

AMENDMENT TO RULES COMMITTEE
PRINT 116-57
OFFERED BY MS. TORRES SMALL OF NEW
MEXICO

Add at the end of subtitle E of title XVII the following:

1 **SEC. 17___ . LARGE-SCALE NON-INTRUSIVE INSPECTION**
2 **SCANNING PLAN.**

3 (a) DEFINITIONS.—In this section:

4 (1) LARGE-SCALE NON-INTRUSIVE INSPECTION
5 SYSTEM.—The term “large-scale, non-intrusive in-
6 spection system” means a technology, including x-
7 ray, gamma-ray, and passive imaging systems, capa-
8 ble of producing an image of the contents of a com-
9 mercial or passenger vehicle or freight rail car in 1
10 pass of such vehicle or car.

11 (2) SCANNING.—The term “scanning” means
12 utilizing nonintrusive imaging equipment, radiation
13 detection equipment, or both, to capture data, in-
14 cluding images of a commercial or passenger vehicle
15 or freight rail car.

16 (b) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of Home-

1 land Security shall submit a plan to the Committee on
2 Homeland Security and Governmental Affairs of the Sen-
3 ate and the Committee on Homeland Security of the
4 House of Representatives for increasing to 100 percent
5 the rate of high-throughput scanning of commercial and
6 passenger vehicles and freight rail traffic entering the
7 United States at land ports of entry and rail-border cross-
8 ings along the border using large-scale non-intrusive in-
9 spection systems or similar technology to enhance border
10 security.

11 (c) BASELINE INFORMATION.—The plan under sub-
12 section (b) shall include, at a minimum, the following in-
13 formation regarding large-scale non-intrusive inspection
14 systems or similar technology operated by U.S. Customs
15 and Border Protection at land ports of entry and rail-bor-
16 der crossings as of the date of the enactment of this Act:

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

20 (2) For each system or technology identified in
21 the inventory under paragraph (1)—

22 (A) the scanning method of such system or
23 technology;

24 (B) the location of such system or tech-
25 nology at each land port of entry that specifies

1 whether in use in pre-primary, primary, or sec-
2 ondary inspection area, or some combination of
3 such areas;

4 (C) the percentage of commercial and pas-
5 senger vehicles and freight rail traffic scanned
6 by such system or technology;

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

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

12 (3) Information regarding the continued use of
13 other technology and tactics used for scanning, such
14 as canines and human intelligence in conjunction
15 with large scale, nonintrusive inspection systems.

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

18 (1) Benchmarks for achieving incremental
19 progress towards 100 percent high-throughput scan-
20 ning within the next 6 years of commercial and pas-
21 senger vehicles and freight rail traffic entering the
22 United States at land ports of entry and rail-border
23 crossings along the border with corresponding pro-
24 jected incremental improvements in scanning rates

1 by fiscal year and rationales for the specified time-
2 frames for each land port of entry.

3 (2) Estimated costs, together with an acquisi-
4 tion plan, for achieving the 100 percent high-
5 throughput scanning rate within the timeframes
6 specified in paragraph (1), including acquisition, op-
7 erations, and maintenance costs for large-scale, non-
8 intrusive inspection systems or similar technology,
9 and associated costs for any necessary infrastructure
10 enhancements or configuration changes at each port
11 of entry. Such acquisition plan shall promote, to the
12 extent practicable, opportunities for entities that
13 qualify as small business concerns (as defined under
14 section 3(a) of the Small Business Act (15 U.S.C.
15 632(a)).

16 (3) Any projected impacts, as identified by the
17 Commissioner of U.S. Customs and Border Protec-
18 tion, on the total number of commercial and pas-
19 senger vehicles and freight rail traffic entering at
20 land ports of entry and rail-border crossings 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 and rail-border crossings
2 border security operations as a result of implementa-
3 tion actions, including any changes to the number of
4 U.S. Customs and Border Protection officers or
5 their duties and assignments.

6 (e) ANNUAL REPORT.—Not later than 1 year after
7 the submission of the plan under subsection (b), and bien-
8 nially thereafter for the following 6 years, the Secretary
9 of Homeland Security shall submit a report to the Com-
10 mittee on Homeland Security and Governmental Affairs
11 of the Senate and the Committee on Homeland Security
12 of the House of Representatives that describes the
13 progress implementing the plan and includes—

14 (1) an inventory of large-scale, nonintrusive in-
15 spection systems or similar technology operated by
16 U.S. Customs and Border Protection at each land
17 port of entry;

18 (2) for each system or technology identified in
19 the inventory required under paragraph (1)—

20 (A) the scanning method of such system or
21 technology;

22 (B) the location of such system or tech-
23 nology at each land port of entry that specifies
24 whether in use in pre-primary, primary, or sec-

1 ondary inspection area, or some combination of
2 such areas;

3 (C) the percentage of commercial and pas-
4 senger vehicles and freight rail traffic scanned
5 by such system or technology; and

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

9 (3) the total number of commercial and pas-
10 senger vehicles and freight rail traffic entering at
11 each land port of entry at which each system or
12 technology is in use, and information on average
13 wait times at peak and non-peak travel times, by
14 lane type if applicable;

15 (4) a description of the progress towards reach-
16 ing the benchmarks referred to in subsection (d)(1),
17 and an explanation if any of such benchmarks are
18 not achieved as planned;

19 (5) a comparison of actual costs (including in-
20 formation on any awards of associated contracts) to
21 estimated costs set forth in subsection (d)(2);

22 (6) any realized impacts, as identified by the
23 Commissioner of U.S. Customs and Border Protec-
24 tion, on land ports of entry and rail-border crossings
25 operations as a result of implementation actions, in-

1 including any changes to the number of U.S. Customs
2 and Border Protection officers or their duties and
3 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 or
8 changes in terrorist or transnational criminal organi-
9 zations tactics, techniques, or procedures; and

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

