

110TH CONGRESS
1ST SESSION

H. R. 311

To amend title 5, United States Code, to increase the maximum age for the original appointment of a retired member of the Armed Forces to a border patrol agent position, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. PEARCE introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to increase the maximum age for the original appointment of a retired member of the Armed Forces to a border patrol agent position, and for other purposes.

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 “Border Patrol Agent
5 Recruitment Act of 2007”.

1 **SEC. 2. MAXIMUM AGE FOR ORIGINAL APPOINTMENT OF**
2 **RETIRED MEMBER OF ARMED FORCES TO**
3 **BORDER PATROL AGENT POSITION.**

4 (a) IN GENERAL.—Section 3307 of title 5, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(g)(1) The Secretary of Homeland Security shall fix
8 the maximum age limit for an original appointment to a
9 border patrol agent position at 45 years of age for any
10 individual who is a retired member of the armed forces
11 at the time of appointment.

12 “(2) For purposes of this subsection, the term ‘border
13 patrol agent’ has the meaning specified by the Secretary
14 of Homeland Security.”.

15 (b) CONFORMING AMENDMENT.—Section 3307(a) of
16 title 5, United States Code, is amended by striking “and
17 (f)” and inserting “(f), and (g)”.

18 **SEC. 3. PROVISIONS RELATING TO RETIREMENT.**

19 (a) AMENDMENTS TO CIVIL SERVICE RETIREMENT
20 SYSTEM.—

21 (1) IMMEDIATE RETIREMENT.—Section 8336(c)
22 of title 5, United States Code, is amended by adding
23 at the end the following:

24 “(3)(A) Notwithstanding paragraph (1), an employee
25 who is separated from the service after completing 15
26 years of service as a border patrol agent described in sub-

1 paragraph (B), including in a supervisory or administra-
2 tive position to which such employee transfers directly
3 from a border patrol agent position, is entitled to an annu-
4 ity.

5 “(B) A border patrol agent described in this subpara-
6 graph is any border patrol agent (as defined in section
7 3307(g)) who, at the time of original appointment to a
8 position as such an agent, is—

9 “(i) a retired member of the armed forces; and

10 “(ii) at least 40 years of age.”.

11 (2) MANDATORY SEPARATION.—Section
12 8335(b) of title 5, United States Code, is amended
13 by adding at the end the following:

14 “(3) In the case of a law enforcement officer eligible
15 for immediate retirement under section 8336(c)(3), the
16 first sentence of paragraph (1) shall be applied by sub-
17 stituting ‘15 years of service’ for ‘20 years of service’.”.

18 (b) AMENDMENTS TO FEDERAL EMPLOYEES’ RE-
19 TIREMENT SYSTEM.—

20 (1) IMMEDIATE RETIREMENT.—Section 8412(d)
21 of title 5, United States Code, is amended—

22 (A) by redesignating paragraphs (1) and

23 (2) as subparagraphs (A) and (B), respectively;

24 (B) by striking “(d)” and inserting

25 “(d)(1)”; and

1 (C) by adding at the end the following:

2 “(2)(A) Notwithstanding paragraph (1), an employee
3 who is separated from the service, except by removal for
4 cause on charges of misconduct or delinquency, after com-
5 pleting 15 years of service as a border patrol agent de-
6 scribed in subparagraph (B), including in a supervisory
7 or administrative position to which such employee trans-
8 fers directly from a border patrol agent position, is enti-
9 tled to an annuity.

10 “(B) A border patrol agent described in this subpara-
11 graph is any border patrol agent (as defined in section
12 3307(g)) who, at the time of original appointment to a
13 position as such an agent, is—

14 “(i) a retired member of the armed forces; and

15 “(ii) at least 40 years of age.”.

16 (2) MANDATORY SEPARATION.—Section
17 8425(b) of title 5, United States Code, is amended
18 by adding at the end the following:

19 “(3) In the case of a law enforcement officer eligible
20 for immediate retirement under section 8412(d)(2), the
21 first sentence of paragraph (1) shall be applied by sub-
22 stituting ‘15 years of service’ for ‘20 years of service’.”.

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