PUBLIC LAW 116–299—JAN. 5, 2021

SECURING AMERICA’S PORTS ACT
Public Law 116–299  
116th Congress  

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.

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) 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, gamma-ray, and passive imaging systems, capable of producing an image of the contents of a commercial or passenger vehicle or freight rail car in 1 pass of such vehicle or car.

(2) SCANNING.—The term “scanning” means utilizing non-intrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a commercial or passenger vehicle or freight rail car.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives for increasing to 100 percent the rate of high-throughput scanning of commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border using large-scale non-intrusive inspection systems or similar technology to enhance border security.

(c) BASELINE INFORMATION.—The plan under subsection (b) shall include, at a minimum, 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 and rail-border crossings 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 under paragraph (1)—

(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 of such areas;

(C) the percentage of commercial and passenger
vehicles and freight rail traffic scanned by such system
or technology;

(D) seizure data directly attributed to scanned commer-
cial and passenger vehicles and freight rail traffic; and

(E) the number of personnel required to operate each
system or technology.

(3) Information regarding the continued use of other tech-
nology and tactics used for scanning, such as canines and
human intelligence in conjunction with large scale, nonintrusive
inspection systems.

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

(1) Benchmarks for achieving incremental progress towards
100 percent high-throughput scanning within the next 6 years
of commercial and passenger vehicles and freight rail traffic
entering the United States at land ports of entry and rail-
border crossings along the border with corresponding projected
incremental improvements 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 percent high-throughput scanning rate within
the timeframes specified in paragraph (1), including acquisition,
operations, and maintenance costs for large-scale, nonintrusive
inspection systems or similar technology, and associated costs
for any necessary infrastructure enhancements or configuration
changes at each port of entry. Such acquisition plan shall
promote, to the extent practicable, opportunities for entities
that qualify as small business concerns (as defined under sec-
tion 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(3) Any projected impacts, as identified by the Commis-
sioner of U.S. Customs and Border Protection, on the total
number of commercial and passenger vehicles and freight rail
traffic entering at land ports of entry and rail-border crossings
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 Commis-
sioner of U.S. Customs and Border Protection, on land ports
of entry and rail-border crossings 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.

(e) ANNUAL REPORT.—Not later than 1 year after the submis-
sion of the plan under subsection (b), and biennially thereafter
for the following 6 years, the Secretary of Homeland Security shall
submit a report to the Committee on Homeland Security and
Governmental Affairs of the Senate and the Committee on Home-
land Security of the House of Representatives that describes the
progress implementing the plan and includes—
Inventory.

(1) an inventory of large-scale, nonintrusive 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)—

(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 of such areas;

(C) the percentage of commercial and passenger vehicles and freight rail traffic scanned by such system or technology; and

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

(3) the total number of commercial and passenger vehicles and freight rail traffic entering at each land port of entry at which 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) a description of the progress towards reaching the benchmarks referred to in subsection (d)(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 (d)(2);

(6) any realized impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on land ports of entry and rail-border crossings 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 or changes in terrorist or transnational criminal organizations tactics, techniques, or procedures; and

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

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5273:

SENATE REPORTS: No. 116–267 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 10, considered and passed House.
Dec. 7, considered and passed Senate, amended.
Dec. 10, House concurred in Senate amendments.