

116TH CONGRESS
1ST SESSION

H. R. 5273

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

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”.

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

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Home-
5 land Security shall submit to the Committee on Homeland
6 Security of the House of Representatives and the Com-
7 mittee on Homeland Security and Governmental Affairs
8 of the Senate a plan to increase to 100 percent the rates
9 of scanning of commercial and passenger vehicles entering
10 the United States at land ports of entry along the border
11 using large-scale non-intrusive inspection systems to en-
12 hance border security.

13 (b) BASELINE INFORMATION.—At a minimum, the
14 plan required under subsection (a) shall include the fol-
15 lowing information regarding large-scale non-intrusive in-
16 spection systems operated by U.S. Customs and Border
17 Protection at land ports of entry in fiscal year 2019:

18 (1) An inventory of large-scale non-intrusive in-
19 spection systems in use at land ports of entry.

20 (2) For each system identified in the inventory
21 required under paragraph (1), the following informa-
22 tion:

23 (A) The scanning technology of such sys-
24 tem.

25 (B) The location of such system at the
26 land port of entry that specifies whether in use

1 in pre-primary, primary, or secondary inspec-
2 tion area, or some combination thereof.

3 (C) The percentage of commercial and pas-
4 senger vehicles scanned by such system.

5 (D) Seizure data related to scanned com-
6 mercial and passenger vehicles.

7 (3) The total number of commercial and pas-
8 senger vehicles entering at the land port of entry
9 where each system is in use, and information on av-
10 erage wait times at peak and non-peak travel times,
11 by lane type if applicable.

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

14 (1) Benchmarks for achieving incremental
15 progress towards 100 percent scanning with cor-
16 responding projected incremental improvements in
17 scanning rates by fiscal year and rationales for the
18 specified timeframes for each land port of entry.

19 (2) Estimated costs, together with an acquisi-
20 tion plan, for achieving the 100 percent scanning
21 rate within the timeframes specified in paragraph
22 (1), including total acquisition, operations, and
23 maintenance costs for large-scale non-intrusive in-
24 spection systems, as well as associated costs for any

1 necessary infrastructure enhancements or configura-
2 tion changes at each port of entry.

3 (3) Any anticipated impacts, as identified by
4 the Commissioner of U.S. Customs and Border Pro-
5 tection, on the total number of commercial and pas-
6 senger vehicles entering at land ports of entry where
7 such systems are in use, and average wait times at
8 peak and non-peak travel times, by lane type if ap-
9 plicable, as scanning rates are increased.

10 (4) Any anticipated impacts, as identified by
11 the Commissioner of U.S. Customs and Border Pro-
12 tection, on land ports of entry border security oper-
13 ations as a result of implementation actions, includ-
14 ing any changes to the number of U.S. Customs and
15 Border Protection officers or their duties and as-
16 signments.

17 (d) RESEARCH AND DEVELOPMENT.—In furtherance
18 of the plan required under subsection (a), the Secretary
19 of Homeland Security shall carry out a one-year pilot pro-
20 gram to research and develop technology enhancements
21 and refinements to the operational configuration of pre-
22 primary, primary, and secondary inspection areas of land
23 ports of entry. Such pilot program shall include consider-
24 ation of large-scale emerging non-intrusive inspection sys-
25 tems and modeling the use of such systems that takes into

1 account the variations in infrastructure, configurations,
2 and sizes of land ports of 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 scanning
7 of commercial and passenger vehicles entering the United
8 States at land ports of entry along the border using large-
9 scale non-intrusive inspection systems in accordance with
10 such plan, the Secretary of Homeland Security shall re-
11 port to the Committee on Homeland Security of the House
12 of Representatives and the Committee on Homeland Secu-
13 rity and Governmental Affairs of the Senate on progress
14 implementing the plan. Each such report at a minimum
15 shall include the following information:

16 (1) An inventory of large-scale non-intrusive in-
17 spection systems operated by U.S. Customs and
18 Border Protection at land ports of entry.

19 (2) For each system identified in the inventory
20 required under paragraph (1), the following informa-
21 tion:

22 (A) The scanning technology of such sys-
23 tem.

24 (B) The location of such system at the
25 land port of entry that specifies whether in use

1 in pre-primary, primary, or secondary inspec-
2 tion area, or some combination thereof.

3 (C) The percentage of commercial and pas-
4 senger vehicles scanned by the system.

5 (D) Seizure data related to scanned com-
6 mercial and passenger vehicles.

7 (3) The total number of commercial and pas-
8 senger vehicles entering at the land port of entry
9 where each system is in use, and information on av-
10 erage wait times at peak and non-peak travel times,
11 by lane type if applicable.

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

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

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

1 (7) Any proposed changes to the plan and an
2 explanation for such changes, including changes
3 made in response to any Department of Homeland
4 Security research and development findings, includ-
5 ing findings resulting from the pilot program under
6 subsection (d), or changes in terrorist or
7 transnational criminal organizations tactics, tech-
8 niques, or procedures.

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

12 (f) DEFINITIONS.—In this section:

13 (1) LARGE-SCALE NON-INTRUSIVE INSPECTION
14 SYSTEM.—The term “large-scale non-intrusive in-
15 spection system” means a technology, including x-
16 ray and gamma-ray imaging systems, capable of
17 scanning an entire commercial or passenger vehicle
18 in one pass to provide an image of the presence of
19 any contraband.

20 (2) SCANNING.—The term “scanning” means a
21 non-physical inspection of a commercial or passenger
22 vehicle by a U.S. Customs and Border Protection of-
23 ficer in which images are generated of the contents
24 of the vehicle through a technology, including x-ray

- 1 and gamma-ray imaging systems, for analysis by
- 2 U.S. Customs and Border Protection.

