

107TH CONGRESS
1ST SESSION

S. 871

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

IN THE SENATE OF THE UNITED STATES

MAY 10, 2001

Mr. CLELAND (for himself, Mr. KERRY, Mr. REID, and Mr. DAYTON) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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 similar manner as the computation of annuities for law enforcement officers and firefighters.

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 “Federal Air Traffic
5 Controllers Annuity Computation Act of 2001”.

1 **SEC. 2. COMPUTATION OF ANNUITIES FOR AIR TRAFFIC**
 2 **CONTROLLERS RETIRING UNDER THE CIVIL**
 3 **SERVICE RETIREMENT SYSTEM.**

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

6 (1) in the first sentence by striking “The annu-
 7 ity” and inserting “Subject to paragraph (2), the
 8 annuity”; and

9 (2) by adding at the end the following:

10 “(2)(A) In lieu of an annuity computed under
 11 paragraph (1), the annuity of an employee retiring
 12 under section 8335(a) or 8336(e) who meets the re-
 13 quirements of subparagraph (B) is—

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

18 “(ii) 2 percent of the average pay of that
 19 employee multiplied by so much of the total
 20 service of that employee as exceeds 20 years;

21 unless that employee has received, under section
 22 8342, payment of the lump-sum credit attributable
 23 to deductions under section 8334(a) during any pe-
 24 riod of employment as an air traffic controller and
 25 such employee has not deposited in the Fund the

1 amount received, with interest, under section
2 8334(d)(1).

3 “(B)(i) An individual may have an annuity
4 computed under subparagraph (A) if the
5 individual—

6 “(I) retires as an air traffic controller on
7 or after the effective date of the Federal Air
8 Traffic Controller Annuity Computation Act of
9 2001;

10 “(II) files an election with the Office of
11 Personnel Management to have an annuity
12 computed under this paragraph; and

13 “(III) makes the payment under clause
14 (ii).

15 “(ii) An individual who makes an election under
16 clause (i) shall pay an amount determined by the
17 Office of Personnel Management equal to—

18 “(I) the difference between—

19 “(aa) the amount deducted and with-
20 held from pay under this chapter during
21 any period of service performed by that in-
22 dividual as an air traffic controller; and

23 “(bb) the amount that would have
24 been deducted and withheld during any
25 such period, if service during that period

1 had been performed as a law enforcement
2 officer; and

3 “(II) interest prescribed under section
4 8334(e) based on the amount determined under
5 subclause (I).

6 “(iii) The Federal Aviation Administration shall
7 pay an amount for applicable agency contributions
8 based on payments made under clause (ii).

9 “(iv) Payments under clauses (ii) and (iii) shall
10 be deposited in the Civil Service Retirement and
11 Disability Fund.”.

12 **SEC. 3. REGULATIONS.**

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

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

22 This Act takes effect 60 days after the date of enact-
23 ment of this Act.

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