

107TH CONGRESS
2D SESSION

H. R. 4957

To amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a manner similar to that in which annuities for law enforcement officers and firefighters are computed.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2002

Mr. LANTOS (for himself, Mr. BACA, Mr. BERMAN, Mr. FILNER, Mr. FROST, Mr. GILMAN, Mr. GORDON, Mr. GREEN of Texas, Mr. HONDA, Mrs. JONES of Ohio, Mr. KANJORSKI, Mr. LUTHER, Mr. MALONEY of Connecticut, Mr. MATHESON, Mrs. MINK of Hawaii, Mr. OBERSTAR, Mr. OTTER, Mr. OWENS, Mr. PETERSON of Minnesota, Ms. ROS-LEHTINEN, Mr. STRICKLAND, Mrs. THURMAN, Mr. TURNER, Mr. WEINER, and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a manner similar to that in which annuities for law enforcement officers and firefighters are computed.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Air Traffic
3 Controllers Annuity Computation Act of 2002”.

4 **SEC. 2. COMPUTATION OF ANNUITIES FOR AIR TRAFFIC**
5 **CONTROLLERS RETIRING UNDER THE CIVIL**
6 **SERVICE RETIREMENT SYSTEM.**

7 Section 8339(e) of title 5, United States Code, is
8 amended—

9 (1) by striking “(e) The annuity” and inserting
10 “(e)(1) Subject to paragraph (2), the annuity”; and
11 (2) by adding at the end the following:

12 “(2)(A) In lieu of an annuity computed under para-
13 graph (1), the annuity of an employee who meets the re-
14 quirements of subparagraph (B) is—

15 “(i) 2½ percent of the average pay of such em-
16 ployee multiplied by so much of the total service of
17 such employee as does not exceed 20 years; plus

18 “(ii) 2 percent of the average pay of such em-
19 ployee multiplied by so much of the total service of
20 such employee as exceeds 20 years.

21 “(B) An individual shall not be eligible for an annuity
22 computed under this paragraph unless such individual—

23 “(i) retires under section 8335(a) or 8336(e) on
24 or after the effective date of this paragraph;

1 “(ii) files an election with the Office of Per-
2 sonnel Management to have such individual’s annu-
3 ity computed under this paragraph; and

4 “(iii) pays the amount described in subpara-
5 graph (C).

6 “(C) The amount described in this subparagraph is
7 the amount (as determined by the Office of Personnel
8 Management) equal to—

9 “(i) the difference between—

10 “(I) the amount deducted and withheld
11 from pay under this subchapter for each period
12 of service performed by such individual as an
13 air traffic controller; and

14 “(II) the amount that would have been de-
15 ducted and withheld for each such period, if
16 such service had instead been performed as a
17 law enforcement officer; plus

18 “(ii) interest on the amount determined under
19 clause (i), computed under section 8334(e).

20 For the purpose of survivor annuities, an election under
21 subparagraph (B)(ii) or payment under subparagraph
22 (B)(iii) may also be made by a survivor of an individual
23 who satisfied subparagraph (B)(i) (or who, as of date of
24 death, satisfied the age and service requirements to retire

1 under section 8335(a) or 8336(e)), unless the decedent's
2 date of death precedes the effective date of this paragraph.

3 “(D) The Federal Aviation Administration or the De-
4 partment of Defense (whichever was the employing agency
5 at the time of the service involved) shall pay an amount
6 for applicable agency contributions based on payments
7 made under subparagraph (C) (as determined by the Of-
8 fice).

9 “(E) All individual and agency contributions under
10 this paragraph shall be deposited in the Civil Service Re-
11 tirement and Disability Fund.”.

12 **SEC. 3. REGULATIONS.**

13 After consultation with the Federal Aviation Admin-
14 istration and the Department of Defense, the Office of
15 Personnel Management shall prescribe regulations to
16 carry out the amendments made by this Act, including
17 regulations relating to employee contributions under sec-
18 tion 8339(e)(2) of title 5, United States Code (as added
19 by this Act) and related deposits that are similar to regu-
20 lations under section 8334 of such title.

21 **SEC. 4. EFFECTIVE DATE.**

22 The amendments made by this Act shall take effect
23 60 days after the date of the enactment of this Act.

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