

## Union Calendar No. 9

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1639

**[Report No. 116-23]**

To amend the Homeland Security Act of 2002 to improve U.S. Customs and Border Protection (CBP) identification of staffing needs, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2019

Mr. HIGGINS of Louisiana (for himself, Mr. ROGERS of Alabama, Miss RICE of New York, and Mr. MCCAUL) introduced the following bill; which was referred to the Committee on Homeland Security

MARCH 28, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on March 8, 2019]

# **A BILL**

To amend the Homeland Security Act of 2002 to improve U.S. Customs and Border Protection (CBP) identification of staffing needs, 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 “CBP Workload Staffing*  
5 *Model Act”.*

6 **SEC. 2. ESTABLISHMENT OF WORKLOAD STAFFING MODELS**

7 **FOR U.S. BORDER PATROL AND AIR AND MA-**  
8 **RINE OPERATIONS OF CBP.**

9 *(a) IN GENERAL.—The Commissioner of U.S. Customs*  
10 *and Border Protection shall in coordination with the Under*  
11 *Secretary for Management, Chief Human Capital Officer,*  
12 *and Chief Financial Officer of the Department of Homeland*  
13 *Security, develop and implement, by not later than one*  
14 *year after the date of the enactment of this Act, a workload*  
15 *staffing model for each of the U.S. Border Patrol and Air*  
16 *and Marine Operations.*

17 *(b) RESPONSIBILITIES OF THE COMMISSIONER OF*  
18 *CBP.—Subsection (c) of section 411 of the Homeland Secu-*  
19 *rity Act of 2002 (6 U.S.C. 211) is amended—*

20 *(1) by redesignating paragraphs (18) and (19)*  
21 *as paragraphs (20) and (21), respectively; and*

22 *(2) by inserting after paragraph (17) the fol-*  
23 *lowing new paragraphs:*

24 *“(18) implement a staffing model that includes*  
25 *consideration for essential frontline operator activities*

1        *and functions, variations in operating environments,*  
2        *present and planned infrastructure, present and*  
3        *planned technology, and required operations support*  
4        *levels for the U.S. Border Patrol, Air and Marine Op-*  
5        *erations, and the Office of Field Operations, to man-*  
6        *age and assign personnel of such entities to ensure*  
7        *field and support posts possess adequate resources to*  
8        *carry out duties specified in this section;*

9                *“(19) develop standard operating procedures for*  
10        *a workforce tracking system within the U.S. Border*  
11        *Patrol, Air and Marine Operations, and the Office of*  
12        *Field Operations, train the workforce of each of such*  
13        *entities on the use, capabilities, and purpose of such*  
14        *system, and implement internal controls to ensure*  
15        *timely and accurate scheduling and reporting of ac-*  
16        *tual completed work hours and activities;”.*

17        *(c) REPORT.—Not later than one year after the date*  
18        *of the enactment of this Act with respect to subsection (a)*  
19        *and paragraphs (18) and (19) of section 411(c) of the*  
20        *Homeland Security Act of 2002 (as amended by subsection*  
21        *(b)), and annually thereafter with respect to such para-*  
22        *graphs (18) and (19), the Secretary of Homeland Security*  
23        *shall submit to the Committee on Homeland Security of the*  
24        *House of Representatives and the Committee on Homeland*  
25        *Security and Governmental Affairs of the Senate a status*

1 *update on the implementation of this Act and such para-*  
2 *graphs (18) and (19), and status updates on such para-*  
3 *graphs (18) and (19), as well as all relevant workload staff-*  
4 *ing models. Such status updates shall include information*  
5 *on data sources and methodology used to generate such*  
6 *staffing models.*

7       (d) *INSPECTOR GENERAL REVIEW.*—*Not later than*  
8 *120 days after the Commissioner of U.S. Customs and Bor-*  
9 *der Protection develops a workload staffing model pursuant*  
10 *to subsection (a), the Inspector General of the Department*  
11 *of Homeland Security shall review such model and provide*  
12 *feedback to the Secretary of Homeland Security and the*  
13 *Committee on Homeland Security of the House of Rep-*  
14 *resentatives and the Committee on Homeland Security and*  
15 *Governmental Affairs of the Senate regarding the degree to*  
16 *which such model is responsive to Inspector General rec-*  
17 *ommendations, including recommendations from the In-*  
18 *spector General’s February 2019 audit, and as appropriate,*  
19 *any further recommendations to improve such model.*

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