

112TH CONGRESS
1ST SESSION

S. 1543

To amend chapters 83 and 84 of title 5, United States Code, to address retirement for Pentagon Force Protection Agency officers.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2011

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend chapters 83 and 84 of title 5, United States Code, to address retirement for Pentagon Force Protection Agency 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 “Retirement Equity for
5 Pentagon Police Heroes Act of 2011”.

6 **SEC. 2. PENTAGON FORCE PROTECTION AGENCY.**

7 (a) AMENDMENTS RELATING TO THE CIVIL SERVICE
8 RETIREMENT SYSTEM.—

9 (1) DEFINITIONS.—

1 (A) CIVIL SERVICE RETIREMENT SYS-
2 TEM.—Section 8331 of title 5 United States
3 Code is amended—

4 (i) in paragraph (30), by striking
5 “and” at the end;

6 (ii) in paragraph (31), by striking the
7 period at the end and inserting “; and”;
8 and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(32) ‘Pentagon Force Protection Agency offi-
12 cer’ means an employee appointed to perform law
13 enforcement and security functions under section
14 2674(b) of title 10 whose permanent duty station is
15 the Pentagon Reservation and who occupies a posi-
16 tion in job series 0083, or any successor position, for
17 which the rate of basic pay is fixed in accordance
18 with paragraph (2) of such section.”.

19 (2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
20 ITS.—Section 8334 of title 5, United States Code, is
21 amended—

22 (A) in subsection (a)(1)(A), by striking “or
23 customs and border protection officer,” and in-
24 serting “customs and border protection officer,

1 or Pentagon Force Protection Agency officer,”;
2 and

3 (B) in the table contained in subsection
4 (c), by adding at the end the following:

“Pentagon Force Protection Agency officer	7.5	After the date of enactment of the Pentagon Force Protec- tion Agency Retirement Act of 2011.”.
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5 (3) MANDATORY SEPARATION.—Section
6 8835(b)(1) of title 5, United States Code, is amend-
7 ed in the first sentence by striking “or customs and
8 border protection officer” and inserting “customs
9 and border protection officer, or Pentagon Force
10 Protection Agency officer”.

11 (4) IMMEDIATE RETIREMENT.—Section 8336 of
12 title 5, United States Code, is amended—

13 (A) in subsection (c)(1), by striking “or
14 customs and border protection officer” and in-
15 serting “customs and border protection officer,
16 or Pentagon Force Protection Agency officer”;
17 and

18 (B) in subsections (m) and (n), by striking
19 “or as a customs and border protection officer,”
20 and inserting “as a customs and border protec-
21 tion officer, or as a Pentagon Force Protection
22 Agency officer,”.

1 (b) AMENDMENTS RELATING TO THE FEDERAL EM-
2 PLOYEES' RETIREMENT SYSTEM.—

3 (1) DEFINITIONS.—Section 8401 of title 5,
4 United States Code, is amended—

5 (A) in paragraph (35), by striking “and”
6 at the end;

7 (B) in paragraph (36), by striking the pe-
8 riod at the end and inserting “; and”; and

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

10 “(37) ‘Pentagon Force Protection Agency offi-
11 cer’ means an employee appointed to perform law
12 enforcement and security functions under section
13 2674(b) of title 10 whose permanent duty station is
14 the Pentagon Reservation and who occupies a posi-
15 tion in job series 0083, or any successor position, for
16 which the rate of basic pay is fixed in accordance
17 with paragraph (2) of such section.”.

18 (2) IMMEDIATE RETIREMENT.—Paragraphs (1)
19 and (2) of section 8412(d) of title 5, United States
20 Code, are amended by striking “or customs and bor-
21 der protection officer,” and inserting “customs and
22 border protection officer, or Pentagon Force Protec-
23 tion Agency officer,”.

24 (3) COMPUTATION OF BASIC ANNUITY.—Section
25 8415(h)(2) of title 5, United States Code, is amend-

1 ed by striking “or customs and border protection of-
 2 ficer” and inserting “customs and border protection
 3 officer, or Pentagon Force Protection Agency offi-
 4 cer.”.

5 (4) DEDUCTIONS FROM PAY.—The table con-
 6 tained in section 8422(a)(3) of title 5, United States
 7 Code, is amended by adding at the end the fol-
 8 lowing:

“Pentagon Force Protection Agency officer	7.5	After the date of enactment of the Pentagon Force Protec- tion Agency Retirement Act of 2011.”.
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9 (5) GOVERNMENT CONTRIBUTIONS.—Para-
 10 graphs (1)(B)(i) and (3) of section 8423(a) of title
 11 5, United States Code, are amended by inserting
 12 “Pentagon Force Protection Agency officers,” after
 13 “customs and border protection officers,” each place
 14 it appears.

15 (6) MANDATORY SEPARATION.—Section
 16 8425(b)(1) of title 5, United States Code, is amend-
 17 ed—

18 (A) by striking “or customs and border
 19 protection officers who” and inserting “customs
 20 and border protection officer, or Pentagon
 21 Force Protection Agency officers who”; and

22 (B) by striking “or customs and border
 23 protection officer as the case” and inserting

1 “customs and border protection officer, or Pen-
2 tagon Force Protection Agency officer, as the
3 case”.

4 (c) MAXIMUM AGE FOR ORIGINAL APPOINTMENT.—
5 Section 3307 of title 5, United States Code, is amended
6 by adding at the end the following:

7 “(h) The Secretary of Defense may determine and
8 fix the maximum age limit for an original appointment
9 to a position as a Pentagon Force Protection Agency offi-
10 cer, as defined by section 8401(37).”.

11 (d) REGULATIONS.—Any regulations necessary to
12 carry out the amendments made by this section shall be
13 prescribed by the Director of the Office of Personnel Man-
14 agement, in consultation with the Secretary of Defense.

15 (e) EFFECTIVE DATE; TRANSITION RULES.—

16 (1) EFFECTIVE DATE.—The amendments made
17 by this section shall become effective on the first day
18 of the first pay period beginning at least 6 months
19 after the date of the enactment of this Act.

20 (2) TRANSITION RULES.—

21 (A) NONAPPLICABILITY OF MANDATORY
22 SEPARATION PROVISIONS TO CERTAIN INDIVID-
23 UALS.—The amendments made by subsections
24 (a)(3) and (b)(6), respectively, shall not apply
25 to an individual first appointed as a Pentagon

1 Force Protection Agency officer before the ef-
2 fective date under paragraph (1).

3 (B) TREATMENT OF PRIOR PENTAGON
4 FORCE PROTECTION AGENCY OFFICER SERV-
5 ICE.—Nothing in this section or any amend-
6 ment made by this section shall be considered
7 to apply with respect to any service performed
8 as a Pentagon Force Protection Agency officer
9 before the effective date under paragraph (1).

10 (C) MINIMUM ANNUITY AMOUNT.—The an-
11 nuity of an individual serving as a Pentagon
12 Force Protection Agency officer on the effective
13 date under paragraph (1) pursuant to an ap-
14 pointment made before that date shall, to the
15 extent that its computation is based on service
16 rendered as a Pentagon Force Protection Agen-
17 cy officer on or after that date, be at least
18 equal to the amount that would be payable—

19 (i) to the extent that such service is
20 subject to the Civil Service Retirement
21 System, by applying section 8339(d) of
22 title 5, United States Code, with respect to
23 such service; and

24 (ii) to the extent that such service is
25 subject to the Federal Employees' Retire-

1 ment System, by applying section 8415(d)
2 of title 5, United States Code, with respect
3 to such service.

4 (D) RULE OF CONSTRUCTION.—Nothing in
5 the amendment made by subsection (c) shall be
6 considered to apply with respect to any appoint-
7 ment made before the effective date under para-
8 graph (1).

9 (3) DEFINITION.—For purposes of this sub-
10 section, the term “Pentagon Force Protection Agen-
11 cy officer” has the meaning given such term by sec-
12 tion 8331(32) or 8401(37) of title 5, United States
13 Code (as amended by this Act).

14 (4) EXCLUSION.—Nothing in this Act or any
15 amendment made by this Act shall be considered to
16 afford any election or to otherwise apply with re-
17 spect to any individual who, as of the day before the
18 date of the enactment of this Act—

19 (A) holds a position within the Pentagon
20 Force Protection Agency; and

21 (B) is considered a law enforcement officer
22 for purposes of subchapter III of chapter 83 or
23 chapter 84 of title 5, United States Code, by
24 virtue of such position.

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