

107TH CONGRESS
2^D SESSION

S. 1935

To amend chapters 83 and 84 of title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service as law enforcement officers.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2002

Ms. MIKULSKI (for herself, Mr. LEAHY, Mr. BINGAMAN, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend chapters 83 and 84 of title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service as law enforcement officers.

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 Retirement Equity Act of 2002”.

1 **SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.**

2 Section 8331 of title 5, United States Code, is
3 amended—

4 (1) in paragraph (20) by inserting “, revenue
5 officer, customs inspector, customs canine enforce-
6 ment officer, or Immigration and Naturalization in-
7 spector” after “administrative position”;

8 (2) by striking “and” at the end of paragraph
9 (27);

10 (3) by striking the period at the end of para-
11 graph (28) and inserting a semicolon; and

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

13 “(29) ‘revenue officer’ means an employee of
14 the Internal Revenue Service, the duties of whose
15 position are primarily the collection of delinquent
16 taxes and the securing of delinquent returns, includ-
17 ing an employee engaged in this activity who is
18 transferred to a supervisory or administrative posi-
19 tion;

20 “(30) ‘customs inspector’ means an employee of
21 the United States Customs Service, the duties of
22 whose position are primarily to—

23 “(A) enforce laws and regulations gov-
24 erning the importing and exporting of merchan-
25 dise;

1 “(B) process and control passengers and
2 baggage;

3 “(C) interdict smuggled merchandise and
4 contraband; and

5 “(D) apprehend (if warranted) persons in-
6 volved in violations of customs laws,
7 including an employee engaged in this activity who
8 is transferred to a supervisory or administrative po-
9 sition;

10 “(31) ‘customs canine enforcement officer’
11 means an employee of the United States Customs
12 Service, the duties of whose position are primarily to
13 work directly with a dog in an effort to—

14 “(A) enforce laws and regulations gov-
15 erning the importing and exporting of merchan-
16 dise;

17 “(B) process and control passengers and
18 baggage;

19 “(C) interdict smuggled merchandise and
20 contraband; and

21 “(D) apprehend (if warranted) persons in-
22 volved in violations of customs laws,
23 including an employee engaged in this activity who
24 is transferred to a supervisory or administrative po-
25 sition; and

1 “(32) ‘Immigration and Naturalization inspec-
 2 tor’ means an employee of the Immigration and Nat-
 3 uralization Service, the duties of whose position are
 4 primarily the controlling and guarding of the bound-
 5 aries and borders of the United States against the
 6 illegal entry of aliens, including an employee en-
 7 gaged in this activity who is transferred to a super-
 8 visory or administrative position.”.

9 **SEC. 3. FEDERAL EMPLOYEES RETIREMENT SYSTEM.**

10 Section 8401 of title 5, United States Code, is
 11 amended—

12 (1) in paragraph (17)—

13 (A) in subparagraph (C) by striking “and”
 14 at the end;

15 (B) in subparagraph (D) by adding “and”
 16 at the end; and

17 (C) by adding at the end the following:

18 “(E) a revenue officer, customs inspector,
 19 customs canine enforcement officer, or Immi-
 20 gration and Naturalization inspector;”;

21 (2) by striking “and” at the end of paragraph
 22 (33);

23 (3) by striking the period at the end of para-
 24 graph (34) and inserting a semicolon; and

25 (4) by adding at the end the following:

1 “(35) ‘revenue officer’ means an employee of
2 the Internal Revenue Service, the duties of whose
3 position are primarily the collection of delinquent
4 taxes and the securing of delinquent returns, includ-
5 ing an employee engaged in this activity who is
6 transferred to a supervisory or administrative posi-
7 tion;

8 “(36) ‘customs inspector’ means an employee of
9 the United States Customs Service, the duties of
10 whose position are primarily to—

11 “(A) enforce laws and regulations gov-
12 erning the importing and exporting of merchan-
13 dise;

14 “(B) process and control passengers and
15 baggage;

16 “(C) interdict smuggled merchandise and
17 contraband; and

18 “(D) apprehend (if warranted) persons in-
19 volved in violations of customs laws,
20 including an employee engaged in this activity who
21 is transferred to a supervisory or administrative po-
22 sition;

23 “(37) ‘customs canine enforcement officer’
24 means an employee of the United States Customs

1 Service, the duties of whose position are primarily to
2 work directly with a dog in an effort to—

3 “(A) enforce laws and regulations gov-
4 erning the importing and exporting of merchan-
5 dise;

6 “(B) process and control passengers and
7 baggage;

8 “(C) interdict smuggled merchandise and
9 contraband; and

10 “(D) apprehend (if warranted) persons in-
11 volved in violations of customs laws,
12 including an employee engaged in this activity who
13 is transferred to a supervisory or administrative po-
14 sition; and

15 “(38) ‘Immigration and Naturalization inspec-
16 tor’ means an employee of the Immigration and Nat-
17 uralization Service, the duties of whose position are
18 primarily the controlling and guarding of the bound-
19 aries and borders of the United States against the
20 illegal entry of aliens, including an employee en-
21 gaged in this activity who is transferred to a super-
22 visory or administrative position.”.

23 **SEC. 4. ADMINISTRATIVE PROVISIONS.**

24 (a) **EMPLOYEE CONTRIBUTIONS.**—Any individual
25 who has served as a revenue officer, customs inspector,

1 customs canine enforcement officer, or Immigration and
2 Naturalization inspector before the effective date of this
3 Act, shall have such service credited and annuities deter-
4 mined in accordance with the amendments made by sec-
5 tions 2 and 3 of this Act, if such individual makes pay-
6 ment into the Civil Service Retirement and Disability
7 Fund of an amount, determined by the Office of Personnel
8 Management, which would have been deducted and with-
9 held from the basic pay of such individual (including inter-
10 est thereon) under chapters 83 and 84 of title 5, United
11 States Code, as if such amendments had been in effect
12 during the periods of such service.

13 (b) AGENCY CONTRIBUTIONS.—Not later than 90
14 days after a payment made by an individual under sub-
15 section (a), the Department of the Treasury or the De-
16 partment of Justice (as the case may be) shall make a
17 payment into the Civil Service Retirement and Disability
18 Fund of an amount, determined by the Office of Personnel
19 Management, which would have been contributed as a
20 Government contribution (including interest thereon)
21 under chapters 83 and 84 of title 5, United States Code,
22 for the service credited and annuities determined for such
23 individual, as if the amendments made by sections 1 and
24 2 of this Act had been in effect during the applicable peri-
25 ods of service.

1 (c) REGULATIONS.—The Office of Personnel Man-
2 agement shall determine the amount of interest to be paid
3 under this section and may promulgate regulations to
4 carry out the provisions of this Act.

5 **SEC. 5. EFFECTIVE DATE.**

6 This Act and the amendments made by this Act shall
7 take effect 90 days after the date of enactment of this
8 Act.

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