116TH CONGRESS
2D 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Securing America's Ports Act''.

SEC. 2. LARGE-SCALE NON-INTRUSIVE INSPECTION SCANNING PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan to increase to 100 percent the rates of expeditious 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 or similar technology to enhance border security.

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

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

(2) For each system or technology identified in the inventory required under paragraph (1), the following information:

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

(B) The location of such system or technology at each land port of entry that specifies whether in use in pre-primary, primary, or secondary inspection area, or some combination thereof.

(C) The percentage of commercial and passenger vehicles scanned by such system or technology.

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

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

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

provements in scanning rates by fiscal year and rationales for the specified timeframes for each land port of entry.

(2) Estimated costs, together with an acquisition plan, for achieving the 100 expeditious percent scanning rate within the timeframes specified in paragraph (1), including acquisition, operations, and maintenance costs for large-scale non-intrusive inspection systems or similar technology, as well as associated costs for any necessary infrastructure enhancements or configuration changes at each port of entry. To the extent practicable, such acquisition plan shall promote opportunities for entities that qualify as small business concerns (as such term is described under section 3 of the Small Business Act (15 U.S.C. 632).

(3) Any projected impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on the total number of commercial and passenger vehicles entering at land ports of entry where such systems are in use, and average wait times at peak and non-peak travel times, by lane type if applicable, as scanning rates are increased.

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

tion, on land ports of entry border security operations as a result of implementation actions, including any changes to the number of U.S. Customs and Border Protection officers or their duties and assignments.

(d) RESEARCH AND DEVELOPMENT.—In furtherance of the plan required under subsection (a), the Secretary of Homeland Security, acting through the Under Secretary for Science and Technology, shall conduct research and development, in coordination with the Commissioner of U.S. Customs and Border Protection, to enhance large-scale non-intrusive inspections systems or similar technology and refine the operational use or configuration of such systems or technology in pre-primary, primary, and secondary inspection areas of land ports of entry. Such research and development shall include consideration of emerging large-scale non-intrusive inspection systems or similar technology and modeling the use of such systems or technology that takes into account the variations in infrastructure, configurations, and sizes of land ports of entry.

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

tious 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 or similar technology in accordance with such plan, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on progress implementing the plan. Each such report at a minimum shall include the following information:

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

(2) For each system or technology identified in the inventory required under paragraph (1), the following information:

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

(B) The location of such system or technology at each land port of entry that specifies whether in use in pre-primary, primary, or secondary inspection area, or some combination thereof.

(C) The percentage of commercial and passenger vehicles scanned by such system or technology.

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

(3) The total number of commercial and passenger vehicles entering at each land port of entry where each system or technology is in use, and information on average wait times at peak and non-peak travel times, by lane type if applicable.

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

(5) A comparison of actual costs (including information on any awards of associated contracts) to estimated costs set forth in subsection (c)(2).

(6) Any realized impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on land ports of entry operations as a result of implementation actions, including any changes to the number of U.S. Customs and Border Protection officers or their duties and assignments.

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

made in response to any Department of Homeland Security research and development findings, including findings resulting from the research and development conducted pursuant to subsection (d), or changes in terrorist or transnational criminal organizations tactics, techniques, or procedures.

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

(f) DEFINITIONS.—In this section:

(1) LARGE-SCALE NON-INTRUSIVE INSPECTION SYSTEM.—The term ''large-scale non-intrusive inspection system'' means a technology, including x-ray and gamma-ray imaging systems, capable of producing an image of the contents of a commercial or passenger vehicle in one pass of such vehicle.

(2) SCANNING.—The term ''scanning'' means utilizing technology to produce an image of the

contents of a commercial or passenger vehicle without 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.