

118TH CONGRESS
1ST SESSION

S. 2999

Making 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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29 (legislative day, SEPTEMBER 22), 2023

Mr. SCOTT of Florida (for himself, Mr. RISCH, Mr. SULLIVAN, Mr. SCOTT of South Carolina, Mr. WICKER, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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

19 “(1) pay to excepted employees and covered
20 contractors of covered components of the Depart-
21 ment; and

22 “(2) benefits under chapters 55 and 81 of title
23 5, United States Code, to such employees, includ-
24 ing—

25 “(A) benefits for captives under section
26 5569 of that title;

1 “(B) compensation for disability or death
2 for missing employees under section 5570 of
3 that title;

4 “(C) compensation for disability or death
5 of employees under section 8102 of that title;
6 and

7 “(D) funeral expenses and transportation
8 of bodies under section 8134 of that title.

9 “(b) TERMINATION.—Appropriations and funds
10 made available and authority granted for any fiscal year
11 under subsection (a) shall be available until whichever of
12 the following first occurs:

13 “(1) The enactment into law of an appropria-
14 tion (including a continuing appropriation) for the
15 purposes for which amounts are made available
16 under subsection (a).

17 “(2) The enactment into law of a regular ap-
18 propriation Act, or a law making continuing appro-
19 priations until the end of the fiscal year, without any
20 appropriation for such purposes.

21 “(c) CHARGING OF EXPENDITURES.—Expenditures
22 made for the purposes described in subsection (a) from
23 amounts made available under that subsection shall be
24 charged to the applicable appropriation, fund, or author-
25 ization whenever a regular appropriation Act, or a law

1 making continuing appropriations, for such purposes is
2 enacted.

3 “(d) APPORTIONMENT.—Appropriations and funds
4 made available by or authority granted under this section
5 may be used without regard to the time limitations for
6 submission and approval of apportionments set forth in
7 section 1513 of title 31, United States Code, but nothing
8 in this section may be construed to waive any other provi-
9 sion of law governing the apportionment of funds.

10 “(e) DEFINITIONS.—In this section:

11 “(1) COVERED COMPONENT.—The term ‘cov-
12 ered component’ means any of the following:

13 “(A) Air and Marine Operations of U.S.
14 Customs and Border Protection.

15 “(B) The Office of Field Operations of
16 U.S. Customs and Border Protection.

17 “(C) The U.S. Border Patrol of U.S. Cus-
18 toms and Border Protection.

19 “(D) Homeland Security Investigations of
20 U.S. Immigration and Customs Enforcement.

21 “(E) Enforcement and Removal Oper-
22 ations of U.S. Immigration and Customs En-
23 forcement.

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

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

3 “(B) that the Secretary determines is—

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

6 “(ii) required to perform work during
7 a lapse in appropriations.

8 “(3) EXCEPTED EMPLOYEE.—The term ‘ex-
9 cepted employee’ has the meaning given that term in
10 section 1341(c) of title 31, United States Code.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 for the Homeland Security Act of 2002 is amended by
13 inserting after the item relating to section 436 the fol-
14 lowing:

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

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