

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 2367

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. SCOTT of Florida

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLES.**

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

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

1 (1) CHECKPOINT.—The term “checkpoint”
2 means a permanent or temporary checkpoint oper-
3 ated by the 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 OF-
11 FICE.—

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

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

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

24 (A) issue a memorandum, or update rel-
25 evant existing memoranda, outlining the au-

1 thority, roles, and responsibilities of the CPMO;
2 and

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

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

8 (1) establish and maintain policies and stand-
9 ard operating procedures that detail the authority,
10 roles, and responsibilities of the CPMO;

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

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

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

19 (B) employees stationed where checkpoints
20 have been approved to operate;

21 (4) conduct regular reviews of checkpoint staff-
22 ing and resources;

23 (5) serve as the liaison with U.S. Border Patrol
24 sector officials with respect to any ongoing check-

1 point issues, including the field points of contact
2 designated pursuant to section 4(b); and

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

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

8 (a) HEADQUARTERS COORDINATION.—The Commis-
9 sioner for U.S. Customs and Border Protection shall re-
10 quire the CPMO to regularly coordinate with offices of
11 U.S. Customs and Border Protection that support check-
12 point operations, including—

13 (1) the U.S. Customs and Border Protection
14 National Canine Program;

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

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

19 (4) the U.S. Border Patrol Strategic Planning
20 and Analysis Directorate; and

21 (5) the Office of Field Operations Non-Intru-
22 sive Inspection Program office.

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

1 (1) serve as the liaison between U.S. Border
2 Patrol sector officials and the CPMO regarding
3 checkpoint 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 integ-
8 rity team to ensure sector checkpoint data reliability
9 and accuracy; and

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

13 (c) ESTABLISHMENT OF STANDARD OPERATING
14 PROCEDURES.—Not later than 180 days after the date of
15 the enactment of this Act, the Chief shall approve stand-
16 ard operating procedures for the CPMO, which shall gov-
17 ern its 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
25 collection of data, including data relating to—

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

3 (2) technology and assets used to carry out
4 such 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 co-
12 operation with the Assistant Chief of the CPMO, shall re-
13 quire the regular collection of data on secondary inspec-
14 tions that 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
2 and 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 enti-
6 tled “Border Patrol: Actions Needed to Improve
7 Checkpoint Oversight and Data” (GAO-22-104568),
8 published on June 6, 2022.

9 (d) ANNUAL REPORT.—The Chief, in collaboration
10 with the Assistant Chief of the CPMO, shall submit an
11 annual report to the Committee on Homeland Security
12 and Governmental Affairs of the Senate and the Com-
13 mittee on Homeland Security of the House of Representa-
14 tives that describes—

15 (1) the data collected pursuant to subsections
16 (a) 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.