

106TH CONGRESS  
1ST SESSION

# H. R. 1228

To amend the retirement provisions of title 5, United States Code, to extend to inspectors of the Immigration and Naturalization Service, revenue officers of the Internal Revenue Service, and certain others, the same treatment as is accorded to law enforcement officers.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1999

Mr. FILNER introduced the following bill; which was referred to the  
Committee on Government Reform

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## A BILL

To amend the retirement provisions of title 5, United States Code, to extend to inspectors of the Immigration and Naturalization Service, revenue officers of the Internal Revenue Service, and certain others, the same treatment as is accorded to law enforcement officers.

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. CIVIL SERVICE RETIREMENT SYSTEM.**

4       (a) EXPANSION OF DEFINITION OF A LAW ENFORCE-  
5       MENT OFFICER.—Paragraph (20) of section 8331 of title  
6       5, United States Code, is amended by striking “position.”  
7       and inserting “position, a revenue officer, a customs in-

1 spector, a customs canine enforcement officer, an Immi-  
 2 gration and Naturalization inspector, a Department of  
 3 Defense police officer, a Department of Defense Command  
 4 Investigations Division detective, a Bureau of Engraving  
 5 and Printing officer, a postal police officer, a Secret Serv-  
 6 ice special officer, a Drug Enforcement Administration di-  
 7 version investigator, a United States Customs Operation  
 8 Enforcement Officer, and a United States Customs Detec-  
 9 tion System Specialist Airborne and Flight Engineer.”.

10 (b) ADDITIONAL CLASSES OF POSITIONS DE-  
 11 FINED.—Section 8331 of title 5, United States Code, is  
 12 amended by striking “and” at the end of paragraph (26),  
 13 by striking the period at the end of paragraph (27) and  
 14 inserting a semicolon, and by adding at the end the fol-  
 15 lowing:

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

23 “(29) ‘customs inspector’ means an employee of  
 24 the United States Customs Service, the duties of  
 25 whose position are primarily to—

1           “(A) enforce laws and regulations gov-  
2           erning the importing and exporting of merchan-  
3           dise;

4           “(B) process and control passengers and  
5           baggage;

6           “(C) interdict smuggled merchandise and  
7           contraband; and

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

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

17               “(A) enforce laws and regulations gov-  
18               erning the importing and exporting of merchan-  
19               dise;

20               “(B) process and control passengers and  
21               baggage;

22               “(C) interdict smuggled merchandise and  
23               contraband; and

24               “(D) apprehend (if warranted) persons in-  
25               volved in violations of customs laws,

1 including an employee engaged in this activity who  
2 is transferred to a supervisory or administrative po-  
3 sition;

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

12 “(32) ‘Department of Defense police officer’  
13 means an employee of the Department of Defense,  
14 the duties of whose position are primarily to oversee  
15 enforcement of Federal, State, county, and munic-  
16 ipal statutes, laws, and ordinances, and rules and  
17 regulations of the Department of the Navy, Army,  
18 and Air Force pertaining to law enforcement on  
19 United States military bases, including an employee  
20 engaged in this activity who is transferred to a su-  
21 pervisory or administrative position;

22 “(33) ‘Department of Defense Command Inves-  
23 tigation Division detective’ means an employee of  
24 the Department of Defense, the duties of whose po-  
25 sition are primarily to maintain investigative and

1 counterintelligence jurisdiction to prepare for an evi-  
2 dentiary foundation for military command action for  
3 crimes committed on military property by military  
4 or civilian personnel, including an employee engaged  
5 in this activity who is transferred to a supervisory  
6 or administrative position;

7 “(34) ‘Bureau of Engraving and Printing offi-  
8 cer’ means an employee of the Bureau of Engraving  
9 and Printing, the duties of whose position are pri-  
10 marily to provide specialized protection to the Bu-  
11 reau of Engraving and Printing and to enforce Fed-  
12 eral laws, Department of the Treasury rules and  
13 regulations, and local ordinances by investigating  
14 criminal activity for offenses against the United  
15 States, including an employee engaged in this activ-  
16 ity who is transferred to a supervisory or adminis-  
17 trative position;

18 “(35) ‘postal police officer’ means an employee  
19 of the United States Postal Service, the duties of  
20 whose position are primarily to provide specialized  
21 protection for the United States Postal Service and  
22 persons and property related to its function as au-  
23 thorized under section 1 of the Act of June 1, 1948  
24 (popularly known as the ‘Protection of Public Prop-  
25 erty Act’) and other laws, including an employee en-

1 gaged in this activity who is transferred to a super-  
2 visory or administrative position;

3 “(36) ‘Secret Service special officer’ means an  
4 employee of the United States Secret Service, the  
5 duties of whose position are primarily to provide a  
6 wide range of security and protection support func-  
7 tions within the United States Secret Service (such  
8 as maintaining designed security posts; travel in  
9 support of the President, Vice President, and foreign  
10 heads of state; and providing protective support for  
11 major Presidential and Vice Presidential candidates,  
12 former Presidents, and First Ladies), including an  
13 employee engaged in this activity who is transferred  
14 to a supervisory or administrative position;

15 “(37) ‘Drug Enforcement Administration diver-  
16 sion investigator’ means an employee of the Drug  
17 Enforcement Administration, the duties of whose po-  
18 sition are primarily to investigate violations of the  
19 criminal drug laws of the United States by drug  
20 manufacturers and distributors, doctors, and phar-  
21 macists, and to seek Federal prosecution of violators  
22 from United States Attorneys, including an em-  
23 ployee engaged in this activity who is transferred to  
24 a supervisory or administrative position;

1           “(38) ‘United States Customs Operation En-  
2           forcement Officer’ means an employee of the United  
3           States Customs Service, the duties of whose position  
4           primarily involve internal affairs of the United  
5           States Customs Service and the prevention of cor-  
6           ruption by utilizing investigations techniques and  
7           knowledge of inspectional procedures and processes,  
8           as well as intelligence research work in enforcing  
9           federal laws, particularly in the areas of drug inter-  
10          diction and fraud within the United States Customs  
11          Service, including an employee engaged in this activ-  
12          ity who is transferred to a supervisory or adminis-  
13          trative position; and

14          “(39) ‘United States Customs Detection System  
15          Specialist Airborne and Flight Engineer’ means an  
16          employee of United States Customs Service, the du-  
17          ties of whose position are primarily the detection,  
18          tracking, and assisting in the apprehension of per-  
19          sons suspected or known to be smuggling drugs or  
20          contraband into the United States, including an em-  
21          ployee engaged in this activity who is transferred to  
22          a supervisory or administrative position.”.

23 **SEC. 2. FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.**

24          (a) EXPANSION OF DEFINITION OF A LAW ENFORCE-  
25          MENT OFFICER.—Paragraph (17) of section 8401 of title

1 5, United States Code, is amended by striking “and” at  
 2 the end of subparagraph (C), and by adding at the end  
 3 the following:

4 “(E) a revenue officer;

5 “(F) a customs inspector;

6 “(G) a customs canine enforcement officer;

7 “(H) an Immigration and Naturalization  
 8 inspector;

9 “(I) a Department of Defense police offi-  
 10 cer;

11 “(J) a Department of Defense Command  
 12 Investigations Division detective;

13 “(K) a Bureau of Engraving and Printing  
 14 officer;

15 “(L) a postal police officer;

16 “(M) a Secret Service special officer;

17 “(N) a Drug Enforcement Administration  
 18 diversion investigator;

19 “(O) a United States Customs Operation  
 20 Enforcement Officer; and

21 “(P) a United States Customs Detection  
 22 System Specialist Airborne and Flight Engi-  
 23 neer;”.

24 (b) ADDITIONAL CLASSES OF POSITIONS DE-  
 25 FINED.—Section 8401 of title 5, United States Code, is

1 amended by striking “and” at the end of paragraph (32),  
2 by striking the period at the end of paragraph (33) and  
3 inserting a period, and by adding at the end the following:

4 “(34) ‘revenue officer’ means an employee of  
5 the Internal Revenue Service, the duties of whose  
6 position are primarily the collection of delinquent  
7 taxes and the securing of delinquent returns, includ-  
8 ing an employee engaged in this activity who is  
9 transferred to a supervisory or administrative posi-  
10 tion;

11 “(35) ‘customs inspector’ means an employee of  
12 the United States Customs Service, the duties of  
13 whose position are primarily to—

14 “(A) enforce laws and regulations gov-  
15 erning the importing and exporting of merchan-  
16 dise;

17 “(B) process and control passengers and  
18 baggage;

19 “(C) interdict smuggled merchandise and  
20 contraband; and

21 “(D) apprehend (if warranted) persons in-  
22 volved in violations of customs laws,  
23 including an employee engaged in this activity who  
24 is transferred to a supervisory or administrative po-  
25 sition;

1           “(36) ‘customs canine enforcement officer’  
2           means an employee of the United States Customs  
3           Service, the duties of whose position are primarily to  
4           work directly with a dog in an effort to—

5                   “(A) enforce laws and regulations gov-  
6                   erning the importing and exporting of merchan-  
7                   dise;

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

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

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

17           “(37) ‘Immigration and Naturalization inspec-  
18           tor’ means an employee of the Immigration and Nat-  
19           uralization Service, the duties of whose position are  
20           primarily the controlling and guarding of the bound-  
21           aries and borders of the United States against the  
22           illegal entry of aliens, including an employee en-  
23           gaged in this activity who is transferred to a super-  
24           visory or administrative position;

1           “(38) ‘Department of Defense police officer’  
2           means an employee of the Department of Defense,  
3           the duties of whose position are primarily to oversee  
4           enforcement of Federal, State, county, and munic-  
5           ipal statutes, laws, and ordinances, and rules and  
6           regulations of the Department of the Navy, Army,  
7           and Air Force pertaining to law enforcement on  
8           United States military bases, including an employee  
9           engaged in this activity who is transferred to a su-  
10          pervisory or administrative position;

11          “(39) ‘Department of Defense Command Inves-  
12          tigations Division detective’ means an employee of  
13          the Department of Defense, the duties of whose po-  
14          sition are primarily to maintain investigative and  
15          counterintelligence jurisdiction to prepare for an evi-  
16          dentiary foundation for military command action for  
17          crimes committed on military property by military or  
18          civilian personnel, including an employee engaged in  
19          this activity who is transferred to a supervisory or  
20          administrative position;

21          “(40) ‘Bureau of Engraving and Printing offi-  
22          cer’ means an employee of the Bureau of Engraving  
23          and Printing, the duties of whose position are pri-  
24          marily to provide specialized protection to the Bu-  
25          reau of Engraving and Printing and to enforce Fed-

1       eral laws, Department of the Treasury rules and  
2       regulations, and local ordinances by investigating  
3       criminal activity for offenses against the United  
4       States, including an employee engaged in this activ-  
5       ity who is transferred to a supervisory or adminis-  
6       trative position;

7               “(41) ‘postal police officer’ means an employee  
8       of the United States Postal Service, the duties of  
9       whose position are primarily to provide specialized  
10      protection for the United States Postal Service and  
11      persons and property related to its function as au-  
12      thorized under section 1 of the Act of June 1, 1948  
13      (popularly known as the ‘Protection of Public Prop-  
14      erty Act’) and other laws, including an employee en-  
15      gaged in this activity who is transferred to a super-  
16      visory or administrative position;

17              “(42) ‘Secret Service special officer’ means an  
18      employee of the United States Secret Service, the  
19      duties of whose position are primarily to provide a  
20      wide range of security and protection support func-  
21      tions within the United States Secret Service (such  
22      as maintaining designed security posts; travel in  
23      support of the President, Vice President, and foreign  
24      heads of state; and providing protective support for  
25      major Presidential and Vice Presidential candidates,

1 former Presidents, and First Ladies), including an  
2 employee engaged in this activity who is transferred  
3 to a supervisory or administrative position;

4 “(43) ‘Drug Enforcement Administration diver-  
5 sion investigator’ means an employee of the Drug  
6 Enforcement Administration, the duties of whose po-  
7 sition are primarily to investigate violations of the  
8 criminal drug laws of the United States by drug  
9 manufacturers and distributors, doctors, and phar-  
10 macists, and to seek Federal prosecution of violators  
11 from United States Attorneys, including an em-  
12 ployee engaged in this activity who is transferred to  
13 a supervisory or administrative position;

14 “(44) ‘United States Customs Operation En-  
15 forcement Officer’ means an employee of the United  
16 States Customs Service, the duties of whose position  
17 primarily involve internal affairs of the United  
18 States Customs Service and the prevention of cor-  
19 ruption by utilizing investigations techniques and  
20 knowledge of inspectional procedures and processes,  
21 as well as intelligence research work in enforcing  
22 federal laws, particularly in the areas of drug inter-  
23 diction and fraud within the United States Customs  
24 Service, including an employee engaged in this activ-

1       ity who is transferred to a supervisory or adminis-  
2       trative position; and

3               “(45) ‘United States Customs Detection System  
4       Specialist Airborne and Flight Engineer’ means an  
5       employee of United States Customs Service, the du-  
6       ties of whose position are primarily the detection,  
7       tracking, and assisting in the apprehension of per-  
8       sons suspected or known to be smuggling drugs or  
9       contraband into the United States, including an em-  
10      ployee engaged in this activity who is transferred to  
11      a supervisory or administrative position.”.

12   **SEC. 3. EFFECTIVE DATE; RELATED PROVISIONS.**

13       (a) IN GENERAL.—The amendments made by this  
14   Act shall apply only in the case of individuals becoming  
15   entitled to an annuity based on a separation from Govern-  
16   ment service occurring on or after the date of enactment  
17   of this Act.

18       (b) EMPLOYEE CONTRIBUTIONS.—The amendments  
19   made by this Act shall not apply with respect to any period  
20   of service preceding the date of enactment of this Act un-  
21   less the employee involved (or, if applicable, an appro-  
22   priate survivor) pays into the Civil Service Retirement and  
23   Disability Fund, in such time and manner as the Office  
24   of Personnel Management shall prescribe, an amount  
25   equal to the total additional amounts which should have

1 been deducted and withheld from pay (in excess of  
2 amounts actually deducted and not refunded) under chap-  
3 ter 83 or 84 of title 5, United States Code, as the case  
4 may be, if such amendments had then been in effect, with  
5 interest.

6 (c) AGENCY CONTRIBUTIONS.—Not later than 90  
7 days after the date on which the payment under sub-  
8 section (b) is made by an individual, the appropriate agen-  
9 cy shall pay into the Civil Service Retirement and Dis-  
10 ability Fund any additional amounts (as determined by  
11 the Office of Personnel Management) which should have  
12 been paid by that agency into the Fund, under applicable  
13 provisions of chapter 83 or 84 of title 5, United States  
14 Code (as the case may be), with interest, if the amend-  
15 ments made by this Act had been in effect during the prior  
16 periods of service involved.

17 (d) REGULATIONS.—The Office of Personnel Man-  
18 agement shall prescribe any regulations necessary to carry  
19 out this Act. Such regulations shall include provisions,  
20 consistent with section 8334(e) of title 5, United States  
21 Code, for the computation of interest.

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