

118TH CONGRESS
1ST SESSION

S. 311

AN ACT

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 a tentative offer of employment as
9 a U.S. Customs and Border Protection Officer be-
10 fore 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 tirement 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).

Passed the Senate November 8, 2023.

Attest:

Secretary.

118TH CONGRESS
1ST SESSION

S. 311

AN ACT

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