

**Calendar No. 217**118TH CONGRESS  
1ST SESSION**S. 311****[Report No. 118-101]**

To correct the inequitable denial of enhanced retirement and annuity benefits to certain U.S. Customs and Border Protection Officers.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. PETERS (for himself, Mr. HAWLEY, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 3, 2023

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To correct the inequitable denial of enhanced retirement and annuity benefits to certain U.S. Customs and Border Protection Officers.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “U.S. Customs and Bor-  
3 der Protection Officer Retirement Technical Corrections  
4 Act”.

5 **SEC. 2. ADJUSTMENT RELATED TO TRANSITION RULES.**

6 (a) **DEFINED TERM.**—In this section the term “Eligi-  
7 ble Individual” means any individual who—

8 (1) received and accepted an offer of employ-  
9 ment as a U.S. Customs and Border Protection Offi-  
10 cer before July 6, 2008; and

11 (2) entered into duty as a U.S. Customs and  
12 Border Protection officer on or after July 6, 2008,  
13 as a result of an offer described in paragraph (1).

14 (b) **TREATMENT OF ELIGIBLE INDIVIDUALS.**—Eligi-  
15 ble Individuals—

16 (1) are considered to be individuals serving as  
17 U.S. Customs and Border Protection Officers on  
18 July 6, 2008, for purposes of section 535(e) of the  
19 Department of Homeland Security Appropriations  
20 Act, 2008 (division E of Public Law 110–161; 121  
21 Stat. 1844); and

22 (2) are entitled to—

23 (A) the minimum annuity amount required  
24 under section 535(e)(2)(C) of such Act; and

1           ~~(B)~~ an exemption from mandatory retire-  
2           ment otherwise required under section  
3           8425(b)(1) of title 5, United States Code.

4           ~~(c) IMPLEMENTATION.—~~

5           ~~(1) SUBMISSION OF INFORMATION.—~~Not later  
6           than 120 days after the date of the enactment of  
7           this Act, the Secretary of Homeland Security shall—

8           ~~(A)~~ create a list of all Eligible Individuals;

9           ~~(B)~~ notify each Eligible Individual of the  
10          annuity correction described in subsection (b);  
11          and

12          ~~(C)~~ provide the Director of the Office of  
13          Personnel Management with all of the informa-  
14          tion that is necessary for making annuity cor-  
15          rections with respect to Eligible Individuals.

16          ~~(2) COMPLETION OF ANNUITY CORRECTION.—~~

17          After receiving the information described in para-  
18          graph ~~(1)(C)~~, the Director of the Office of Personnel  
19          Management shall make the annuity correction de-  
20          scribed in subsection (b) with respect to each Eligi-  
21          ble Individual, including a retroactive annuity ad-  
22          justment for Eligible Individuals who retired before  
23          the date of the enactment of this Act.

24          ~~(d) WAIVERS AND GUIDANCE.—~~

1           (1) WAIVERS.—The Secretary of Homeland Se-  
2           curity may retroactively waive the maximum entry  
3           age requirement under 3307(g) of title 5, United  
4           States Code, to the extent necessary, to ensure that  
5           each Eligible Individual is eligible for immediate re-  
6           irement with the annuity correction described in  
7           subsection (b).

8           (2) GUIDANCE.—The Director of the Office of  
9           Personnel Management, in consultation with the  
10          Secretary of Homeland Security, shall issue appro-  
11          priate guidance to assist in the implementation of  
12          the annuity correction described in subsection (b).

13          (e) GOVERNMENT ACCOUNTABILITY OFFICE.—The  
14          Comptroller General of the United States—

15               (1) shall review U.S. Customs and Border Pro-  
16               tection (referred to in this subsection as “CBP”)  
17               hiring practices, policies, and procedures related to  
18               eligibility for enhanced retirement benefits referred  
19               to in this section by assessing—

20                       (A) the process for determining whether an  
21                       employee qualifies for such benefits, including  
22                       considering any potential factors that would  
23                       make an employee ineligible for such enhanced  
24                       retirement benefits;

1           ~~(B)~~ the internal controls used by CBP to  
 2           ensure that all eligible employees, and only eli-  
 3           gible employees, receive such enhanced retire-  
 4           ment benefits;

5           ~~(C)~~ the policies regarding the use of em-  
 6           ployees' personnel files to ensure compliance  
 7           with current laws governing retirement benefits;  
 8           and

9           ~~(D)~~ the adequacy of the training provided  
 10          to CBP senior executives regarding human re-  
 11          sources and hiring practices at CBP; and

12          ~~(2)~~ not later than 18 months after the date of  
 13          the enactment of this Act, shall submit a report to  
 14          the Committee on Homeland Security and Govern-  
 15          mental Affairs of the Senate and the Committee on  
 16          Homeland Security of the House of Representatives  
 17          that describes the results of the review conducted  
 18          pursuant to paragraph ~~(1)~~.

19   **SECTION 1. SHORT TITLE.**

20          *This Act may be cited as the “U.S. Customs and Bor-*  
 21          *der Protection Officer Retirement Technical Corrections*  
 22          *Act”.*

23   **SEC. 2. ADJUSTMENT RELATED TO TRANSITION RULES.**

24          ~~(a)~~ *DEFINED TERM.*—*In this section the term “Eligi-*  
 25          *ble Individual” means any individual who—*

1           (1) *received a tentative offer of employment as a*  
2 *U.S. Customs and Border Protection Officer before*  
3 *July 6, 2008; and*

4           (2) *entered into duty as a U.S. Customs and*  
5 *Border Protection officer on or after July 6, 2008, as*  
6 *a result of an offer described in paragraph (1).*

7           (b) *TREATMENT OF ELIGIBLE INDIVIDUALS.—Eligible*  
8 *Individuals—*

9           (1) *are considered to be individuals serving as*  
10 *U.S. Customs and Border Protection Officers on July*  
11 *6, 2008, for purposes of section 535(e) of the Depart-*  
12 *ment of Homeland Security Appropriations Act, 2008*  
13 *(division E of Public Law 110–161; 121 Stat. 1844);*  
14 *and*

15           (2) *are entitled to—*

16                   (A) *the minimum annuity amount required*  
17 *under section 535(e)(2)(C) of such Act; and*

18                   (B) *an exemption from mandatory retire-*  
19 *ment otherwise required under section 8425(b)(1)*  
20 *of title 5, United States Code.*

21           (c) *IMPLEMENTATION.—*

22           (1) *SUBMISSION OF INFORMATION.—Not later*  
23 *than 120 days after the date of the enactment of this*  
24 *Act, the Secretary of Homeland Security shall—*

25                   (A) *create a list of all Eligible Individuals;*

1           (B) notify each *Eligible Individual* of the  
2           annuity correction described in subsection (b);  
3           and

4           (C) provide the Director of the Office of Per-  
5           sonnel Management with all of the information  
6           that is necessary for making annuity corrections  
7           with respect to *Eligible Individuals*.

8           (2) *COMPLETION OF ANNUITY CORRECTION.*—  
9           After receiving the information described in para-  
10          graph (1)(C), the Director of the Office of Personnel  
11          Management shall make the annuity correction de-  
12          scribed in subsection (b) with respect to each *Eligible*  
13          *Individual*, including a retroactive annuity adjust-  
14          ment for *Eligible Individuals* who retired before the  
15          date of the enactment of this Act.

16          (d) *WAIVERS AND GUIDANCE.*—

17               (1) *WAIVERS.*—The Secretary of Homeland Se-  
18               curity may retroactively waive the maximum entry  
19               age requirement under 3307(g) of title 5, United  
20               States Code, to the extent necessary, to ensure that  
21               each *Eligible Individual* is eligible for immediate re-  
22               irement with the annuity correction described in sub-  
23               section (b).

24               (2) *GUIDANCE.*—The Director of the Office of  
25               Personnel Management, in consultation with the Sec-

1        *retary of Homeland Security, shall issue appropriate*  
2        *guidance to assist in the implementation of the annu-*  
3        *ity correction described in subsection (b).*

4        *(e) GOVERNMENT ACCOUNTABILITY OFFICE.—The*  
5        *Comptroller General of the United States—*

6                *(1) shall review U.S. Customs and Border Pro-*  
7        *tection (referred to in this subsection as “CBP”) hir-*  
8        *ing practices, policies, and procedures related to eligi-*  
9        *bility for enhanced retirement benefits referred to in*  
10        *this section by assessing—*

11                *(A) the process for determining whether an*  
12        *employee qualifies for such benefits, including*  
13        *considering any potential factors that would*  
14        *make an employee ineligible for such enhanced*  
15        *retirement benefits;*

16                *(B) the internal controls used by CBP to*  
17        *ensure that all eligible employees, and only eligi-*  
18        *ble employees, receive such enhanced retirement*  
19        *benefits;*

20                *(C) the policies regarding the use of employ-*  
21        *ees’ personnel files to ensure compliance with*  
22        *current laws governing retirement benefits; and*

23                *(D) the adequacy of the training provided*  
24        *to CBP senior executives regarding human re-*  
25        *sources and hiring practices at CBP; and*



1           (2) *not later than 18 months after the date of the*  
2           *enactment of this Act, shall submit a report to the*  
3           *Committee on Homeland Security and Governmental*  
4           *Affairs of the Senate and the Committee on Home-*  
5           *land Security of the House of Representatives that de-*  
6           *scribes the results of the review conducted pursuant to*  
7           *paragraph (1).*

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118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 311**

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