

AMENDMENT TO H.R. 2
OFFERED BY MR. CRENSHAW OF TEXAS

Page 120, after line 20, insert the following (and conform the table of contents accordingly):

1 SEC. 203. ESTABLISHMENT AND ELIGIBILITY OF HARDSHIP
2 INCENTIVE PAY PROGRAM.

3 (a) ELIGIBILITY.—Under regulations prescribed by
4 the Secretary of Homeland Security, a covered employee
5 shall be paid special pay under subsection (b) of this sec-
6 tion for any day or portion of a day in which the covered
7 employee—

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

11 (2) was on duty in a sector in which more than
12 250 aliens were encountered per day;

13 (3) was on duty in a sector in which the covered
14 employee was subject to the threat of physical harm
15 or imminent danger on the basis of armed cartel
16 presence; or

17 (4) was on duty in a sector in which fentanyl
18 was encountered.

19 (b) SPECIAL PAY AMOUNT.—

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

7 (2) EXCEPTION.—In the case of a covered em-
8 ployee who is subject to the threat of physical harm
9 or imminent danger on the basis of armed cartel
10 presence in or for a day or portion of a day, at the
11 election of the Secretary, pay the covered employee
12 special pay under subsection (a) for such service in
13 an amount not to exceed the maximum amount spec-
14 ified in paragraph (3).

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

18 (c) CONTINUATION DURING HOSPITALIZATION.—

19 (1) IN GENERAL.—A covered employee de-
20 scribed in paragraph (2) may be paid special pay
21 under this section for any day (or portion of a day)
22 of not more than three additional months during
23 which the employee is hospitalized as described in
24 such paragraph.

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

3 (A) is injured or wounded under the cir-
4 cumstances described in subsection (a)(3) and
5 is hospitalized for the treatment of the injury or
6 wound; or

7 (B) while in the line of duty, incurs a
8 wound, injury, or illness in a sector designated
9 by the Secretary of Homeland Security and is
10 hospitalized outside of the sector for the treat-
11 ment of the wound, injury, or illness.

12 (d) LIMITATIONS AND ADMINISTRATION.—

13 (1) IN GENERAL.—In the case of an area de-
14 scribed in subsection (a)(1), the Secretary of Home-
15 land Security shall be responsible for designating the
16 period during which duty in the area will qualify
17 covered employees for special pay under this section.
18 The effective date designated for the commencement
19 of such a period may be a date occurring before, on,
20 or after the actual date on which the Secretary
21 makes the designation. If the commencement date
22 for such a period is a date occurring before the date
23 on which the Secretary makes the designation, the
24 payment of special pay under this section for the pe-
25 riod between the commencement date and the date

1 on which the Secretary makes the designation shall
2 be subject to the availability of appropriated funds
3 for that purpose.

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

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

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

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

17 (e) DEFINITIONS.—In this section—

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

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

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

