

106TH CONGRESS
1ST SESSION

S. 718

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 25, 1999

Ms. MIKULSKI (for herself and Mr. INOUE) 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. SHORT TITLE.**

2 This Act may be cited as the “Law Enforcement Offi-
3 cers Retirement Equity Act”.

4 **SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.**

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

7 (1) by striking “and” at the end of paragraph
8 (26);

9 (2) by striking the period at the end of para-
10 graph (27) and inserting a semicolon; and

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

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

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

22 “(A) enforce laws and regulations gov-
23 erning the importing and exporting of merchan-
24 dise;

25 “(B) process and control passengers and
26 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;

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

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

15 “(B) process and control passengers and
16 baggage;

17 “(C) interdict smuggled merchandise and
18 contraband; and

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

24 “(31) ‘Immigration and Naturalization inspec-
25 tor’ means an employee of the Immigration and Nat-

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

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

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

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

1 (c) MANDATORY SEPARATION.—Section 8335(b) of
2 title 5, United States Code, is amended in the second
3 sentence—

4 (1) by striking “law enforcement officer or nu-
5 clear materials courier” and inserting “law enforce-
6 ment officer, a revenue officer, a customs inspector,
7 a customs canine enforcement officer, an Immigra-
8 tion and Naturalization inspector, or nuclear mate-
9 rials courier”; and

10 (2) by inserting “, inspector,” after “that offi-
11 cer”.

12 (d) IMMEDIATE RETIREMENT.—Section 8336(c)(1)
13 of such title is amended by striking “law enforcement offi-
14 cer,” and inserting “law enforcement officer, a revenue of-
15 ficer, a customs inspector, a customs canine enforcement
16 officer, or an Immigration and Naturalization inspector,”.

17 **SEC. 3. FEDERAL EMPLOYEES RETIREMENT SYSTEM.**

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

20 (1) by striking “and” at the end of paragraph
21 (32);

22 (2) by striking the period at the end of para-
23 graph (33) and inserting a semicolon; and

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

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

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

11 “(A) enforce laws and regulations gov-
12 erning the importing and exporting of merchan-
13 dise;

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

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

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

23 “(36) ‘customs canine enforcement officer’
24 means an employee of the United States Customs

1 Service, the duties of whose position are primarily to
 2 work directly with a dog in an effort to—

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

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

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

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

12 including an employee engaged in this activity who
 13 is transferred to a supervisory or administrative po-
 14 sition; and

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

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

1 (1) in paragraph (1) by striking “firefighter,”
 2 and inserting “firefighter, revenue officer, customs
 3 inspector, customs canine enforcement officer, Immi-
 4 gration and Naturalization inspector,”; and

5 (2) in paragraph (2) by striking “firefighter,”
 6 and inserting “firefighter, revenue officer, customs
 7 inspector, customs canine enforcement officer, Immi-
 8 gration and Naturalization inspector,”.

9 (c) COMPUTATION OF BASIC ANNUITY.—Section
 10 8415(g)(2) of title 5, United States Code, is amended in
 11 the matter following subparagraph (B) by inserting “rev-
 12 enue officer, customs inspector, customs canine enforce-
 13 ment officer, Immigration and Naturalization inspector,”
 14 after “firefighter,”.

15 (d) DEDUCTIONS.—Section 8422(a)(3) of title 5,
 16 United States Code, is amended by inserting “revenue of-
 17 ficer, customs inspector, customs canine enforcement offi-
 18 cer, Immigration and Naturalization inspector,” before
 19 “or air traffic controller,”.

20 (e) GOVERNMENT CONTRIBUTIONS.—Section
 21 8423(a) of title 5, United States Code, is amended—

22 (1) in paragraph (1)(B)(i) by inserting “rev-
 23 enue officers, customs inspectors, customs canine en-
 24 forcement officers, Immigration and Naturalization
 25 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
7 sentence—

8 (1) by inserting “, revenue officer, customs in-
9 spectator, customs canine enforcement officer, Immi-
10 gration and Naturalization inspector,” after “A law
11 enforcement officer”; and

12 (2) by striking “that law enforcement officer”
13 and inserting “that officer, inspector,”.

14 **SEC. 4. ADMINISTRATIVE PROVISIONS.**

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

1 est thereon) under chapters 83 and 84 of title 5, United
 2 States Code, as if such amendments had been in effect
 3 during the periods of such service.

4 (b) AGENCY CONTRIBUTIONS.—No later than 90
 5 days after a payment made by an individual under sub-
 6 section (a), the Department of the Treasury or the De-
 7 partment of Justice (as the case may be) shall make a
 8 payment into the Civil Service Retirement and Disability
 9 Fund of an amount, determined by the Office of Personnel
 10 Management, which would have been contributed as a
 11 Government contribution (including interest thereon)
 12 under chapters 83 and 84 of title 5, United States Code,
 13 for the service credited and annuities determined for such
 14 individual, as if the amendments made by sections 1 and
 15 2 of this Act had been in effect during the applicable peri-
 16 ods of service.

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

21 **SEC. 5. EFFECTIVE DATE.**

22 The provisions of this Act and amendments made by
 23 this Act shall take effect on the date occurring 90 days
 24 after the date of enactment of this Act.

