

105TH CONGRESS
1ST SESSION

S. 397

To amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 1997

Ms. MIKULSKI (for herself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CIVIL SERVICE RETIREMENT SYSTEM.**

2 (a) DEFINITIONS.—Section 8331 of title 5, United
3 States Code, is amended—

4 (1) by striking “and” at the end of paragraph
5 (25);

6 (2) by striking the period at the end of para-
7 graph (26) and inserting a semicolon; and

8 (3) by adding at the end the following:

9 “(27) ‘revenue officer’ means an employee of
10 the Internal Revenue Service, the duties of whose
11 position are primarily the collection of delinquent
12 taxes and the securing of delinquent returns, includ-
13 ing an employee engaged in this activity who is
14 transferred to a supervisory or administrative
15 position;

16 “(28) ‘customs inspector’ means an employee of
17 the United States Customs Service, the duties of
18 whose position are primarily to—

19 “(A) enforce laws and regulations govern-
20 ing the importing and exporting of mer-
21 chandise;

22 “(B) process and control passengers and
23 baggage;

24 “(C) interdict smuggled merchandise and
25 contraband; and

1 “(D) apprehend (if warranted) persons in-
2 volved in violations of customs laws,
3 including an employee engaged in this activity who
4 is transferred to a supervisory or administrative
5 position;

6 “(29) ‘customs canine enforcement officer’
7 means an employee of the United States Customs
8 Service, the duties of whose position are primarily to
9 work directly with a dog in an effort to—

10 “(A) enforce laws and regulations govern-
11 ing the importing and exporting of mer-
12 chandise;

13 “(B) process and control passengers and
14 baggage;

15 “(C) interdict smuggled merchandise and
16 contraband; and

17 “(D) apprehend (if warranted) persons in-
18 volved in violations of customs laws,
19 including an employee engaged in this activity who
20 is transferred to a supervisory or administrative po-
21 sition; and

22 “(30) ‘Immigration and Naturalization inspec-
23 tor’ means an employee of the Immigration and Nat-
24 uralization Service, the duties of whose position are

1 primarily the controlling and guarding of the bound-
2 aries and borders of the United States against the
3 illegal entry of aliens, including an employee en-
4 gaged in this activity who is transferred to a super-
5 visory or administrative position.”.

6 (b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
7 ITS.—Section 8334 of title 5, United States Code, is
8 amended—

9 (1) in subsection (a)(1), by striking “a law en-
10 forcement officer,” and inserting “a law enforcement
11 officer, a revenue officer, a customs inspector, a cus-
12 toms canine enforcement officer, an Immigration
13 and Naturalization inspector,”; and

14 (2) in the table in subsection (c), by striking
15 “and firefighter for firefighter service.” and insert-
16 ing “, firefighter for firefighter service, revenue offi-
17 cer for revenue officer service, customs inspector for
18 customs inspector service, customs canine enforce-
19 ment officer for customs canine enforcement officer
20 service, and Immigration and Naturalization inspec-
21 tor for Immigration and Naturalization inspector
22 service”.

23 (c) MANDATORY SEPARATION.—Section 8335(b) of
24 title 5, United States Code, is amended in the second sen-
25 tence by striking “law enforcement officer” and inserting

1 “law enforcement officer, a revenue officer, a customs in-
 2 spector, a customs canine enforcement officer, or an Immi-
 3 gration and Naturalization inspector”.

4 (d) IMMEDIATE RETIREMENT.—Section 8336(c)(1)
 5 of such title is amended by striking “law enforcement offi-
 6 cer or firefighter,” and inserting “law enforcement officer,
 7 a firefighter, a revenue officer, a customs inspector, a cus-
 8 toms canine enforcement officer, or an Immigration and
 9 Naturalization inspector,”.

10 **SEC. 2. FEDERAL EMPLOYEES RETIREMENT SYSTEM.**

11 (a) DEFINITIONS.—Section 8401 of title 5, United
 12 States Code, is amended—

13 (1) by striking “and” at the end of paragraph
 14 (31);

15 (2) by striking the period at the end of para-
 16 graph (32) and inserting a semicolon; and

17 (3) by adding at the end the following:

18 “(33) ‘revenue officer’ means an employee of
 19 the Internal Revenue Service, the duties of whose
 20 position are primarily the collection of delinquent
 21 taxes and the securing of delinquent returns, includ-
 22 ing an employee engaged in this activity who is
 23 transferred to a supervisory or administrative posi-
 24 tion;

1 “(34) ‘customs inspector’ means an employee of
2 the United States Customs Service, the duties of
3 whose position are primarily to—

4 “(A) enforce laws and regulations govern-
5 ing the importing and exporting of merchan-
6 dise;

7 “(B) process and control passengers and
8 baggage;

9 “(C) interdict smuggled merchandise and
10 contraband; and

11 “(D) apprehend (if warranted) persons in-
12 volved in violations of customs laws,
13 including an employee engaged in this activity who
14 is transferred to a supervisory or administrative po-
15 sition;

16 “(35) ‘customs canine enforcement officer’
17 means an employee of the United States Customs
18 Service, the duties of whose position are primarily to
19 work directly with a dog in an effort to—

20 “(A) enforce laws and regulations govern-
21 ing the importing and exporting of merchan-
22 dise;

23 “(B) process and control passengers and
24 baggage;

1 “(C) interdict smuggled merchandise and
2 contraband; and

3 “(D) apprehend (if warranted) persons in-
4 volved in violations of customs laws,
5 including an employee engaged in this activity who
6 is transferred to a supervisory or administrative po-
7 sition; and

8 “(36) ‘Immigration and Naturalization inspec-
9 tor’ means an employee of the Immigration and Nat-
10 uralization Service, the duties of whose position are
11 primarily the controlling and guarding of the bound-
12 aries and borders of the United States against the
13 illegal entry of aliens, including an employee en-
14 gaged in this activity who is transferred to a super-
15 visory or administrative position.”.

16 (b) IMMEDIATE RETIREMENT.—Section 8412(d) of
17 title 5, United States Code, is amended—

18 (1) in paragraph (1) by striking “or fire-
19 fighter,” and inserting “firefighter, revenue officer,
20 customs inspector, customs canine enforcement offi-
21 cer, or Immigration and Naturalization inspector,”;
22 and

23 (2) in paragraph (2) by striking “or fire-
24 fighter,” and inserting “firefighter, revenue officer,

1 customs inspector, customs canine enforcement offi-
 2 cer, or Immigration and Naturalization inspector,”.

3 (c) COMPUTATION OF BASIC ANNUITY.—Section
 4 8415(g)(2) of title 5, United States Code, is amended in
 5 the matter following subparagraph (B) by inserting “reve-
 6 nue officer, customs inspector, customs canine enforce-
 7 ment officer, Immigration and Naturalization inspector,”
 8 after “firefighter,”.

9 (d) DEDUCTIONS.—Section 8422(a)(2) of title 5,
 10 United States Code, is amended—

11 (1) in subparagraph (A) by inserting “revenue
 12 officer, customs inspector, customs canine enforce-
 13 ment officer, Immigration and Naturalization in-
 14 spector,” after “air traffic controller,”; and

15 (2) in subparagraph (B) by inserting “revenue
 16 officer, customs inspector, customs canine enforce-
 17 ment officer, Immigration and Naturalization in-
 18 spector,” after “air traffic controller,”.

19 (e) GOVERNMENT CONTRIBUTIONS.—Section
 20 8423(a) of title 5, United States Code, is amended—

21 (1) in paragraph (1)(B)(i) by inserting “reve-
 22 nue officers, customs inspectors, customs canine en-
 23 forcement officers, Immigration and Naturalization
 24 inspectors,” after “law enforcement officers,”; and

1 (2) in paragraph (3)(A) by inserting “revenue
2 officers, customs inspectors, customs canine enforce-
3 ment officers, Immigration and Naturalization in-
4 spectors,” after “law enforcement officers,”.

5 (f) MANDATORY SEPARATION.—Section 8425(b) of
6 title 5, United States Code, is amended in the second sen-
7 tence by inserting “, revenue officer, customs inspector,
8 customs canine enforcement officer, or Immigration and
9 Naturalization inspector” after “law enforcement officer”.

10 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

11 (a) EMPLOYEE CONTRIBUTIONS.—Any individual
12 who has served as a revenue officer, customs inspector,
13 customs canine enforcement officer, or Immigration and
14 Naturalization inspector before the effective date of this
15 Act, shall have such service credited and annuities deter-
16 mined in accordance with the amendments made by sec-
17 tions 1 and 2 of this Act, if such individual makes pay-
18 ment into the Civil Service Retirement and Disability
19 Fund of an amount, determined by the Office of Personnel
20 Management, which would have been deducted and with-
21 held from the basic pay of such individual (including inter-
22 est thereon) under chapters 83 and 84 of title 5, United
23 States Code, as if such amendments had been in effect
24 during the periods of such service.

1 (b) AGENCY CONTRIBUTIONS.—No later than 90
2 days after a payment made by an individual under sub-
3 section (a), the Department of the Treasury or the De-
4 partment of Justice (as the case may be) shall make a
5 payment into the Civil Service Retirement and Disability
6 Fund of an amount, determined by the Office of Personnel
7 Management, which would have been contributed as a
8 Government contribution (including interest thereon)
9 under chapters 83 and 84 of title 5, United States Code,
10 for the service credited and annuities determined for such
11 individual, as if the amendments made by sections 1 and
12 2 of this Act had been in effect during the applicable peri-
13 ods of service.

14 (c) REGULATIONS.—The Office of Personnel Man-
15 agement shall determine the amount of interest to be paid
16 under this section and may promulgate regulations to
17 carry out the provisions of this Act.

18 **SEC. 4. EFFECTIVE DATE.**

19 The provisions of this Act and amendments made by
20 this Act shall take effect on the date occurring 90 days
21 after the date of enactment of this Act.

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