1958, and for other purposes.

August 14, 1957
[H. J. Res. 426]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1957 (Public Law 85-78), is hereby amended by striking out "July 31, 1957" and inserting in lieu thereof "August 31, 1957".

Temporary appropriations.
Ante, p. 274.

SEC. 2. The amount appropriated by subsection (b) of section 1 of such joint resolution for Mutual Security programs is hereby increased from "\$200,000,000" to "\$300,000,000".

Ante, p. 273.

Approved August 14, 1957.