

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

Mr. BOOKER (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on

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**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 DEFINI-**  
2 **ITION OF LAW ENFORCEMENT OFFICER**  
3 **FOR PURPOSES OF RETIREMENT.**

4 (a) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

5 Section 8401(17) of title 5, United States Code, is amend-  
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 in-  
16 clude the investigation or apprehension of  
17 individuals suspected or convicted of of-  
18 fenses against the criminal laws of the  
19 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 pri-  
24 marily the—

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)(4)),  
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 “employee” has the meaning given  
15 the term in section 8331(1) or 8401(11) of title 5,  
16 United States Code;

17 (3) the term “Fund” means the Civil Service  
18 Retirement and Disability Fund;

19 (4) the term “incumbent” means an individual  
20 who—

21 (A) before the date of enactment of this  
22 Act, was appointed to a position as an employee  
23 that—

1 (i) did not satisfy the requirements of  
2 section 8331(20) or 8401(17) of title 5,  
3 United States Code, as then in effect; and

4 (ii) would have satisfied the require-  
5 ments described in clause (i) if the amend-  
6 ments made by section 2 had been in ef-  
7 fect; and

8 (B) on the date of enactment of this Act,  
9 is serving in a position as an employee that sat-  
10 isfies the requirements of section 8331(20) of  
11 title 5, United States Code, by virtue of the  
12 amendments made by section 2;

13 (5) the term “law enforcement officer” has the  
14 meaning given the term in section 8331(20) or  
15 8401(17) of title 5, United States Code, as amended  
16 by section 2;

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

22 (7) the term “service” means service performed  
23 by an individual in a position that—

1 (A) satisfies the requirements of section  
2 8331(20) or 8401(17) of title 5, United States  
3 Code, as amended by section 2; or

4 (B) would have satisfied the requirements  
5 of section 8331(20) or 8401(17) of title 5,  
6 United States Code, as amended by section 2,  
7 if the amendments made by section 2 had then  
8 been in effect.

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

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

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

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

1 (B) the day before the date on which the  
2 incumbent separates from the service.

3 (c) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERV-  
4 ICE.—

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

9 (A) the difference between—

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

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

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

23 (i) paragraphs (2) and (3) of section  
24 8334(e) of title 5, United States Code; and

1 (ii) regulations promulgated by the  
2 Director.

3 (2) EFFECT OF NOT CONTRIBUTING.—If an in-  
4 cumbent does not pay the full amount of the deposit  
5 described in paragraph (1)—

6 (A) all prior service of the incumbent shall  
7 remain fully creditable as a law enforcement of-  
8 ficer; and

9 (B) the resulting annuity shall be re-  
10 duced—

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

14 (ii) to the extent necessary to make  
15 up the amount unpaid.

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

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

23 (A) the difference between—

24 (i) the total amount of Government  
25 contributions that would have been paid



1 under section 8334 or 8423 of title 5,  
2 United States Code, if the amendments  
3 made by section 2 had been in effect dur-  
4 ing the prior service; and

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

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

11 (i) paragraphs (2) and (3) of section  
12 8334(e) of title 5, United States Code; and

13 (ii) regulations promulgated by the  
14 Director.

15 (2) CONTRIBUTIONS TO BE MADE RATABLY.—  
16 Government contributions under this subsection on  
17 behalf of an incumbent shall be made by the agency  
18 ratably (not less frequently than annually) over the  
19 10-year period beginning on the date described in  
20 subsection (a)(6).

21 (e) EXEMPTION FROM MANDATORY SEPARATION.—  
22 Notwithstanding section 8335(b) or 8425(b) of title 5,  
23 United States Code, a law enforcement officer shall not  
24 be subject to mandatory separation during the 3-year pe-  
25 riod beginning on the date of enactment of this Act.

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

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