

# Union Calendar No. 297

115TH CONGRESS  
1ST SESSION

# H. R. 3244

**[Report No. 115-403]**

To amend title 5, United States Code, to provide for annual surveys of Federal employees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2017

Mr. MEADOWS (for himself, Mr. JODY B. HICE of Georgia, and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

NOVEMBER 8, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on July 14, 2017]

# **A BILL**

To amend title 5, United States Code, to provide for annual surveys of Federal employees, 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,*

3 **SECTION 1. EMPLOYEE SURVEYS.**

4        *(a) IN GENERAL.—Chapter 14 of title 5, United States*  
5 *Code, is amended by adding at the end the following:*

6 **“§ 1403. Employee surveys**

7        *“(a) IN GENERAL.—Each agency shall conduct an an-*  
8 *nual survey of its employees (including survey questions*  
9 *unique to the agency and questions prescribed under sub-*  
10 *section (b)) to assess—*

11            *“(1) leadership and management practices that*  
12 *contribute to agency performance; and*

13            *“(2) employee satisfaction with—*

14                    *“(A) leadership policies and practices;*

15                    *“(B) work environment;*

16                    *“(C) rewards and recognition for profes-*  
17 *sional accomplishment and personal contribu-*  
18 *tions to achieving organizational mission;*

19                    *“(D) opportunity for professional develop-*  
20 *ment and growth; and*

21                    *“(E) opportunity to contribute to achieving*  
22 *organizational mission.*

23        *“(b) REGULATIONS; NOTICE.—*

24            *“(1) IN GENERAL.—The Director of the Office of*  
25 *Personnel Management shall issue regulations pre-*

1 *scribing survey questions that should appear on all*  
2 *agency surveys under subsection (a) in order to allow*  
3 *a comparison across agencies.*

4 “(2) NOTICE OF CHANGE TO REGULATIONS.—

5 “(A) IN GENERAL.—*The Director of the Of-*  
6 *fice of Personnel Management may not issue a*  
7 *regulation under this section until the date that*  
8 *is 60 days after the date on which the Director*  
9 *submits such regulation to the Committee on*  
10 *Oversight and Government Reform of the House*  
11 *of Representatives and the Committee on Home-*  
12 *land Security and Governmental Affairs of the*  
13 *Senate unless the Director submitted such regula-*  
14 *tion to those committees not later than the day*  
15 *after the date on which the notice of proposed*  
16 *rulemaking is published in the Federal Register.*

17 “(B) APPLICABILITY.—*Subparagraph (A)*  
18 *shall apply with respect to any regulation pro-*  
19 *mulgated on or after the date of enactment of*  
20 *this paragraph.*

21 “(3) NOTICE OF CHANGE TO SURVEY QUES-

22 *TIONS.—Not later than 60 days before finalizing any*  
23 *change, addition, or removal to any survey question*  
24 *in the annual employee survey administered by the*  
25 *Office pursuant to this section, the Director shall—*

1           “(A) make the proposed change, addition, or  
2 removal and the proposed final text, if applica-  
3 ble, of any such question publicly available on  
4 the agency’s website; and

5           “(B) provide to the Committee on Oversight  
6 and Government Reform of the House of Rep-  
7 resentatives and the Committee on Homeland Se-  
8 curity and Governmental Affairs of the Senate—

9           “(i) the proposed change, addition, or  
10 removal and the proposed final text, if ap-  
11 plicable, of any such question;

12           “(ii) a justification for the proposed  
13 change, addition, or removal; and

14           “(iii) an analysis of whether the  
15 change, addition, or removal will affect the  
16 ability to compare results from surveys  
17 taken after the change, addition, or removal  
18 is implemented with results from surveys  
19 taken before the change, addition, or re-  
20 moval is implemented.

21           “(c) OCCUPATIONAL DATA.—To the extent practicable,  
22 the Director of the Office of Personnel Management shall,  
23 in publishing agency survey data collected under subsection  
24 (a), include responses to such surveys by occupation. In car-

1 *rying out this subsection the Director shall ensure the con-*  
2 *fidentiality of any agency survey respondent.*

3       “(d) *SURVEY INCENTIVES.*—*In conjunction with each*  
4 *annual survey required under subsection (a), the head of*  
5 *each agency shall submit to the Director of the Office of*  
6 *Personnel Management information on any monetary, in-*  
7 *kind, leave-related, or other incentive offered to employees*  
8 *in exchange for participation in the survey, including a*  
9 *description of the type of each such incentive offered and*  
10 *the quantity of each such incentive provided to employees.*

11       “(e) *AVAILABILITY OF RESULTS.*—*The results of the*  
12 *agency surveys under subsection (a) shall be made available*  
13 *to the public and posted on the website of the agency in-*  
14 *volved, unless the head of such agency determines that doing*  
15 *so would jeopardize or negatively impact national security.*

16       “(f) *AGENCY DEFINED.*—*In this section, the term*  
17 *‘agency’ has the meaning given the term Executive agency*  
18 *in section 105.”.*

19       (b) *APPLICABILITY.*—

20               (1) *The requirements of section 1403 of title 5,*  
21 *United States Code (as added by this Act) shall apply*  
22 *with respect to any annual survey initiated on or*  
23 *after the date of enactment of this Act.*

24               (2) *Any annual survey authorized by, and meet-*  
25 *ing the requirements of, section 1128 of the National*

1        *Defense Authorization Act for Fiscal Year 2004 (Pub-*  
2        *lic Law 108–136; 5 U.S.C. 7101 note) that is in*  
3        *progress on the date of enactment of this Act (or, if*  
4        *no such survey is in progress, was most recently com-*  
5        *pleted prior to the date of enactment of this Act) shall*  
6        *be considered to be a survey authorized by, and that*  
7        *meets the requirements of, section 1403(a) of title 5,*  
8        *United States Code, (as added by this Act) including*  
9        *for purposes of requiring the Office of Personnel Man-*  
10       *agement to give notice of subsequent changes, addi-*  
11       *tions, or removals of survey questions under section*  
12       *1403(b)(3) of such title.*

13       *(c) TECHNICAL AND CONFORMING AMENDMENTS.—*

14            *(1) REPEAL.—Section 1128 of the National De-*  
15        *fense Authorization Act for Fiscal Year 2004 (Public*  
16        *Law 108–136; 5 U.S.C. 7101 note), and the item re-*  
17        *lating to such section in the table of sections, is re-*  
18        *pealed.*

19            *(2) TABLE OF SECTIONS.—The table of sections*  
20        *for chapter 14 of title 5, United States Code, is*  
21        *amended by inserting after the item relating to sec-*  
22        *tion 1402 the following new item:*

*“1403. Employee surveys.”.*

1           (3) *TABLE OF CHAPTERS.*—*The item relating to*  
2           *chapter 14 in the table of chapters for part II of title*  
3           *5, United States Code, is amended to read as follows:*

          “14. *Agency Chief Human Capital Officers; Employee Surveys* ..... 1401”.

4           (4) *CHAPTER HEADING.*—*The heading for chap-*  
5           *ter 14 of title 5, United States Code, is amended to*  
6           *read as follows: “CHAPTER 14—AGENCY*  
7           *CHIEF HUMAN CAPITAL OFFICERS; EM-*  
8           *PLOYEE SURVEYS”.*

9   **SEC. 2. GAO STUDY ON ANNUAL SURVEY INCENTIVES.**

10       *The Comptroller General of the United States shall*  
11       *conduct a study on the types of incentives offered by agen-*  
12       *cies to employees in exchange for participation in surveys*  
13       *required by section 1128 of the National Defense Authoriza-*  
14       *tion Act for Fiscal Year 2004 (Public Law 108–136; 5*  
15       *U.S.C. 7101 note) or section 1403 of title 5, United States*  
16       *Code, that includes an evaluation of the impact of such in-*  
17       *centives on employee survey responses and response rates,*  
18       *and any recommendations regarding such incentives the*  
19       *Comptroller General considers necessary.*





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