

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8844
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

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 of 2026”.

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

1 Department of Homeland Security Appropriations
2 Act, 2008 (division E of Public Law 110–161; 121
3 Stat. 1844); and

4 (2) are entitled to—

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

7 (B) an exemption from mandatory retire-
8 ment otherwise required under section
9 8425(b)(1) of title 5, United States Code.

10 (c) IMPLEMENTATION.—

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

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

15 (B) notify each Eligible Individual of the
16 annuity correction described in subsection (b);
17 and

18 (C) provide the Director of the Office of
19 Personnel Management with all of the informa-
20 tion that is necessary for making annuity cor-
21 rections with respect to Eligible Individuals.

22 (2) COMPLETION OF ANNUITY CORRECTION.—

23 After receiving the information described in para-
24 graph (1)(C), the Director of the Office of Personnel
25 Management shall make the annuity correction de-

1 scribed in subsection (b) with respect to each Eligi-
2 ble Individual, including a retroactive annuity ad-
3 justment for Eligible Individuals who retired before
4 the date of the enactment of this Act.

5 (d) WAIVERS AND GUIDANCE.—

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

13 (2) GUIDANCE.—The Director of the Office of
14 Personnel Management, in consultation with the
15 Secretary of Homeland Security, shall issue appro-
16 priate guidance to assist in the implementation of
17 the annuity correction described in subsection (b).

18 (e) GOVERNMENT ACCOUNTABILITY OFFICE.—The
19 Comptroller General of the United States—

20 (1) shall review U.S. Customs and Border Pro-
21 tection (referred to in this subsection as “CBP”)
22 hiring practices, policies, and procedures related to
23 eligibility for enhanced retirement benefits referred
24 to in this section by assessing—

1 (A) the process for determining whether an
2 employee qualifies for such benefits, including
3 considering any potential factors that would
4 make an employee ineligible for such enhanced
5 retirement benefits;

6 (B) the internal controls used by CBP to
7 ensure that all eligible employees, and only eli-
8 gible employees, receive such enhanced retire-
9 ment benefits;

10 (C) the policies regarding the use of em-
11 ployees' personnel files to ensure compliance
12 with current laws governing retirement benefits;
13 and

14 (D) the adequacy of the training provided
15 to CBP senior executives regarding human re-
16 sources and hiring practices at CBP; and

17 (2) not later than 18 months after the date of
18 the enactment of this Act, shall submit a report that
19 describes the results of the review conducted pursu-
20 ant to paragraph (1) to—

21 (A) the Committee on Homeland Security
22 and Governmental Affairs of the Senate;

23 (B) the Committee on Homeland Security
24 of the House of Representatives; and

1 (C) the Committee on Oversight and Gov-
2 ernment Reform of the House of Representa-
3 tives.

