

119TH CONGRESS
1ST SESSION

S. _____

To improve border security through regular assessments and evaluations of the Checkpoint Program Management Office and effective training of U.S. Border Patrol agents regarding drug seizures.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida (for himself and Mr. GALLEG0) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To improve border security through regular assessments and evaluations of the Checkpoint Program Management Office and effective training of U.S. Border Patrol agents regarding drug seizures.

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 TITLES.**

4 This Act may be cited as the “Continuing High-quality Evaluations of Concerning and Known Persons Of Interest through National Training Updates Act” or the
5
6
7 “CHECKPOINT Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Homeland Security
7 and Governmental Affairs of the Senate; and

8 (B) the Committee on Homeland Security
9 of the House of Representatives.

10 (2) ASSISTANT CHIEF.—The term “Assistant
11 Chief” means the Assistant Chief selected to manage
12 the CPMO pursuant to section 3(a)(2).

13 (3) CHECKPOINT.—The term “checkpoint”
14 means a permanent or temporary checkpoint oper-
15 ated by the U.S. Border Patrol.

16 (4) CHIEF.—The term “Chief” means the Chief
17 of the U.S. Border Patrol.

18 (5) CPMO.—The term “CPMO” means the
19 Checkpoint Program Management Office established
20 pursuant to section 3.

21 **SEC. 3. IMPROVING BORDER SECURITY.**

22 (a) CHECKPOINT PROGRAM MANAGEMENT OF-
23 FICE.—

24 (1) ESTABLISHMENT.—The Commissioner for
25 U.S. Customs and Border Protection shall establish
26 and operate, within the U.S. Border Patrol, the

1 Checkpoint Program Management Office, which
2 shall provide oversight over checkpoint operations
3 nationwide.

4 (2) ASSISTANT CHIEF.—The Chief shall select
5 an Assistant Chief to manage the CPMO for a term
6 of at least 2 years.

7 (3) AUTHORITIES, ROLES, AND RESPONSIBIL-
8 ITIES.—Not later than 180 days after the date of
9 the enactment of this Act, the Chief shall—

10 (A) issue a memorandum, or update rel-
11 evant existing memoranda, outlining the au-
12 thority, roles, and responsibilities of the CPMO;
13 and

14 (B) provide copies of such new or updated
15 memoranda to the field points of contact des-
16 ignated pursuant to section 4(b).

17 (b) CPMO ADMINISTRATION.—The Chief, working
18 through the Assistant Chief, shall—

19 (1) establish and maintain policies and stand-
20 ard operating procedures that detail the authority,
21 roles, and responsibilities of the CPMO;

22 (2) provide oversight of checkpoint data quality
23 and accuracy to U.S. Border Patrol sectors that
24 have checkpoints;

1 (3) provide regular training regarding policies,
2 standard operating procedures, data entry, and data
3 quality and accuracy to—

4 (A) employees of U.S. Border Patrol sec-
5 tors with checkpoints; and

6 (B) employees stationed where checkpoints
7 have been approved to operate;

8 (4) conduct regular reviews of checkpoint staff-
9 ing and resources;

10 (5) serve as the liaison with U.S. Border Patrol
11 sector officials with respect to any ongoing check-
12 point issues, including the field points of contact
13 designated pursuant to section 4(b); and

14 (6) coordinate regular reviews of checkpoint op-
15 erations, including covert testing by U.S. Customs
16 and Border Protection’s Operational Field Testing
17 Division.

18 **SEC. 4. COORDINATION OF CHECKPOINT ACTIVITIES.**

19 (a) HEADQUARTERS COORDINATION.—The Commis-
20 sioner for U.S. Customs and Border Protection shall re-
21 quire the CPMO to regularly coordinate with offices of
22 U.S. Customs and Border Protection that support check-
23 point operations, including—

24 (1) the U.S. Customs and Border Protection
25 National Canine Program;

1 (2) the U.S. Customs and Border Protection
2 Operational Field Testing Division;

3 (3) the U.S. Border Patrol Mission Support Di-
4 rectorate;

5 (4) the U.S. Border Patrol Strategic Planning
6 and Analysis Directorate; and

7 (5) the Office of Field Operations Non-Intru-
8 sive Inspection Program Office.

9 (b) FIELD POINTS OF CONTACT.—The Chief shall re-
10 quire, in each U.S. Border Patrol sector with checkpoints,
11 a designated checkpoints point of contact, who shall—

12 (1) serve as the liaison between U.S. Border
13 Patrol sector officials and the CPMO regarding
14 checkpoint policies and procedures;

15 (2) maintain responsibility for any communica-
16 tion related to checkpoint policy updates and check-
17 point training;

18 (3) coordinate with the sector-level data integ-
19 rity team to ensure sector checkpoint data reliability
20 and accuracy; and

21 (4) meet on a regular basis with CPMO staff
22 to discuss policy updates, operational issues, and
23 leading practices.

24 (c) ESTABLISHMENT OF STANDARD OPERATING
25 PROCEDURES.—Not later than 180 days after the date of

1 the enactment of this Act, the Chief shall approve stand-
2 ard operating procedures for the CPMO, which shall gov-
3 ern its checkpoint oversight activities, including—

- 4 (1) oversight of checkpoint data quality;
- 5 (2) reviews of checkpoint resources; and
- 6 (3) other activities identified by the Assistant
7 Chief.

8 **SEC. 5. DATA COLLECTION.**

9 (a) IN GENERAL.—The Chief, in cooperation with the
10 Assistant Chief, shall require the regular collection of
11 data, including data relating to—

- 12 (1) apprehensions and seizures occurring at
13 checkpoints;
- 14 (2) technology and assets used to carry out
15 such enforcement actions;
- 16 (3) people involved in such enforcement actions;
- 17 (4) apprehensions of smuggled people;
- 18 (5) canine assists with drug seizures;
- 19 (6) seizures of trace amounts of marijuana;
- 20 (7) non-drug property seizures; and
- 21 (8) attempted checkpoint circumventions.

22 (b) SECONDARY INSPECTIONS.—The Chief, in co-
23 operation with the Assistant Chief, shall require the reg-
24 ular collection of data on secondary inspections that occur
25 at checkpoints using—

1 (1) the Border Enforcement Secondary Tool;
2 and

3 (2) any additional tools developed to document
4 information about secondary inspections at check-
5 points.

6 (c) DATA COLLECTION PLAN.—Not later than 180
7 days after the date of the enactment of this Act, the Chief
8 shall develop a plan that includes goals and milestones—

9 (1) for improving checkpoint data collection;

10 (2) for improving checkpoint data reliability
11 and accuracy; and

12 (3) for addressing the checkpoint data collection
13 issues identified in recommendations 1 through 3 of
14 the Government Accountability Office’s report enti-
15 tled “Border Patrol: Actions Needed to Improve
16 Checkpoint Oversight and Data” (GAO-22-104568),
17 published on June 6, 2022.

18 **SEC. 6. REPORTS.**

19 (a) ANNUAL DATA COLLECTION REPORT.—The
20 Chief, in collaboration with the Assistant Chief, shall sub-
21 mit an annual report to the appropriate congressional
22 committees that describes—

23 (1) the data collected pursuant to subsections

24 (a) and (b) of section 5;

1 (2) the steps taken to implement the plan devel-
2 oped pursuant to section 5(c); and

3 (3) the actions taken to ensure oversight of the
4 CPMO and the operations of checkpoints.

5 (b) GAO REPORT.—Not later than 18 months after
6 the date of the enactment of this Act, the Comptroller
7 General of the United States shall submit a report to the
8 appropriate congressional committees that analyzes the ef-
9 fectiveness of the Checkpoint Program Management Office
10 established pursuant to section 3(a).

11 (c) ANNUAL SURVEILLANCE TECHNOLOGY PUR-
12 CHASE AND USE REPORT.—The Secretary of Homeland
13 Security, in collaboration with the Commissioner for U.S.
14 Customs and Border Protection, shall submit an
15 unredacted annual report to the appropriate congressional
16 committees regarding the purchase and use by U.S. Cus-
17 toms and Border Protection of surveillance technology,
18 which shall include—

19 (1) a comprehensive inventory of each surveil-
20 lance technology owned, operated, developed, or
21 maintained by, or on behalf of, U.S. Customs and
22 Border Protection; and

23 (2) with respect to each surveillance technology
24 referred to in paragraph (1)—

1 (A) the source of such surveillance tech-
2 nology;

3 (B) a description of the use of such sur-
4 veillance technology;

5 (C) a description of—

6 (i) the databases in which data de-
7 rived from such surveillance technology is
8 stored; and

9 (ii) the records management statutes,
10 regulations, guidelines, and procedures for
11 the storage, archiving, and deletion of such
12 data;

13 (D) the annual recurring costs for the use
14 of such surveillance technology and the storage
15 and archival of the data described in subpara-
16 graph (C);

17 (3) with respect to the privacy issues relating to
18 the use of the surveillance technology referred to in
19 paragraph (1)—

20 (A) the privacy impact assessments;

21 (B) whether such assessments were modi-
22 fied or rescinded during the 1-year period im-
23 mediately preceding the date of on which the
24 report is submitted; and

1 (C) if a modification or rescission de-
2 scribed in subparagraph (A) was made, a de-
3 scription of the basis for, and an identification
4 of the individual who directed, such modifica-
5 tion or rescission; and

6 (4) the number and types of criminal investiga-
7 tions that used data acquired through the surveil-
8 lance technology referred to in paragraph (1) and
9 the results of such investigations.

10 **SEC. 7. NO ADDITIONAL FUNDING.**

11 No additional funds are authorized to be appro-
12 priated for the purpose of carrying out this Act.

13 **SEC. 8. SUNSET.**

14 This Act shall cease to have any force or effect begin-
15 ning on the date that is 5 years after the date of the enact-
16 ment of this Act.