

117TH CONGRESS
2D SESSION

S. 3868

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

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2022

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

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”.

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

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

1 (1) received and accepted an offer of employ-
2 ment as a U.S. Customs and Border Protection Offi-
3 cer before 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,
6 as a result of an offer described in paragraph (1).

7 (b) TREATMENT OF ELIGIBLE INDIVIDUALS.—Eligi-
8 ble Individuals—

9 (1) are considered to be individuals serving as
10 U.S. Customs and Border Protection Officers on
11 July 6, 2008, for purposes of section 535(e) of the
12 Department of Homeland Security Appropriations
13 Act, 2008 (division E of Public Law 110–161; 121
14 Stat. 1844); 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
20 8425(b)(1) 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
24 this 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
5 Personnel Management with all of the informa-
6 tion that is necessary for making annuity cor-
7 rections 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 Eligi-
13 ble Individual, including a retroactive annuity ad-
14 justment for Eligible Individuals who retired before
15 the 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 tirement with the annuity correction described in
23 subsection (b).

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

1 Secretary of Homeland Security, shall issue appro-
2 priate guidance to assist in the implementation of
3 the annuity correction described in subsection (b).

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