

Calendar No. 221

118TH CONGRESS
1ST SESSION

S. 1822

[Report No. 118–105]

To require U.S. Customs and Border Protection to expand the use of non-intrusive inspection systems at land ports of entry.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2023

Mr. PETERS (for himself, Mr. CORNYN, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 3, 2023

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require U.S. Customs and Border Protection to expand the use of non-intrusive inspection systems at land ports of entry.

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 “Non-Intrusive Inspee-
5 tion Expansion Act”.

1 **SEC. 2. USE OF NON-INTRUSIVE INSPECTION SYSTEMS AT**
2 **LAND PORTS OF ENTRY.**

3 (a) **FISCAL YEAR 2026.**—Using non-intrusive inspec-
4 tion systems acquired through previous appropriations
5 Acts, beginning not later than September 30, 2026, U.S.
6 Customs and Border Protection shall use non-intrusive in-
7 spection systems at land ports of entry to scan not fewer
8 than—

9 (1) 40 percent, cumulatively, of passenger vehi-
10 cles entering the United States through land ports
11 of entry; and

12 (2) 90 percent, cumulatively, of commercial ve-
13 hicles entering the United States through land ports
14 of entry.

15 (b) **SUBSEQUENT FISCAL YEARS.**—Beginning in fis-
16 cal year 2027, U.S. Customs and Border Protection shall
17 use non-intrusive inspection systems at land ports of entry
18 to reach the next projected benchmark for incremental
19 scanning of passenger and commercial vehicles entering
20 the United States at such ports of entry.

21 (c) **BRIEFING.**—Not later than May 30, 2026, the
22 Commissioner of U.S. Customs and Border Protection
23 shall brief the Committee on Homeland Security and Gov-
24 ernmental Affairs of the Senate and the Committee on
25 Homeland Security of the House of Representatives re-
26 garding the progress made during the first half of fiscal

1 year 2026 in achieving the scanning benchmarks described
2 in subsection (a).

3 (d) REPORT.—If the scanning benchmarks described
4 in subsection (a) are not met by the end of fiscal year
5 2026, not later than 120 days after the end of that fiscal
6 year, the Commissioner of U.S. Customs and Border Pro-
7 tection shall submit a report to the Committee on Home-
8 land Security and Governmental Affairs of the Senate and
9 the Committee on Homeland Security of the House of
10 Representatives that—

11 (1) analyzes the causes for not meeting such re-
12 quirements;

13 (2) identifies any resource gaps and challenges;
14 and

15 (3) details the steps that will be taken to ensure
16 compliance with such requirements in the subse-
17 quent fiscal year.

18 **SEC. 3. NON-INTRUSIVE INSPECTION SYSTEMS FOR OUT-**
19 **BOUND INSPECTIONS.**

20 (a) FEASIBILITY STUDY.—Not later than 270 days
21 after the date of the enactment of this Act, the Commis-
22 sioner of U.S. Customs and Border Protection shall sub-
23 mit a report to the Committee on Homeland Security and
24 Governmental Affairs of the Senate and the Committee
25 on Homeland Security of the House of Representatives

1 that analyzes the feasibility of using non-intrusive inspec-
 2 tion systems to scan 10 percent of all vehicles exiting the
 3 United States through land ports of entry with equipment
 4 available on the date of the enactment of this Act.

5 (b) IMPLEMENTATION.—Beginning not later than
 6 September 30, 2026, U.S. Customs and Border Protection
 7 shall use non-intrusive inspection systems at land ports
 8 of entry to scan not fewer than 10 percent of all vehicles
 9 exiting the United States through land ports of entry.

10 **SEC. 4. GAO REVIEW AND REPORT.**

11 (a) REVIEW.—

12 (1) IN GENERAL.—The Comptroller General of
 13 the United States shall conduct a review of the use
 14 by U.S. Customs and Border Protection of non-in-
 15 trusive inspection systems for border security.

16 (2) ELEMENTS.—The review required under
 17 paragraph (1) shall—

18 (A) identify—

19 (i) the number and types of non-intru-
 20 sive inspection systems deployed by U.S.
 21 Customs and Border Protection; and

22 (ii) the locations to which such sys-
 23 tems have been deployed; and

24 (B) examine the manner in which U.S.
 25 Customs and Border Protection—

1 (i) assesses the effectiveness of such
2 systems; and

3 (ii) uses such systems in conjunction
4 with other border security resources and
5 assets, such as border barriers and tech-
6 nology, to detect and interdict drug smug-
7 gling and trafficking at the southwest bor-
8 der of the United States.

9 (b) REPORT.—Not later than 2 years after the date
10 of the enactment of this Act, the Comptroller General shall
11 submit a report to the Committee on Homeland Security
12 and Governmental Affairs of the Senate and the Com-
13 mittee on Homeland Security of the House of Representa-
14 tives containing the findings of the review conducted pur-
15 suant to subsection (a).

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Non-Intrusive Inspec-*
18 *tion Expansion Act”.*

19 **SEC. 2. USE OF NON-INTRUSIVE INSPECTION SYSTEMS AT**
20 **LAND PORTS OF ENTRY.**

21 (a) FISCAL YEAR 2026.—Using non-intrusive inspec-
22 tion systems acquired through previous appropriations
23 Acts, beginning not later than September 30, 2026, U.S.
24 Customs and Border Protection shall use non-intrusive in-
25 spection systems at land ports of entry to scan, cumula-

1 tively, at ports of entry where systems are in place by the
2 deadline, not fewer than—

3 (1) 40 percent of passenger vehicles entering the
4 United States; and

5 (2) 90 percent of commercial vehicles entering
6 the United States.

7 (b) *SUBSEQUENT FISCAL YEARS.*—Beginning in fiscal
8 year 2027, U.S. Customs and Border Protection shall use
9 non-intrusive inspection systems at land ports of entry to
10 reach the next projected benchmark for incremental scan-
11 ning of passenger and commercial vehicles entering the
12 United States at such ports of entry.

13 (c) *BRIEFING.*—Not later than May 30, 2026, the Com-
14 missioner of U.S. Customs and Border Protection shall brief
15 the Committee on Homeland Security and Governmental
16 Affairs of the Senate and the Committee on Homeland Se-
17 curity of the House of Representatives regarding the
18 progress made during the first half of fiscal year 2026 in
19 achieving the scanning benchmarks described in subsection
20 (a).

21 (d) *REPORT.*—If the scanning benchmarks described in
22 subsection (a) are not met by the end of fiscal year 2026,
23 not later than 120 days after the end of that fiscal year,
24 the Commissioner of U.S. Customs and Border Protection
25 shall submit a report to the Committee on Homeland Secu-

1 *rity and Governmental Affairs of the Senate and the Com-*
2 *mittee on Homeland Security of the House of Representa-*
3 *tives that—*

4 (1) *analyzes the causes for not meeting such re-*
5 *quirements;*

6 (2) *identifies any resource gaps and challenges;*
7 *and*

8 (3) *details the steps that will be taken to ensure*
9 *compliance with such requirements in the subsequent*
10 *fiscal year.*

11 **SEC. 3. NON-INTRUSIVE INSPECTION SYSTEMS FOR OUT-**
12 **BOUND INSPECTIONS.**

13 (a) *STRATEGY.*—*Not later than 180 days after the date*
14 *of the enactment of this Act, the Commissioner of U.S. Cus-*
15 *toms and Border Protection shall submit a strategy to the*
16 *Committee on Homeland Security and Governmental Af-*
17 *airs of the Senate and the Committee on Homeland Secu-*
18 *rity of the House of Representatives for increasing sustained*
19 *outbound inspection operations at land ports of entry that*
20 *includes—*

21 (1) *the number of existing and planned outbound*
22 *inspection lanes at each port of entry;*

23 (2) *infrastructure limitations that limit the abil-*
24 *ity of U.S. Customs and Border Protection to deploy*

1 *non-intrusive inspection systems for outbound inspec-*
2 *tions;*

3 (3) *the number of additional non-intrusive in-*
4 *spection systems that are necessary to increase scan-*
5 *ning capacity for outbound inspections; and*

6 (4) *plans for funding and acquiring the systems*
7 *described in paragraph (3).*

8 (b) *IMPLEMENTATION.*—*Beginning not later than Sep-*
9 *tember 30, 2026, U.S. Customs and Border Protection shall*
10 *use non-intrusive inspection systems at land ports of entry*
11 *to scan not fewer than 10 percent of all vehicles exiting the*
12 *United States through land ports of entry.*

13 **SEC. 4. GAO REVIEW AND REPORT.**

14 (a) *REVIEW.*—

15 (1) *IN GENERAL.*—*The Comptroller General of*
16 *the United States shall conduct a review of the use by*
17 *U.S. Customs and Border Protection of non-intrusive*
18 *inspection systems for border security.*

19 (2) *ELEMENTS.*—*The review required under*
20 *paragraph (1) shall—*

21 (A) *identify—*

22 (i) *the number and types of non-intru-*
23 *sive inspection systems deployed by U.S.*
24 *Customs and Border Protection; and*

1 (ii) the locations to which such systems
2 have been deployed; and

3 (B) examine the manner in which U.S.
4 Customs and Border Protection—

5 (i) assesses the effectiveness of such sys-
6 tems; and

7 (ii) uses such systems in conjunction
8 with other border security resources and as-
9 sets, such as border barriers and technology,
10 to detect and interdict drug smuggling and
11 trafficking at the southwest border of the
12 United States.

13 (b) *REPORT.*—Not later than 2 years after the date
14 of the enactment of this Act, the Comptroller General shall
15 submit a report to the Committee on Homeland Security
16 and Governmental Affairs of the Senate and the Committee
17 on Homeland Security of the House of Representatives con-
18 taining the findings of the review conducted pursuant to
19 subsection (a).

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