



AMENDMENT NO. _____ Calendar No. _____

Purpose: To assist certian flight service station employees of the Federal Aviation Administration.

IN THE SENATE OF THE UNITED STATES—109th Cong., 1st Sess.

H. R. 3058

AMENDMENT No. 2150

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1	By <u>Snowe</u>	ent,
1	To: <u>H. R. 3058</u>	dent
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Refe GPO: 2004 97-290(944) nd

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AMENDMENT intended to be proposed by Ms. SNOWE (for herself, Mr. THUNE, and Ms. COLLINS)

Viz:

- 1 At the appropriate place, insert the following:
- 2 SEC. ____.(a)(1) This section shall apply to an em-
- 3 ployee of the Federal Aviation Administration, who—
- 4 (A) would be involuntarily separated as a result
- 5 of the reorganization of the Flight Services Unit fol-
- 6 lowing the outsourcing of flight service duties to a
- 7 contractor;

1 (B) was not eligible by October 3, 2005 for an
2 immediate annuity under a Federal retirement sys-
3 tem; and

4 (C) assuming continued Federal employment,
5 would attain eligibility for an immediate annuity
6 under section 8336(d) or 8414(b) of title 5, United
7 States Code, not later than October 4, 2007.

8 (2) Notwithstanding any other provision of law, dur-
9 ing the period beginning on the date of enactment of this
10 Act and ending October 4, 2007, an employee described
11 under paragraph (1) may, with the approval of the Admin-
12 istrator of the Federal Aviation Administration or the des-
13 ignee of the Administrator, accept an assignment to such
14 contractor within 14 days after the date of enactment of
15 this section.

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

18 (A) shall be a temporary Federal employee for
19 the duration of the assignment;

20 (B) notwithstanding such temporary status,
21 shall retain previous enrollment or participation in
22 Federal employee benefits programs under chapters
23 83, 84, 87, and 89 of title 5, United States Code;
24 and

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

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

8 (A) October 4, 2007; or

9 (B) the date on which the employee first be-
10 comes eligibility for an immediate annuity under sec-
11 tion 8336(d) or 8414(b) of title 5, United States
12 Code.

13 (5) Such funds as may be necessary are authorized
14 for the Federal Aviation Administration to pay the salary
15 and benefits of an employee assigned under this section,
16 but no funds are authorized to reimburse the employing
17 contractor for the salary and benefits of an employee so
18 assigned.

19 (b) An employee who is being involuntarily separated
20 as a result of the reorganization of the Flight Services
21 Unit following the outsourcing of flight service duties to
22 a contractor, and is eligible to use annual leave under the
23 conditions of section 6302(g) of title 5, United States
24 Code, may use such leave to—

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

5 (2) to meet the requirements under section
6 8905(b) of title 5, United States Code, to qualify to
7 continue health benefits coverage after retirement
8 from service.

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

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

13 (B) create any individual rights of actions re-
14 garding such reduction-in-force or any other actions
15 related to or arising under the competitive sourcing
16 of flight services.

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

18 (A) covered by chapter 71 of title 5, United
19 States Code, while on the assignment authorized by
20 this section; or

21 (B) subject to section 208 of title 18, United
22 States Code.

23 (3) Temporary employees assigned under this section
24 shall not be Federal employees for purposes of chapter
25 171 of title 28, United States Code (commonly referred

1 to as the Federal Tort Claims Act). Chapter 171 of title
2 28, United States Code (commonly referred to as the Fed-
3 eral Tort Claims Act) and any other Federal tort liability
4 statute shall not apply to an employee who is assigned to
5 a contractor under subsection (a).