

DEPARTMENT OF HOMELAND SECURITY MORALE, RECOGNITION, LEARNING AND ENGAGEMENT ACT OF 2017

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H. R. 2283

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Department of Homeland Security Morale, Recognition, Learning and Engagement Act of 2017” or the “DHS MORALE Act”.

**SEC. 2. CHIEF HUMAN CAPITAL OFFICER RESPONSIBILITIES.**

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

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “, including with respect to leader development and employee engagement,” after “policies”;

(ii) by striking “and in line” and inserting “, in line”; and

(iii) by inserting “and informed by best practices within the Federal government and the private sector,” after “priorities.”;

(B) in paragraph (2), by striking “develop performance measures to provide a basis for monitoring and evaluating” and inserting “evaluate, on an ongoing basis.”;

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

(D) in paragraph (4), by inserting “including leader development and employee engagement programs,” before “in coordination”;

(E) in paragraph (5), by inserting before the semicolon at the end the following: “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”;

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

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

“(9) maintain a catalogue of available employee development opportunities, including the Homeland Security Rotation Program pursuant to section 844, 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.”;

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

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

“(d) CHIEF LEARNING AND ENGAGEMENT OFFICER.—The Chief Human Capital Officer may designate an employee of the Depart-

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

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

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (5), (6), and (7), respectively; and

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

“(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 Department-wide 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 710(a), including the number of meeting, types of materials developed and distributed, and recommendations made to the Secretary.”.

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

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

**“SEC. 710. EMPLOYEE ENGAGEMENT.**

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

“(1) Identify factors that have a negative impact on employee engagement, morale, and communications within the Department, such as perceptions about limitations on career progression, mobility, or development opportunities, collected through employee feedback platforms, including through annual employee surveys, questionnaires, and other communications, as appropriate.

“(2) Identify, develop, and distribute initiatives and best practices to improve employee engagement, morale, and communications within the Department, including through annual employee surveys, questionnaires, and other communications, as appropriate.

“(3) Monitor efforts of each component to address employee engagement, morale, and communications based on employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate.

“(4) Advise the Secretary on efforts to improve employee engagement, morale, and communications within specific components and across the Department.

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

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

“(1) not later than 120 days after the date of the establishment of the steering committee under subsection (a), issue a Department-wide employee engagement action plan, reflecting input from the employee engagement steering committee established pursuant to subsection (a) and employee

feedback provided through annual employee surveys, questionnaires, and other communications in accordance with paragraph (1) of such subsection, to execute strategies to improve employee engagement, morale, and communications within the Department; and

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

“(A) develop and implement a component-specific employee engagement plan to advance the action plan required under paragraph (1) that includes performance measures and objectives, is informed by employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate, and sets forth how employees and, where applicable, their labor representatives are to be integrated in developing programs and initiatives;

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

“(C) provide to the Chief Human Capital Officer and the steering committee quarterly reports on actions planned and progress made under this paragraph.

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

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

“Sec. 710. Employee engagement.”.

(c) SUBMISSIONS TO CONGRESS.—

(1) DEPARTMENT-WIDE EMPLOYEE ENGAGEMENT ACTION PLAN.—The Secretary of Homeland Security, acting through the Chief Human Capital Officer of the Department of Homeland Security, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the Department-wide employee engagement action plan required under subsection (b)(1) of section 710 of the Homeland Security Act of 2002 (as added by subsection (a) of this section) not later than 30 days after the issuance of such plan under such subsection (b)(1).

(2) COMPONENT-SPECIFIC EMPLOYEE ENGAGEMENT PLANS.—Each head of a component of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the component-specific employee engagement plan of each such component required under subsection (b)(2) of section 710 of the Homeland Security Act of 2002 (as added by subsection (a) of this section) not later than 30 days after the issuance of each such plan under such subsection (b)(2).

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

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

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

“(a) IN GENERAL.—The Secretary may establish an annual employee award program to recognize Department employees or groups of employees for significant contributions to the achievement of the Department's goals and missions. If such a program is established, the Secretary shall—

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

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

“(3) establish an internal review board comprised of representatives from Department components, headquarters, and field

personnel to submit to the Secretary award recommendations regarding specific employees or groups of employees;

“(4) select recipients from the pool of nominees submitted by the internal review board under paragraph (3) and convene a ceremony at which employees or groups of employees receive such awards from the Secretary; and

“(5) publicize such program within the Department.

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

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

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by section 3 of this Act, is further amended by inserting after the item relating to section 710 the following new item:

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

#### SEC. 5. INDEPENDENT INVESTIGATION AND IMPLEMENTATION PLAN.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act or the issuance of a report by the Inspector General of the Department of Homeland Security on the extent to which the Department has an equitable and consistent disciplinary process, whichever is later, but in no case later than one year after such date of enactment, the Comptroller General of the United States shall utilize, if available, such report and investigate whether the application of discipline and adverse actions are administered in an equitable and consistent manner that results in the same or substantially similar disciplinary outcomes across the Department for misconduct by a non-supervisory or supervisor employee who engaged in the same or substantially similar misconduct.

(b) CONSULTATION.—In carrying out the investigation described in subsection (a), the Comptroller General of the United States shall consult with the employee engagement steering committee established pursuant to subsection (b)(1) of section 710 of the Homeland Security Act of 2002 (as added by section 3(a) of this Act).

(c) ACTION BY UNDER SECRETARY FOR MANAGEMENT.—Upon completion of the investigation described in subsection (a), the Under Secretary for Management of the Department of Homeland Security shall review the findings and recommendations of such investigation and implement a plan, in consultation with the employee engagement steering committee established pursuant to subsection (b)(1) of section 710 of the Homeland Security Act of 2002, to correct any relevant deficiencies identified by the Comptroller General of the United States. The Under Secretary for Management shall direct the employee engagement steering committee to review such plan to inform committee activities and action plans authorized under such section 710.

#### SEC. 5. PROHIBITION ON NEW FUNDING.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. RUTHERFORD) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2283. According to the Federal Employee Viewpoint Survey, after 6 straight years of decline, DHS improved by 3 percentage points in 2016, from 53 percent in 2015 to 56 percent. However, since its inception, DHS has consistently reported low employee job satisfaction and today remains last out of large agencies in employee satisfaction.

According to the FEVS, the Department slightly improved its overall response rate to about 50 percent in 2016. Former Secretary Jeh Johnson attributed much of the success to the Department's employee engagement steering committee and efforts he and other leaders have made in strengthening employee morale and engagement. H.R. 2283 seeks to codify many of these efforts.

The purpose of H.R. 2283 is 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.

The security of our homeland depends on focused, efficient, and dedicated individuals who feel confident and empowered in the workplace.

Mr. Speaker, I thank Mr. THOMPSON for introducing this legislation and for working in such a bipartisan manner on it. I urge all my colleagues to support this commonsense, thoughtful legislation.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2283, the Department of Homeland Security Morale, Recognition, Learning and Engagement Act of 2017.

Mr. Speaker, since its inception in 2003, the Department of Homeland Security has faced a number of challenges, one of the most prominent being managing a workforce of more than 240,000 employees.

I am pleased to see that, after 6 straight years of decline, DHS em-

ployee engagement and participation scores have improved by 3 percentage points each in the latest Federal Employee Viewpoint Survey. However, DHS still ranks amongst the lowest of Federal agencies in employee morale.

It has been a personal priority of mine to examine the root cause of DHS's longstanding employee morale problems and find ways to move the Department in a positive direction.

My legislation, the DHS MORALE Act, does just that by authorizing DHS-wide employee engagement, leadership development, rotational opportunities, as well as an employee engagement steering committee.

Additionally, H.R. 2283 authorizes an annual employee award program to recognize employees who make significant contributions to the Department's operations.

Finally, H.R. 2283 adds transparency and fairness to DHS's disciplinary process by directing an independent, Department-wide review of how discipline is applied by components.

This legislation, which is cosponsored by every Democratic member of the committee, has received tremendous support from the labor organization representing the DHS workforce.

I include these letters of support in the RECORD.

AMERICAN FEDERATION OF GOVERNMENT  
EMPLOYEES, AFL-CIO,

May 1, 2017.

Hon. MICHAEL MCCAUL,  
Chairman, House of Representatives, Committee  
on Homeland Security, Washington, DC.

Hon. BENNIE THOMPSON,  
Ranking Member, House of Representatives,  
Committee on Homeland Security, Wash-  
ington, DC.

DEAR CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: On behalf of the 80,000 employees at the Department of Homeland Security (DHS) represented by the American Federation of Government Employees, AFL-CIO, I express our union's support for the DHS Morale, Recognition, Learning and Engagement Act of 2017, or the DHS MORALE Act. The DHS MORALE Act accurately recognizes that the contributions of the DHS workers and their unions are essential to addressing serious and sustained morale issues.

Each year reports and surveys confirm the sad state of morale among DHS employees who are on the front lines of national security. Given the diversity in mission, duties, and experience, their direct input is necessary to address issues of importance to their colleagues, including fair treatment and that their voices are heard by management. Steps to resolve these issues will enable the workforce to better serve the public.

The DHS MORALE Act is a good first step in resolving institutional issues that hamper the workforce that protects the homeland. AFGE supports these efforts.

Sincerely,

J. DAVID COX, SR.,  
National President.

NATIONAL BORDER PATROL COUNCIL,  
April 17, 2017.

Hon. BENNIE THOMPSON,  
Committee on Homeland Security,  
Washington, DC.

DEAR RANKING MEMBER THOMPSON: On behalf of the members of the National Border Patrol Council, I write to support your legislation, “The Department of Homeland Security Morale, Recognition, Learning, and Engagement Act of 2017.” Your bill is a step

forward to improve employee morale amongst Border Patrol Agents.

We are especially pleased that the bill addresses two issues requiring immediate attention, accountability and mobility. An independent audit of DHS disciplinary processes would end DHS's current penchant for punishing line agents more severely than managers for the same offense. A uniform and transparent system would hold those accountable for violations of law and policy, while also ensuring due process for employees and accountability from the top down.

The proposed Employee Engagement Steering Committee would give line agents another tool to express limitations on issues such as career progression and mobility to CBP management. Too often, newly hired agents are promised they will be able to move from a duty location to another after a few years. Unfortunately, that just isn't the case. Many are effectively stuck in a location and end up leaving the agency altogether out of frustration. Simply put, the lack of current employee engagement causes the Border Patrol to lose good agents, and consequently, threatens the security of the border.

I appreciate your leadership to protect the rights of federal employees and look forward to continuing to work with you to find a solution. Thank you for your efforts and for considering our comments.

With kindest regard I am,

BRANDON JUDD,  
President, National Border Patrol Council

THE NATIONAL TREASURY  
EMPLOYEES UNION,  
April 21, 2017.

Hon. BENNIE THOMPSON,  
Ranking Member, Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR RANKING MEMBER THOMPSON: On behalf of the 25,000 Customs and Border Protection (CBP) Officers and trade enforcement specialists at the Department of Homeland Security (DHS) who are stationed at 328 land, sea and air ports of entry represented by the National Treasury Employees Union (NTEU), I am writing to thank you for introducing the "Department of Homeland Security Morale, Recognition, Learning and Engagement Act of 2017" or the "DHS MORALE Act."

Low morale has been a consistent challenge at DHS. Factors that contribute to low morale are echoed in the 2016 Office of Personnel Management's Federal Employee Viewpoint Survey. Though DHS has made some gains in 2016, it remains the lowest ranked large agency for employee engagement, global satisfaction and inclusiveness.

The DHS MORALE Act proposes to improve morale within the DHS 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.

Even though the major factors contributing to low morale at CBP ports of entry are insufficient staffing and resources, the provisions in the DHS MORALE Act will help address non-staffing issues that affect employee morale by improving frontline employee engagement and establishing an annual awards program that emphasizes honoring non-supervisory employees. Importantly, your bill ensures that the perspective of frontline employees is considered by, and fully integrated into the Department's workforce activities.

NTEU greatly appreciates your leadership on this important issue and stands ready to work with you to pass this legislation.

Sincerely,

ANTHONY M. REARDON,  
National President.

Mr. THOMPSON of Mississippi. My legislation sends a positive message to the DHS workforce that their contributions to the DHS mission are valued and they have not been forgotten as they endure new stresses and challenges under the Trump administration.

My legislation is intended to advance greater employee engagement, leadership development, and workforce planning at the Department of Homeland Security. This legislation seeks to equip DHS leaders, such as the Chief Human Capital Officer, with the necessary tools to promote employee engagement, learning, and morale.

The MORALE Act was unanimously approved by the full committee on May 3, and for good reason. It has wide bipartisan support.

Given the criticality of the DHS mission and the increasingly scarce availability of resources, it is essential that the DHS workforce be prioritized, as they are responsible for carrying out a diverse range of programs to make our country safe.

Mr. Speaker, I urge passage of H.R. 2283.

I yield back the balance of my time. Mr. RUTHERFORD. Mr. Speaker, I once again urge my colleagues to support H.R. 2283, as amended.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, I rise in support of H.R. 2283, the "Department of Homeland Security Morale, Recognition, Learning and Engagement Act," which will amend the Homeland Security Act of 2002.

This bill requires the Chief Human Capital Officer to develop and implement policies related to leadership development, employee engagement, and career progression.

The CHCO must evaluate strategic workforce planning efforts, identify methods for managing and overseeing human capital programs, and maintain a catalogue of available employee development opportunities.

It is imperative that employees be aware of the opportunities available for them no matter what their current title or role may be.

Mr. Speaker, this bill will also authorize the Chief Learning and Engagement Officer to assist the Chief Human Capital Officer on employee development and will also authorize the Employee Engagement Steering Committee.

The Employee Engagement Steering Committee will be comprised of representatives from across the Department as well as representatives from employee labor organizations.

Having a committee that is representative of the Department's workforce will ensure that a diverse voice is representative in any decisions made that will affect employees.

The Steering Committee will identify factors that have a negative impact on employee engagement and morale and will monitor components' efforts in addressing morale.

The Component heads are tasked with developing and implementing a component-specific action plan that addresses employee engagement and advances the overall Department action plan.

This bill will authorize the Secretary to establish an annual employee awards program to recognize non-supervisory DHS employees who have made significant contributions to the Department.

Mr. Speaker, this bill will also require the Secretary to provide an independent assessment of DHS programs to Congress.

Congress must ensure that programs are working in the way that they were created to.

This bill is endorsed by the National Border Patrol Council, the National Treasury Employees Union, and the American Federation of Government Employees.

These organizations have recognized that this bill is a step forward in the right direction which helps employees of the Department have a higher morale.

DHS was ranked low in best places to work in a recent poll conducted.

Recognition and employee engagement is important to reduce turnover, improve team culture, and increase employee performance.

I urge my colleagues to also support this bill and help create a Department of Homeland Security that is professional, efficient, effective, and employee friendly.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. RUTHERFORD) that the House suspend the rules and pass the bill, H.R. 2283, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### STREAMLINING DHS OVERHEAD ACT

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2190) to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's real property portfolio, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2190

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Streamlining DHS Overhead Act".

#### SEC. 2. LONG TERM REAL PROPERTY STRATEGIES.

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

#### "SEC. 710. CHIEF FACILITIES AND LOGISTICS OFFICER.

"(a) IN GENERAL.—There is a Chief Facilities and Logistics Officer of the Department who shall report directly to the Under Secretary for Management. The Chief Facilities