

118TH CONGRESS  
1ST SESSION

# H. R. 5538

To amend title 5 of the United States Code to provide special overtime pay for certain border patrol agents, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2023

Mr. TONY GONZALES of Texas introduced the following bill; which was referred to the Committee on Oversight and Accountability

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## A BILL

To amend title 5 of the United States Code to provide special overtime pay for certain 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. ESTABLISHMENT OF HIGHER RATES OF REGU-**  
4 **LARLY SCHEDULED OVERTIME PAY FOR**  
5 **UNITED STATES BORDER PATROL AGENTS**  
6 **CLASSIFIED AT GS-12.**

7 Section 5550 of title 5, United States Code, is  
8 amended by adding at the end the following:

9 “(h) SPECIAL OVERTIME PAY FOR GS-12 BORDER  
10 PATROL AGENTS.—

1           “(1) IN GENERAL.—Notwithstanding para-  
2           graphs (1)(F), (2)(C), and (3)(C) of subsection (b),  
3           a border patrol agent encumbering a position at  
4           grade GS–12 shall receive a special overtime pay-  
5           ment under this subsection for hours of regularly  
6           scheduled work described in paragraph (2)(A)(ii) or  
7           (3)(A)(ii) of subsection (b), as applicable, that are  
8           credited to the agent through actual performance of  
9           work, crediting under rules for canine agents under  
10          subsection (b)(1)(F), or substitution of overtime  
11          hours in the same work period under subsection  
12          (f)(2)(A), except that no such payment may be made  
13          for periods of absence resulting in an hours obliga-  
14          tion under paragraph (3) or (4) of subsection (f).

15           “(2) COMPUTATION.—The special overtime pay-  
16          ment authorized under paragraph (1) shall be com-  
17          puted by multiplying the credited hours by 50 per-  
18          cent of the border patrol agent’s hourly rate of basic  
19          pay, rounded to the nearest cent.

20           “(3) LIMITATIONS.—The special overtime pay-  
21          ment authorized under paragraph (1)—

22                   “(A) is not considered basic pay for retire-  
23                   ment under section 8331(3) or 8401(4) or for  
24                   any other purpose;

1           “(B) is not payable during periods of paid  
2           leave or other paid time off; and

3           “(C) is not considered in computing an  
4           agent’s lump-sum annual leave payment under  
5           sections 5551 and 5552.”.

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