

111TH CONGRESS
1ST SESSION

H. R. 673

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

JANUARY 26, 2009

Mr. FILNER (for himself and Mr. MCHUGH) introduced the following bill; which was referred to the Committee on Oversight and 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Law Enforcement Offi-
5 cers Equity Act”.

6 **SEC. 2. AMENDMENTS.**

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

1 (1) IN GENERAL.—Paragraph (17) of section
2 8401 of title 5, United States Code, is amended by
3 striking “and” at the end of subparagraph (C), and
4 by adding at the end the following:

5 “(E) an employee (not otherwise covered
6 by this paragraph)—

7 “(i) the duties of whose position in-
8 clude the investigation or apprehension of
9 individuals suspected or convicted of of-
10 fenses against the criminal laws of the
11 United States; and

12 “(ii) who is authorized to carry a fire-
13 arm; and

14 “(F) an employee of the Internal Revenue
15 Service, the duties of whose position are pri-
16 marily the collection of delinquent taxes and the
17 securing of delinquent returns;”.

18 (2) CONFORMING AMENDMENT.—Section
19 8401(17)(C) of title 5, United States Code, is
20 amended by striking “subparagraph (A) and (B)”
21 and inserting “subparagraphs (A), (B), (E), and
22 (F)”.

23 (b) CIVIL SERVICE RETIREMENT SYSTEM.—Para-
24 graph (20) of section 8331 of title 5, United States Code,
25 is amended by inserting after “position.” (in the matter

1 before subparagraph (A)) the following: “For the purpose
2 of this paragraph, the employees described in the pre-
3 ceding provision of this paragraph (in the matter before
4 ‘including’) shall be considered to include an employee, not
5 otherwise covered by this paragraph, who satisfies clauses
6 (i)–(ii) of section 8401(17)(E) and an employee of the In-
7 ternal Revenue Service the duties of whose position are
8 as described in section 8401(17)(F).”.

9 (c) EFFECTIVE DATE.—Except as provided in section
10 3, the amendments made by this section shall take effect
11 on the date of the enactment of this Act, and shall apply
12 only in the case of any individual first appointed as a law
13 enforcement officer (within the meaning of those amend-
14 ments) on or after such date.

15 **SEC. 3. TREATMENT OF SERVICE PERFORMED BY INCUM-**
16 **BENTS.**

17 (a) LAW ENFORCEMENT OFFICER AND SERVICE DE-
18 SCRIBED.—

19 (1) LAW ENFORCEMENT OFFICER.—Any ref-
20 erence to a law enforcement officer described in this
21 subsection refers to an individual who satisfies the
22 requirements of section 8331(20) or 8401(17) of
23 title 5, United States Code (relating to the definition
24 of a law enforcement officer) by virtue of the amend-
25 ments made by section 2.

1 (2) SERVICE.—Any reference to service de-
2 scribed in this subsection refers to service performed
3 as a law enforcement officer (as described in this
4 subsection).

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

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

10 (2) is serving as such a law enforcement officer
11 on such date.

12 (c) TREATMENT OF SERVICE PERFORMED BY INCUM-
13 BENTS.—

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

22 (2) RETIREMENT.—Service described in sub-
23 section (a) which is performed by an incumbent be-
24 fore, on, or after the date of the enactment of this
25 Act shall, for purposes of subchapter III of chapter

1 83 and chapter 84 of title 5, United States Code, be
2 treated as service performed as a law enforcement
3 officer (within the meaning of such section 8331(20)
4 or 8401(17), as appropriate), but only if an appro-
5 priate written election is submitted to the Office of
6 Personnel Management within 5 years after the date
7 of the enactment of this Act or before separation
8 from Government service, whichever is earlier.

9 (d) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERV-
10 ICE.—

11 (1) IN GENERAL.—An individual who makes an
12 election under subsection (c)(2) may, with respect to
13 prior service performed by such individual, con-
14 tribute to the Civil Service Retirement and Disability
15 Fund the difference between the unrefunded indi-
16 vidual contributions made for such service and the
17 individual contributions that should have been made
18 for such service if the amendments made by section
19 2 had then been in effect.

20 (2) EFFECT OF NOT CONTRIBUTING.—If no
21 part of or less than the full amount required under
22 paragraph (1) is paid, all prior service of the incum-
23 bent shall remain fully creditable as law enforcement
24 officer service, but the resulting annuity shall be re-
25 duced in a manner similar to that described in sec-

1 tion 8334(d)(2) of title 5, United States Code, to
2 the extent necessary to make up the amount unpaid.

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

10 (e) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERV-
11 ICE.—

12 (1) IN GENERAL.—If an incumbent makes an
13 election under subsection (c)(2), the agency in or
14 under which that individual was serving at the time
15 of any prior service (referred to in subsection (d))
16 shall remit to the Office of Personnel Management,
17 for deposit in the Treasury of the United States to
18 the credit of the Civil Service Retirement and Dis-
19 ability Fund, the amount required under paragraph
20 (2) with respect to such service.

21 (2) AMOUNT REQUIRED.—The amount an agen-
22 cy is required to remit is, with respect to any prior
23 service, the total amount of additional Government
24 contributions to the Civil Service Retirement and
25 Disability Fund (above those actually paid) that

1 would have been required if the amendments made
2 by section 2 had then been in effect.

3 (3) CONTRIBUTIONS TO BE MADE RATABLY.—

4 Government contributions under this subsection on
5 behalf of an incumbent shall be made by the agency
6 ratably (on at least an annual basis) over the 10-
7 year period beginning on the date referred to in sub-
8 section (d)(3).

9 (f) EXEMPTION FROM MANDATORY SEPARATION.—

10 Nothing in section 8335(b) or 8425(b) of title 5, United
11 States Code, shall cause the involuntary separation of a
12 law enforcement officer (as described in subsection (a))
13 before the end of the 3-year period beginning on the date
14 of the enactment of this Act.

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

17 (1) provisions in accordance with which interest
18 on any amount under subsection (d) or (e) shall be
19 computed, based on section 8334(e) of title 5,
20 United States Code; and

21 (2) provisions for the application of this section
22 in the case of—

23 (A) any individual who—

24 (i) satisfies paragraph (1) (but not
25 paragraph (2)) of subsection (b); and

1 (ii) serves as a law enforcement offi-
2 cer (as described in subsection (a)) after
3 the date of the enactment of this Act; and
4 (B) any individual entitled to a survivor
5 annuity (based on the service of an incumbent,
6 or of an individual under subparagraph (A),
7 who dies before making an election under sub-
8 section (c)(2)), to the extent of any rights that
9 would then be available to the decedent (if still
10 living).

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

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