

In the Senate of the United States,

December 7, 2020.

Resolved, That the bill from the House of Representatives (H.R. 5273) entitled “An Act to require the Secretary of Homeland Security to develop a plan to increase to 100 percent the rates of scanning of commercial and passenger vehicles entering the United States at land ports of entry along the border using large-scale non-intrusive inspection systems to enhance border security, and for other purposes.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Securing America’s*
3 *Ports Act”.*

4 **SEC. 2. LARGE-SCALE NON-INTRUSIVE INSPECTION SCAN-**
5 **NING PLAN.**

6 (a) *DEFINITIONS.—In this section:*

7 (1) *LARGE-SCALE NON-INTRUSIVE INSPECTION*
8 *SYSTEM.—The term “large-scale, non-intrusive in-*

1 *spection system” means a technology, including x-ray,*
2 *gamma-ray, and passive imaging systems, capable of*
3 *producing an image of the contents of a commercial*
4 *or passenger vehicle or freight rail car in 1 pass of*
5 *such vehicle or car.*

6 (2) *SCANNING.—The term “scanning” means uti-*
7 *lizing nonintrusive imaging equipment, radiation de-*
8 *tection equipment, or both, to capture data, including*
9 *images of a commercial or passenger vehicle or freight*
10 *rail car.*

11 (b) *IN GENERAL.—Not later than 180 days after the*
12 *date of the enactment of this Act, the Secretary of Homeland*
13 *Security shall submit a plan to the Committee on Home-*
14 *land Security and Governmental Affairs of the Senate and*
15 *the Committee on Homeland Security of the House of Rep-*
16 *resentatives for increasing to 100 percent the rate of high-*
17 *throughput scanning of commercial and passenger vehicles*
18 *and freight rail traffic entering the United States at land*
19 *ports of entry and rail-border crossings along the border*
20 *using large-scale non-intrusive inspection systems or simi-*
21 *lar technology to enhance border security.*

22 (c) *BASELINE INFORMATION.—The plan under sub-*
23 *section (b) shall include, at a minimum, the following infor-*
24 *mation regarding large-scale non-intrusive inspection sys-*
25 *tems or similar technology operated by U.S. Customs and*

1 *Border Protection at land ports of entry and rail-border*
2 *crossings as of the date of the enactment of this Act:*

3 (1) *An inventory of large-scale non-intrusive in-*
4 *spection systems or similar technology in use at each*
5 *land port of entry.*

6 (2) *For each system or technology identified in*
7 *the inventory under paragraph (1)—*

8 (A) *the scanning method of such system or*
9 *technology;*

10 (B) *the location of such system or tech-*
11 *nology at each land port of entry that specifies*
12 *whether in use in pre-primary, primary, or sec-*
13 *ondary inspection area, or some combination of*
14 *such areas;*

15 (C) *the percentage of commercial and pas-*
16 *senger vehicles and freight rail traffic scanned by*
17 *such system or technology;*

18 (D) *seizure data directly attributed to*
19 *scanned commercial and passenger vehicles and*
20 *freight rail traffic; and*

21 (E) *the number of personnel required to op-*
22 *erate each system or technology.*

23 (3) *Information regarding the continued use of*
24 *other technology and tactics used for scanning, such*

1 *as canines and human intelligence in conjunction*
2 *with large scale, nonintrusive inspection systems.*

3 *(d) ELEMENTS.—The plan under subsection (b) shall*
4 *include the following information:*

5 *(1) Benchmarks for achieving incremental*
6 *progress towards 100 percent high-throughput scan-*
7 *ning within the next 6 years of commercial and pas-*
8 *senger vehicles and freight rail traffic entering the*
9 *United States at land ports of entry and rail-border*
10 *crossings along the border with corresponding pro-*
11 *jected incremental improvements in scanning rates by*
12 *fiscal year and rationales for the specified timeframes*
13 *for each land port of entry.*

14 *(2) Estimated costs, together with an acquisition*
15 *plan, for achieving the 100 percent high-throughput*
16 *scanning rate within the timeframes specified in*
17 *paragraph (1), including acquisition, operations, and*
18 *maintenance costs for large-scale, nonintrusive inspec-*
19 *tion systems or similar technology, and associated*
20 *costs for any necessary infrastructure enhancements*
21 *or configuration changes at each port of entry. Such*
22 *acquisition plan shall promote, to the extent prac-*
23 *ticable, opportunities for entities that qualify as small*
24 *business concerns (as defined under section 3(a) of the*
25 *Small Business Act (15 U.S.C. 632(a)).*

1 (3) *Any projected impacts, as identified by the*
2 *Commissioner of U.S. Customs and Border Protec-*
3 *tion, on the total number of commercial and pas-*
4 *senger vehicles and freight rail traffic entering at*
5 *land ports of entry and rail-border crossings where*
6 *such systems are in use, and average wait times at*
7 *peak and non-peak travel times, by lane type if ap-*
8 *plicable, as scanning rates are increased.*

9 (4) *Any projected impacts, as identified by the*
10 *Commissioner of U.S. Customs and Border Protec-*
11 *tion, on land ports of entry and rail-border crossings*
12 *border security operations as a result of implementa-*
13 *tion actions, including any changes to the number of*
14 *U.S. Customs and Border Protection officers or their*
15 *duties and assignments.*

16 (e) *ANNUAL REPORT.*—*Not later than 1 year after the*
17 *submission of the plan under subsection (b), and biennially*
18 *thereafter for the following 6 years, the Secretary of Home-*
19 *land Security shall submit a report to the Committee on*
20 *Homeland Security and Governmental Affairs of the Senate*
21 *and the Committee on Homeland Security of the House of*
22 *Representatives that describes the progress implementing*
23 *the plan and includes—*

24 (1) *an inventory of large-scale, nonintrusive in-*
25 *spection systems or similar technology operated by*

1 *U.S. Customs and Border Protection at each land*
2 *port of entry;*

3 *(2) for each system or technology identified in*
4 *the inventory required under paragraph (1)—*

5 *(A) the scanning method of such system or*
6 *technology;*

7 *(B) the location of such system or tech-*
8 *nology at each land port of entry that specifies*
9 *whether in use in pre-primary, primary, or sec-*
10 *ondary inspection area, or some combination of*
11 *such areas;*

12 *(C) the percentage of commercial and pas-*
13 *senger vehicles and freight rail traffic scanned by*
14 *such system or technology; and*

15 *(D) seizure data directly attributed to*
16 *scanned commercial and passenger vehicles and*
17 *freight rail traffic;*

18 *(3) the total number of commercial and pas-*
19 *senger vehicles and freight rail traffic entering at each*
20 *land port of entry at which each system or technology*
21 *is in use, and information on average wait times at*
22 *peak and non-peak travel times, by lane type if ap-*
23 *plicable;*

24 *(4) a description of the progress towards reach-*
25 *ing the benchmarks referred to in subsection (d)(1),*

1 *and an explanation if any of such benchmarks are*
2 *not achieved as planned;*

3 *(5) a comparison of actual costs (including in-*
4 *formation on any awards of associated contracts) to*
5 *estimated costs set forth in subsection (d)(2);*

6 *(6) any realized impacts, as identified by the*
7 *Commissioner of U.S. Customs and Border Protec-*
8 *tion, on land ports of entry and rail-border crossings*
9 *operations as a result of implementation actions, in-*
10 *cluding any changes to the number of U.S. Customs*
11 *and Border Protection officers or their duties and as-*
12 *signments;*

13 *(7) any proposed changes to the plan and an ex-*
14 *planation for such changes, including changes made*
15 *in response to any Department of Homeland Security*
16 *research and development findings or changes in ter-*
17 *rorist or transnational criminal organizations tactics,*
18 *techniques, or procedures; and*

19 *(8) any challenges to implementing the plan or*
20 *meeting the benchmarks, and plans to mitigate any*
21 *such challenges.*

Amend the title so as to read: “An Act to require the Secretary of Homeland Security to develop a plan to increase to 100 percent the rates of scanning of commercial and passenger vehicles and freight rail entering the United States at land ports of entry along the border

using large-scale, non-intrusive inspection systems to enhance border security, and for other purposes.”.

Attest:

Secretary.

116TH CONGRESS
2^D SESSION

H.R. 5273

AMENDMENTS