

117TH CONGRESS
2D SESSION

S. 3874

To amend section 7 of the Fair Labor Standards Act of 1938 to ensure appropriate compensation for certain hours of overtime work by border patrol agents.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2022

Mr. CORNYN (for himself, Ms. SINEMA, Mr. LANKFORD, and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend section 7 of the Fair Labor Standards Act of 1938 to ensure appropriate compensation for certain hours of overtime work by border patrol agents.

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 Pay Se-
5 curity Act of 2022”.

6 **SEC. 2. PURPOSE.**

7 The purposes of this Act are—

8 (1) to strengthen U.S. Customs and Border
9 Protection; and

1 (2) to ensure that border patrol agents are
2 compensated with premium pay for certain hours of
3 overtime work.

4 **SEC. 3. FAIR LABOR STANDARDS ACT OF 1938 PREMIUM**
5 **PAY FOR BORDER PATROL AGENTS.**

6 Section 7 of the Fair Labor Standards Act of 1938
7 (29 U.S.C. 207) is amended by adding at the end the fol-
8 lowing:

9 “(s) EMPLOYMENT AS A BORDER PATROL AGENT.—
10 No public agency shall be deemed to have violated sub-
11 section (a) with respect to the employment of any border
12 patrol agent (as defined in section 5550(a)(2) of title 5,
13 United States Code), if, during a work period of 14 con-
14 secutive days, the border patrol agent receives compensa-
15 tion at a rate not less than 150 percent of the regular
16 rate at which the border patrol agent is employed for all
17 hours of work between 80 hours and 100 hours. Payments
18 required under this subsection shall be in addition to any
19 payments made under section 5550 of title 5, United
20 States Code, and shall be made notwithstanding any pay
21 limitations set forth in that title.”.

1 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENT.**

2 Section 13(a) of the Fair Labor Standards Act of
3 1938 (29 U.S.C. 213(a)) is amended by striking para-
4 graph (18).

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