

107TH CONGRESS
1ST SESSION

H. R. 1841

To amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2001

Mr. FILNER (for himself, Mr. HALL of Ohio, Mr. JEFFERSON, Mr. KIND, Mr. GUTIERREZ, Mr. ANDREWS, Mr. TAYLOR of Mississippi, Mr. PRICE of North Carolina, Mr. FARR of California, Mr. GORDON, Mr. MCGOVERN, Mr. MCHUGH, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. BONIOR, Mr. SAXTON, Mr. RUSH, Ms. RIVERS, Mr. TOWNS, Mr. RAHALL, Mr. LANTOS, Mr. FROST, Mr. LEVIN, Ms. JACKSON-LEE of Texas, Mr. FRANK, Mr. GILMAN, Mrs. CLAYTON, Mr. REYES, Mr. HOLDEN, Ms. BROWN of Florida, Mr. CONYERS, and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

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 Equity Act”.

4 **SEC. 2. AMENDMENTS.**

5 (a) **FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.**—

6 (1) **IN GENERAL.**—Paragraph (17) of section
7 8401 of title 5, United States Code, is amended by
8 striking “and” at the end of subparagraph (C), and
9 by adding at the end the following:

10 “(E) an employee (not otherwise covered
11 by this paragraph)—

12 “(i) the duties of whose position in-
13 clude the investigation or apprehension of
14 individuals suspected or convicted of of-
15 fenses against the criminal laws of the
16 United States; and

17 “(ii) who is authorized to carry a fire-
18 arm; and

19 “(F) an employee of the Internal Revenue
20 Service, the duties of whose position are pri-
21 marily the collection of delinquent taxes and the
22 securing of delinquent returns;”.

23 (2) **CONFORMING AMENDMENT.**—Section
24 8401(17)(C) of title 5, United States Code, is
25 amended by striking “(A) and (B)” and inserting
26 “(A), (B), (E), and (F)”.

1 (b) CIVIL SERVICE RETIREMENT SYSTEM.—Para-
 2 graph (20) of section 8331 of title 5, United States Code,
 3 is amended by inserting after “position.” the following:
 4 “For the purpose of this paragraph, the employees de-
 5 scribed in the preceding provision of this paragraph (in
 6 the matter before ‘including’) shall be considered to in-
 7 clude an employee (not otherwise covered by this para-
 8 graph) who satisfies clauses (i)–(ii) of section
 9 8401(17)(E) and an employee of the Internal Revenue
 10 Service the duties of whose position are as described in
 11 section 8401(17)(F).”.

12 (c) EFFECTIVE DATE.—Except as provided in section
 13 3, the amendments made by this section shall take effect
 14 on the date of the enactment of this Act, and shall apply
 15 only in the case of any individual first appointed (or seek-
 16 ing to be first appointed) as a law enforcement officer
 17 (within the meaning of those amendments) on or after
 18 such date.

19 **SEC. 3. TREATMENT OF SERVICE PERFORMED BY INCUM-**
 20 **BENTS.**

21 (a) LAW ENFORCEMENT OFFICER AND SERVICE DE-
 22 SCRIBED.—

23 (1) LAW ENFORCEMENT OFFICER.—Any ref-
 24 erence to a law enforcement officer described in this
 25 subsection refers to an individual who satisfies the

1 requirements of section 8331(20) or 8401(17) of
2 title 5, United States Code (relating to the definition
3 of a law enforcement officer) by virtue of the amend-
4 ments made by section 2.

5 (2) SERVICE.—Any reference to service de-
6 scribed in this subsection refers to service performed
7 as a law enforcement officer (as described in this
8 subsection).

9 (b) INCUMBENT DEFINED.—For purposes of this sec-
10 tion, the term “incumbent” means an individual who—

11 (1) is first appointed as a law enforcement offi-
12 cer (as described in subsection (a)) before the date
13 of the enactment of this Act; and

14 (2) is serving as such a law enforcement officer
15 on such date.

16 (c) TREATMENT OF SERVICE PERFORMED BY INCUM-
17 BENTS.—

18 (1) IN GENERAL.—Service described in sub-
19 section (a) which is performed by an incumbent on
20 or after the date of the enactment of this Act shall,
21 for all purposes (other than those to which para-
22 graph (2) pertains), be treated as service performed
23 as a law enforcement officer (within the meaning of
24 section 8331(20) or 8401(17) of title 5, United

1 States Code, as appropriate), irrespective of how
2 such service is treated under paragraph (2).

3 (2) RETIREMENT.—Service described in sub-
4 section (a) which is performed by an incumbent be-
5 fore, on, or after the date of the enactment of this
6 Act shall, for purposes of subchapter III of chapter
7 83 and chapter 84 of title 5, United States Code, be
8 treated as service performed as a law enforcement
9 officer (within the meaning of such section 8331(20)
10 or 8401(17), as appropriate), but only if an appro-
11 priate written election is submitted to the Office of
12 Personnel Management within 5 years after the date
13 of the enactment of this Act or before separation
14 from Government service, whichever is earlier.

15 (d) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERV-
16 ICE.—

17 (1) IN GENERAL.—An individual who makes an
18 election under subsection (c)(2) may, with respect to
19 prior service performed by such individual, con-
20 tribute to the Civil Service Retirement and Disability
21 Fund the difference between the individual contribu-
22 tions that were actually made for such service and
23 the individual contributions that should have been
24 made for such service if the amendments made by
25 section 2 had then been in effect.

1 (2) EFFECT OF NOT CONTRIBUTING.—If no
2 part of or less than the full amount required under
3 paragraph (1) is paid, all prior service of the incum-
4 bent shall remain fully creditable as law enforcement
5 officer service, but the resulting annuity shall be re-
6 duced in a manner similar to that described in sec-
7 tion 8334(d)(2) of title 5, United States Code, to
8 the extent necessary to make up the amount unpaid.

9 (3) PRIOR SERVICE DEFINED.—For purposes of
10 this section, the term “prior service” means, with re-
11 spect to any individual who makes an election under
12 subsection (c)(2), service (described in subsection
13 (a)) performed by such individual before the date as
14 of which appropriate retirement deductions begin to
15 be made in accordance with such election.

16 (e) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERV-
17 ICE.—

18 (1) IN GENERAL.—If an incumbent makes an
19 election under subsection (c)(2), the agency in or
20 under which that individual was serving at the time
21 of any prior service (referred to in subsection (d))
22 shall remit to the Office of Personnel Management,
23 for deposit in the Treasury of the United States to
24 the credit of the Civil Service Retirement and Dis-

1 ability Fund, the amount required under paragraph
2 (2) with respect to such service.

3 (2) AMOUNT REQUIRED.—The amount an agen-
4 cy is required to remit is, with respect to any prior
5 service, the total amount of additional Government
6 contributions to the Civil Service Retirement and
7 Disability Fund (over and above those actually paid)
8 that would have been required if the amendments
9 made by section 2 had then been in effect.

10 (3) CONTRIBUTIONS TO BE MADE RATABLY.—
11 Government contributions under this subsection on
12 behalf of an incumbent shall be made by the agency
13 ratably (on at least an annual basis) over the 10-
14 year period beginning on the date referred to in sub-
15 section (d)(3).

16 (f) EXEMPTION FROM MANDATORY SEPARATION.—
17 Nothing in section 8335(b) or 8425(b) of title 5, United
18 States Code, shall cause the involuntary separation of a
19 law enforcement officer (as described in subsection (a))
20 before the end of the 3-year period beginning on the date
21 of the enactment of this Act.

22 (g) REGULATIONS.—The Office shall prescribe regu-
23 lations to carry out this Act, including—

24 (1) provisions in accordance with which interest
25 on any amount under subsection (d) or (e) shall be

1 computed, based on section 8334(e) of title 5,
2 United States Code; and

3 (2) provisions for the application of this section
4 in the case of—

5 (A) any individual who—

6 (i) satisfies paragraph (1) (but not
7 paragraph (2)) of subsection (b); and

8 (ii) serves as a law enforcement offi-
9 cer (as described in subsection (a)) after
10 the date of the enactment of this Act; and

11 (B) any individual entitled to a survivor
12 annuity (based on the service of an incumbent,
13 or of an individual under subparagraph (A),
14 who dies before making an election under sub-
15 section (c)(2)), to the extent of any rights that
16 would then be available to the decedent (if still
17 living).

18 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be considered to apply in the case of a reem-
20 ployed annuitant.

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