

116TH CONGRESS
1ST SESSION

H. R. 1433

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Home-
3 land Security Morale, Recognition, Learning and Engage-
4 ment Act of 2019” or the “DHS MORALE Act”.

5 **SEC. 2. CHIEF HUMAN CAPITAL OFFICER RESPONSIBIL-**
6 **ITIES.**

7 Section 704 of the Homeland Security Act of 2002
8 (6 U.S.C. 344) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1)—

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

14 (ii) by striking “and in line” and in-
15 serting “, in line”; and

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

20 **[(B) in paragraph (2), by striking “de-**
21 **velop performance measures to provide a basis**
22 **for monitoring and evaluating” and inserting**
23 **“use performance measures to evaluate, on an**
24 **ongoing basis,”;]**

1 (C) in paragraph (3), by inserting “that,
2 to the extent practicable, are informed by em-
3 ployee feedback” after “policies”;

4 (D) in paragraph (4), by inserting “includ-
5 ing leader development and employee engage-
6 ment programs,” before “in coordination”;

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

15 (F) by redesignating paragraphs (9) and
16 (10) as paragraphs (11) and (12), respectively;
17 and

18 (G) by inserting after paragraph (8) the
19 following new paragraphs:

20 “(9) maintain a catalogue of available employee
21 development opportunities, including the Homeland
22 Security Rotation Program pursuant to section 844,
23 departmental leadership development programs,
24 interagency development programs, and other rota-
25 tional programs;

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

5 (2) by redesignating subsections (d) and (e) as
6 subsections (e) and (f), respectively;

7 (3) by inserting after subsection (c) the fol-
8 lowing new subsection:

9 “(d) CHIEF LEARNING AND ENGAGEMENT OFFI-
10 CER.—The Chief Human Capital Officer may designate
11 an employee of the Department to serve as a Chief Learn-
12 ing and Engagement Officer to assist the Chief Human
13 Capital Officer in carrying out this section.”; and

14 (4) in subsection (e), as so redesignated—

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

18 (B) by inserting after paragraph (1) the
19 following new paragraphs:

20 “(2) information on employee development op-
21 portunities catalogued pursuant to paragraph (9) of
22 subsection (b) and any available data on participa-
23 tion rates, attrition rates, and impacts on retention
24 and employee satisfaction;

1 “(3) information on the progress of Depart-
2 ment-wide strategic workforce planning efforts as
3 determined under paragraph (2) of subsection (b);

4 “(4) information on the activities of the steer-
5 ing committee established pursuant to section
6 711(a), including the number of meetings, types of
7 materials developed and distributed, and rec-
8 ommendations made to the Secretary;”.

9 **SEC. 3. EMPLOYEE ENGAGEMENT STEERING COMMITTEE**
10 **AND ACTION PLAN.**

11 (a) IN GENERAL.—Title VII of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
13 adding at the end the following new section:

14 **“SEC. 711. EMPLOYEE ENGAGEMENT.**

15 “(a) STEERING COMMITTEE.—Not later than 120
16 days after the date of the enactment of this section, the
17 Secretary shall establish an employee engagement steering
18 committee, including representatives from operational
19 components, headquarters, and field personnel, including
20 supervisory and non-supervisory personnel, and employee
21 labor organizations that represent Department employees,
22 and chaired by the Under Secretary for Management, to
23 carry out the following activities:

24 “(1) Identify factors that have a negative im-
25 pact on employee engagement, morale, and commu-

1 nications within the Department, such as percep-
2 tions about limitations on career progression, mobil-
3 ity, or development opportunities, collected through
4 employee feedback platforms, including through an-
5 nual employee surveys, questionnaires, and other
6 communications, as appropriate.

7 “(2) Identify, develop, and distribute initiatives
8 and best practices to improve employee engagement,
9 morale, and communications within the Department,
10 including through annual employee surveys, ques-
11 tionnaires, and other communications, as appro-
12 priate.

13 “(3) Monitor efforts of each component to ad-
14 dress employee engagement, morale, and commu-
15 nications based on employee feedback provided
16 through annual employee surveys, questionnaires,
17 and other communications, as appropriate.

18 “(4) Advise the Secretary on efforts to improve
19 employee engagement, morale, and communications
20 within specific components and across the Depart-
21 ment.

22 “(5) Conduct regular meetings and report, not
23 less than once per quarter, to the Under Secretary
24 for Management, the head of each component, and

1 the Secretary on Department-wide efforts to improve
2 employee engagement, morale, and communications.

3 “(b) ACTION PLAN; REPORTING.—The Secretary,
4 acting through the Chief Human Capital Officer, shall—

5 “(1) not later than 120 days after the date of
6 the establishment of the employee engagement steer-
7 ing committee under subsection (a), issue a Depart-
8 ment-wide employee engagement action plan, reflect-
9 ing input from the steering committee and employee
10 feedback provided through annual employee surveys,
11 questionnaires, and other communications in accord-
12 ance with paragraph (1) of such subsection, to exe-
13 cute strategies to improve employee engagement,
14 morale, and communications within the Department;
15 and

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

17 “(A) develop and implement a component-
18 specific employee engagement plan to advance
19 the action plan required under paragraph (1)
20 that includes performance measures and objec-
21 tives, is informed by employee feedback pro-
22 vided through annual employee surveys, ques-
23 tionnaires, and other communications, as appro-
24 priate, and sets forth how employees and, where
25 applicable, their labor representatives are to be

1 integrated in developing programs and initia-
2 tives;

3 “(B) monitor progress on implementation
4 of such action plan; and

5 “(C) provide to the Chief Human Capital
6 Officer and the steering committee quarterly re-
7 ports on actions planned and progress made
8 under this paragraph.

9 “(c) TERMINATION.—This section shall terminate on
10 the date that is five years after the date of the enactment
11 of this section.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by inserting after the item relating to section
15 710 the following new item:

“Sec. 711. Employee engagement.”.

16 (c) SUBMISSIONS TO CONGRESS.—

17 (1) DEPARTMENT-WIDE EMPLOYEE ENGAGE-
18 MENT ACTION PLAN.—The Secretary of Homeland
19 Security, acting through the Chief Human Capital
20 Officer of the Department of Homeland Security,
21 shall submit to the Committee on Homeland Secu-
22 rity of the House of Representatives and the Com-
23 mittee on Homeland Security and Governmental Af-
24 fairs of the Senate the Department-wide employee
25 engagement action plan required under subsection

1 (b)(1) of section 711 of the Homeland Security Act
2 of 2002 (as added by subsection (a) of this section)
3 not later than 30 days after the issuance of such
4 plan under such subsection (b)(1).

5 (2) COMPONENT-SPECIFIC EMPLOYEE ENGAGE-
6 MENT PLANS.—Each head of a component of the
7 Department of Homeland Security shall submit to
8 the Committee on Homeland Security of the House
9 of Representatives and the Committee on Homeland
10 Security and Governmental Affairs of the Senate the
11 component-specific employee engagement plan of
12 each such component required under subsection
13 (b)(2) of section 711 of the Homeland Security Act
14 of 2002 (as added by subsection (a) of this section)
15 not later than 30 days after the issuance of each
16 such plan under such subsection (b)(2).

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

18 (a) IN GENERAL.—Title VII of the Homeland Secu-
19 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by
20 section 3 of this Act, is further amended by adding at the
21 end the following new section:

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

23 “(a) IN GENERAL.—The Secretary may establish an
24 annual employee award program to recognize Department
25 employees or groups of employees for significant contribu-

1 tions to the achievement of the Department’s goals and
2 missions. If such a program is established, the Secretary
3 shall—

4 “(1) establish within such program categories
5 of awards, each with specific criteria, that empha-
6 sizes honoring employees who are at the non-super-
7 visory level;

8 “(2) publicize within the Department how any
9 employee or group of employees may be nominated
10 for an award;

11 “(3) establish an internal review board com-
12 prised of representatives from Department compo-
13 nents, headquarters, and field personnel to submit to
14 the Secretary award recommendations regarding
15 specific employees or groups of employees;

16 “(4) select recipients from the pool of nominees
17 submitted by the internal review board under para-
18 graph (3) and convene a ceremony at which employ-
19 ees or groups of employees receive such awards from
20 the Secretary; and

21 “(5) publicize such program within the Depart-
22 ment.

23 “(b) INTERNAL REVIEW BOARD.—The internal re-
24 view board described in subsection (a)(3) shall, when car-
25 rying out its function under such subsection, consult with

1 representatives from operational components and head-
2 quarters, including supervisory and non-supervisory per-
3 sonnel, and employee labor organizations that represent
4 Department employees.

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

10 (b) **CLERICAL AMENDMENT.**—The table of contents
11 in section 1(b) of the Homeland Security Act of 2002, as
12 amended by section 3 of this Act, is further amended by
13 inserting after the item relating to section 711 the fol-
14 lowing new item:

“Sec. 712. Annual employee award program.”

15 **SEC. 5. INDEPENDENT INVESTIGATION AND IMPLEMENTA-**
16 **TION PLAN.**

17 (a) **IN GENERAL.**—Not later than 120 days after the
18 date of the enactment of this Act, the Comptroller General
19 of the United States shall investigate whether the applica-
20 tion in the Department of Homeland Security of discipline
21 and adverse actions are administered in an equitable and
22 consistent manner that results in the same or substantially
23 similar disciplinary outcomes across the Department for
24 misconduct by a non-supervisory or supervisor employee

1 who engaged in the same or substantially similar mis-
2 conduct.

3 (b) CONSULTATION.—In carrying out the investiga-
4 tion described in subsection (a), the Comptroller General
5 of the United States shall consult with the Under Sec-
6 retary for Management of the Department of Homeland
7 Security and the employee engagement steering committee
8 established pursuant to subsection (b)(1) of section 711
9 of the Homeland Security Act of 2002 (as added by sec-
10 tion 3(a) of this Act).

11 (c) ACTION BY UNDER SECRETARY FOR MANAGE-
12 MENT.—Upon completion of the investigation described in
13 subsection (a), the Under Secretary for Management of
14 the Department of Homeland Security shall review the
15 findings and recommendations of such investigation and
16 implement a plan, in consultation with the employee en-
17 gagement steering committee established pursuant to sub-
18 section (b)(1) of section 711 of the Homeland Security
19 Act of 2002, to correct any relevant deficiencies identified
20 by the Comptroller General of the United States in such
21 investigation. The Under Secretary for Management shall
22 direct the employee engagement steering committee to re-
23 view such plan to inform committee activities and action
24 plans authorized under such section 711.

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