

105TH CONGRESS
1ST SESSION

H. R. 2262

To make certain modifications with respect to overtime pay and premium
pay of customs officers.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 1997

Mr. CRANE introduced the following bill; which was referred to the Committee
on Ways and Means

A BILL

To make certain modifications with respect to overtime pay
and premium pay of customs 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. FISCAL YEAR CAP.**

4 Section 5(c)(1) of the Act of February 13, 1911 (19
5 U.S.C. 267(c)(1)) is amended to read as follows:

6 “(1) FISCAL YEAR CAP.—The aggregate of
7 overtime pay under subsection (a) (including com-
8 muting compensation under subsection (a)(2)(B))
9 that a customs officer may be paid in any fiscal year
10 may not exceed \$25,000, except that—

1 “(A) the Commissioner of Customs or his
2 or her designee may waive this limitation in in-
3 dividual cases in order to prevent excessive
4 costs or to meet emergency requirements of the
5 Customs Service;

6 “(B) upon certification by the Commis-
7 sioner of Customs to the Chairmen of the Com-
8 mittee on Ways and Means of the House of
9 Representatives and the Committee on Finance
10 of the Senate that the Customs Service has in
11 operation a system that provides accurate and
12 reliable data on a daily basis on overtime and
13 premium pay that is being paid to customs offi-
14 cers, the Commissioner is authorized to pay any
15 customs officer for one work assignment that
16 would result in the overtime pay of that officer
17 exceeding the \$25,000 limitation imposed by
18 this paragraph, in addition to any overtime pay
19 that may be received pursuant to a waiver
20 under subparagraph (A).”.

21 **SEC. 2. RESTRICTION ON PAYMENT OF OVERTIME PAY.**

22 Section 5(a)(1) of the Act of February 13, 1911 (19
23 U.S.C. 267(a)(1)), is amended by inserting after the first
24 sentence the following new sentence: “Overtime pay pro-
25 vided under this subsection shall not be paid to any cus-

1 toms officer unless such officer actually performed work
 2 during the time corresponding to such overtime pay.”.

3 **SEC. 3. PREMIUM PAY.**

4 (a) RESTRICTION ON PAYMENT OF PREMIUM PAY.—
 5 Section 5(b)(4) of the Act of February 13, 1911 (19
 6 U.S.C. 267(b)(4)), is amended by adding after the first
 7 sentence the following new sentence: “Premium pay pro-
 8 vided under this subsection shall not be paid to any cus-
 9 toms officer unless such officer actually performed work
 10 during the time corresponding to such premium pay.”.

11 (b) REVISION OF NIGHT WORK DIFFERENTIAL PRO-
 12 VISIONS.—Section 5(b)(1) of the Act of February 13,
 13 1911 (19 U.S.C. 267(b)(1)), is amended to read as fol-
 14 lows:

15 “(1) NIGHT WORK DIFFERENTIAL.—

16 “(A) 6 P.M. TO MIDNIGHT.—If any hours
 17 of regularly scheduled work of a customs officer
 18 occur during the hours of 6 p.m. and 12 a.m.,
 19 the officer is entitled to pay for such hours of
 20 work (except for work to which paragraph (2)
 21 or (3) applies) at the officer’s hourly rate of
 22 basic pay plus premium pay amounting to 15
 23 percent of that basic rate.

24 “(B) MIDNIGHT TO 6 A.M.—If any hours
 25 of regularly scheduled work of a customs officer

1 occur during the hours of 12 a.m. and 6 a.m.,
2 the officer is entitled to pay for such hours of
3 work (except for work to which paragraph (2)
4 or (3) applies) at the officer's hourly rate of
5 basic pay plus premium pay amounting to 20
6 percent of that basic rate.”.

7 **SEC. 4. EFFECTIVE DATE.**

8 The amendments made by this Act apply with respect
9 to pay periods beginning on or after the date of the enact-
10 ment of this Act.

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