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2D SESSION

S. 3591

Making appropriations to improve border security, imposing new reporting requirements relating to border security, and enhancing criminal penalties for destroying or evading border controls.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2024

Mr. CASEY (for himself, Mr. LUJÁN, Ms. CORTEZ MASTO, Ms. ROSEN, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. WARNER, Mr. KELLY, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

Making appropriations to improve border security, imposing new reporting requirements relating to border security, and enhancing criminal penalties for destroying or evading border controls.

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 “Stop Fentanyl at the
5 Border Act”.

1 **SEC. 2. FUNDING.**

2 (a) ENHANCING LAW ENFORCEMENT CAPABILITIES
3 AT THE BORDER.—There is appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Homeland Security for the fiscal year end-
6 ing September 30, 2025, \$3,409,000,000, to remain avail-
7 able until September 30, 2027, to support and enhance
8 law enforcement capabilities at land borders of the United
9 States, of which—

10 (1) \$300,000,000 shall be for additional civilian
11 U.S. Border Patrol processing coordinators;

12 (2) \$1,750,000,000 shall be for additional U.S.
13 Customs and Border Protection officers, U.S. Bor-
14 der Patrol agents, and mission support staff within
15 the Office of Field Operations and U.S. Border Pa-
16 trol;

17 (3) \$950,000,000 shall be for hiring bonuses,
18 retention bonuses, and retention-focused support
19 services, including mental health services, for U.S.
20 Customs and Border Protection officers, U.S. Bor-
21 der Patrol agents, U.S. Border Patrol processing co-
22 ordinators, and any other U.S. Customs and Border
23 Protection staff whose work supports operations at
24 the land borders of the United States; and

25 (4) \$409,000,000 shall be for “U.S. Citizenship
26 and Immigration Services—Operations and Support”

1 to contribute to improved operations along the land
2 borders of the United States.

3 (b) INCREASING FENTANYL INTERDICTION AND EN-
4 HANCING PROCESSING CAPABILITIES AT THE BORDER.—

5 There is appropriated, out of any money in the Treasury
6 not otherwise appropriated, for U.S. Customs and Border
7 Protection for the fiscal year ending September 30, 2025,
8 \$1,090,000,000, to remain available until September 30,
9 2027, to increase drug interdiction and processing capa-
10 bilities at land borders of the United States, of which—

11 (1) \$960,000,000 shall be for technology im-
12 provements and upgrades, which may include—

13 (A) the procurement and deployment of
14 large-scale, small-scale, and handheld non-intru-
15 sive inspection scanning systems at ports of
16 entry along the land borders of the United
17 States; and

18 (B) upgrades to the information technology
19 infrastructure upon which these systems and
20 associated software are operated;

21 (2) \$30,000,000 shall be for technological and
22 procedural improvements to the process of analyzing
23 and adjudicating images from non-intrusive inspec-
24 tion scanning technology at land ports of entry,
25 which may include support for the continued devel-

1 opment of anomaly detection algorithms to enhance
2 detection of illegal drugs at land ports of entry; and

3 (3) \$100,000,000 shall be for other technology
4 and infrastructure upgrades that the Commissioner
5 for U.S. Customs and Border Protection deems nec-
6 essary for the agency’s drug interdiction work.

7 (c) DISRUPTING THE OUTBOUND FLOW OF FIRE-
8 ARMS AND CURRENCY FROM THE UNITED STATES.—

9 There is appropriated, out of any money in the Treasury
10 not otherwise appropriated, for U.S. Customs and Border
11 Protection for the fiscal year ending September 30, 2025,
12 \$285,000,000, to remain available until September 30,
13 2027, for increasing outbound inspection capabilities, in-
14 cluding disrupting the flow of firearms and currency out
15 of the United States, of which—

16 (1) \$10,000,000 shall be for supporting the cre-
17 ation of a structured outbound inspection program
18 within the Office of Field Operations that includes
19 a comprehensive outbound inspection policy and per-
20 formance metrics to measure the impact of outbound
21 inspections; and

22 (2) \$275,000,000 shall be for outbound inspec-
23 tions infrastructure projects at the land borders of
24 the United States, including—

1 (A) technology and connectivity improve-
2 ments at rural ports of entry; and

3 (B) safety and technology upgrades to out-
4 bound inspection lanes at ports of entry.

5 (d) DISRUPTING TRANSNATIONAL FENTANYL NET-
6 WORKS.—There is appropriated, out of any money in the
7 Treasury not otherwise appropriated, for the fiscal year
8 ending September 30, 2025—

9 (1) \$223,000,000, to remain available until
10 September 30, 2027, to U.S. Immigration and Cus-
11 toms Enforcement to expand efforts to interdict
12 fentanyl and other illegal drugs, and disrupt net-
13 works operated by transnational criminal organiza-
14 tions within the United States, of which—

15 (A) \$113,000,000 shall be for additional
16 Homeland Security Investigations special
17 agents;

18 (B) \$80,000,000 shall be for the imple-
19 mentation of Homeland Security Investigations’
20 Strategy for Combating Illicit Opioids; and

21 (C) \$30,000,000 shall be for joint surge
22 operations along the land borders of the United
23 States by Homeland Security Investigations and
24 U.S. Customs and Border Protection;

1 (2) \$128,000,000, to remain available until
2 September 30, 2027, to the Drug Enforcement Ad-
3 ministration, of which—

4 (A) \$68,000,000 shall be for salaries and
5 expenses relating to increased law enforcement
6 activities along the land borders of the United
7 States; and

8 (B) \$60,000,000 shall be for the High In-
9 tensity Drug Trafficking Areas Program;

10 (3) \$110,000,000, to remain available until
11 September 30, 2027, to the Department of Justice
12 for the Organized Crime Drug Enforcement Task
13 Forces; and

14 (4) \$50,000,000, to remain available until Sep-
15 tember 30, 2027, to the U.S. Marshals Service for
16 salaries and expenses relating to increased law en-
17 forcement activities along the land borders of the
18 United States.

19 **SEC. 3. REPORTING REQUIREMENTS.**

20 (a) **REPORT ON U.S. BORDER PATROL PROCESSING**
21 **COORDINATORS.**—Not later than March 31, 2028, the
22 Commissioner for U.S. Customs and Border Protection
23 shall submit a report to Congress that—

24 (1) details the impacts of Border Patrol Proc-
25 essing Coordinator positions; and

1 (2) describes how such positions are supporting
2 the mission of U.S. Customs and Border Protection.

3 (b) REPORT ON NEW OUTBOUND INSPECTIONS PRO-
4 GRAM.—Not later than March 31, 2028, the Executive As-
5 sistant Commissioner of the Office of Field Operations of
6 U.S. Customs and Border Protection shall submit a report
7 to Congress that details the equipment that would be
8 needed to establish a permanent outbound inspections pro-
9 gram to increase the rate of scanning of motor vehicles
10 departing the United States.

11 (c) REPORT ON EXISTING AND PLANNED SCANNING
12 TECHNOLOGY.—Not later than March 31, 2028, the Exec-
13 utive Assistant Commissioner of the Office of Field Oper-
14 ations of U.S. Customs and Border Protection shall sub-
15 mit a report to Congress that details, for each United
16 States land port of entry—

17 (1) a summary of the non-intrusive inspection
18 technology that is in use or is being built out; and

19 (2) the major factors to consider regarding the
20 future procurement and deployment of large-scale,
21 non-intrusive inspection machines at the port of
22 entry, including—

23 (A) existing limitations, including—

24 (i) the footprint of the port of entry;

1 (ii) land that is available for use by
2 U.S. Customs and Border Protection at
3 the port of entry; and

4 (iii) any geological or environmental
5 factors that would affect construction
6 timelines or costs;

7 (B) the volume and modes of traffic at the
8 port of entry, and an estimate of the potential
9 impacts of additional large-scale, non-intrusive
10 inspection systems being deployed, in terms of
11 additional seizures and impacts on transit
12 times; and

13 (C) an analysis of the cost-effectiveness of
14 deploying additional large-scale non-intrusive
15 inspection systems at the port of entry.

16 **SEC. 4. PENALTIES FOR HINDERING IMMIGRATION, BOR-**
17 **DER, AND CUSTOMS CONTROLS.**

18 (a) PERSONNEL AND STRUCTURES.—Chapter 8 of
19 title II of the Immigration and Nationality Act (8 U.S.C.
20 1321 et seq.) is amended by inserting after section 274D
21 the following:

22 **“SEC. 274E. DESTROYING OR EVADING BORDER CONTROLS.**

23 “(a) IN GENERAL.—It shall be unlawful to knowingly
24 and without lawful authorization—

1 “(1)(A) destroy or significantly damage any
2 fence, barrier, sensor, camera, or other physical or
3 electronic device deployed by the Federal Govern-
4 ment to control an international border of, or a port
5 of entry to, the United States; or

6 “(B) otherwise construct, excavate, or make
7 any structure intended to defeat, circumvent or
8 evade such a fence, barrier, sensor camera, or other
9 physical or electronic device deployed by the Federal
10 Government to control an international border of, or
11 a port of entry to, the United States; and

12 “(2) in carrying out an act described in para-
13 graph (1), have the intent to knowingly and will-
14 fully—

15 “(A) secure a financial gain;

16 “(B) further the objectives of a criminal
17 organization; and

18 “(C) violate—

19 “(i) section 274(a)(1)(A)(i);

20 “(ii) the customs and trade laws of
21 the United States (as defined in section
22 2(4) of the Trade Facilitation and Trade
23 Enforcement Act of 2015 (19 U.S.C.
24 4301(4)));

1 “(iii) any other Federal law relating
2 to transporting controlled substances, agri-
3 culture, or monetary instruments into the
4 United States; or

5 “(iv) any Federal law relating to bor-
6 der control measures of the United States.

7 “(b) PENALTY.—Any person who violates subsection
8 (a) shall be fined under title 18, United States Code, im-
9 prisoned for not more than 5 years, or both.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 for the Immigration and Nationality Act (8 U.S.C. 1101
12 et seq.) is amended by inserting after the item relating
13 to section 274D the following:

“Sec. 274E. Destroying or evading border controls.”.

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