

108TH CONGRESS  
1ST SESSION

# H. R. 1244

To amend title 5, United States Code, to provide that service performed by an air traffic controller who is transferred or promoted to a supervisory or staff position continue to be treated as controller service for retirement purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2003

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

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## A BILL

To amend title 5, United States Code, to provide that service performed by an air traffic controller who is transferred or promoted to a supervisory or staff position continue to be treated as controller service 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 Controller  
5       Retirement Reform Act of 2003”.

1 **SEC. 2. DEFINITION OF AIR TRAFFIC CONTROLLER.**

2 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section  
3 8331 of title 5, United States Code, is amended—

4 (1) by striking “and” at the end of paragraph  
5 (27);

6 (2) by striking the period at the end of para-  
7 graph (28) and inserting “; and”; and

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

9 “(29) ‘air traffic controller’ or ‘controller’  
10 means—

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

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

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

22 (1) by striking “and” at the end of paragraph  
23 (33);

24 (2) by striking the period at the end of para-  
25 graph (34) and inserting “; and”; and

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

1           “(35) ‘air traffic controller’ or ‘controller’  
2       means—

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

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

12       (c) MANDATORY SEPARATION TREATMENT NOT AF-  
13      FECTED.—

14           (1) CIVIL SERVICE RETIREMENT SYSTEM.—Sec-  
15      tion 8335(a) of title 5, United States Code, is  
16      amended by adding at the end the following: “For  
17      purposes of this subsection, the term ‘air traffic con-  
18      troller’ or ‘controller’ has the meaning given to it  
19      under section 8331(29)(A).”.

20           (2) FEDERAL EMPLOYEES’ RETIREMENT SYS-  
21      TEM.—Section 8425(a) of title 5, United States  
22      Code, is amended by adding at the end the fol-  
23      lowing: “For purposes of this subsection, the term  
24      ‘air traffic controller’ or ‘controller’ has the meaning  
25      given to it under section 8401(35)(A).”.

1 **SEC. 3. EFFECTIVE DATE.**

2 (a) IN GENERAL.—This Act and the amendments  
3 made by this Act—

4 (1) shall take effect on the 60th day after the  
5 date of the enactment of this Act; and

6 (2) shall apply with respect to—

7 (A) any annuity entitlement which is based  
8 on an individual's separation from service oc-  
9 ccurring on or after that 60th day; and

10 (B) any service performed by any such in-  
11 dividual before, on, or after that 60th day, sub-  
12 ject to subsection (b).

13 (b) DEPOSIT REQUIRED FOR CERTAIN PRIOR SERV-  
14 ICE TO BE CREDITABLE AS CONTROLLER SERVICE.—

15 (1) DEPOSIT REQUIREMENT.—For purposes of  
16 determining eligibility for immediate retirement  
17 under section 8412(e), the amendment made by sec-  
18 tion 2(b) shall, with respect to any service described  
19 in paragraph (2), be disregarded unless there is de-  
20 posited into the Civil Service Retirement and Dis-  
21 ability Fund, with respect to such service, in such  
22 time, form, and manner as the Office of Personnel  
23 Management by regulation requires, an amount  
24 equal to the amount by which—

25 (A) the deductions from pay which would  
26 have been required for such service if the

1 amendments made by this Act had been in ef-  
2 fect when such service was performed, exceeds

3 (B) the unrefunded deductions or deposits  
4 actually made under subchapter II of chapter  
5 84 of such title 5 with respect to such service.

6 The amount under the preceding sentence shall in-  
7 clude interest, computed under paragraphs (2) and  
8 (3) of section 8334(e) of such title 5.

9 (2) PRIOR SERVICE DESCRIBED.—This sub-  
10 section applies with respect to any service performed  
11 by an individual, before the 60th day following the  
12 date of the enactment of this Act, as an employee  
13 described in section 8401(35)(B) of such title 5 (as  
14 set forth in section 2(b)).

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