

113TH CONGRESS
2D SESSION

H. R. 5863

To amend title 5, United States Code, to apply certain annuity benefits to Federal Protective Service law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2014

Mr. CARSON of Indiana 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 apply certain annuity benefits to Federal Protective Service law enforcement officers, 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 “Federal Protective
5 Service Parity Act of 2014”.

6 **SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM AND FED-**
7 **ERAL EMPLOYEES RETIREMENT SYSTEM.**

8 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

9 (1) DEFINITION.—Section 8331 of title 5,
10 United States Code is amended—

1 (A) in paragraph (31), by striking “and”
2 at the end;

3 (B) in paragraph (32), by striking the pe-
4 riod at the end and inserting “; and”; and

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

6 “(33) the term ‘Federal Protective Service law
7 enforcement officer’ means an employee in the Fed-
8 eral Protective Service of the Department of Home-
9 land Security—

10 “(A) who holds a position within the GS-
11 0083, GS-0080, GS-1801, or GS-1811 job se-
12 ries (determined applying the criteria in effect
13 as of September 1, 2007) or any successor posi-
14 tion; and

15 “(B) who are authorized to carry firearms
16 and empowered to make arrests in the perform-
17 ance of duties related to the protection of build-
18 ings, grounds and property that are owned, oc-
19 cupied, or secured by the Federal Government
20 (including any agency, instrumentality or wholly
21 owned or mixed-ownership corporation thereof)
22 and the persons on the property, including any
23 such employee who is transferred directly to a
24 supervisory or administrative position in the
25 Department of Homeland Security after per-

1 forming such duties in 1 or more positions (as
 2 described under subparagraph (A)) for at least
 3 3 years.”.

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

7 (A) in subsection (a)(1)(A), by inserting
 8 “Federal Protective Service law enforcement of-
 9 ficer,” before “or customs and border protec-
 10 tion officer,”; and

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

“Federal Protective Service Law Enforcement Officer	7.5	On or after the effective date in section 2(e) of the Federal Protective Service Parity Act of 2014.”.
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13 (3) MANDATORY SEPARATION.—The first sen-
 14 tence of section 8335(b)(1) of title 5, United States
 15 Code, is amended by inserting “Federal Protective
 16 Service law enforcement officer,” before “or customs
 17 and border protection officer”.

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

20 (A) in subsection (c)(1), by inserting “Fed-
 21 eral Protective Service law enforcement officer,”

1 before “or customs and border protection offi-
2 cer”; and

3 (B) in subsections (m) and (n), by insert-
4 ing “as a Federal Protective Service law en-
5 forcement officer,” before “or as a customs and
6 border protection officer,”.

7 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

8 (1) DEFINITION.—Section 8401 of title 5,
9 United States Code, is amended—

10 (A) in paragraph (37), by striking “and”
11 at the end;

12 (B) in paragraph (38), by striking the pe-
13 riod and inserting “; and”; and

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

15 “(39) ‘Federal Protective Service law enforce-
16 ment officer’ means an employee in the Federal Pro-
17 tective Service of the Department of Homeland Se-
18 curity—

19 “(A) who holds a position within the GS-
20 0083, GS-0080, GS-1801, or GS-1811 job se-
21 ries (determined applying the criteria in effect
22 as of September 1, 2007) or any successor posi-
23 tion; and

24 “(B) who are authorized to carry firearms
25 and empowered to make arrests in the perform-

1 ance of duties related to the protection of build-
2 ings, grounds and property that are owned, oc-
3 cupied, or secured by the Federal Government
4 (including any agency, instrumentality or wholly
5 owned or mixed-ownership corporation thereof)
6 and the persons on the property, including any
7 such employee who is transferred directly to a
8 supervisory or administrative position in the
9 Department of Homeland Security after per-
10 forming such duties in 1 or more positions (as
11 described under subparagraph (A)) for at least
12 3 years.”.

13 (2) IMMEDIATE RETIREMENT.—Paragraphs (1)
14 and (2) of section 8412(d) of title 5, United States
15 Code, are amended by inserting “Federal Protective
16 Service law enforcement officer,” before “or customs
17 and border protection officer,”.

18 (3) COMPUTATION OF BASIC ANNUITY.—Section
19 8415(i)(2) of title 5, United States Code, is amend-
20 ed by inserting “Federal Protective Service law en-
21 forcement officer,” before “or customs and border
22 protection officer”.

23 (4) DEDUCTIONS FROM PAY.—The table con-
24 tained in section 8422(a)(3) of title 5, United States

1 Code, is amended by adding at the end the fol-
 2 lowing:

“Federal Protective Service Law Enforcement Officer	7.5	On or after the effective date in section 2(e) of the Federal Protective Service Parity Act of 2014.”.
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3 (5) GOVERNMENT CONTRIBUTIONS.—Section
 4 8423(a) of title 5, United States Code, is amend-
 5 ed—

6 (A) in paragraph (1)(B)(i) by inserting
 7 “Federal Protective Service law enforcement of-
 8 ficer,” before “customs and border protection
 9 officers,”; and

10 (B) in paragraph (3)(A) by inserting
 11 “Federal Protective Service law enforcement of-
 12 ficer,” before “customs and border protection
 13 officers,”.

14 (6) MANDATORY SEPARATION.—Section
 15 8425(b)(1) of title 5, United States Code, is amend-
 16 ed by inserting “Federal Protective Service law en-
 17 forcement officer,” before “or customs and border
 18 protection officer” the each place it appears.

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

1 “(h) The Secretary of Homeland Security may deter-
2 mine and fix the maximum age limit for an original ap-
3 pointment to a position as a Federal Protective Service
4 law enforcement officer, as defined in section 8401.”.

5 (d) REGULATIONS.—Any regulations necessary to
6 carry out the amendments made by this section shall be
7 issued by the Director of the Office of Personnel Manage-
8 ment in consultation with the Secretary of Homeland Se-
9 curity.

10 (e) EFFECTIVE DATE; TRANSITION RULES; FUND-
11 ING.—

12 (1) EFFECTIVE DATE.—The amendments made
13 by this section shall become effective on the later of
14 the first day of the first pay period of fiscal year
15 2015 or the first day of the first pay period begin-
16 ning at least 6 months after the date of enactment
17 of this Act.

18 (2) TRANSITION RULES.—

19 (A) NONAPPLICABILITY OF MANDATORY
20 SEPARATION PROVISIONS TO CERTAIN INDIVID-
21 UALS.—The amendments made by subsections
22 (a)(3) and (b)(6), respectively, shall not apply
23 to an individual first appointed as a Federal
24 Protective Service law enforcement officer be-
25 fore the effective date under paragraph (1).

1 (B) TREATMENT OF PRIOR FEDERAL PRO-
2 TECTIVE SERVICE LAW ENFORCEMENT OFFICER
3 SERVICE.—

4 (i) GENERAL RULE.—Except as pro-
5 vided in clause (ii), nothing in this section
6 shall be considered to apply with respect to
7 any service performed as a Federal Protec-
8 tive Service law enforcement officer before
9 the effective date under paragraph (1).

10 (ii) EXCEPTION.—Service described in
11 section 8331(33) and 8401(39) of title 5,
12 United States Code (as amended by this
13 section) rendered before the effective date
14 under paragraph (1) may be taken into ac-
15 count to determine if an individual who is
16 serving on or after such effective date then
17 qualifies as a Federal Protective Service
18 law enforcement officer by virtue of hold-
19 ing a supervisory or administrative position
20 in the Department of Homeland Security.

21 (C) MINIMUM ANNUITY AMOUNT.—The an-
22 nuity of an individual serving as a Federal Pro-
23 tective Service law enforcement officer on the
24 effective date under paragraph (1) pursuant to
25 an appointment made before that date shall, to

1 the extent that its computation is based on
2 service rendered as a Federal Protective Service
3 law enforcement officer on or after that date, be
4 at least equal to the amount that would be pay-
5 able to the extent that such service is subject
6 to the Civil Service Retirement System or Fed-
7 eral Employees Retirement System, as appro-
8 priate, by applying section 8339(d) of title 5,
9 United States Code, with respect to such serv-
10 ice.

11 (D) RULE OF CONSTRUCTION.—Nothing in
12 the amendment made by subsection (c) shall be
13 considered to apply with respect to any appoint-
14 ment made before the effective date under para-
15 graph (1).

16 (3) FEES AND AUTHORIZATIONS OF APPROPRIA-
17 TIONS.—

18 (A) FEES.—The Director of the Office of
19 Management and Budget shall adjust fees col-
20 lected as necessary to ensure collections are suf-
21 ficient to carry out amendments made in this
22 section.

23 (B) AUTHORIZATION OF APPROPRIA-
24 TIONS.—There are authorized to be appro-

1 priated such sums as are necessary to carry out
2 this section.

3 (4) ELECTION.—

4 (A) INCUMBENT DEFINED.—For purposes
5 of this paragraph, the term “incumbent” means
6 an individual who is serving as a Federal Pro-
7 tective Service law enforcement officer on the
8 date of the enactment of this Act.

9 (B) NOTICE REQUIREMENT.—Not later
10 than 30 days after the date of enactment of
11 this Act, the Director of the Office of Personnel
12 Management shall take measures reasonably de-
13 signed to ensure that incumbents are notified
14 as to their election rights under this paragraph,
15 and the effect of making or not making a time-
16 ly election.

17 (C) ELECTION AVAILABLE TO INCUM-
18 BENTS.—

19 (i) IN GENERAL.—An incumbent may
20 elect, for all purposes, either—

21 (I) to be treated in accordance
22 with the amendments made by sub-
23 section (a) or (b), as applicable; or

1 (II) to be treated as if sub-
2 sections (a) and (b) had never been
3 enacted.

4 (ii) FAILURE TO MAKE A TIMELY
5 ELECTION.—Failure to make a timely elec-
6 tion under clause (i) shall be treated in the
7 same way as an election made under clause
8 (i)(I) on the last day allowable under
9 clause (iii).

10 (iii) DEADLINE.—An election under
11 this subparagraph shall not be effective
12 unless it is made at least 14 days before
13 the effective date under paragraph (1).

14 (5) DEFINITION.—For the purposes of this sub-
15 section, the term “Federal Protective Service law en-
16 forcement officer” has the meaning given such term
17 by section 8331(33) or 8401(39) of title 5, United
18 States Code (as amended by this Act).

19 (6) EXCLUSION.—Nothing in this section or
20 any amendment made by this section shall be consid-
21 ered to afford any election or to otherwise apply with
22 respect to any individual who, as of the day before
23 the date of the enactment of this Act—

24 (A) holds a position within the Federal
25 Protective Service; and

1 (B) is considered a law enforcement officer
2 for purposes of subchapter III of chapter 83 or
3 chapter 84 of title 5, United States Code, by
4 virtue of such position.

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