

118TH CONGRESS  
1ST SESSION

# S. 1312

To reprogram \$15,000,000,000 to improve border security and enforcement,  
and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2023

Mr. SCOTT of South Carolina (for himself, Mr. DAINES, Ms. ERNST, Mr. LANKFORD, Ms. LUMMIS, Mr. ROUNDS, Mr. CASSIDY, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Finance

---

## A BILL

To reprogram \$15,000,000,000 to improve border security  
and enforcement, and for other purposes.

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 “Securing our Border  
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) United States border security is paramount  
9 to the general welfare of our Nation and ensures the

1 efficient and meaningful flow of goods and individ-  
2 uals through legal means.

3 (2) Illicit narcotics transported into the United  
4 States through ports of entry were estimated to  
5 cause approximately 104,000 deaths between Feb-  
6 ruary 2021 and February 2022.

7 (3) Only 2 percent of passenger vehicles and 20  
8 percent of commercial vehicles crossing the southern  
9 border are scanned by nonintrusive inspection tech-  
10 nology through a radiation portal monitor.

11 (4) U.S. Customs and Border Protection agents  
12 process more than 1,000,000 passengers and pedes-  
13 trians on a typical day.

14 (5) Limiting the amount of deadly illicit nar-  
15 cotics, including fentanyl, from entering the United  
16 States would reduce the number of Americans who  
17 die annually from the use of such narcotics.

18 (6) Because of the failure to update nonintru-  
19 sive inspection technologies at land ports of entry  
20 along the southern border of the United States,  
21 there has been an increase in the amount of illicit  
22 narcotics, such as fentanyl, being trafficked across  
23 the southern border.

1           (7) Between 2021 and 2022, approximately  
2           1,514,000 pounds of illicit drugs were seized at the  
3           southern border.

4           (8) U.S. Customs and Border Protection agents  
5           had 199,976 encounters at the southern border dur-  
6           ing July 2022, including—

7                   (A) 134,362 single adults;

8                   (B) 51,822 family units; and

9                   (C) 13,299 unaccompanied minors.

10          (9) According to the Department of Homeland  
11          Security, 750 migrants died attempting to cross the  
12          southern border during fiscal year 2022, which is—

13                   (A) more migrant deaths than occurred in  
14                   any previous fiscal year; and

15                   (B) more than 200 more migrant deaths  
16                   than the number of such deaths during fiscal  
17                   year 2021.

18          (10) The United States has a backlog of open  
19          removal cases, which totaled more than 1,820,000 as  
20          of June 2022.

21          (11) Since October 1, 2019, U.S. Customs and  
22          Border Protection has reported 1,302 encounters  
23          with potential terrorists at ports of entry along the  
24          southern and northern borders.

1           (12) According to U.S. Customs and Border  
2           Protection onboard staffing data, approximately  
3           2,700 additional U.S. Customs and Border Protec-  
4           tion officers need to be stationed at United States  
5           ports of entry to fully staff such ports.

6           (13) There are approximately 20,000 border  
7           agents stationed at ports of entry along the southern  
8           border.

9           (14) Due to shifting priorities, construction  
10          delays, a lack of available technology solutions, and  
11          funding constraints, most southern U.S. Border Pa-  
12          trol sectors still rely on obsolete systems or tech-  
13          nologies.

14 **SEC. 3. FUNDING FOR NONINTRUSIVE BORDER INSPEC-**  
15 **TIONS.**

16          Of the unobligated balances from amounts made  
17          available under section 10301(1)(A)(ii) of Public Law  
18          117–169, \$5,000,000,000 shall be transferred to U.S.  
19          Customs and Border Protection during the 9-year period  
20          ending on October 1, 2032, for nonintrusive inspection  
21          systems to achieve a 100 percent nonintrusive inspection  
22          scanning rate at all northern border and southwest border  
23          land ports of entry by October 1, 2032.

1 **SEC. 4. FUNDING FOR BORDER WALL CONSTRUCTION.**

2 (a) IN GENERAL.—Of the unobligated balances from  
3 amounts made available under section 10301(1)(A)(ii) of  
4 Public Law 117–169, \$10,000,000,000 shall be trans-  
5 ferred to the Department of Homeland Security during  
6 the 9-year period ending on October 1, 2032, for activities  
7 related to the construction of a border wall system along  
8 the southwest international border of the United States.

9 (b) QUARTERLY REPORTS.—The Secretary of Home-  
10 land Security shall submit quarterly reports to the Com-  
11 mittee on Appropriations of the Senate, the Committee on  
12 Finance of the Senate, the Committee on Homeland Secu-  
13 rity and Governmental Affairs of the Senate, the Com-  
14 mittee on Appropriations of the House of Representatives,  
15 the Committee on Ways and Means of the House of Rep-  
16 resentatives, and the Committee on Homeland Security of  
17 the House of Representatives that contains—

18 (1) an implementation plan with benchmarks  
19 related to stemming illegal immigration; and

20 (2) cost estimates associated with border wall  
21 system construction.

22 **SEC. 5. AUTHORIZATION TO PROVIDE BONUSES TO U.S.**  
23 **CUSTOMS AND BORDER PROTECTION**  
24 **AGENTS.**

25 (a) RECRUITMENT BONUSES.—

1           (1) IN GENERAL.—Subject to the approval of  
2 the Secretary of Homeland Security, the Commis-  
3 sioner of U.S. Customs and Border Protection may  
4 pay a recruitment bonus, not to exceed \$15,000, to  
5 each newly hired U.S. Customs and Border Protec-  
6 tion agent after—

7           (A) the agent completes initial basic train-  
8 ing; and

9           (B) the execution of a written agreement  
10 described in paragraph (2).

11           (2) WRITTEN AGREEMENT.—A written agree-  
12 ment described in this paragraph is a legally binding  
13 agreement between a newly hired agent and U.S.  
14 Customs and Border Protection that—

15           (A) specifies the amount of the bonus pay-  
16 ment to be paid to such agent, including the  
17 timing of such payment;

18           (B) the length of the period of service re-  
19 quired to be completed before such agent is en-  
20 titled to retain such payment; and

21           (C) any other terms and conditions to  
22 which such payment is subject.

23           (b) RETENTION BONUSES.—Subject to the approval  
24 of the Secretary of Homeland Security, the Commissioner  
25 of U.S. Customs and Border Protection may pay annual

1 retention bonuses, not to exceed 15 percent of the agent’s  
2 basic pay, to U.S. Border Patrol agents after the comple-  
3 tion of each year of satisfactory service, as determined by  
4 the Commissioner.

5 (c) RELOCATION BONUS.—Subject to the approval of  
6 the Secretary of Homeland Security, the Commissioner of  
7 U.S. Customs and Border Protection may pay a relocation  
8 bonus, not to exceed 15 percent of the agent’s annual  
9 basic pay, to a U.S. Customs and Border Protection agent  
10 who agrees to be transferred and to serve for not less than  
11 3 years at the new duty station.

12 (d) LIMITATION.—None of the bonuses paid to a U.S.  
13 Customs and Border Protection agent pursuant to sub-  
14 sections (a) through (c) may be considered part of the  
15 basic pay of such agent for any purpose, including for re-  
16 tirement or in computing a lump-sum payment to the  
17 agent for accumulated and accrued annual leave under  
18 section 5551 or 5552 of title 5, United States Code.

19 **SEC. 6. TREATMENT OF ALIENS ARRIVING FROM CONTIG-**  
20 **UOUS TERRITORY.**

21 Section 235(b)(2)(C) of the Immigration and Nation-  
22 ality Act (8 U.S.C. 1225(b)(2)(C)) is amended by striking  
23 “may return” and all that follows and inserting the fol-  
24 lowing: “shall—

1                   “(i) return the alien to such territory,  
2                   or to a safe third country (as described in  
3                   section 208), pending the completion of a  
4                   proceeding under section 240; or

5                   “(ii) detain the alien for further con-  
6                   sideration of an application for asylum,  
7                   which shall include a determination of  
8                   credible fear of persecution.”.

○