

114TH CONGRESS
2D SESSION

S. 2946

To amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2016

Mr. BOOKER (for himself and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes.

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 “Law Enforcement Offi-
5 cers Equity Act”.

1 **SEC. 2. INCLUDING CERTAIN POSITIONS WITHIN THE DEFINITION OF LAW ENFORCEMENT OFFICER**
 2 **FOR PURPOSES OF RETIREMENT.**

4 (a) **FEDERAL EMPLOYEES RETIREMENT SYSTEM.**—
 5 Section 8401(17) of title 5, United States Code, is amended—
 6 ed—

7 (1) in subparagraph (C)—

8 (A) by striking “subparagraph (A) and
 9 (B)” and inserting “subparagraphs (A), (B),
 10 (E), (F), (G), (H), and (I)”; and

11 (B) by striking “and” at the end; and

12 (2) by adding at the end the following:

13 “(E) an employee not otherwise covered by
 14 this paragraph—

15 “(i) the duties of whose position include the investigation or apprehension of
 16 individuals suspected or convicted of offenses against the criminal laws of the
 17 United States; and

20 “(ii) who is authorized to carry a fire-
 21 arm;

22 “(F) an employee of the Internal Revenue
 23 Service, the duties of whose position are primarily the—
 24

25 “(i) collection of delinquent taxes; and

26 “(ii) securing of delinquent returns;

1 “(G) an employee of the United States
2 Postal Inspection Service;

3 “(H) an employee of the Department of
4 Veterans Affairs who is a Department police of-
5 ficer under section 902 of title 38; and

6 “(I) an employee of U.S. Customs and
7 Border Protection—

8 “(i) who is a seized property specialist
9 in the GS–1801 job series; and

10 “(ii) the duties of whose position in-
11 clude activities relating to the efficient and
12 effective custody, management, and dis-
13 position of seized and forfeited property;”.

14 (b) CIVIL SERVICE RETIREMENT SYSTEM.—Section
15 8331(20) of title 5, United States Code, is amended, in
16 the matter preceding subparagraph (A)—

17 (1) by inserting “and an individual described in
18 any of subparagraphs (E) through (I) of section
19 8401(17)” after “United States”; and

20 (2) by striking “this activity” and inserting
21 “such activity or described in any such subpara-
22 graph”.

23 (c) APPLICATION.—The amendments made by this
24 section shall apply to any—

1 (1) individual who is appointed as a law en-
2 forcement officer—

3 (A) as defined in section 8331(20) or
4 8401(17) of title 5, United States Code (as
5 amended by this section); and

6 (B) on or after the date of enactment of
7 this Act; and

8 (2) incumbent (as defined in section 3(a)(3)),
9 consistent with the requirements of section 3.

10 **SEC. 3. INCUMBENT LAW ENFORCEMENT OFFICERS.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term “Director” means the Director of
13 the Office of Personnel Management;

14 (2) the term “Fund” means the Civil Service
15 Retirement and Disability Fund;

16 (3) the term “incumbent” means an individual
17 who—

18 (A) was appointed as a law enforcement
19 officer before the date of enactment of this Act;
20 and

21 (B) is serving as a law enforcement officer
22 on the date of enactment of this Act;

23 (4) the term “law enforcement officer” means
24 an individual who satisfies the requirements of sec-
25 tion 8331(20) or 8401(17) of title 5, United States

1 Code, by virtue of the amendments made by section
2 2;

3 (5) the term “prior service” means, with re-
4 spect to an incumbent who makes an election under
5 subsection (b)(2), service performed by the incum-
6 bent before the date on which appropriate retirement
7 deductions begin to be made under the election; and

8 (6) the term “service” means service performed
9 by an individual as a law enforcement officer.

10 (b) TREATMENT OF SERVICE PERFORMED BY IN-
11 CUMBENTS.—

12 (1) SERVICE ON OR AFTER DATE OF ENACT-
13 MENT.—Service performed by an incumbent on or
14 after the date of enactment of this Act shall be
15 treated as service performed as a law enforcement
16 officer.

17 (2) SERVICE BEFORE DATE OF ENACTMENT.—
18 Service performed by an incumbent before the date
19 of enactment of this Act shall, for purposes of sub-
20 chapter III of chapter 83 and chapter 84 of title 5,
21 United States Code, be treated as service performed
22 as a law enforcement officer only if the incumbent
23 submits a written election to the Director by the ear-
24 lier of—

1 (A) the date that is 5 years after the date
2 of enactment of this Act; or

3 (B) the day before the date on which the
4 incumbent separates from the service.

5 (c) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERV-
6 ICE.—

7 (1) IN GENERAL.—An incumbent who makes an
8 election under subsection (b)(2) may, with respect to
9 prior service performed by the incumbent, pay a de-
10 posit into the Fund equal to the sum of—

11 (A) the difference between—

12 (i) the amount that would have been
13 deducted during the period of prior service
14 under section 8334 or 8422 of title 5,
15 United States Code, from the pay of the
16 incumbent if the amendments made by sec-
17 tion 2 had been in effect during the prior
18 service; and

19 (ii) the amount that was deducted
20 during the period of prior service under
21 section 8334 or 8422 of title 5, United
22 States Code; and

23 (B) interest on the amount described in
24 subparagraph (A)(i), as computed under—

- 1 (i) paragraphs (2) and (3) of section
 2 8334(e) of title 5, United States Code; and
 3 (ii) regulations promulgated by the
 4 Director.

5 (2) EFFECT OF NOT CONTRIBUTING.—If an in-
 6 cumbent does not pay the full amount of the deposit
 7 described in paragraph (1), all prior service of the
 8 incumbent—

9 (A) shall remain fully creditable as a law
 10 enforcement officer; and

11 (B) the resulting annuity shall be re-
 12 duced—

13 (i) in a manner similar to that de-
 14 scribed in section 8334(d)(2) of title 5,
 15 United States Code; and

16 (ii) to the extent necessary to make
 17 up the amount unpaid.

18 (d) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERV-
 19 ICE.—

20 (1) IN GENERAL.—If an incumbent makes an
 21 election under subsection (b)(2), an agency that em-
 22 ployed the incumbent during any prior service of the
 23 incumbent shall remit to the Director, for deposit in
 24 the Fund, an amount equal to the sum of—

25 (A) the difference between—

1 (i) the total amount of Government
 2 contributions that would have been paid
 3 under section 8334 or 8423 of title 5,
 4 United States Code, if the amendments
 5 made by section 2 had been in effect dur-
 6 ing the prior service; and

7 (ii) the total amount of Government
 8 contributions paid under section 8334 or
 9 8423 of title 5, United States Code; and

10 (B) interest on the amount described in
 11 subparagraph (A)(i), as computed in accordance
 12 with—

13 (i) paragraphs (2) and (3) of section
 14 8334(e) of title 5, United States Code; and

15 (ii) regulations promulgated by the
 16 Director.

17 (2) CONTRIBUTIONS TO BE MADE RATABLY.—
 18 Government contributions under this subsection on
 19 behalf of an incumbent shall be made by the agency
 20 ratably (not less frequently than annually) over the
 21 10-year period beginning on the date described in
 22 subsection (a)(5).

23 (e) EXEMPTION FROM MANDATORY SEPARATION.—
 24 Notwithstanding section 8335(b) or 8425(b) of title 5,
 25 United States Code, a law enforcement officer shall not

1 be subject to mandatory separation during the 3-year pe-
2 riod beginning on the date of enactment of this Act.

3 (f) REGULATIONS.—The Director shall prescribe reg-
4 ulations to carry out this Act, including regulations for
5 the application of this section in the case of any individual
6 entitled to a survivor annuity (based on the service of an
7 incumbent who dies before making an election under sub-
8 section (b)(2)), to the extent of any rights that would have
9 been available to the decedent if still living.

10 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be considered to apply in the case of a reem-
12 ployed annuitant.

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