

Public Law 96-347
96th Congress

An Act

Sept. 12, 1980

[H.R. 1781]

To amend title 5, United States Code, to provide that civilian air traffic controllers of the Department of Defense shall be treated the same as air traffic controllers of the Department of Transportation for purposes of retirement, and for other purposes.

Air traffic
controllers,
retirement
provisions.

Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2109 of title 5, United States Code, is amended to read as follows:

“§ 2109. Air traffic controller; Secretary

“For the purpose of this title—

“(1) ‘air traffic controller’ or ‘controller’ means an employee of the Department of Transportation or the Department of Defense who, as determined under regulations prescribed by the Secretary, is actively engaged in the separation and control of air traffic, or is the immediate supervisor of an employee actively engaged in the separation and control of air traffic, in an air traffic control facility; and

“(2) ‘Secretary’, when used in connection with ‘air traffic controller’ or ‘controller’, means the Secretary of Transportation with respect to controllers in the Department of Transportation, and the Secretary of Defense with respect to controllers in the Department of Defense.”

(b) Sections 3307(b), 3381(a), 3382, 3383(a), 3384, 3385, and 8335(a) of title 5, United States Code, are each amended by striking out “Secretary of Transportation” each place it appears and inserting in lieu thereof “Secretary”.

(c)(1) Section 3381(c)(1) of title 5, United States Code, is amended by striking out “in the Department of Transportation” and inserting in lieu thereof “in the Executive agency in which the controller is employed”.

(2) Section 3383(b)(2) of title 5, United States Code, is amended by striking out “the Department of Transportation” and inserting in lieu thereof “the Executive agency in which the controller is employed”.

(3) Section 3383(d) of title 5, United States Code, is amended by striking out “within the Department of Transportation” and inserting in lieu thereof “within the Executive agency in which such controller is employed”.

(d) The analysis of chapter 21, of title 5, United States Code, is amended by striking out the item relating to section 2109 and inserting in lieu thereof the following:

“2109. Air traffic controller; Secretary.”

SEC. 2. Section 8335(a) of title 5, United States Code, shall not apply to an individual appointed as an air traffic controller in the Department of Defense before the date of the enactment of this Act.

5 USC 8335 note.

SEC. 3. This Act shall take effect on the later of—

Effective date.
5 USC 2109 note.

(1) October 1, 1980, or

(2) the ninetieth day after the date of the enactment of this Act.

Approved September 12, 1980.

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LEGISLATIVE HISTORY:

- HOUSE REPORT No. 96-1076 (Comm. on Post Office and Civil Service).
- SENATE REPORT No. 96-902 (Comm. on Governmental Affairs).
- CONGRESSIONAL RECORD, Vol. 126 (1980):
 - June 9, considered and passed House.
 - Aug. 27, considered and passed Senate.