

Opening Statement
Rep. Elijah E. Cummings, Ranking Member
Oversight and Government Reform Committee

H.R. 2252, a bill to clarify the Border Patrol Agent Pay Reform Act of 2014

May 13, 2015

Mr. Chairman, I thank you and Congressman Welch for your leadership on the Border Patrol Agent Pay Reform Act that was enacted last December.

I also thank you both and Representative Hurd for your work on this bill to clarify the Act.

I am pleased to co-sponsor this bill.

The bill would clarify that the new pay system for border patrol agents and the elimination of Fair Labor Standards Act overtime would not be effective until after the Office of Personnel Management issues regulations.

OPM recently advised the Department of Homeland Security that the Act exempted all border patrol agents from the FLSA, as of the date the bill was enacted.

This clarification is necessary to reinstate FLSA overtime pay for border patrol agents that had been discontinued pursuant to recent OPM guidance.

The technical corrections made in this bill have real life consequences.

Under this bill, border patrol agents would not have to pay back FLSA payments they received for overtime during the four months since the Pay Reform bill was enacted.

DHS estimates that this averages about \$1,600 per agent.

This bill would also enable DHS to provide backpay to border patrol agents for two pay periods affected by the termination of FLSA pay.

Without this legislative fix, the pay for border patrol agents would be cut by up to \$600 per agent.

This is a commonsense bill to correct an unintended consequence of the original Act. Our border patrol agents dedicate their lives to safeguarding our homeland.

I urge my colleagues to join me in supporting the bill.

Thank you, Mr. Chairman, and I yield back the balance of my time.

