

103D CONGRESS
1ST SESSION

H. R. 468

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1993

Mr. OBERSTAR introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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.**—Air traffic
10 controllers whose appointment was terminated on account

1 of the strike of air traffic controllers which began on or
2 about August 3, 1981, shall not, as a class, be considered
3 unsuitable for appointment or reinstatement in the Fed-
4 eral Aviation Administration. Determinations of suitability
5 for appointment or reinstatement to any such position
6 shall be made on a case-by-case basis by the Office of Per-
7 sonnel Management in accordance with part 731 of title
8 5 of the Code of Federal Regulations (as in effect on June
9 1, 1986).

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

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

17 (2) CLAIMS BASED ON DISCRIMINATION.—

18 Nothing in this subsection shall preclude a claim
19 based on discrimination on the basis of race, color,
20 religion, sex, or national origin.

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

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

4 (e) DEFINITION.—For the purposes of this section,
5 the term “air traffic controller” has the meaning given
6 such term by section 2109 of title 5, United States Code.

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