

105TH CONGRESS
1ST SESSION

H. R. 728

To amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1997

Mr. OBERSTAR introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air Traffic Supervisor
5 Retirement Reform Act of 1997”.

6 **SEC. 2. AMENDMENTS.**

7 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
8 8331 of title 5, United States Code, is amended—

1 (1) by striking “and” at the end of paragraph
2 (25);

3 (2) by striking the period at the end of para-
4 graph (26) and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(27) ‘air traffic controller’ or ‘controller’
7 means—

8 “(A) a controller within the meaning of
9 section 2109(1); and

10 “(B) a civilian employee of the Depart-
11 ment of Transportation or the Department of
12 Defense holding a supervisory, managerial, ex-
13 ecutive, technical, semiprofessional, or profes-
14 sional position for which experience as a con-
15 troller (within the meaning of section 2109(1))
16 is a prerequisite.”

17 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
18 Section 8401 of title 5, United States Code, is amended—

19 (1) by striking “and” at the end of paragraph
20 (31);

21 (2) by striking the period at the end of para-
22 graph (32) and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(33) ‘air traffic controller’ or ‘controller’
25 means—

1 “(A) a controller within the meaning of
2 section 2109(1); and

3 “(B) a civilian employee of the Depart-
4 ment of Transportation or the Department of
5 Defense holding a supervisory, managerial, ex-
6 ecutive, technical, semiprofessional, or profes-
7 sional position for which experience as a con-
8 troller (within the meaning of section 2109(1))
9 is a prerequisite.”

10 **SEC. 3. EFFECTIVE DATE; OTHER PROVISIONS.**

11 (a) **EFFECTIVE DATE.**—Subject to subsections (b)
12 and (c), this Act and the amendments made by this Act
13 shall take effect on the 60th day after the date of enact-
14 ment of this Act.

15 (b) **TREATMENT OF PRE-EFFECTIVE DATE SERV-**
16 **ICE.**—

17 (1) **EMPLOYEE CONTRIBUTIONS.**—

18 (A) **IN GENERAL.**—Subject to subpara-
19 graph (C), upon application to the Office of
20 Personnel Management, any service to which
21 this subsection applies shall, for purposes of
22 chapter 83 or 84 of title 5, United States Code,
23 as applicable, be treated in the same way as if
24 the amendments made by this Act had been in
25 effect when such service was rendered.

1 (B) SERVICE TO WHICH THIS SUBSECTION
2 APPLIES.—This subsection applies with respect
3 to any service as a controller, within the mean-
4 ing of section 8331(27)(B) or 8401(33)(B) of
5 title 5, United States Code (as amended by this
6 Act), performed before the effective date of this
7 Act.

8 (C) REQUIREMENTS.—

9 (i) DEPOSIT REQUIREMENT.—Sub-
10 paragraph (A) shall not apply with respect
11 to any service unless there is deposited into
12 the Civil Service Retirement and Disability
13 Fund, with interest, an amount equal to
14 the amount by which—

15 (I) the deductions from pay
16 which would have been required for
17 such service had the amendments
18 made by this Act been in effect when
19 such service was rendered, exceeds

20 (II) the unrefunded deductions or
21 deposits actually made, under section
22 8334 or 8422 of title 5, United States
23 Code, as applicable, with respect to
24 such service.

1 (ii) STATUS AT TIME OF APPLICA-
2 TION.—This paragraph shall not apply
3 with respect to any individual who is not
4 serving as a controller, within the meaning
5 of either provision cited in subparagraph
6 (B), on the date on which an application
7 under this paragraph is made with respect
8 to any service of such individual.

9 (D) CERTIFICATION.—For purposes of
10 chapter 83 or 84 of title 5, United States Code,
11 the Office shall accept the certification of the
12 Secretary of Transportation or the Secretary of
13 Defense, as the case may be, concerning the
14 service of, and the amount of compensation re-
15 ceived by, an individual with respect to any
16 service for which an application under this
17 paragraph is made.

18 (2) GOVERNMENT CONTRIBUTIONS.—Not later
19 than 90 days after the full deposit required under
20 paragraph (1) with respect to an individual has been
21 paid, the agency that employed such individual dur-
22 ing the period of service to which such deposit re-
23 lates shall pay into the Civil Service Retirement and
24 Disability Fund, with interest, an amount equal to
25 the amount by which—

1 (A) the Government contributions which
2 would have been required to have been paid into
3 the Fund for such service had the amendments
4 made by this Act been in effect when such serv-
5 ice was rendered, exceeds

6 (B) the Government contributions actually
7 made, under section 8334 or 8423 of title 5,
8 United States Code, as applicable, with respect
9 to such service.

10 (3) REGULATIONS.—The Office shall prescribe
11 such regulations as may be necessary to carry out
12 this subsection, including provisions relating to the
13 time and manner in which any application or deposit
14 shall be made, and how any interest shall be com-
15 puted.

16 (c) MANDATORY SEPARATION.—Nothing in section
17 8335(a) or 8425(a) of title 5, United States Code, shall
18 be considered to require the separation of an individual
19 from a position as a controller (within the meaning of sec-
20 tion 8331(27)(B) or section 8401(33)(B) of title 5, United
21 States Code (as amended by this Act), if such individual
22 was first appointed to any such position before the effec-
23 tive date of this Act.

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