

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5273
OFFERED BY MS. TORRES SMALL OF NEW
MEXICO**

Strike all after the enacting clause and insert the following:

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

16 (b) BASELINE INFORMATION.—At a minimum, the
17 plan required under subsection (a) shall include the fol-

1 lowing information regarding large-scale non-intrusive in-
2 spection systems or similar technology operated by U.S.
3 Customs and Border Protection at land ports of entry as
4 of the date of the enactment of this Act:

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

8 (2) For each system or technology identified in
9 the inventory required under paragraph (1), the fol-
10 lowing information:

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

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

18 (C) The percentage of commercial and pas-
19 senger vehicles scanned by such system or tech-
20 nology.

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

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

1 (1) Benchmarks for achieving incremental
2 progress towards 100 percent expeditious scanning
3 of commercial and passenger vehicles entering the
4 United States at land ports of entry along the bor-
5 der with corresponding projected incremental im-
6 provements in scanning rates by fiscal year and ra-
7 tionales for the specified timeframes for each land
8 port of entry.

9 (2) Estimated costs, together with an acquisi-
10 tion plan, for achieving the 100 expeditious percent
11 scanning rate within the timeframes specified in
12 paragraph (1), including acquisition, operations, and
13 maintenance costs for large-scale non-intrusive in-
14 spection systems or similar technology, as well as as-
15 sociated costs for any necessary infrastructure en-
16 hancements or configuration changes at each port of
17 entry. To the extent practicable, such acquisition
18 plan shall promote opportunities for entities that
19 qualify as small business concerns (as such term is
20 described under section 3 of the Small Business Act
21 (15 U.S.C. 632).

22 (3) Any projected impacts, as identified by the
23 Commissioner of U.S. Customs and Border Protec-
24 tion, on the total number of commercial and pas-
25 senger vehicles entering at land ports of entry where

1 such systems are in use, and average wait times at
2 peak and non-peak travel times, by lane type if ap-
3 plicable, as scanning rates are increased.

4 (4) Any projected impacts, as identified by the
5 Commissioner of U.S. Customs and Border Protec-
6 tion, on land ports of entry border security oper-
7 ations as a result of implementation actions, includ-
8 ing any changes to the number of U.S. Customs and
9 Border Protection officers or their duties and as-
10 signments.

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

1 frastructure, configurations, and sizes of land ports of
2 entry.

3 (e) ANNUAL REPORT.—Not later than one year after
4 the submission of the plan required under subsection (a)
5 and annually thereafter until such time as U.S. Customs
6 and Border Protection has achieved 100 percent expedi-
7 tious scanning of commercial and passenger vehicles enter-
8 ing the United States at land ports of entry along the bor-
9 der using large-scale non-intrusive inspection systems or
10 similar technology in accordance with such plan, the Sec-
11 retary of Homeland Security shall report to the Committee
12 on Homeland Security of the House of Representatives
13 and the Committee on Homeland Security and Govern-
14 mental Affairs of the Senate on progress implementing the
15 plan. Each such report at a minimum shall include the
16 following information:

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

21 (2) For each system or technology identified in
22 the inventory required under paragraph (1), the fol-
23 lowing information:

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

1 (B) The location of such system or tech-
2 nology at each land port of entry that specifies
3 whether in use in pre-primary, primary, or sec-
4 ondary inspection area, or some combination
5 thereof.

6 (C) The percentage of commercial and pas-
7 senger vehicles scanned by such system or tech-
8 nology.

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

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

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

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

23 (6) Any realized impacts, as identified by the
24 Commissioner of U.S. Customs and Border Protec-
25 tion, on land ports of entry operations as a result of

1 implementation actions, including any changes to the
2 number of U.S. Customs and Border Protection offi-
3 cers or their duties and assignments.

4 (7) Any proposed changes to the plan and an
5 explanation for such changes, including changes
6 made in response to any Department of Homeland
7 Security research and development findings, includ-
8 ing findings resulting from the research and develop-
9 ment conducted pursuant to subsection (d), or
10 changes in terrorist or transnational criminal organi-
11 zations tactics, techniques, or procedures.

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

15 (f) DEFINITIONS.—In this section:

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

22 (2) SCANNING.—The term “scanning” means
23 utilizing technology to produce an image of the con-

- 1 tents of a commercial or passenger vehicle without
- 2 engaging in a physical inspection of such vehicle.

