

Union Calendar No.

116TH CONGRESS
2^D SESSION

H. R. 5273

[Report No. 116-]

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.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 26, 2019

Ms. TORRES SMALL of New Mexico (for herself and Mr. CRENSHAW) introduced the following bill; which was referred to the Committee on Homeland Security

FEBRUARY --, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 26, 2019]

A BILL

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 Homeland*
10 *Security shall submit to the Committee on Homeland Secu-*
11 *rity of the House of Representatives and the Committee on*
12 *Homeland Security and Governmental Affairs of the Senate*
13 *a plan to increase to 100 percent the rates of expeditious*
14 *scanning of commercial and passenger vehicles entering the*
15 *United States at land ports of entry along the border using*
16 *large-scale non-intrusive inspection systems or similar tech-*
17 *nology 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 or*
8 *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 of*
23 *commercial and passenger vehicles entering the*
24 *United States at land ports of entry along the border*
25 *with corresponding projected incremental improve-*

1 *ments in scanning rates by fiscal year and rationales*
2 *for the specified timeframes for each land port of*
3 *entry.*

4 *(2) Estimated costs, together with an acquisition*
5 *plan, for achieving the 100 expeditious percent scan-*
6 *ning rate within the timeframes specified in para-*
7 *graph (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 plan*
13 *shall promote opportunities for entities that qualify*
14 *as small business concerns (as such term is described*
15 *under section 3 of the Small Business Act (15 U.S.C.*
16 *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 operations*
2 *as a result of implementation actions, including any*
3 *changes to the number of U.S. Customs and Border*
4 *Protection officers or their duties and assignments.*

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

20 *(e) ANNUAL REPORT.—Not later than one year after*
21 *the submission of the plan required under subsection (a)*
22 *and annually thereafter until such time as U.S. Customs*
23 *and Border Protection has achieved 100 percent expeditious*
24 *scanning of commercial and passenger vehicles entering the*
25 *United States at land ports of entry along the border using*

1 *large-scale non-intrusive inspection systems or similar tech-*
2 *nology in accordance with such plan, the Secretary of*
3 *Homeland Security shall report to the Committee on Home-*
4 *land Security of the House of Representatives and the Com-*
5 *mittee on Homeland Security and Governmental Affairs of*
6 *the Senate on progress implementing the plan. Each such*
7 *report at a minimum shall include the following informa-*
8 *tion:*

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

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

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

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

23 (C) *The percentage of commercial and pas-*
24 *senger vehicles scanned by such system or tech-*
25 *nology.*

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

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

8 (4) Progress with respect to the benchmarks spec-
9 ified in subsection (c)(1), and an explanation if any
10 of such benchmarks are not achieved as planned.

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

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

20 (7) Any proposed changes to the plan and an ex-
21 planation for such changes, including changes made
22 in response to any Department of Homeland Security
23 research and development findings, including findings
24 resulting from the research and development con-
25 ducted pursuant to subsection (d), or changes in ter-

1 *rorist or transnational criminal organizations tactics,*
2 *techniques, or procedures.*

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

6 (f) *DEFINITIONS.—In this section:*

7 (1) *LARGE-SCALE NON-INTRUSIVE INSPECTION*
8 *SYSTEM.—The term “large-scale non-intrusive inspec-*
9 *tion system” means a technology, including x-ray and*
10 *gamma-ray imaging systems, capable of producing an*
11 *image of the contents of a commercial or passenger*
12 *vehicle in one pass of such vehicle.*

13 (2) *SCANNING.—The term “scanning” means uti-*
14 *lizing technology to produce an image of the contents*
15 *of a commercial or passenger vehicle without engag-*
16 *ing in a physical inspection of such vehicle.*