

117TH CONGRESS
1ST SESSION

H. R. 4138

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2021

Mr. HIGGINS of Louisiana (for himself, Mr. KATKO, Mr. McCAUL, Mr. GUEST, and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on Homeland Security

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 Staff-
5 ing Model Act”.

1 **SEC. 2. ESTABLISHMENT OF WORKLOAD STAFFING MOD-**
2 **ELS FOR U.S. BORDER PATROL AND AIR AND**
3 **MARINE OPERATIONS OF CBP.**

4 (a) IN GENERAL.—The Commissioner of U.S. Cus-
5 toms and Border Protection shall in coordination with the
6 Under Secretary for Management, Chief Human Capital
7 Officer, and Chief Financial Officer of the Department of
8 Homeland Security, develop and implement, by not later
9 than one year after the date of the enactment of this Act,
10 a workload staffing model for each of the U.S. Border Pa-
11 trol and Air and Marine Operations.

12 (b) RESPONSIBILITIES OF THE COMMISSIONER OF
13 CBP.—Subsection (c) of section 411 of the Homeland Se-
14 curity Act of 2002 (6 U.S.C. 211) is amended—

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

17 (2) by inserting after paragraph (17) the fol-
18 lowing new paragraphs:

19 “(18) implement a staffing model that includes
20 consideration for essential frontline operator activi-
21 ties and functions, variations in operating environ-
22 ments, present and planned infrastructure, present
23 and planned technology, and required operations
24 support levels for the U.S. Border Patrol, Air and
25 Marine Operations, and the Office of Field Oper-
26 ations, to manage and assign personnel of such enti-

1 ties to ensure field and support posts possess ade-
2 quate resources to carry out duties specified in this
3 section;

4 “(19) develop standard operating procedures
5 for a workforce tracking system within the U.S.
6 Border Patrol, Air and Marine Operations, and the
7 Office of Field Operations, train the workforce of
8 each of such entities on the use, capabilities, and
9 purpose of such system, and implement internal con-
10 trols to ensure timely and accurate scheduling and
11 reporting of actual completed work hours and activi-
12 ties;”.

13 (c) REPORT.—Not later than one year after the date
14 of the enactment of this Act with respect to subsection
15 (a) and paragraphs (18) and (19) of section 411(c) of the
16 Homeland Security Act of 2002 (as amended by sub-
17 section (b)), and annually thereafter with respect to such
18 paragraphs (18) and (19), the Secretary of Homeland Se-
19 curity shall submit to the Committee on Homeland Secu-
20 rity of the House of Representatives and the Committee
21 on Homeland Security and Governmental Affairs of the
22 Senate a status update on the implementation of this Act
23 and such paragraphs (18) and (19), and status updates
24 on such paragraphs (18) and (19), as well as all relevant
25 workload staffing models. Such status updates shall in-

1 clude information on data sources and methodology used
2 to generate such staffing models.

3 (d) INSPECTOR GENERAL REVIEW.—Not later than
4 120 days after the Commissioner of U.S. Customs and
5 Border Protection develops a workload staffing model pur-
6 suant to subsection (a), the Inspector General of the De-
7 partment of Homeland Security shall review such model
8 and provide feedback to the Secretary of Homeland Secu-
9 rity and the Committee on Homeland Security of the
10 House of Representatives and the Committee on Home-
11 land Security and Governmental Affairs of the Senate re-
12 garding the degree to which such model is responsive to
13 Inspector General recommendations, including rec-
14 ommendations from the Inspector General’s February
15 2019 audit, and as appropriate, any further recommenda-
16 tions to improve such model.

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