

115TH CONGRESS
1ST SESSION

H. R. 2283

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2017

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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

24 “(B) monitor progress on implementation
25 of such action plan; and

1 “(C) provide to the Chief Human Capital
2 Officer and the steering committee quarterly re-
3 ports on actions planned and progress made
4 under this paragraph.

5 “(c) TERMINATION.—This section shall terminate on
6 the date that is 5 years after the date of the enactment
7 of this section.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of the Homeland Security Act of 2002 is
10 amended by inserting after the item relating to section
11 709 the following new item:

“Sec. 710. Employee engagement.”.

12 (c) SUBMISSIONS TO CONGRESS.—

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

15 (a) **IN GENERAL.**—Not later than 120 days after the
16 date of the enactment of this Act or the issuance of a
17 report by the Inspector General of the Department of
18 Homeland Security on the extent to which the Department
19 has an equitable and consistent disciplinary process,
20 whichever is later, but in no case later than 1 year after
21 such date of enactment, the Comptroller General of the
22 United States shall utilize, if available, such report and
23 investigate whether the application of discipline and ad-
24 verse actions are administered in an equitable and con-
25 sistent manner that results in the same or substantially

1 similar disciplinary outcomes across the Department for
2 misconduct by a non-supervisory or supervisor employee
3 who engaged in the same or substantially similar mis-
4 conduct.

5 (b) CONSULTATION.—In carrying out the investiga-
6 tion described in subsection (a), the Comptroller General
7 of the United States shall consult with the employee en-
8 gagement steering committee established pursuant to sub-
9 section (b)(1) of section 710 of the Homeland Security
10 Act of 2002 (as added by section 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 710 of the Homeland Security
19 Act of 2002, to correct any relevant deficiencies identified
20 by the Comptroller General of the United States. The
21 Under Secretary for Management shall direct the em-
22 ployee engagement steering committee to review such plan
23 to inform committee activities and action plans authorized
24 under such section 710.

1 **SEC. 5. PROHIBITION ON NEW FUNDING.**

2 No additional funds are authorized to carry out the
3 requirements of this Act and the amendments made by
4 this Act. Such requirements shall be carried out using
5 amounts otherwise authorized.

Passed the House of Representatives June 20, 2017.

Attest:

KAREN L. HAAS,

Clerk.