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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. FITZPATRICK introduced the following bill; which was referred to the
Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

4 (1) received a tentative offer of employment as
5 a U.S. Customs and Border Protection Officer be-
6 fore July 6, 2008; and

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

10 (b) **TREATMENT OF ELIGIBLE INDIVIDUALS.**—Eligi-
11 ble Individuals—

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

18 (2) are entitled to—

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

21 (B) an exemption from mandatory retire-
22 ment otherwise required under section
23 8425(b)(1) of title 5, United States Code.

24 (c) **IMPLEMENTATION.**—

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

4 (A) create a list of all Eligible Individuals;

5 (B) notify each Eligible Individual of the
6 annuity correction described in subsection (b);
7 and

8 (C) provide the Director of the Office of
9 Personnel Management with all of the informa-
10 tion that is necessary for making annuity cor-
11 rections with respect to Eligible Individuals.

12 (2) COMPLETION OF ANNUITY CORRECTION.—

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

20 (d) WAIVERS AND GUIDANCE.—

21 (1) WAIVERS.—The Secretary of Homeland Se-
22 curity may retroactively waive the maximum entry
23 age requirement under 3307(g) of title 5, United
24 States Code, to the extent necessary, to ensure that
25 each Eligible Individual is eligible for immediate re-

1 tirement with the annuity correction described in
2 subsection (b).

3 (2) GUIDANCE.—The Director of the Office of
4 Personnel Management, in consultation with the
5 Secretary of Homeland Security, shall issue appro-
6 priate guidance to assist in the implementation of
7 the annuity correction described in subsection (b).

8 (e) GOVERNMENT ACCOUNTABILITY OFFICE.—The
9 Comptroller General of the United States—

10 (1) shall review U.S. Customs and Border Pro-
11 tection (referred to in this subsection as “CBP”)
12 hiring practices, policies, and procedures related to
13 eligibility for enhanced retirement benefits referred
14 to in this section by assessing—

15 (A) the process for determining whether an
16 employee qualifies for such benefits, including
17 considering any potential factors that would
18 make an employee ineligible for such enhanced
19 retirement benefits;

20 (B) the internal controls used by CBP to
21 ensure that all eligible employees, and only eli-
22 gible employees, receive such enhanced retire-
23 ment benefits;

24 (C) the policies regarding the use of em-
25 ployees’ personnel files to ensure compliance

1 with current laws governing retirement benefits;
2 and

3 (D) the adequacy of the training provided
4 to CBP senior executives regarding human re-
5 sources and hiring practices at CBP; and

6 (2) not later than 18 months after the date of
7 the enactment of this Act, shall submit a report to
8 the Committee on Homeland Security and Govern-
9 mental Affairs of the Senate and the Committee on
10 Homeland Security of the House of Representatives
11 that describes the results of the review conducted
12 pursuant to paragraph (1).