

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 566

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 11 (legislative day, MARCH 3), 1993

Mr. DOMENICI (for himself, Mr. NUNN, Mr. DURENBERGER, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## 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. AMENDMENTS.**

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

6               (1) by striking “and” at the end of paragraph  
7       (25);

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

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

2 “(27) ‘air traffic controller’ or ‘controller’  
3 means—

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

6 “(B) a civilian employee of the Depart-  
7 ment of Transportation or the Department of  
8 Defense holding a supervisory, managerial, ex-  
9 ecutive, technical, semiprofessional, or profes-  
10 sional position for which experience as an air  
11 traffic controller (as defined by section  
12 2109(1)) is a prerequisite.”

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

15 (1) by striking “and” at the end of paragraph  
16 (30);

17 (2) by striking the period at the end of para-  
18 graph (31) and inserting “; and”; and

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

20 “(32) ‘air traffic controller’ or ‘controller’  
21 means—

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

24 “(B) a civilian employee of the Depart-  
25 ment of Transportation or the Department of

1 Defense holding a supervisory, managerial, ex-  
2 ecutive, technical, semiprofessional, or profes-  
3 sional position for which experience as an air  
4 traffic controller (as defined by section  
5 2109(1)) is a prerequisite.”

6 **SEC. 2. EFFECTIVE DATE; CLARIFYING PROVISIONS.**

7 (a) EFFECTIVE DATE.—

8 (1) This Act and the amendments made by this  
9 Act shall take effect on the 60th day following the  
10 date of enactment of this Act.

11 (2) Notwithstanding any other provision of this  
12 Act, the payment of annuity benefits authorized by  
13 this Act to any person shall not occur until on or  
14 after October 1, 1995.

15 (b) CLARIFYING PROVISIONS.—

16 (1) MANDATORY SEPARATION.—Nothing in sec-  
17 tion 8335(a) or section 8425(a) of title 5, United  
18 States Code, shall be considered to apply with re-  
19 spect to an individual holding a position of air traf-  
20 fic controller (as defined by section 8331(26)(B) or  
21 section 8401(32)(B) of title 5, United States Code)  
22 who was first appointed to any such position before  
23 the effective date of this Act.

24 (2) CREDITABILITY OF EARLIER SERVICE.—For  
25 purposes of determining eligibility for an annuity

1 under section 8336(e) or section 8412(e) of title 5,  
2 United States Code, based on a separation occurring  
3 on or after the effective date of this Act (including  
4 for purposes relating to a survivor annuity based on  
5 a death in service occurring on or after such effective  
6 date), service as an air traffic controller (as defined  
7 by sections 8331(26)(B) or 8401(32)(B) of  
8 such title, as applicable) may not be considered  
9 noncreditable solely on account of its having been  
10 performed before such effective date.

11 (3) MINIMUM SERVICE REQUIREMENT.—As a  
12 prerequisite to eligibility for an annuity under section  
13 8336(e) or section 8412(e) of title 5, United  
14 States Code, an air traffic controller, as defined in  
15 section 2109(1) of title 5, United States Code, shall  
16 have performed services as an air traffic controller  
17 for a period of at least seven years.

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