

103^D CONGRESS
1ST SESSION

S. 73

To provide for the rehiring by the Federal Aviation Administration of certain former air traffic controllers.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. METZENBAUM (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To provide for the rehiring by the Federal Aviation Administration of certain former air traffic controllers.

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 “Fair Treatment of
5 Former Air Traffic Controllers Act of 1993”.

6 **SEC. 2. SUITABILITY OF AIR TRAFFIC CONTROLLERS WHO**
7 **PARTICIPATED IN THE 1981 STRIKE.**

8 (a) **AUTHORITY TO APPOINT OR REINSTATE CER-**
9 **TAIN FORMER AIR TRAFFIC CONTROLLERS.—**

1 (1) IN GENERAL.—Air traffic controllers whose
2 appointment was terminated due to the strike of air
3 traffic controllers which began on or about August
4 3, 1981, shall not, as a class, be considered unsuit-
5 able for appointment or reinstatement in the Federal
6 Aviation Administration.

7 (2) DETERMINATIONS OF SUITABILITY.—Deter-
8 minations of suitability for appointment or reinstatement
9 to any position referred to paragraph (1) shall
10 be made on a case-by-case basis by the Office of
11 Personnel Management in accordance with part 731
12 of title 5 of the Code of Federal Regulations (as in
13 effect on June 1, 1986).

14 (b) LIMITATION ON CLAIMS AGAINST U.S.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), no claim may lie against the Government
17 of the United States, or any officer, employee, or
18 agency thereof, based on a failure to appoint or rein-
19 state a particular individual as a result of the enact-
20 ment of this Act.

21 (2) CLAIMS BASED ON DISCRIMINATION.—
22 Nothing in this subsection shall preclude a claim
23 based on discrimination on the basis of race, color,
24 religion, sex, or national origin.

1 (c) NONAPPLICABILITY OF AGE LIMITATION.—Noth-
2 ing in section 3307(b) of title 5, United States Code, or
3 in any rule or regulation prescribed thereunder, shall
4 apply with respect to appointments made as a result of
5 the enactment of this Act.

6 (d) REGULATIONS.—The Secretary of Transportation
7 may prescribe regulations to carry out this section (exclud-
8 ing the second sentence of subsection (a)).

9 (e) DEFINITION.—For purposes of this section, the
10 term “air traffic controller” has the same meaning as in
11 section 2109 of title 5, United States Code.

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