

Union Calendar No. 12

116TH CONGRESS
1ST SESSION

H. R. 1433

[Report No. 116–26]

To amend the Homeland Security Act of 2002 to improve morale within the Department of Homeland Security workforce by conferring new responsibilities to the Chief Human Capital Officer, establishing an employee engagement steering committee, requiring action plans, and authorizing an annual employee award program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2019

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on Homeland Security

MARCH 28, 2019

Additional sponsors: Miss RICE of New York, Ms. NORTON, Ms. CLARKE of New York, Ms. TORRES SMALL of New Mexico, and Ms. JACKSON LEE

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 *italic*]

[For text of introduced bill, see copy of bill as introduced on February 28, 2019]

A BILL

To amend the Homeland Security Act of 2002 to improve morale within the Department of Homeland Security workforce by conferring new responsibilities to the Chief Human Capital Officer, establishing an employee engagement steering committee, requiring action plans, and authorizing an annual employee award program, 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 “Department of Home-*
 5 *land Security Morale, Recognition, Learning and Engage-*
 6 *ment Act of 2019” or the “DHS MORALE Act”.*

7 **SEC. 2. CHIEF HUMAN CAPITAL OFFICER RESPONSIBIL-**
 8 **ITIES.**

9 *Section 704 of the Homeland Security Act of 2002 (6*
 10 *U.S.C. 344) is amended—*

11 *(1) in subsection (b)—*

12 *(A) in paragraph (1)—*

13 *(i) by inserting “, including with re-*
 14 *spect to leader development and employee*
 15 *engagement,” after “policies”;*

16 *(ii) by striking “and in line” and in-*
 17 *serting “, in line”; and*

18 *(iii) by inserting “and informed by*
 19 *best practices within the Federal govern-*
 20 *ment and the private sector,” after “prior-*
 21 *ities,”;*

22 *(B) in paragraph (2), by striking “develop*
 23 *performance measures to provide a basis for*
 24 *monitoring and evaluating” and inserting “use*

1 *performance measures to evaluate, on an ongoing*
2 *basis,”;*

3 *(C) in paragraph (3), by inserting “that, to*
4 *the extent practicable, are informed by employee*
5 *feedback” after “policies”;*

6 *(D) in paragraph (4), by inserting “includ-*
7 *ing leader development and employee engagement*
8 *programs,” before “in coordination”;*

9 *(E) in paragraph (5), by inserting before*
10 *the semicolon at the end the following: “that is*
11 *informed by an assessment, carried out by the*
12 *Chief Human Capital Officer, of the learning*
13 *and developmental needs of employees in super-*
14 *visory and non-supervisory roles across the De-*
15 *partment and appropriate workforce planning*
16 *initiatives”;*

17 *(F) by redesignating paragraphs (9) and*
18 *(10) as paragraphs (12) and (13), respectively;*
19 *and*

20 *(G) by inserting after paragraph (8) the fol-*
21 *lowing new paragraphs:*

22 *“(9) maintain a catalogue of available employee*
23 *development opportunities, including the Homeland*
24 *Security Rotation Program pursuant to section 844,*
25 *departmental leadership development programs, inter-*

1 *agency development programs, and other rotational*
2 *programs;*

3 *“(10) ensure that employee discipline and ad-*
4 *verse action programs comply with the requirements*
5 *of all pertinent laws, rules, regulations, and Federal*
6 *guidance, and ensure due process for employees;*

7 *“(11) analyze each Department or Government-*
8 *wide Federal workforce satisfaction or morale survey*
9 *not later than 90 days after the date of the publica-*
10 *tion of each such survey and submit to the Secretary*
11 *such analysis, including, as appropriate, rec-*
12 *ommendations to improve workforce satisfaction or*
13 *morale within the Department;”;*

14 *(2) by redesignating subsections (d) and (e) as*
15 *subsections (e) and (f), respectively;*

16 *(3) by inserting after subsection (c) the following*
17 *new subsection:*

18 *“(d) CHIEF LEARNING AND ENGAGEMENT OFFICER.—*
19 *The Chief Human Capital Officer may designate an em-*
20 *ployee of the Department to serve as a Chief Learning and*
21 *Engagement Officer to assist the Chief Human Capital Of-*
22 *ficer in carrying out this section.”; and*

23 *(4) in subsection (e), as so redesignated—*

1 (A) by redesignating paragraphs (2), (3),
 2 and (4) as paragraphs (5), (6), and (7), respec-
 3 tively; and

4 (B) by inserting after paragraph (1) the fol-
 5 lowing new paragraphs:

6 “(2) information on employee development op-
 7 portunities catalogued pursuant to paragraph (9) of
 8 subsection (b) and any available data on participa-
 9 tion rates, attrition rates, and impacts on retention
 10 and employee satisfaction;

11 “(3) information on the progress of Department-
 12 wide strategic workforce planning efforts as deter-
 13 mined under paragraph (2) of subsection (b);

14 “(4) information on the activities of the steering
 15 committee established pursuant to section 711(a), in-
 16 cluding the number of meetings, types of materials de-
 17 veloped and distributed, and recommendations made
 18 to the Secretary;”.

19 **SEC. 3. EMPLOYEE ENGAGEMENT STEERING COMMITTEE**
 20 **AND ACTION PLAN.**

21 (a) *IN GENERAL.*—Title VII of the Homeland Security
 22 Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding
 23 at the end the following new section:

1 **“SEC. 711. EMPLOYEE ENGAGEMENT.**

2 “(a) *STEERING COMMITTEE.*—Not later than 120 days
3 after the date of the enactment of this section, the Secretary
4 shall establish an employee engagement steering committee,
5 including representatives from operational components,
6 headquarters, and field personnel, including supervisory
7 and non-supervisory personnel, and employee labor organi-
8 zations that represent Department employees, and chaired
9 by the Under Secretary for Management, to carry out the
10 following activities:

11 “(1) *Identify factors that have a negative impact*
12 *on employee engagement, morale, and communica-*
13 *tions within the Department, such as perceptions*
14 *about limitations on career progression, mobility, or*
15 *development opportunities, collected through employee*
16 *feedback platforms, including through annual em-*
17 *ployee surveys, questionnaires, and other communica-*
18 *tions, as appropriate.*

19 “(2) *Identify, develop, and distribute initiatives*
20 *and best practices to improve employee engagement,*
21 *morale, and communications within the Department,*
22 *including through annual employee surveys, question-*
23 *naires, and other communications, as appropriate.*

24 “(3) *Monitor efforts of each component to address*
25 *employee engagement, morale, and communications*
26 *based on employee feedback provided through annual*

1 *employee surveys, questionnaires, and other commu-*
2 *nications, as appropriate.*

3 *“(4) Advise the Secretary on efforts to improve*
4 *employee engagement, morale, and communications*
5 *within specific components and across the Depart-*
6 *ment.*

7 *“(5) Conduct regular meetings and report, not*
8 *less than once per quarter, to the Under Secretary for*
9 *Management, the head of each component, and the*
10 *Secretary on Department-wide efforts to improve em-*
11 *ployee engagement, morale, and communications.*

12 *“(b) ACTION PLAN; REPORTING.—The Secretary, act-*
13 *ing through the Chief Human Capital Officer, shall—*

14 *“(1) not later than 120 days after the date of the*
15 *establishment of the employee engagement steering*
16 *committee under subsection (a), issue a Department-*
17 *wide employee engagement action plan, reflecting*
18 *input from the steering committee and employee feed-*
19 *back provided through annual employee surveys, ques-*
20 *tionnaires, and other communications in accordance*
21 *with paragraph (1) of such subsection, to execute*
22 *strategies to improve employee engagement, morale,*
23 *and communications within the Department; and*

24 *“(2) require the head of each component to—*

1 “(A) develop and implement a component-
 2 specific employee engagement plan to advance
 3 the action plan required under paragraph (1)
 4 that includes performance measures and objec-
 5 tives, is informed by employee feedback provided
 6 through annual employee surveys, question-
 7 naires, and other communications, as appro-
 8 priate, and sets forth how employees and, where
 9 applicable, their labor representatives are to be
 10 integrated in developing programs and initia-
 11 tives;

12 “(B) monitor progress on implementation of
 13 such action plan; and

14 “(C) provide to the Chief Human Capital
 15 Officer and the steering committee quarterly re-
 16 ports on actions planned and progress made
 17 under this paragraph.

18 “(c) *TERMINATION.*—*This section shall terminate on*
 19 *the date that is five years after the date of the enactment*
 20 *of this section.”.*

21 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
 22 *section 1(b) of the Homeland Security Act of 2002 is*
 23 *amended by inserting after the item relating to section 710*
 24 *the following new item:*

 “Sec. 711. *Employee engagement.*”.

25 (c) *SUBMISSIONS TO CONGRESS.*—

1 (1) *DEPARTMENT-WIDE EMPLOYEE ENGAGEMENT*
2 *ACTION PLAN.*—*The Secretary of Homeland Security,*
3 *acting through the Chief Human Capital Officer of*
4 *the Department of Homeland Security, shall submit*
5 *to the Committee on Homeland Security of the House*
6 *of Representatives and the Committee on Homeland*
7 *Security and Governmental Affairs of the Senate the*
8 *Department-wide employee engagement action plan*
9 *required under subsection (b)(1) of section 711 of the*
10 *Homeland Security Act of 2002 (as added by sub-*
11 *section (a) of this section) not later than 30 days*
12 *after the issuance of such plan under such subsection*
13 *(b)(1).*

14 (2) *COMPONENT-SPECIFIC EMPLOYEE ENGAGE-*
15 *MENT PLANS.*—*Each head of a component of the De-*
16 *partment of Homeland Security shall submit to the*
17 *Committee on Homeland Security of the House of*
18 *Representatives and the Committee on Homeland Se-*
19 *curity and Governmental Affairs of the Senate the*
20 *component-specific employee engagement plan of each*
21 *such component required under subsection (b)(2) of*
22 *section 711 of the Homeland Security Act of 2002 not*
23 *later than 30 days after the issuance of each such*
24 *plan under such subsection (b)(2).*

1 **SEC. 4. ANNUAL EMPLOYEE AWARD PROGRAM.**

2 (a) *IN GENERAL.*—*Title VII of the Homeland Security*
3 *Act of 2002 (6 U.S.C. 341 et seq.), as amended by section*
4 *3 of this Act, is further amended by adding at the end the*
5 *following new section:*

6 **“SEC. 712. ANNUAL EMPLOYEE AWARD PROGRAM.**

7 “(a) *IN GENERAL.*—*The Secretary may establish an*
8 *annual employee award program to recognize Department*
9 *employees or groups of employees for significant contribu-*
10 *tions to the achievement of the Department’s goals and mis-*
11 *sions. If such a program is established, the Secretary*
12 *shall—*

13 “(1) *establish within such program categories of*
14 *awards, each with specific criteria, that emphasizes*
15 *honoring employees who are at the non-supervisory*
16 *level;*

17 “(2) *publicize within the Department how any*
18 *employee or group of employees may be nominated for*
19 *an award;*

20 “(3) *establish an internal review board com-*
21 *prised of representatives from Department compo-*
22 *nents, headquarters, and field personnel to submit to*
23 *the Secretary award recommendations regarding spe-*
24 *cific employees or groups of employees;*

25 “(4) *select recipients from the pool of nominees*
26 *submitted by the internal review board under para-*

1 *graph (3) and convene a ceremony at which employ-*
2 *ees or groups of employees receive such awards from*
3 *the Secretary; and*

4 “(5) publicize such program within the Depart-
5 *ment.*

6 “(b) *INTERNAL REVIEW BOARD.*—*The internal review*
7 *board described in subsection (a)(3) shall, when carrying*
8 *out its function under such subsection, consult with rep-*
9 *resentatives from operational components and headquarters,*
10 *including supervisory and non-supervisory personnel, and*
11 *employee labor organizations that represent Department*
12 *employees.*

13 “(c) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
14 *tion may be construed to authorize additional funds to*
15 *carry out the requirements of this section or to require the*
16 *Secretary to provide monetary bonuses to recipients of an*
17 *award under this section.”.*

18 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
19 *section 1(b) of the Homeland Security Act of 2002, as*
20 *amended by section 3 of this Act, is further amended by*
21 *inserting after the item relating to section 711 the following*
22 *new item:*

 “Sec. 712. *Annual employee award program.*”.

1 **SEC. 5. INDEPENDENT INVESTIGATION AND IMPLEMENTA-**
2 **TION PLAN.**

3 (a) *IN GENERAL.*—Not later than 120 days after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall investigate whether the applica-
6 tion in the Department of Homeland Security of discipline
7 and adverse actions are administered in an equitable and
8 consistent manner that results in the same or substantially
9 similar disciplinary outcomes across the Department for
10 misconduct by a non-supervisory or supervisor employee
11 who engaged in the same or substantially similar mis-
12 conduct.

13 (b) *CONSULTATION.*—In carrying out the investigation
14 described in subsection (a), the Comptroller General of the
15 United States shall consult with the Under Secretary for
16 Management of the Department of Homeland Security and
17 the employee engagement steering committee established
18 pursuant to subsection (b)(1) of section 711 of the Home-
19 land Security Act of 2002 (as added by section 3(a) of this
20 Act).

21 (c) *ACTION BY UNDER SECRETARY FOR MANAGE-*
22 *MENT.*—Upon completion of the investigation described in
23 subsection (a), the Under Secretary for Management of the
24 Department of Homeland Security shall review the findings
25 and recommendations of such investigation and implement
26 a plan, in consultation with the employee engagement steer-

1 *ing committee established pursuant to subsection (b)(1) of*
 2 *section 711 of the Homeland Security Act of 2002, to correct*
 3 *any relevant deficiencies identified by the Comptroller Gen-*
 4 *eral of the United States in such investigation. The Under*
 5 *Secretary for Management shall direct the employee engage-*
 6 *ment steering committee to review such plan to inform com-*
 7 *mittee activities and action plans authorized under such*
 8 *section 711.*

9 **SEC. 6. IMPACTS OF SHUTDOWN.**

10 *Not later than 90 days after the date of the enactment*
 11 *of this Act, the Secretary of Homeland Security shall report*
 12 *to the Committee on Homeland Security of the House of*
 13 *Representatives and the Committee on Homeland Security*
 14 *and Governmental Affairs of the Senate regarding the direct*
 15 *and indirect impacts of the lapse in appropriations between*
 16 *December 22, 2018, and January 25, 2019, on—*

17 *(1) Department of Homeland Security human*
 18 *resources operations;*

19 *(2) the Department's ability to meet hiring*
 20 *benchmarks; and*

21 *(3) retention, attrition, and morale of Depart-*
 22 *ment personnel.*

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