

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.

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## 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

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## 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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