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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. 2283

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

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

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 2017” 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 “develop
21 performance measures to provide a basis for
22 monitoring and evaluating” and inserting
23 “evaluate, on an ongoing basis,”;

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

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

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

12 (F) by redesignating paragraphs (9) and
13 (10) as paragraphs (11) and (12), respectively;
14 and

15 (G) by inserting after paragraph (8) the
16 following new paragraphs:

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

23 “(10) ensure that employee discipline and ad-
24 verse action programs comply with the requirements

1 of all pertinent laws, rules, regulations, and Federal
2 guidance, and ensure due process for employees;”;

3 (2) by redesignating subsections (d) and (e) as
4 subsections (e) and (f), respectively;

5 (3) by inserting after subsection (c) the fol-
6 lowing new subsection:

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

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

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

16 (B) by inserting after paragraph (1) the
17 following new paragraphs:

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

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

1 “(4) information on the activities of the steer-
2 ing committee established pursuant to section
3 710(a), including the number of meeting, types of
4 materials developed and distributed, and rec-
5 ommendations made to the Secretary;”.

6 **SEC. 3. EMPLOYEE ENGAGEMENT STEERING COMMITTEE**
7 **AND ACTION PLAN.**

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

11 **“SEC. 710. EMPLOYEE ENGAGEMENT.**

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

21 “(1) Identify factors that have a negative im-
22 pact on employee engagement, morale, and commu-
23 nications within the Department, such as percep-
24 tions about limitations on career progression, mobil-
25 ity, or development opportunities, collected through

1 employee feedback platforms, including through an-
2 nual employee surveys, questionnaires, and other
3 communications, as appropriate.

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

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

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

19 “(5) Conduct regular meetings and report, not
20 less than once per quarter, to the Under Secretary
21 for Management, the head of each component, and
22 the Secretary on Department-wide efforts to improve
23 employee engagement, morale, and communications.

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

1 “(1) not later than 120 days after the date of
2 the establishment of the steering committee under
3 subsection (a), issue a Department-wide employee
4 engagement action plan, reflecting input from the
5 employee engagement steering committee established
6 pursuant to subsection (a) and employee feedback
7 provided through annual employee surveys, question-
8 naires, and other communications in accordance with
9 paragraph (1) of such subsection, to execute strate-
10 gies to improve employee engagement, morale, and
11 communications within the Department; and

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

13 “(A) identify and assign a senior executive
14 to serve on the steering committee;

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

1 “(C) monitor progress on implementation
2 of such action plan; and

3 “(D) provide to the Chief Human Capital
4 Officer and the steering committee monthly re-
5 ports on actions planned and progress made
6 under this paragraph.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of the Homeland Security Act of 2002 is
9 amended by inserting after the item relating to section
10 709 the following new item:

 “Sec. 710. Employee engagement.”.

11 (c) SUBMISSIONS TO CONGRESS.—

12 (1) DEPARTMENT-WIDE EMPLOYEE ENGAGE-
13 MENT ACTION PLAN.—The Secretary of Homeland
14 Security, acting through the Chief Human Capital
15 Officer of the Department of Homeland Security,
16 shall submit to the Committee on Homeland Secu-
17 rity of the House of Representatives and the Com-
18 mittee on Homeland Security and Governmental Af-
19 fairs of the Senate the Department-wide employee
20 engagement action plan required under subsection
21 (b)(1) of section 710 of the Homeland Security Act
22 of 2002 (as added by subsection (a) of this section)
23 not later than 30 days after the issuance of such
24 plan under such subsection (b)(1).

1 (2) COMPONENT-SPECIFIC EMPLOYEE ENGAGE-
2 MENT PLANS.—Each head of a component of the
3 Department of Homeland Security shall submit to
4 the Committee on Homeland Security of the House
5 of Representatives and the Committee on Homeland
6 Security and Governmental Affairs of the Senate the
7 component-specific employee engagement plan of
8 each such component required under subsection
9 (b)(2) of section 710 of the Homeland Security Act
10 of 2002 (as added by subsection (a) of this section)
11 not later than 30 days after the issuance of each
12 such plan under such subsection (b)(2).

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

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

18 **“SEC. 711. ANNUAL EMPLOYEE AWARD PROGRAM.**

19 “(a) IN GENERAL.—The Secretary may establish an
20 annual employee award program to recognize Department
21 employees or groups of employees for significant contribu-
22 tions to the achievement of the Department’s goals and
23 missions. If such a program is established, the Secretary
24 shall—

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

5 “(2) publicize within the Department how any
6 employee or group of employees may be nominated
7 for an award;

8 “(3) establish an internal review board com-
9 prised of representatives from Department compo-
10 nents to submit to the Secretary award rec-
11 ommendations regarding specific employees or
12 groups of employees;

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

18 “(5) publicize such program within the Depart-
19 ment.

20 “(b) INTERNAL REVIEW BOARD.—The internal re-
21 view board described in subsection (a)(3) shall, when car-
22 rying out its function under such subsection, consult with
23 representatives from operational components and head-
24 quarters, including supervisory and non-supervisory per-

1 sonnel, and employee labor organizations that represent
2 Department employees.

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

8 (b) **CLERICAL AMENDMENT.**—The table of contents
9 in section 1(b) of the Homeland Security Act of 2002, as
10 amended by section 3 of this Act, is further amended by
11 inserting after the item relating to section 710 the fol-
12 lowing new item:

“Sec. 711. Annual employee award program.”.

13 **SEC. 5. INDEPENDENT AUDIT.**

14 (a) **IN GENERAL.**—Not later than 90 days after the
15 date of the issuance of any comprehensive report by the
16 Inspector General of the Department of Homeland Secu-
17 rity on the administration of the disciplinary and adverse
18 action program within the Department but in no case later
19 than 180 days after the date of the enactment of this Act,
20 the Secretary of Homeland Security shall execute an
21 agreement with an entity outside the Federal Government
22 to conduct an independent audit of how disciplinary proc-
23 esses are administered throughout the Department.

24 (b) **CONTENTS.**—Not later than 180 days after the
25 agreement described in subsection (a) is executed, the en-

1 tity referred to in such subsection shall submit to the
2 Committee on Homeland Security of the House of Rep-
3 resentatives and the Committee on Homeland Security
4 and Governmental Affairs of the Senate the audit required
5 under such subsection, including findings regarding
6 whether disciplinary processes of the Department of
7 Homeland Security are administered in a consistent man-
8 ner within components and across the Department, and
9 recommendations for actions to promote greater uni-
10 formity and transparency in the administration of such
11 disciplinary processes. The audit shall specifically review
12 whether such disciplinary processes administered within
13 each component of the Department result in the same or
14 substantially similar disciplinary outcomes for misconduct
15 by a non-supervisory or supervisory employee who engaged
16 in same or substantially similar misconduct. In carrying
17 out the audit, the entity shall consult with representatives
18 of Federal employee labor organizations that represent
19 Department employees.

20 **SEC. 6. PROHIBITION ON NEW FUNDING.**

21 No funds are authorized to carry out this Act and
22 the amendments made by this Act. This Act and such
23 amendments shall be carried out using amounts otherwise
24 made available.