

## Calendar No. 576

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 4572****[Report No. 117–220]**

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

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IN THE SENATE OF THE UNITED STATES

JULY 20, 2022

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

DECEMBER 5, 2022

Reported by Mr. PETERS, with amendments

[Insert the part printed in *italic*]

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**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 Inspec-  
5       tion Expansion Act”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) non-intrusive inspections systems are an im-  
4 portant tool to increase U.S. Customs and Border  
5 Protection’s ability to detect and interdict illicit and  
6 unclaimed goods while securely and efficiently facili-  
7 tating the flow of trade and travel entering the  
8 United States at land ports of entry;

9 (2) it is in the interest of United States trade  
10 and border security to develop the capacity to in-  
11 crease to 100 percent the rate of scanning of pas-  
12 senger and commercial vehicles entering the United  
13 States at land ports of entry;

14 (3) U.S. Customs and Border Protection should  
15 actively implement plans to increase the rate of  
16 scanning of passenger and commercial vehicles en-  
17 tering the United States at land ports of entry to-  
18 wards 100 percent, consistent with the Securing  
19 America’s Ports Act (Public Law 116–299; 6 U.S.C.  
20 211 note); and

21 (4) U.S. Customs and Border Protection should  
22 use past and future congressional appropriations for  
23 non-intrusive inspection systems to incrementally in-  
24 crease the rate of scanning of passenger and com-  
25 mercial vehicles entering the United States at land  
26 ports of entry and to ensure adequate staffing and

1 other resources so as to support the full use of such  
2 systems and adjudication of scans.

3 **SEC. 3. USE OF NON-INTRUSIVE INSPECTION SYSTEMS AT**  
4 **LAND PORTS OF ENTRY.**

5 (a) FISCAL YEAR 2024.—Using non-intrusive inspec-  
6 tion systems acquired through previous appropriations  
7 Acts, beginning not later than September 30, 2024, U.S.  
8 Customs and Border Protection shall use non-intrusive in-  
9 spection systems at land ports of entry to scan not fewer  
10 than—

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

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

17 (b) SUBSEQUENT FISCAL YEARS.—Following fiscal  
18 year 2024, U.S. Customs and Border Protection shall use  
19 non-intrusive inspection systems at land ports of entry to  
20 reach the next projected benchmark for incremental scan-  
21 ning of passenger and commercial vehicles entering the  
22 United States at such ports of entry.

23 (c) *GAO REVIEW AND REPORT.*—

24 (1) *REVIEW.*—

1           (A) *IN GENERAL.*—*The Comptroller General*  
2           *of the United States shall conduct a review of the*  
3           *use by U.S. Customs and Border Protection of*  
4           *non-intrusive inspection systems for border secu-*  
5           *rity.*

6           (B) *ELEMENTS.*—*The review required by*  
7           *subparagraph (A) shall include the following:*

8                   (i) *An identification of—*

9                           (I) *the number and types of non-*  
10                           *intrusive inspection systems deployed*  
11                           *by U.S. Customs and Border Protec-*  
12                           *tion; and*

13                           (II) *the locations to which such*  
14                           *systems have been deployed.*

15                   (ii) *An examination of the manner in*  
16                   *which U.S. Customs and Border Protec-*  
17                   *tion—*

18                           (I) *assesses the effectiveness of*  
19                           *such systems; and*

20                           (II) *uses such systems in conjunc-*  
21                           *tion with other border security re-*  
22                           *sources and assets, such as border bar-*  
23                           *riers and technology, to detect and*  
24                           *interdict drug smuggling and traf-*

1                   *ficking at the southwest border of the*  
 2                   *United States.*

3           (2) *REPORT.*—*Not later than 2 years after the*  
 4           *date of the enactment of this Act, the Comptroller*  
 5           *General shall submit to the Committee on Homeland*  
 6           *Security and Governmental Affairs of the Senate and*  
 7           *the Committee on Homeland Security of the House of*  
 8           *Representatives a report on the findings of the review*  
 9           *conducted under paragraph (1).*

10 **SEC. 4. BRIEFING.**

11       Not later than May 30, 2024, U.S. Customs and Bor-  
 12 der Protection shall brief the Committee on Homeland Se-  
 13 curity and Governmental Affairs of the Senate and the  
 14 Committee on Homeland Security of the House of Rep-  
 15 resentatives regarding the progress made during the first  
 16 half of fiscal year 2024 in achieving the scanning bench-  
 17 marks referred to in that section.

18 **SEC. 5. REPORT.**

19       If the requirements described in section 3(a) are not  
 20 met in fiscal year 2024, not later than 120 days after the  
 21 end of that fiscal year, the Commissioner of U.S. Customs  
 22 and Border Protection shall submit a report to the Com-  
 23 mittee on Homeland Security and Governmental Affairs  
 24 of the Senate and the Committee on Homeland Security  
 25 of the House of Representatives that—

1           (1) analyzes the causes for not meeting such re-  
2           quirements and identifies any resource gaps and  
3           challenges; and

4           (2) details the steps that will be taken to ensure  
5           compliance with such requirements in the subse-  
6           quent fiscal year.

7   **SEC. 6. REPORT ON FEASIBILITY OF USING NON-INTRUSIVE**  
8                           **INSPECTION SYSTEMS FOR SOUTHBOUND IN-**  
9                           **SPECTIONS.**

10       (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
11       *that non-intrusive inspection systems should be used to de-*  
12       *tect and interdict illicit and dangerous goods and un-*  
13       *claimed money that flow out of the United States to supply*  
14       *and fund transnational drug cartels.*

15       (b) *REPORT.*—*Not later than 270 days after the date*  
16       *of the enactment of this Act, the Commissioner of U.S. Cus-*  
17       *toms and Border Protection shall submit to the Committee*  
18       *on Homeland Security and Governmental Affairs of the*  
19       *Senate and the Committee on Homeland Security of the*  
20       *House of Representatives a report on the feasibility of using*  
21       *non-intrusive inspection systems to scan 10 percent of all*  
22       *vehicles exiting the United States through land ports of*  
23       *entry by September 30, 2024.*



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