

114TH CONGRESS
1ST SESSION

H. R. 2254

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 HOUSE OF REPRESENTATIVES

MAY 12, 2015

Mr. KING of New York introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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 FOR PURPOSES OF RETIREMENT.**
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4 (a) **FEDERAL EMPLOYEES RETIREMENT SYSTEM.—**

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

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

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

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

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

22 “(G) an employee of the United States
23 Postal Inspection Service; and

24 “(H) an employee of the Department of
25 Veterans Affairs who is a Department police of-
26 ficer under section 902 of title 38;”.

1 (2) CONFORMING AMENDMENT.—Section
2 8401(17)(C) of title 5, United States Code, is
3 amended by striking “subparagraph (A) and (B)”
4 and inserting “subparagraphs (A), (B), (E), (F),
5 (G), and (H)”.

6 (b) CIVIL SERVICE RETIREMENT SYSTEM.—Para-
7 graph (20) of section 8331 of title 5, United States Code,
8 is amended in the matter before subparagraph (A) by in-
9 serting after “position.” the following: “For the purpose
10 of this paragraph, the employees described in the pre-
11 ceding provision of this paragraph (in the matter before
12 ‘including’) shall be considered to include an employee, not
13 otherwise covered by this paragraph, who satisfies any of
14 subparagraphs (E) through (H) of section 8401(17).”.

15 (c) APPLICATION.—The amendments made by this
16 section shall apply—

17 (1) to any individual appointed as a law en-
18 forcement officer under section 8331(20) or
19 8401(17) of title 5, United States Code, (as the case
20 may be), as amended this section, after the date of
21 enactment of this Act; and

22 (2) to any incumbent (as defined in section
23 3(g)(2)), consistent with the requirements of section
24 3.

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

2 (a) TREATMENT OF SERVICE PERFORMED BY IN-
3 CUMBENTS.—

4 (1) SERVICE ON OR AFTER DATE OF ENACT-
5 MENT.—Service performed by an incumbent on or
6 after the date of the enactment of this Act shall be
7 treated as service performed as a law enforcement
8 officer under section 8331(20) or 8401(17) of title
9 5, United States Code, (as the case may be), as
10 amended by section 2.

11 (2) SERVICE BEFORE DATE OF ENACTMENT.—
12 Service performed by an incumbent before the date
13 of the enactment of this Act shall, for purposes of
14 subchapter III of chapter 83 and chapter 84 of title
15 5, United States Code, be treated as service per-
16 formed as a law enforcement officer under section
17 8331(20) or 8401(17), (as the case may be), as
18 amended by section 2, but only if a written election
19 is submitted to the Office of Personnel Management
20 within 5 years after the date of the enactment of
21 this Act or before separation from Government serv-
22 ice, whichever is earlier.

23 (b) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERV-
24 ICE.—

25 (1) IN GENERAL.—An incumbent who makes an
26 election under subsection (a)(2) may, with respect to

1 prior service performed by such incumbent, pay a
2 deposit into the Civil Service Retirement and Dis-
3 ability Fund equal to the sum of—

4 (A) the difference between—

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

12 (ii) the amount that was deducted
13 during the period of prior service under
14 section 8334 or 8422 of such title; and

15 (B) interest on the amount described in
16 subparagraph (A)(i), as computed in accordance
17 with paragraphs (2) and (3) of section 8334(e)
18 of such title and regulations promulgated by the
19 Office.

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

1 lar to that described in section 8334(d)(2) of title 5,
2 United States Code, to the extent necessary to make
3 up the amount unpaid.

4 (c) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERV-
5 ICE.—

6 (1) IN GENERAL.—If an incumbent makes an
7 election under subsection (a)(2), any employing
8 agency that the incumbent was serving at the time
9 of any prior service shall remit to the Office, for de-
10 posit in the Fund, an amount equal to the sum of—

11 (A) the difference between—

12 (i) the total amount of Government
13 contributions that would have been paid
14 under section 8334 or 8423 of title 5,
15 United States Code, if the amendments
16 made by section 2 had been in effect dur-
17 ing such service; and

18 (ii) the total amount of Government
19 contributions paid under section 8334 or
20 8423 of such title; and

21 (B) interest on the amount described in
22 subparagraph (A)(i), as computed in accordance
23 with paragraphs (2) and (3) of section 8334(e)
24 of such title and regulations promulgated by the
25 Office.

1 (2) CONTRIBUTIONS TO BE MADE RATABLY.—
2 Government contributions under this subsection on
3 behalf of an incumbent shall be made by the agency
4 ratably (on at least an annual basis) over the 10-
5 year period beginning on the date referred to in sub-
6 section (g)(5).

7 (d) EXEMPTION FROM MANDATORY SEPARATION.—
8 Notwithstanding section 8335(b) or 8425(b) of title 5,
9 United States Code, a law enforcement officer shall not
10 be subject to mandatory separation during the 3-year pe-
11 riod beginning on the date of the enactment of this Act.

12 (e) REGULATIONS.—The Office shall prescribe regu-
13 lations to carry out this Act, including regulations for the
14 application of this section in the case of any individual
15 entitled to a survivor annuity (based on the service of an
16 incumbent who dies before making an election under sub-
17 section (a)(2)), to the extent of any rights that would then
18 be available to the decedent (if still living).

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

22 (g) DEFINITIONS.—In this section—

23 (1) the term “Fund” means the Civil Service
24 Retirement and Disability Fund;

25 (2) the term “incumbent”—

1 (A) is first appointed as a law enforcement
2 officer before the date of the enactment of this
3 Act; and

4 (B) is serving as such a law enforcement
5 officer on such date;

6 (3) the term “law enforcement officer” refers to
7 an individual who satisfies the requirements of sec-
8 tion 8331(20) or 8401(17) of title 5, United States
9 Code (relating to the definition of a law enforcement
10 officer) by virtue of the amendments made by sec-
11 tion 2;

12 (4) the term “Office” means the Office of Per-
13 sonnel Management;

14 (5) the term “prior service” means, with re-
15 spect to any individual who makes an election under
16 subsection (a)(2), service performed by such indi-
17 vidual before the date on which appropriate retire-
18 ment deductions begin to be made in accordance
19 with such election; and

20 (6) the term “service” refers to service per-
21 formed as a law enforcement officer.

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