

1 istrator of the Federal Aviation Administration or the des-
2 ignee of the Administrator, accept an assignment to such
3 contractor within 14 days after the date of enactment of
4 this section.

5 (3) Except as provided in subsection (c), an employee
6 appointed under paragraph (1)—

7 (A) shall be a temporary Federal employee for
8 the duration of the assignment;

9 (B) notwithstanding such temporary status,
10 shall retain previous enrollment or participation in
11 Federal employee benefits programs under chapters
12 83, 84, 87, and 89 of title 5, United States Code;
13 and

14 (C) shall be considered to have not had a break
15 in service for purposes of chapters 83, 84, and sec-
16 tions 8706(b) and 8905(b) of title 5, United States
17 Code, except no service credit or benefits shall be ex-
18 tended retroactively.

19 (4) An assignment and temporary appointment under
20 this section shall terminate on the earlier of—

21 (A) October 4, 2007; or

22 (B) the date on which the employee first be-
23 comes eligible for an immediate annuity under sec-
24 tion 8336(d) or 8414(b) of title 5, United States
25 Code.

1 (5) Such funds as may be necessary are authorized
2 for the Federal Aviation Administration to pay the salary
3 and benefits of an employee assigned under this section,
4 but no funds are authorized to reimburse the employing
5 contractor for the salary and benefits of an employee so
6 assigned.

7 (b) An employee who was involuntarily separated as
8 a result of the reorganization of the Flight Services Unit
9 following the outsourcing of flight service duties to a con-
10 tractor, and was eligible to use annual leave under the con-
11 ditions of section 6302(g) of title 5, United States Code,
12 may use such leave to—

13 (1) qualify for an immediate annuity or to meet
14 the age or service requirements for an enhanced an-
15 nuity that the employee could qualify for under sec-
16 tions 8336, 8412, or 8414; or

17 (2) to meet the requirements under section
18 8905(b) of title 5, United States Code, to qualify to
19 continue health benefits coverage after retirement
20 from service.

21 (c)(1) Nothing in this section shall—

22 (A) affect the validity or legality of the reduc-
23 tion-in-force actions of the Federal Aviation Admin-
24 istration effective October 3, 2005; or

1 (B) create any individual rights of actions re-
2 garding such reduction-in-force or any other actions
3 related to or arising under the competitive sourcing
4 of flight services.

5 (2) An employee subject to this section shall not be—

6 (A) covered by chapter 71 of title 5, United
7 States Code, while on the assignment authorized by
8 this section; or

9 (B) subject to section 208 of title 18, United
10 States Code.

11 (3) Temporary employees assigned under this section
12 shall not be Federal employees for purposes of chapter
13 171 of title 28, United States Code (commonly referred
14 to as the Federal Tort Claims Act). Chapter 171 of title
15 28, United States Code (commonly referred to as the Fed-
16 eral Tort Claims Act) and any other Federal tort liability
17 statute shall not apply to an employee who is assigned to
18 a contractor under subsection (a).

19 SEC. 180. (a) In this section:

20 (1) The term “Conservation Area” means the
21 Sloan Canyon National Conservation Area estab-
22 lished by section 604(a) of the Clark County Con-
23 servation of Public Land and Natural Resources Act
24 of 2002 (116 Stat. 2010).