

117TH CONGRESS
2D SESSION

H. R. 9406

To create a special pay incentive for Customs and Border Protection law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2022

Mr. CRENSHAW (for himself, Mr. ELLZEY, and Mr. VAN DREW) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To create a special pay incentive for Customs and Border Protection law enforcement officers, 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 “Customs and Border
5 Protection Crisis Hardship and Incentive Pay Act of
6 2022”.

7 **SEC. 2. ESTABLISHMENT AND ELIGIBILITY OF HARDSHIP**
8 **INCENTIVE PAY PROGRAM.**

9 (a) **ELIGIBILITY.**—Under regulations prescribed by
10 the Secretary of Homeland Security, a covered employee

1 shall be paid special pay under subsection (b) of this sec-
2 tion for any day or portion of a day in which the covered
3 employee—

4 (1) was on duty along a border in which an av-
5 erage of more than 1,000 aliens were encountered
6 per day over a month long period;

7 (2) was on duty in a sector in which more than
8 250 aliens were encountered per day;

9 (3) was on duty in a sector in which the covered
10 employee was subject to the threat of physical harm
11 or imminent danger on the basis of armed cartel
12 presence; or

13 (4) was on duty in a sector in which fentanyl
14 was encountered.

15 (b) SPECIAL PAY AMOUNT.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), the amount of special pay authorized by
18 subsection (a) for qualifying service during a day or
19 portion of a day shall be the amount equal to $\frac{1}{30}$
20 of the maximum amount of special pay payable to a
21 covered employee as specified in paragraph (3).

22 (2) EXCEPTION.—In the case of a covered em-
23 ployee who is subject to the threat of physical harm
24 or imminent danger on the basis of armed cartel
25 presence in or for a day or portion of a day, at the

1 election of the Secretary, pay the covered employee
2 special pay under subsection (a) for such service in
3 an amount not to exceed the maximum amount spec-
4 ified in paragraph (3).

5 (3) LIMIT.—The maximum amount of special
6 pay payable to a covered employee under this sub-
7 section for any pay period is \$250.

8 (c) CONTINUATION DURING HOSPITALIZATION.—

9 (1) IN GENERAL.—A covered employee de-
10 scribed in paragraph (2) may be paid special pay
11 under this section for any day (or portion of a day)
12 of not more than three additional months during
13 which the employee is hospitalized as described in
14 such paragraph.

15 (2) COVERED EMPLOYEES.—Paragraph (1) ap-
16 plies with respect to a covered employee who—

17 (A) is injured or wounded under the cir-
18 cumstances described in subsection (a)(3) and
19 is hospitalized for the treatment of the injury or
20 wound; or

21 (B) while in the line of duty, incurs a
22 wound, injury, or illness in a sector designated
23 by the Secretary of Homeland Security and is
24 hospitalized outside of the sector for the treat-
25 ment of the wound, injury, or illness.

1 (d) LIMITATIONS AND ADMINISTRATION.—

2 (1) IN GENERAL.—In the case of an area de-
3 scribed in subsection (a)(1), the Secretary of Home-
4 land Security shall be responsible for designating the
5 period during which duty in the area will qualify
6 covered employees for special pay under this section.
7 The effective date designated for the commencement
8 of such a period may be a date occurring before, on,
9 or after the actual date on which the Secretary
10 makes the designation. If the commencement date
11 for such a period is a date occurring before the date
12 on which the Secretary makes the designation, the
13 payment of special pay under this section for the pe-
14 riod between the commencement date and the date
15 on which the Secretary makes the designation shall
16 be subject to the availability of appropriated funds
17 for that purpose.

18 (2) CRITERIA.—In making the determination to
19 designate a period of eligibility provided in para-
20 graph (1), the Secretary shall review eligibility fac-
21 tors beginning from March 2021.

22 (3) OTHER MATTERS.—A covered employee—

23 (A) may not be paid more than one in-
24 stance of special pay under this section for any
25 day; and

1 (B) may be paid special pay under this
2 section in addition to any other pay and allow-
3 ances to which he may be entitled, and such
4 special pay shall be considered basic pay under
5 chapter 83 or 84 of title 5, United States Code.

6 (e) DEFINITIONS.—In this Act—

7 (1) the term “alien” has the meaning given
8 that term in section 101 of the Immigration and Na-
9 tionality Act (8 U.S.C. 1101);

10 (2) the term “covered employee” means an em-
11 ployee of U.S. Customs and Border Protection or
12 U.S. Immigrations and Customs Enforcement whose
13 primary duty is as a law enforcement officer; and

14 (3) the term “law enforcement officer” has the
15 meaning given that term in section 8401(17) of title
16 5, United States Code.

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