

116TH CONGRESS  
1ST SESSION

# H. R. 2335

To amend the Fair Labor Standards Act of 1938 to ensure compensation for certain hours of work for border patrol agents, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2019

Mr. CUELLAR introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Fair Labor Standards Act of 1938 to ensure compensation for certain hours of work for border patrol agents, 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 Pay Se-  
5 curity Act of 2019”.

6 **SEC. 2. FAIR LABOR STANDARDS PAY FOR BORDER PATROL**  
7 **AGENTS.**

8 (a) PURPOSE.—The purposes of this Act are to  
9 strengthen U.S. Customs and Border Protection and en-  
10 sure that border patrol agents are compensated for certain

1 hours of work with premium pay for certain hours of over-  
2 time work.

3 (b) FAIR LABOR STANDARDS ACT PREMIUM PAY.—

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

7 “(t) EMPLOYMENT AS A BORDER PATROL AGENT.—

8 No public agency shall be deemed to have violated sub-  
9 section (a) with respect to the employment of any border  
10 patrol agent, as defined in paragraph (1) of section 5550  
11 of title 5, United States Code, if, during a work period  
12 of 14 consecutive days, the border patrol agent receives  
13 compensation at a rate not less than one and one-half  
14 times the regular rate at which he or she is employed for  
15 all hours of work from 80 hours to 100 hours. Payments  
16 required under this section shall be—

17 “(1) in addition to any payments made under  
18 such section 5550;

19 “(2) made notwithstanding any pay limitations  
20 set forth in that title; and

21 “(3) paid as additional ‘half-time’ as the  
22 straight time portion shall be deemed paid for the  
23 hours for which payments under such section 5550  
24 have been made.”.

1           (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
2 Section 13(a) of the Fair Labor Standards Act of 1938  
3 (29 U.S.C. section 213(a)) is amended by striking para-  
4 graph (18).

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