

119TH CONGRESS  
2D SESSION

# S. 3681

To provide for continuing appropriations for certain employees and contractors of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in the event of a Government shutdown.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2026

Mr. SCOTT of Florida (for himself and Mr. JUSTICE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To provide for continuing appropriations for certain employees and contractors of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in the event of a Government shutdown.

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 “Keep Our Border  
5 Agents Paid Act”.

1 **SEC. 2. CONTINUING APPROPRIATIONS FOR CERTAIN EM-**  
 2 **PLOYEES AND CONTRACTORS OF U.S. CUS-**  
 3 **TOMS AND BORDER PROTECTION AND U.S.**  
 4 **IMMIGRATION AND CUSTOMS ENFORCE-**  
 5 **MENT.**

6 (a) IN GENERAL.—Subtitle C of title IV of the  
 7 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)  
 8 is amended by adding at the end the following:

9 **“SEC. 437. CONTINUING APPROPRIATIONS FOR CERTAIN**  
 10 **EMPLOYEES AND CONTRACTORS OF U.S. CUS-**  
 11 **TOMS AND BORDER PROTECTION AND U.S.**  
 12 **IMMIGRATION AND CUSTOMS ENFORCE-**  
 13 **MENT.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) COVERED COMPONENT.—The term ‘cov-  
 16 ered component’ means—

17 “(A) Air and Marine Operations of U.S.  
 18 Customs and Border Protection;

19 “(B) the Office of Field Operations of U.S.  
 20 Customs and Border Protection;

21 “(C) the U.S. Border Patrol of U.S. Cus-  
 22 toms and Border Protection;

23 “(D) Homeland Security Investigations of  
 24 U.S. Immigration and Customs Enforcement;  
 25 and

1           “(E) Enforcement and Removal Oper-  
2           ations of U.S. Immigration and Customs En-  
3           forcement.

4           “(2) COVERED CONTRACTOR.—The term ‘cov-  
5           ered contractor’ means an individual—

6           “(A) performing work for a covered compo-  
7           nent under a contract; and

8           “(B) who the Secretary determines is—

9           “(i) providing support to excepted em-  
10          ployees of the covered component; or

11          “(ii) required to perform work during  
12          a lapse in appropriations.

13          “(3) EXCEPTED EMPLOYEE.—The term ‘ex-  
14          cepted employee’ has the meaning given such term  
15          in section 1341(c)(1)(D) of title 31, United States  
16          Code.

17          “(b) IN GENERAL.—For any period in which there  
18          is a lapse in appropriations for the Department, there are  
19          appropriated, out of any money in the Treasury not other-  
20          wise appropriated, such sums as are necessary to pro-  
21          vide—

22          “(1) pay to excepted employees and covered  
23          contractors of covered components of the Depart-  
24          ment; and

1           “(2) benefits under chapters 55 and 81 of title  
2       5, United States Code, to such employees, includ-  
3       ing—

4           “(A) benefits for captives under section  
5       5569 of such title;

6           “(B) compensation for disability or death  
7       for missing employees under section 5570 of  
8       such title;

9           “(C) compensation for disability or death  
10       of employees under section 8102 of such title;  
11       and

12           “(D) funeral expenses and transportation  
13       of bodies under section 8134 of such title.

14       “(c) TERMINATION.—Appropriations and funds made  
15       available and authority granted for any fiscal year under  
16       subsection (b) shall be available until the earlier of—

17           “(1) the date of the enactment of a law of mak-  
18       ing an appropriation for the purposes for which  
19       amounts are made available under subsection (b); or

20           “(2) the date of the enactment of a law of a  
21       regular appropriations Act, or a law making con-  
22       tinuing appropriations until the end of the fiscal  
23       year, without any appropriation for the purposes de-  
24       scribed in paragraph (1).

1       “(d) CHARGING OF EXPENDITURES.—Expenditures  
 2 made for the purposes described in subsection (b) from  
 3 amounts made available under subsection (b) shall be  
 4 charged to the applicable appropriation, fund, or author-  
 5 ization whenever a regular appropriation Act, or a law  
 6 making continuing appropriations, for such purposes is  
 7 enacted.

8       “(e) APPORTIONMENT.—

9               “(1) IN GENERAL.—Appropriations and any  
 10 other funds made available by, or authority granted  
 11 under, this section may be used without regard to  
 12 the time limitations for submission and approval of  
 13 apportionments set forth in section 1513 of title 31,  
 14 United States Code.

15              “(2) RULE OF CONSTRUCTION.—Nothing in  
 16 this section may be construed to waive any other  
 17 provision of law governing the apportionment of  
 18 funds.”.

19       (b) CLERICAL AMENDMENT.—The table of contents  
 20 for the Homeland Security Act of 2002 (Public Law 107–  
 21 296) is amended by inserting after the item relating to  
 22 section 436 the following:

“Sec. 437. Continuing appropriations for certain employees and contractors of  
 U.S. Customs and Border Protection and U.S. Immigration  
 and Customs Enforcement.”.

