

Executive Order 12906, referred to in subsec. (b)(2)(D)(iii), is set out as a note under section 1457 of Title 43, Public Lands.

AMENDMENTS

2004—Pub. L. 108-458 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 108-458, title VIII, § 8201(a), Dec. 17, 2004, 118 Stat. 3865, provided that: “Congress makes the following findings:

“(1) Geospatial technologies and geospatial data improve government capabilities to detect, plan for, prepare for, and respond to disasters in order to save lives and protect property.

“(2) Geospatial data improves the ability of information technology applications and systems to enhance public security in a cost-effective manner.

“(3) Geospatial information preparedness in the United States, and specifically in the Department of Homeland Security, is insufficient because of—

“(A) inadequate geospatial data compatibility;

“(B) insufficient geospatial data sharing; and

“(C) technology interoperability barriers.”

§ 344. Chief Human Capital Officer

(a) In general

The Chief Human Capital Officer shall report directly to the Under Secretary for Management.

(b) Responsibilities

In addition to the responsibilities set forth in chapter 14 of title 5 and other applicable law, the Chief Human Capital Officer of the Department shall—

(1) develop and implement strategic workforce planning policies, including with respect to leader development and employee engagement, that are consistent with Government-wide leading principles, in line with Department strategic human capital goals and priorities, and informed by best practices within the Federal Government and the private sector, taking into account the special requirements of members of the Armed Forces serving in the Coast Guard;

(2) use performance measures to evaluate, on an ongoing basis, Department-wide strategic workforce planning efforts;

(3) develop, improve, and implement policies that, to the extent practicable, are informed by employee feedback, including compensation flexibilities available to Federal agencies where appropriate, to recruit, hire, train, and retain the workforce of the Department, in coordination with all components of the Department;

(4) identify methods for managing and overseeing human capital programs and initiatives, including leader development and employee engagement programs, in coordination with the head of each component of the Department;

(5) develop a career path framework and create opportunities for leader development in coordination with all components of the Department that is informed by an assessment, carried out by the Chief Human Capital Officer, of the learning and developmental needs

of employees in supervisory and non-supervisory roles across the Department and appropriate workforce planning initiatives;

(6) lead the efforts of the Department for managing employee resources, including training and development opportunities, in coordination with each component of the Department;

(7) work to ensure the Department is implementing human capital programs and initiatives and effectively educating each component of the Department about these programs and initiatives;

(8) identify and eliminate unnecessary and duplicative human capital policies and guidance;

(9) maintain a catalogue of available employee development opportunities, including the Homeland Security Rotation Program pursuant to section 414 of this title, departmental leadership development programs, interagency development programs, and other rotational programs;

(10) ensure that employee discipline and adverse action programs comply with the requirements of all pertinent laws, rules, regulations, and Federal guidance, and ensure due process for employees;

(11) analyze each Department or Government-wide Federal workforce satisfaction or morale survey not later than 90 days after the date of the publication of each such survey and submit to the Secretary such analysis, including, as appropriate, recommendations to improve workforce satisfaction or morale within the Department;

(12) review and approve all component employee engagement action plans to ensure such plans include initiatives responsive to the root cause of employee engagement challenges, as well as outcome-based performance measures and targets to track the progress of such initiatives;

(13) provide input concerning the hiring and performance of the Chief Human Capital Officer or comparable official in each component of the Department; and

(14) ensure that all employees of the Department are informed of their rights and remedies under chapters 12 and 23 of title 5.

(c) Component strategies

(1) In general

Each component of the Department shall, in coordination with the Chief Human Capital Officer of the Department, develop a 5-year workforce strategy for the component that will support the goals, objectives, and performance measures of the Department for determining the proper balance of Federal employees and private labor resources.

(2) Strategy requirements

In developing the strategy required under paragraph (1), each component shall consider the effect on human resources associated with creating additional Federal full-time equivalent positions, converting private contractors to Federal employees, or relying on the private sector for goods and services.

(d) Chief Learning and Engagement Officer

The Chief Human Capital Officer may designate an employee of the Department to serve

as a Chief Learning and Engagement Officer to assist the Chief Human Capital Officer in carrying out this section.

(e) Annual submission

Not later than 90 days after the date on which the Secretary submits the annual budget justification for the Department, the Secretary shall submit to the congressional homeland security committees a report that includes a table, delineated by component with actual and enacted amounts, including—

(1) information on the progress within the Department of fulfilling the workforce strategies developed under subsection (c);

(2) information on employee development opportunities catalogued pursuant to paragraph (9) of subsection (b) and any available data on participation rates, attrition rates, and impacts on retention and employee satisfaction;

(3) information on the progress of Departmentwide strategic workforce planning efforts as determined under paragraph (2) of subsection (b);

(4) information on the activities of the steering committee established pursuant to section 351(a) of this title, including the number of meetings, types of materials developed and distributed, and recommendations made to the Secretary;

(5) the number of on-board staffing for Federal employees from the prior fiscal year;

(6) the total contract hours submitted by each prime contractor as part of the service contract inventory required under section 743 of the Financial Services and General Government Appropriations Act, 2010 (division C of Public Law 111–117; 31 U.S.C. 501 note); and

(7) the number of full-time equivalent personnel identified under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).

(f) Limitation

Nothing in this section overrides or otherwise affects the requirements specified in section 468 of this title.

(Pub. L. 107–296, title VII, § 704, Nov. 25, 2002, 116 Stat. 2219; Pub. L. 114–328, div. A, title XIX, § 1904, Dec. 23, 2016, 130 Stat. 2674; Pub. L. 117–81, div. F, title LXIV, § 6403, Dec. 27, 2021, 135 Stat. 2399.)

Editorial Notes

REFERENCES IN TEXT

The Intergovernmental Personnel Act of 1970, referred to in subsec. (e)(7), is Pub. L. 91–648, Jan. 5, 1971, 84 Stat. 1909, which is classified principally to chapter 62 (§ 4701 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4701 of Title 42 and Tables.

AMENDMENTS

2021—Subsec. (b)(1). Pub. L. 117–81, § 6403(a)(1), inserted “, including with respect to leader development and employee engagement,” after “policies” and “and informed by best practices within the Federal Government and the private sector,” after “priorities,” and substituted “, in line” for “and in line”.

Subsec. (b)(2). Pub. L. 117–81, § 6403(1)(B), substituted “use performance measures to evaluate, on an ongoing

basis,” for “develop performance measures to provide a basis for monitoring and evaluating”.

Subsec. (b)(3). Pub. L. 117–81, § 6403(1)(C), inserted “that, to the extent practicable, are informed by employee feedback” after “policies”.

Subsec. (b)(4). Pub. L. 117–81, § 6403(1)(D), inserted “including leader development and employee engagement programs,” before “in coordination”.

Subsec. (b)(5). Pub. L. 117–81, § 6403(1)(E), inserted “that is informed by an assessment, carried out by the Chief Human Capital Officer, of the learning and developmental needs of employees in supervisory and non-supervisory roles across the Department and appropriate workforce planning initiatives” before semicolon at end.

Subsec. (b)(9) to (12). Pub. L. 117–81, § 6403(1)(G), added pars. (9) to (12). Former pars. (9) and (10) redesignated (13) and (14), respectively.

Subsec. (b)(13), (14). Pub. L. 117–81, § 6403(1)(F), redesignated pars. (9) and (10) as (13) and (14), respectively.

Subsec. (d). Pub. L. 117–81, § 6403(3), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 117–81, § 6403(2), (4), redesignated subsec. (d) as (e), inserted pars. (2) to (4), and redesignated former pars. (2) to (4) as (5) to (7), respectively.

Subsec. (f). Pub. L. 117–81, § 6403(2), redesignated subsec. (e) as (f).

2016—Pub. L. 114–328 amended section generally. Prior to amendment, text read as follows: “The Chief Human Capital Officer shall report to the Secretary, or to another official of the Department, as the Secretary may direct and shall ensure that all employees of the Department are informed of their rights and remedies under chapters 12 and 23 of title 5 by—

“(1) participating in the 2302(c) Certification Program of the Office of Special Counsel;

“(2) achieving certification from the Office of Special Counsel of the Department’s compliance with section 2302(c) of title 5; and

“(3) informing Congress of such certification not later than 24 months after November 25, 2002.”

§ 345. Establishment of Officer for Civil Rights and Civil Liberties

(a) In general

The Officer for Civil Rights and Civil Liberties, who shall report directly to the Secretary, shall—

(1) review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department;

(2) make public through the Internet, radio, television, or newspaper advertisements information on the responsibilities and functions of, and how to contact, the Officer;

(3) assist the Secretary, directorates, and offices of the Department to develop, implement, and periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities;

(4) oversee compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights and civil liberties of individuals affected by the programs and activities of the Department;

(5) coordinate with the Privacy Officer to ensure that—

(A) programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and