I. Purpose

The purpose of this Directive is to establish policy concerning the maximum age at which an original appointment or a reappointment to the Department of Homeland Security (DHS) Customs and Border Protection Officer positions may occur.

II. Scope

This Directive applies to appointment to Customs and Border Protection Officer positions within the United States Customs and Border Protection (CBP).

III. Authorities

A. Title 5, United States Code (U.S.C.) Chapter 84, “Federal Employees’ Retirement System”


C. Title 5, U.S.C. Section 3307, “Competitive Service; maximum-age entrance requirements; exceptions”

D. DHS Delegation 0201.1, Delegation from the Secretary to the Under Secretary for Management

IV. Responsibilities

A. The Chief Human Capital Officer is responsible for:

1. Implementing the DHS policy on the maximum age for original appointments to positions of Custom and Border Protection Officers.
2. Providing guidance and technical advisory services to CBP personnel to effectuate this DHS policy.

B. The Commissioner, CBP, is responsible for:

1. Executing the DHS policy concerning the maximum age for original appointments to positions of Customs and Border Protection Officers; and

2. Providing for exceptions to such policy as prescribed herein.

V. Policy

A. The day before an individual’s 37th birthday is the maximum age for original appointment to a position as a Customs and Border Protection Officer.

B. This DHS policy includes age limitation on reappointment to the position of Customs and Border Protection Officer. Such limitation shall be described fully within the guidance issued by the Chief Human Capital Officer and, where applicable, shall take into account credit for prior service performed in occupations defined in 5 U.S.C. § 8401 that are subject to the special provisions of the retirement law. In general, in order to meet the age limitation on reappointment an individual will not be considered eligible if unable to complete a total of 20 years of service covered by the special provisions of the retirement law (as defined in 5 U.S.C. § 8401) by the time s/he reaches the age of 57 (or 60, if first appointed subject to the special provisions under the rarely applied exception provisions of this policy).

C. The Commissioner of CBP may establish an exception to the maximum age for original appointment in cases involving especially qualified individuals and the unique needs of CBP, where documented skills shortages arise in specific positions, or where there are shortages in certain geographic areas. Provided, however, in no event may an individual seeking an original appointment exceed the maximum age of the day before an individual’s 40th birthday.

D. This DHS policy is not applicable to applicants for positions determined to be supervisory or administrative positions (“secondary positions”) as outlined in Public Law 110-161, Division E, section 535 (to be codified at 5 U.S.C. § 8401(36) on June 30, 2008) and implemented within DHS.

E. Nothing in this policy is intended to exclude an employee from consideration of his/her properly submitted claim for position coverage or service credit under the special retirement provisions for Customs and Border Protection Officers.

F. This policy is effective with respect to applicants as of July 6, 2008.
VI. Questions

Questions concerning this Directive or its application to specific cases may be referred to the Office of the Chief Human Capital Officer.

Elaine C. Duke  
Deputy Under Secretary for Management  
17 May 2018  
Date