

Calendar No. 675

118TH CONGRESS
2D SESSION**S. 2367****[Report No. 118–272]**

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

JULY 19, 2023

Mr. SCOTT of Florida (for himself, Ms. SINEMA, and Mr. OSSOFF) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 9, 2024

Reported by Mr. PETERS, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLES.**

2 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
3
4
5 “CHECKPOINT Act”.

6 **SEC. 2. IMPROVING BORDER SECURITY.**

7 (a) COMMISSIONER OF U.S. CUSTOMS AND BORDER
8 PROTECTION.—

9 (1) TRIENNIAL ASSESSMENTS AND EVALUA-
10 TIONS.—Not less frequently than once every 3 years,
11 the Commissioner of U.S. Customs and Border Pro-
12 tection shall—

13 (A) in consultation with the Office of Intel-
14 ligence and Analysis, the U.S. Customs and
15 Border Protection National Targeting Center,
16 and other relevant intelligence or law enforce-
17 ment components of the Department of Home-
18 land Security, assess the drug type categories
19 available in the U.S. Customs and Border Pro-
20 tection data systems to determine if such cat-
21 egories adequately reflect the drug smuggling
22 scenarios encountered by U.S. Customs and
23 Border Protection officers and agents;

24 (B) evaluate the drug seizures portion of
25 the National Field Training Program to ensure
26 proper classification and recording of seized

1 narcotics, such as fentanyl, methamphetamine
2 and counterfeit prescription drugs; and

3 ~~(C) assess the effectiveness of U.S. Customs and Border Protection efforts to combat~~
4 ~~human smuggling.~~

6 ~~(2) CHECKPOINT PROGRAM MANAGEMENT OFFICE.—The Chief, U.S. Border Patrol shall—~~

8 ~~(A) update the roles and responsibilities of~~
9 ~~the Checkpoint Program Management Office~~
10 ~~and disseminate the updated roles and responsibilities to all of the U.S. Border Patrol agents~~
11 ~~in each Border Patrol sector; and~~

12 ~~(B) develop and regularly update the policies and procedures for immigration checkpoint~~
13 ~~oversight activities of the Checkpoint Program~~
14 ~~Management Office.~~

16 ~~(3) U.S. BORDER PATROL IMMIGRATION CHECKPOINTS.—The Chief, U.S. Border Patrol shall—~~

18 ~~(A) implement the Border Enforcement~~
19 ~~Secondary Tool at immigration checkpoints,~~
20 ~~wherever feasible, or implement any subsequent~~
21 ~~replacement program; and~~

22 ~~(B) require that secondary checkpoints use~~
23 ~~all approved surveillance technologies, whenever~~
24

1 feasible, such as adopting license plate readers
 2 and installing closed circuit televisions.

3 ~~(b) EXECUTIVE ASSISTANT COMMISSIONER, OFFICE~~
 4 ~~OF FIELD OPERATIONS.—The Executive Assistant Com-~~
 5 ~~missioner, Office of Field Operations, shall—~~

6 ~~(1) finalize and implement a plan to regularly~~
 7 ~~evaluate the drug seizures portion of the Post-Acad-~~
 8 ~~emy Program; and~~

9 ~~(2) regularly update the plan materials.~~

10 ~~(c) ASSISTANT COMMISSIONER, OFFICE OF INTEL-~~
 11 ~~LIGENCE.—The Assistant Commissioner, Office of Intel-~~
 12 ~~ligence, shall—~~

13 ~~(1) establish the Southern Border Intelligence~~
 14 ~~Center to develop the understanding of the threat in~~
 15 ~~the environment along the international border be-~~
 16 ~~tween the United States and Mexico and report an-~~
 17 ~~nually to Congress regarding the threat situation~~
 18 ~~along such border;~~

19 ~~(2) increase the capabilities of the CBP Intel-~~
 20 ~~ligence Watch and the CBP Joint Processing and~~
 21 ~~Operations Center to provide continuous support to~~
 22 ~~combating transnational criminal organizations and~~
 23 ~~submit an annual report to Congress on the status~~
 24 ~~of such efforts;~~

1 ~~(3)~~ develop an intelligence research specialist
 2 career path, training requirements, and intelligence
 3 enterprise training academy to support border secu-
 4 rity, counter narcotic, and checkpoint operations;
 5 and

6 ~~(4)~~ require that all intelligence research special-
 7 ists are trained to the applicable performance stand-
 8 ards and submit an annual report to Congress re-
 9 garding the status of the intelligence professional
 10 workforce.

11 **SEC. 3. ANNUAL REPORT.**

12 The Chief, U.S. Border Patrol shall submit an annual
 13 report to Congress that describes the actions undertaken
 14 to ensure that—

15 ~~(1)~~ the Checkpoint Program Management Of-
 16 fice, in coordination with U.S. Border Patrol sectors,
 17 is overseeing the consistent and accurate recording
 18 of immigration checkpoint activity data, including
 19 data regarding—

20 ~~(A)~~ apprehensions at checkpoints, includ-
 21 ing smuggled people;

22 ~~(B)~~ canine assists with drug seizures;

23 ~~(C)~~ seizures of trace amounts of mari-
 24 juana;

1 ~~(D)~~ drug seizures, including drug seizures
 2 involving fentanyl mixed with another drug and
 3 drug seizures of counterfeit drugs;

4 ~~(E)~~ non-drug property seizures; and

5 ~~(F)~~ attempted checkpoint circumventions;

6 ~~(2)~~ U.S. Border Patrol uses its data system to
 7 document information about all people for whom a
 8 checkpoint encounter leads to a subsequent enforce-
 9 ment action; and

10 ~~(3)~~ the Checkpoint Program Management Of-
 11 fice—

12 ~~(A)~~ receives sustained oversight from the
 13 Office of the Chief, U.S. Border Patrol;

14 ~~(B)~~ is held accountable for implementing
 15 its checkpoint oversight responsibilities; and

16 ~~(C)~~ is consistently and adequately staffed.

17 **SECTION 1. SHORT TITLES.**

18 *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*
 19 *“CHECKPOINT Act”.*

22 **SEC. 2. DEFINITIONS.**

23 *In this Act:*

1 (1) *CHECKPOINT*.—The term “checkpoint” means
 2 a permanent or temporary checkpoint operated by the
 3 U.S. Border Patrol.

4 (2) *CHIEF*.—The term “Chief” means the Chief
 5 of the U.S. Border Patrol.

6 (3) *CPMO*.—The term “CPMO” means the
 7 Checkpoint Program Management Office established
 8 pursuant to section 3.

9 **SEC. 3. IMPROVING BORDER SECURITY.**

10 (a) *CHECKPOINT PROGRAM MANAGEMENT OFFICE*.—

11 (1) *ESTABLISHMENT*.—The Commissioner for
 12 U.S. Customs and Border Protection shall establish
 13 and operate, within the U.S. Border Patrol, the
 14 Checkpoint Program Management Office, which shall
 15 provide oversight over checkpoint operations nation-
 16 wide.

17 (2) *ASSISTANT CHIEF*.—The Chief shall select an
 18 Assistant Chief to manage the CPMO for a term of
 19 at least 2 years.

20 (3) *AUTHORITIES, ROLES, AND RESPONSIBIL-*
 21 *ITIES*.—Not later than 180 days after the date of the
 22 enactment of this Act, the Chief shall—

23 (A) issue a memorandum, or update rel-
 24 evant existing memoranda, outlining the author-
 25 ity, roles, and responsibilities of the CPMO; and

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

4 (b) CPMO ADMINISTRATION.—The Chief, working
5 through the Assistant Chief of the CPMO, shall—

6 (1) establish and maintain policies and standard
7 operating procedures that detail the authority, roles,
8 and responsibilities of the CPMO;

9 (2) provide oversight of checkpoint data quality
10 and accuracy to U.S. Border Patrol sectors that have
11 checkpoints;

12 (3) provide regular training regarding policies,
13 standard operating procedures, data entry, and data
14 quality and accuracy to—

15 (A) employees of U.S. Border Patrol sectors
16 with checkpoints; and

17 (B) employees stationed where checkpoints
18 have been approved to operate;

19 (4) conduct regular reviews of checkpoint staffing
20 and resources;

21 (5) serve as the liaison with U.S. Border Patrol
22 sector officials with respect to any ongoing checkpoint
23 issues, including the field points of contact designated
24 pursuant to section 4(b); and

1 (6) *coordinate regular reviews of checkpoint op-*
 2 *erations, including covert testing by U.S. Customs*
 3 *and Border Protection’s Operational Field Testing*
 4 *Division.*

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

6 (a) *HEADQUARTERS COORDINATION.*—*The Commis-*
 7 *sioner for U.S. Customs and Border Protection shall require*
 8 *the CPMO to regularly coordinate with offices of U.S. Cus-*
 9 *toms and Border Protection that support checkpoint oper-*
 10 *ations, including—*

11 (1) *the U.S. Customs and Border Protection Na-*
 12 *tional Canine Program;*

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

15 (3) *the U.S. Border Patrol Mission Support Di-*
 16 *rectorate;*

17 (4) *the U.S. Border Patrol Strategic Planning*
 18 *and Analysis Directorate; and*

19 (5) *the Office of Field Operations Non-Intrusive*
 20 *Inspection Program office.*

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

1 (1) *serve as the liaison between U.S. Border Pa-*
 2 *trol sector officials and the CPMO regarding check-*
 3 *point policies and procedures;*

4 (2) *maintain responsibility for any communica-*
 5 *tion related to checkpoint policy updates and check-*
 6 *point training;*

7 (3) *coordinate with the sector-level data integrity*
 8 *team to ensure sector checkpoint data reliability and*
 9 *accuracy; and*

10 (4) *meet on a regular basis with CPMO staff to*
 11 *discuss policy updates, operational issues, and lead-*
 12 *ing practices.*

13 (c) *ESTABLISHMENT OF STANDARD OPERATING PRO-*
 14 *CEDURES.*—*Not later than 180 days after the date of the*
 15 *enactment of this Act, the Chief shall approve standard op-*
 16 *erating procedures for the CPMO, which shall govern its*
 17 *checkpoint oversight activities, including—*

18 (1) *oversight of checkpoint data quality;*

19 (2) *reviews of checkpoint resources; and*

20 (3) *other activities identified by the Assistant*
 21 *Chief of the CPMO.*

22 **SEC. 5. DATA COLLECTION.**

23 (a) *IN GENERAL.*—*The Chief, in cooperation with the*
 24 *Assistant Chief of the CPMO, shall require the regular col-*
 25 *lection of data, including data relating to—*

1 (1) *apprehensions and seizures occurring at*
 2 *checkpoints;*

3 (2) *technology and assets used to carry out such*
 4 *enforcement actions;*

5 (3) *people involved in such enforcement actions;*

6 (4) *apprehensions of smuggled people;*

7 (5) *canine assists with drug seizures;*

8 (6) *seizures of trace amounts of marijuana;*

9 (7) *non-drug property seizures; and*

10 (8) *attempted checkpoint circumventions.*

11 (b) *SECONDARY INSPECTIONS.—The Chief, in coopera-*
 12 *tion with the Assistant Chief of the CPMO, shall require*
 13 *the regular collection of data on secondary inspections that*
 14 *occur at checkpoints using—*

15 (1) *the Border Enforcement Secondary Tool;*

16 (2) *license plate reader technology; and*

17 (3) *any additional tools developed to document*
 18 *information about secondary inspections at check-*
 19 *points.*

20 (c) *DATA COLLECTION PLAN.—Not later than 180*
 21 *days after the date of the enactment of this Act, the Chief*
 22 *shall develop a plan, which shall include goals and mile-*
 23 *stones—*

24 (1) *for improving checkpoint data collection;*

1 (2) *for improving checkpoint data reliability and*
2 *accuracy; and*

3 (3) *for addressing the checkpoint data collection*
4 *issues identified in recommendations 1 through 3 of*
5 *the Government Accountability Office’s report entitled*
6 *“Border Patrol: Actions Needed to Improve Check-*
7 *point Oversight and Data” (GAO-22-104568), pub-*
8 *lished on June 6, 2022.*

9 (d) *ANNUAL REPORT.—The Chief, in collaboration*
10 *with the Assistant Chief of the CPMO, shall submit an an-*
11 *nual report to the Committee on Homeland Security and*
12 *Governmental Affairs of the Senate and the Committee on*
13 *Homeland Security of the House of Representatives that de-*
14 *scribes—*

15 (1) *the data collected pursuant to subsections (a)*
16 *and (b);*

17 (2) *the steps taken to implement the plan devel-*
18 *oped pursuant to subsection (c); and*

19 (3) *the actions taken to ensure oversight of the*
20 *CPMO and the operations of checkpoints.*

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