

116TH CONGRESS
2^D SESSION

H. R. 5273

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2020

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

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.

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 America’s
5 Ports Act”.

6 **SEC. 2. LARGE-SCALE NON-INTRUSIVE INSPECTION SCAN-**
7 **NING PLAN.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary of Home-
10 land Security shall submit to the Committee on Homeland
11 Security of the House of Representatives and the Com-
12 mittee on Homeland Security and Governmental Affairs
13 of the Senate a plan to increase to 100 percent the rates
14 of expeditious scanning of commercial and passenger vehi-
15 cles entering the United States at land ports of entry
16 along the border using large-scale non-intrusive inspection
17 systems or similar technology to enhance border security.

18 (b) BASELINE INFORMATION.—At a minimum, the
19 plan required under subsection (a) shall include the fol-
20 lowing information regarding large-scale non-intrusive in-
21 spection systems or similar technology operated by U.S.
22 Customs and Border Protection at land ports of entry as
23 of the date of the enactment of this Act:

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

4 (2) For each system or technology identified in
5 the inventory required under paragraph (1), the fol-
6 lowing information:

7 (A) The scanning method of such system
8 or technology.

9 (B) The location of such system or tech-
10 nology at each land port of entry that specifies
11 whether in use in pre-primary, primary, or sec-
12 ondary inspection area, or some combination
13 thereof.

14 (C) The percentage of commercial and pas-
15 senger vehicles scanned by such system or tech-
16 nology.

17 (D) Seizure data directly attributed to
18 scanned commercial and passenger vehicles.

19 (c) ELEMENTS.—The plan required under subsection
20 (a) shall include the following information:

21 (1) Benchmarks for achieving incremental
22 progress towards 100 percent expeditious scanning
23 of commercial and passenger vehicles entering the
24 United States at land ports of entry along the bor-
25 der with corresponding projected incremental im-

1 improvements in scanning rates by fiscal year and ra-
2 tionales for the specified timeframes for each land
3 port of entry.

4 (2) Estimated costs, together with an acquisi-
5 tion plan, for achieving the 100 expeditious percent
6 scanning rate within the timeframes specified in
7 paragraph (1), including acquisition, operations, and
8 maintenance costs for large-scale non-intrusive in-
9 spection systems or similar technology, as well as as-
10 sociated costs for any necessary infrastructure en-
11 hancements or configuration changes at each port of
12 entry. To the extent practicable, such acquisition
13 plan shall promote opportunities for entities that
14 qualify as small business concerns (as such term is
15 described under section 3 of the Small Business Act
16 (15 U.S.C. 632).

17 (3) Any projected impacts, as identified by the
18 Commissioner of U.S. Customs and Border Protec-
19 tion, on the total number of commercial and pas-
20 senger vehicles entering at land ports of entry where
21 such systems are in use, and average wait times at
22 peak and non-peak travel times, by lane type if ap-
23 plicable, as scanning rates are increased.

24 (4) Any projected impacts, as identified by the
25 Commissioner of U.S. Customs and Border Protec-

1 tion, on land ports of entry border security oper-
2 ations as a result of implementation actions, includ-
3 ing any changes to the number of U.S. Customs and
4 Border Protection officers or their duties and as-
5 signments.

6 (d) RESEARCH AND DEVELOPMENT.—In furtherance
7 of the plan required under subsection (a), the Secretary
8 of Homeland Security, acting through the Under Sec-
9 retary for Science and Technology, shall conduct research
10 and development, in coordination with the Commissioner
11 of U.S. Customs and Border Protection, to enhance large-
12 scale non-intrusive inspections systems or similar tech-
13 nology and refine the operational use or configuration of
14 such systems or technology in pre-primary, primary, and
15 secondary inspection areas of land ports of entry. Such
16 research and development shall include consideration of
17 emerging large-scale non-intrusive inspection systems or
18 similar technology and modeling the use of such systems
19 or technology that takes into account the variations in in-
20 frastructure, configurations, and sizes of land ports of
21 entry.

22 (e) ANNUAL REPORT.—Not later than 1 year after
23 the submission of the plan required under subsection (a)
24 and annually thereafter until such time as U.S. Customs
25 and Border Protection has achieved 100 percent expedi-

1 tious scanning of commercial and passenger vehicles enter-
2 ing the United States at land ports of entry along the bor-
3 der using large-scale non-intrusive inspection systems or
4 similar technology in accordance with such plan, the Sec-
5 retary of Homeland Security shall report to the Committee
6 on Homeland Security of the House of Representatives
7 and the Committee on Homeland Security and Govern-
8 mental Affairs of the Senate on progress implementing the
9 plan. Each such report at a minimum shall include the
10 following information:

11 (1) An inventory of large-scale non-intrusive in-
12 spection systems or similar technology operated by
13 U.S. Customs and Border Protection at each land
14 port of entry.

15 (2) For each system or technology identified in
16 the inventory required under paragraph (1), the fol-
17 lowing information:

18 (A) The scanning method of such system
19 or technology.

20 (B) The location of such system or tech-
21 nology at each land port of entry that specifies
22 whether in use in pre-primary, primary, or sec-
23 ondary inspection area, or some combination
24 thereof.

1 (C) The percentage of commercial and pas-
2 senger vehicles scanned by such system or tech-
3 nology.

4 (D) Seizure data directly attributed to
5 scanned commercial and passenger vehicles.

6 (3) The total number of commercial and pas-
7 senger vehicles entering at each land port of entry
8 where each system or technology is in use, and infor-
9 mation on average wait times at peak and non-peak
10 travel times, by lane type if applicable.

11 (4) Progress with respect to the benchmarks
12 specified in subsection (c)(1), and an explanation if
13 any of such benchmarks are not achieved as
14 planned.

15 (5) A comparison of actual costs (including in-
16 formation on any awards of associated contracts) to
17 estimated costs set forth in subsection (c)(2).

18 (6) Any realized impacts, as identified by the
19 Commissioner of U.S. Customs and Border Protec-
20 tion, on land ports of entry operations as a result of
21 implementation actions, including any changes to the
22 number of U.S. Customs and Border Protection offi-
23 cers or their duties and assignments.

24 (7) Any proposed changes to the plan and an
25 explanation for such changes, including changes

1 made in response to any Department of Homeland
2 Security research and development findings, includ-
3 ing findings resulting from the research and develop-
4 ment conducted pursuant to subsection (d), or
5 changes in terrorist or transnational criminal organi-
6 zations tactics, techniques, or procedures.

7 (8) Any challenges to implementing the plan or
8 meeting the benchmarks, and plans to mitigate any
9 such challenges.

10 (f) DEFINITIONS.—In this section:

11 (1) LARGE-SCALE NON-INTRUSIVE INSPECTION
12 SYSTEM.—The term “large-scale non-intrusive in-
13 spection system” means a technology, including x-
14 ray and gamma-ray imaging systems, capable of pro-
15 ducing an image of the contents of a commercial or
16 passenger vehicle in one pass of such vehicle.

17 (2) SCANNING.—The term “scanning” means
18 utilizing technology to produce an image of the

1 contents of a commercial or passenger vehicle with-
2 out engaging in a physical inspection of such vehicle.

Passed the House of Representatives February 10,
2020.

Attest:

CHERYL L. JOHNSON,

Clerk.

By ROBERT F. REEVES,

Deputy Clerk.