

103^D CONGRESS
1ST SESSION

S. 1038

To amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to 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.

IN THE SENATE OF THE UNITED STATES

MAY 27 (legislative day, APRIL 19), 1993

Ms. MIKULSKI (for herself and Mr. LEAHY) 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 extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to 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.

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. CIVIL SERVICE RETIREMENT SYSTEM.**

4 (a) DEFINITIONS.—Section 8331 of title 5, United
5 States Code, is amended—

1 (1) by striking out “and” at the end of para-
2 graph (25);

3 (2) by striking out the period at the end of
4 paragraph (26) and inserting in lieu thereof a semi-
5 colon; and

6 (3) by adding at the end thereof the following
7 new paragraphs:

8 “(27) ‘revenue officer’ means an employee of
9 the Internal Revenue Service, the duties of whose
10 position are primarily the collection of delinquent
11 taxes and the securing of delinquent returns, includ-
12 ing an employee engaged in this activity who is
13 transferred to a supervisory or administrative
14 position;

15 “(28) ‘customs inspector’ means an employee of
16 the United States Customs Service, the duties of
17 whose position are primarily to—

18 “(A) enforce laws and regulations govern-
19 ing the importing and exporting of mer-
20 chandise;

21 “(B) process and control passengers and
22 baggage;

23 “(C) interdict smuggled merchandise and
24 contraband; and

1 “(D) apprehend (if warranted) persons in-
2 volved in violations of customs laws,
3 including an employee engaged in this activity who
4 is transferred to a supervisory or administrative
5 position;

6 “(29) ‘customs canine enforcement officer’
7 means an employee of the United States Customs
8 Service, the duties of whose position are primarily to
9 work directly with a dog in an effort to—

10 “(A) enforce laws and regulations govern-
11 ing the importing and exporting of mer-
12 chandise;

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

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

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

22 “(30) ‘Immigration and Naturalization inspec-
23 tor’ means an employee of the Immigration and Nat-
24 uralization Service, the duties of whose position are
25 primarily the controlling and guarding of the bound-

1 aries and borders of the United States against the
2 illegal entry of aliens, including an employee en-
3 gaged in this activity who is transferred to a super-
4 visory or administrative position.”.

5 (b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
6 ITS.—Section 8334 of title 5, United States Code, is
7 amended—

8 (1) in subsection (a)(1), by striking out “a law
9 enforcement officer,” and inserting in lieu thereof “a
10 law enforcement officer, a revenue officer, a customs
11 inspector, a customs canine enforcement officer, an
12 Immigration and Naturalization inspector,”; and

13 (2) in the table in subsection (c), by striking
14 out “and firefighter for firefighter service.” and in-
15 serting in lieu thereof “, firefighter for firefighter
16 service, revenue officer for revenue officer service,
17 customs inspector for customs inspector service, cus-
18 toms canine enforcement officer for customs canine
19 enforcement officer service, and Immigration and
20 Naturalization inspector for Immigration and Natu-
21 ralization inspector service”.

22 (c) MANDATORY SEPARATION.—Section 8335(b) of
23 title 5, United States Code, is amended in the second sen-
24 tence by striking out “law enforcement officer” and insert-
25 ing in lieu thereof “law enforcement officer, a revenue offi-

1 cer, a customs inspector, a customs canine enforcement
2 officer, or an Immigration and Naturalization inspector”.

3 (d) IMMEDIATE RETIREMENT.—Section 8336(c)(1)
4 of such title is amended by striking out “law enforcement
5 officer or firefighter,” and inserting “law enforcement offi-
6 cer, a firefighter, a revenue officer, a customs inspector,
7 a customs canine enforcement officer, or an Immigration
8 and Naturalization inspector,”.

9 **SEC. 2. FEDERAL EMPLOYEES RETIREMENT SYSTEM.**

10 (a) DEFINITIONS.—Section 8401 of title 5, United
11 States Code, is amended—

12 (1) by striking out “and” at the end of para-
13 graph (31);

14 (2) by striking out the period at the end of
15 paragraph (32) and inserting in lieu thereof a semi-
16 colon; and

17 (3) by adding at the end thereof the following
18 new paragraphs:

19 “(33) ‘revenue officer’ means an employee of
20 the Internal Revenue Service, the duties of whose
21 position are primarily the collection of delinquent
22 taxes and the securing of delinquent returns, includ-
23 ing an employee engaged in this activity who is
24 transferred to a supervisory or administrative posi-
25 tion;

1 “(34) ‘customs inspector’ means an employee of
2 the United States Customs Service, the duties of
3 whose position are primarily to—

4 “(A) enforce laws and regulations govern-
5 ing the importing and exporting of merchan-
6 dise;

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

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

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

16 “(35) ‘customs canine enforcement officer’
17 means an employee of the United States Customs
18 Service, the duties of whose position are primarily to
19 work directly with a dog in an effort to—

20 “(A) enforce laws and regulations govern-
21 ing the importing and exporting of merchan-
22 dise;

23 “(B) process and control passengers and
24 baggage;

1 “(C) interdict smuggled merchandise and
2 contraband; and

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

8 “(36) ‘Immigration and Naturalization inspec-
9 tor’ means an employee of the Immigration and Nat-
10 uralization Service, the duties of whose position are
11 primarily the controlling and guarding of the bound-
12 aries and borders of the United States against the
13 illegal entry of aliens, including an employee en-
14 gaged in this activity who is transferred to a super-
15 visory or administrative position.”.

16 (b) IMMEDIATE RETIREMENT.—Section 8412(a) of
17 title 5, United States Code, is amended—

18 (1) in paragraph (1) by striking out “or fire-
19 fighter,” and inserting in lieu thereof “firefighter,
20 revenue officer, customs inspector, customs canine
21 enforcement officer, or Immigration and Naturaliza-
22 tion inspector,”; and

23 (2) in paragraph (2) by striking out “or fire-
24 fighter,” and inserting in lieu thereof “firefighter,
25 revenue officer, customs inspector, customs canine

1 enforcement officer, or Immigration and Naturaliza-
2 tion inspector,”.

3 (c) COMPUTATION OF BASIC ANNUITY.—Section
4 8415(g)(2) of title 5, United States Code, is amended in
5 the sentence following subparagraph (B) by inserting
6 “revenue officer, customs inspector, customs canine en-
7 forcement officer, Immigration and Naturalization inspec-
8 tor,” after “firefighter,”.

9 (d) DEDUCTIONS.—Section 8422(a)(2) of title 5,
10 United States Code, is amended—

11 (1) in subparagraph (A) by inserting “revenue
12 officer, customs inspector, customs canine enforce-
13 ment officer, Immigration and Naturalization in-
14 spector,” after “air traffic controller,”; and

15 (2) in subparagraph (B) by inserting “revenue
16 officer, customs inspector, customs canine enforce-
17 ment officer, Immigration and Naturalization in-
18 spector,” after “air traffic controller,”.

19 (e) GOVERNMENT CONTRIBUTIONS.—Section
20 8423(a) of title 5, United States Code, is amended—

21 (1) in paragraph (1)(B)(i) by inserting “reve-
22 nue officer, customs inspector, customs canine en-
23 forcement officer, Immigration and Naturalization
24 inspector,” after “law enforcement officer,”; and

1 (2) in paragraph (3)(A) by inserting “revenue
2 officer, customs inspector, customs canine enforce-
3 ment officer, Immigration and Naturalization in-
4 specter,” after “law enforcement officer,”.

5 (f) MANDATORY SEPARATION.—Section 8425(b) of
6 title 5, United States Code, is amended in the second sen-
7 tence by inserting “, revenue officer, customs inspector,
8 customs canine enforcement officer, or Immigration and
9 Naturalization inspector” after “law enforcement officer”.

10 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

11 (a) EMPLOYEE CONTRIBUTIONS.—Any individual
12 who has served as a revenue officer, customs inspector,
13 customs canine enforcement officer, or Immigration and
14 Naturalization inspector before the effective date of this
15 Act, shall have such service credited and annuities deter-
16 mined in accordance with the amendments made by sec-
17 tions 1 and 2 of this Act, if such individual makes pay-
18 ment into the Civil Service Retirement and Disability
19 Fund of an amount, determined by the Office of Personnel
20 Management, which would have been deducted and with-
21 held from the basic pay of such individual (including inter-
22 est thereon) under chapters 83 and 84 of title 5, United
23 States Code, as if such amendments had been in effect
24 during the periods of such service.

1 (b) AGENCY CONTRIBUTIONS.—No later than 90
2 days after a payment made by an individual under sub-
3 section (a), the Department of the Treasury or the De-
4 partment of Justice (as the case may be) shall make a
5 payment into the Civil Service Retirement and Disability
6 Fund of an amount, determined by the Office of Personnel
7 Management, which would have been contributed as a
8 Government contribution (including interest thereon)
9 under chapters 83 and 84 of title 5, United States Code,
10 for the service credited and annuities determined for such
11 individual, as if the amendments made by sections 1 and
12 2 of this Act had been in effect during the applicable peri-
13 ods of service.

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

18 **SEC. 4. EFFECTIVE DATE.**

19 The provisions of this Act and amendments made by
20 this Act shall take effect on the date occurring 90 days
21 after the date of enactment of this Act.

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