

TO AMEND TITLE 5, UNITED STATES CODE, TO PROVIDE
FOR ANNUAL SURVEYS OF FEDERAL EMPLOYEES, AND
FOR OTHER PURPOSES

NOVEMBER 8, 2017.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GOWDY, from the Committee on Oversight and Government
Reform, submitted the following

R E P O R T

[To accompany H.R. 3244]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom
was referred the bill (H.R. 3244) to amend title 5, United States
Code, to provide for annual surveys of Federal employees, and for
other purposes, having considered the same, report favorably there-
on with an amendment and recommend that the bill as amended
do pass.

CONTENTS

	Page
Committee Statement and Views	3
Section-by-Section	8
Explanation of Amendments	8
Committee Consideration	8
Roll Call Votes	8
Application of Law to the Legislative Branch	8
Statement of Oversight Findings and Recommendations of the Committee	9
Statement of General Performance Goals and Objectives	9
Duplication of Federal Programs	9
Disclosure of Directed Rule Makings	9
Federal Advisory Committee Act	9
Unfunded Mandates Statement	9
Earmark Identification	9
Committee Estimate	9
Budget Authority and Congressional Budget Office Cost Estimate	10
Changes in Existing Law Made by the Bill, as Reported	11

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EMPLOYEE SURVEYS.

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

“§ 1403. Employee surveys

“(a) IN GENERAL.—Each agency shall conduct an annual survey of its employees (including survey questions unique to the agency and questions prescribed under subsection (b)) to assess—

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

“(2) employee satisfaction with—

“(A) leadership policies and practices;

“(B) work environment;

“(C) rewards and recognition for professional accomplishment and personal contributions to achieving organizational mission;

“(D) opportunity for professional development and growth; and

“(E) opportunity to contribute to achieving organizational mission.

“(b) REGULATIONS; NOTICE.—

“(1) IN GENERAL.—The Director of the Office of Personnel Management shall issue regulations prescribing survey questions that should appear on all agency surveys under subsection (a) in order to allow a comparison across agencies.

“(2) NOTICE OF CHANGE TO REGULATIONS.—

“(A) IN GENERAL.—The Director of the Office of Personnel Management may not issue a regulation under this section until the date that is 60 days after the date on which the Director submits such regulation to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate unless the Director submitted such regulation to those committees not later than the day after the date on which the notice of proposed rulemaking is published in the Federal Register.

“(B) APPLICABILITY.—Subparagraph (A) shall apply with respect to any regulation promulgated on or after the date of enactment of this paragraph.

“(3) NOTICE OF CHANGE TO SURVEY QUESTIONS.—Not later than 60 days before finalizing any change, addition, or removal to any survey question in the annual employee survey administered by the Office pursuant to this section, the Director shall—

“(A) make the proposed change, addition, or removal and the proposed final text, if applicable, of any such question publicly available on the agency’s website; and

“(B) provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate—

“(i) the proposed change, addition, or removal and the proposed final text, if applicable, of any such question;

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

“(iii) an analysis of whether the change, addition, or removal will affect the ability to compare results from surveys taken after the change, addition, or removal is implemented with results from surveys taken before the change, addition, or removal is implemented.

“(c) OCCUPATIONAL DATA.—To the extent practicable, the Director of the Office of Personnel Management shall, in publishing agency survey data collected under subsection (a), include responses to such surveys by occupation. In carrying out this subsection the Director shall ensure the confidentiality of any agency survey respondent.

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

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

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

(b) APPLICABILITY.—

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

(2) Any annual survey authorized by, and meeting the requirements of, section 1128 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 5 U.S.C. 7101 note) that is in progress on the date of enactment of this Act (or, if no such survey is in progress, was most recently completed prior to the date of enactment of this Act) shall be considered to be a survey authorized by, and that meets the requirements of, section 1403(a) of title 5, United States Code, (as added by this Act) including for purposes of requiring the Office of Personnel Management to give notice of subsequent changes, additions, or removals of survey questions under section 1403(b)(3) of such title.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 1128 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 5 U.S.C. 7101 note), and the item relating to such section in the table of sections, is repealed.

(2) TABLE OF SECTIONS.—The table of sections for chapter 14 of title 5, United States Code, is amended by inserting after the item relating to section 1402 the following new item:

“1403. Employee surveys.”.

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

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

(4) CHAPTER HEADING.—The heading for chapter 14 of title 5, United States Code, is amended to read as follows: “**CHAPTER 14—AGENCY CHIEF HUMAN CAPITAL OFFICERS; EMPLOYEE SURVEYS**”.

SEC. 2. GAO STUDY ON ANNUAL SURVEY INCENTIVES.

The Comptroller General of the United States shall conduct a study on the types of incentives offered by agencies to employees in exchange for participation in surveys required by section 1128 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 5 U.S.C. 7101 note) or section 1403 of title 5, United States Code, that includes an evaluation of the impact of such incentives on employee survey responses and response rates, and any recommendations regarding such incentives the Comptroller General considers necessary.

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 3244 amends chapter 14 of title 5, United States Code, to authorize and require the annual Federal Employee Viewpoint Survey (FEVS), previously authorized in the *National Defense Authorization Act for Fiscal Year 2004*. H.R. 3244 also requires the U.S. Office of Personnel Management (OPM) to submit to Congress all changes to FEVS questions and FEVS-related regulations before they take effect to ensure comparability of FEVS data over time.

BACKGROUND AND NEED FOR LEGISLATION

In the *National Defense Authorization Act for Fiscal Year 2004*, Congress required each Federal agency to conduct an annual survey of its employees to provide the agency, Congress, and the public with data on employee perceptions and morale.¹ The provision required agencies to collect data on leadership and management practices that contribute to agency performance. In addition, the survey covered data on employee satisfaction in five areas: (1) leadership policies and practices; (2) work environment; (3) rewards and recognition for professional accomplishment and personal con-

¹National Defense Authorization Act for Fiscal Year 2004, Pub. L. No. 108–136, §1128, 117 Stat. 1392, 1641 (2003).

tributions to achieving organizational mission; (4) opportunity for professional development and growth; and (5) opportunity to contribute to achieving organizational mission.² This annual survey is currently known as the Federal Employee Viewpoint Survey (FEVS). FEVS provides Congress and other stakeholders employees' views of federal agencies, which are invaluable in identifying emerging issues and, over extended periods, assessing agency-specific and government-wide trends.

The trends observed in the annual data can help drive major changes at agencies. For example, the Department of Homeland Security (DHS) has consistently ranked at the bottom of OPM and Partnership for Public Service rankings comparing employee feedback on the FEVS government-wide.³ The survey results alerted DHS to internal management issues the agency has worked to resolve. FEVS survey results and the Partnership's resulting rankings showed that the Department has made considerable progress. In 2016, DHS received its first score improvement since 2010. In fact, DHS had the second largest index score increase of any large agency in the Partnership's rankings.⁴

In another example, the Surface Transportation Board (the Board) consistently received ratings as one of the best places to work in the federal government. However, the agency experienced alarming and drastic falls in survey scores in 2015 and 2016. In a 2017 hearing before the Subcommittee on Government Operations of the House Committee on Oversight and Government Reform (the Committee), a Board representative testified he was not aware of employee problems at the agency until the scores were released.⁵ Fortunately, Board staff met human resources staff of the high-performing Securities and Exchange Commission (SEC) at the hearing. The SEC agreed to meet and offer suggestions to the Board on specific areas that the Board should address to improve overall engagement scores.⁶

The trends observed in the data can also provide valuable information on government-wide issues. For example, the lowest scores on FEVS consistently relate to how merit is assessed and rewarded, and conversely, how poor performance is addressed within federal agencies.⁷

FEDERAL EMPLOYEE VIEWPOINT SURVEY DATA 2012–2016

	Percent positive				
	2012	2013	2014	2015	2016
"In my work unit, steps are taken to deal with a poor performer who cannot or will not improve." ⁸	29	28	28	28	29
"Promotions in my work unit are based on merit." ⁹	34	32	32	33	34
"Pay raises depend on how well employees perform their jobs." ¹⁰	22	19	20	21	22

²*Id.* § 1128(a), 117 Stat. at 1641.

³The Partnership for Public Service is a non-profit, non-partisan organization that publishes an annual *Best Places to Work in the Federal Government* ranking based on FEVS results.

⁴PARTNERSHIP FOR PUBLIC SERVICE, *Explore Rankings*, <http://bestplacetowork.org/BPTW/rankings/detail/HS00> (last visited July 25, 2017).

⁵*The Best and Worst Places to Work in the Federal Government: Hearing Before the H. Comm. on Oversight & Gov't Reform, Subcomm. on Gov't Operations*, 115th Cong. (2017) [hereinafter "*The Best and Worst Places to Work 2017 Hearing*"] (statement of Lee Gardner, Managing Director, U.S. Surface Transp. Bd.).

⁶*Id.*

⁷U.S. OFFICE OF PERSONNEL MGMT., *FEDERAL EMPLOYEE VIEWPOINT SURVEY GOVERNMENT-WIDE MGMT. REP.* (2016), at 39, 41.

FEDERAL EMPLOYEE VIEWPOINT SURVEY DATA 2012–2016—Continued

	Percent positive				
	2012	2013	2014	2015	2016
“How satisfied are you with your opportunity to get a better job in your organization?” ¹¹	36	34	33	35	36

Feedback such as this can assist Congress in evaluating the effectiveness of current civil service laws to recruit and retain a qualified and productive workforce.

The OPM plays an important role in helping to demonstrate employee feedback trends. Under current law, the OPM is responsible for prescribing survey questions that appear in all agency surveys to allow for cross-agency comparisons.¹² Given the OPM’s government-wide role in developing questions, the OPM began administering the survey for most agencies as a matter of convenience. Today, the OPM administers the annual employee survey for approximately 97 percent of the executive branch. In addition, the OPM allows agencies to submit a small number of agency-specific questions to include on the annual FEVS.¹³

In August 2006, the OPM published a final rule in the Federal Register listing 45 questions that all agencies are required to ask their employees to fulfill the statutory requirements.¹⁴ In addition to these required questions, the OPM asks additional questions on each FEVS administered by the Office. The 2016 edition of the FEVS included 39 additional questions.¹⁵ While these additional questions were not published in the Federal Register, they are asked at the vast majority of federal agencies due to the role the OPM took in administering the survey for most of the federal government.

On February 8, 2016, the OPM published the proposed rule, *Personnel Management in Agencies*. Among other things, the proposed rule scaled back the number of government-wide questions required in the original regulation from 45 to 11.¹⁶ The impetus for the revised rule, according to the OPM, was to provide flexibility as it sought to modernize the survey questions. Specifically, the OPM wanted to revise survey questions and definitions to improve usefulness and clarity and remove questions agencies no longer found useful without having to revise the regulation continually.¹⁷ After soliciting public input on the proposed rule, the OPM responded by increasing the number of retained questions from 11 to 16.

⁸ *Id.* at 39.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 41.

¹² National Defense Authorization Act for Fiscal Year 2004, Pub. L. No. 108–136, § 1128(b), 117 Stat. 1392 (2003).

¹³ Briefing by Kimberly Wells, Lead Research Psychologist, U.S. Office of Personnel Mgmt., to H. Comm. on Oversight & Gov’t Reform (Apr. 3, 2017) [hereinafter OPM Staff Briefing].

¹⁴ U.S. Office of Personnel Mgmt., Personnel Mgmt. in Agencies—Employee Surveys, 71 Fed. Reg. 49979 (Aug. 24, 2006) (final rule).

¹⁵ U.S. OFFICE OF PERSONNEL MGMT., *supra* note 7, at 38 (number calculated by subtracting the total number of questions in regulation—45—from the total number of questions asked on the survey—84).

¹⁶ U.S. Office of Personnel Mgmt., Personnel Mgmt. in Agencies, 81 Fed. Reg. 6469 (Feb. 8, 2016) (proposed rule).

¹⁷ *Id.*

Omitted from the 16 questions in the final rule are important questions from the original regulation relating to leadership, job satisfaction, performance culture, personal work experiences, and recruitment, development, and retention. These questions measure employee sentiments toward concepts such as employee skills-mission match, pay, effective leadership, and performance-based rewards and advancement.

In discussions with Committee staff, the OPM emphasized that the removal of these questions from regulation did not mean the OPM planned to remove the questions from the 2017 FEVS. The 2017 FEVS, sent to agencies in May and June, remained substantially unchanged from the 2016 edition of the survey.¹⁸

On November 15, 2016, Republican and Democratic Members on the Committee and other committees sent a letter to the OPM requesting the agency carefully consider ramifications of publishing the final rule.¹⁹ The Committee in particular remains concerned with the long-term consequences of reducing the 45 questions protected in regulation to 16. A future administration could decide to eliminate or significantly alter any of the 68 questions not included in the regulation.²⁰ These survey flexibilities could be used to artificially inflate feedback at agencies by changing the standard used to measure a concept. The flexibilities could also be used to eliminate questions where agencies receive low scores, thereby leaving agencies, Congress, and the public unable to compare future results with historical trends.

The OPM published the final rule on December 12, 2016, and it became effective April 11, 2017.²¹

On April 6, 2017, at a Subcommittee on Government Operations hearing on FEVS results, Chairman Mark Meadows and Ranking Minority Member Gerald Connolly raised concerns about the changes to the questions required by regulation. In comments directed to the OPM, Chairman Meadows stated, “Don’t change the standard, okay. And so I’m all for modernization and all that, but I don’t want a benchmark that lets me have [the Department of Homeland Security’s] score next year be different than [its] score for the last couple of years.”²²

Ranking Minority Member Connolly added, “I think you can understand the concern of the chairman, and I share it. If we start changing the baseline against which we measure best of work, you know, we all become one happy paradise in the workers’ . . . republic, and everyone is happy, and we’ve got new standards that shows it. And we don’t really want to go there. The purpose of these metrics is really to try to gauge where we are and make ap-

¹⁸ OPM Staff Briefing, *supra* note 10.

¹⁹ Letter from Jason Chaffetz, Chairman, and Elijah Cummings, Ranking Minority Member, H. Comm. on Oversight & Gov’t Reform; Mark Meadows, Chairman, and Gerald Connolly, Ranking Minority Member, Subcomm. on Gov’t Operations; Jeff Miller, Chairman, and Mark Takano, Acting Ranking Minority Member, H. Comm. on Veterans’ Affairs; and Michael McCaul, Chairman, H. Comm. on Homeland Sec., to Beth Cobert, Acting Dir., U.S. Office of Personnel Mgmt. (Nov. 15, 2016).

²⁰ The 68 questions refer to the 39 questions asked on the OPM-administered 2016 FEVS that were not in regulation plus the 29 questions removed from the 2006 regulation.

²¹ U.S. Office of Personnel Mgmt., Personnel Mgmt. in Agencies, 81 Fed. Reg. 89357 (Dec. 12, 2016) (final rule).

²² *The Best and Worst Places to Work 2017 Hearing*, *supra* note 4, at 46 (statement of Mark Meadows, Chairman, Subcomm. on Gov’t Operations).

propriate improvements. So I would echo what the chairman had to say.”²³

Understanding the progression of an agency’s scores is crucial to ensuring agencies are endeavoring to support a productive workforce.

H.R. 3244, as amended, helps alleviate these concerns by requiring the OPM to submit all proposed changes to FEVS-related regulations to the Committee and the Senate Committee on Homeland Security and Governmental Affairs before the changes take effect. The bill also requires the OPM to submit to these Committees all changes, additions, or removals of FEVS survey questions, regardless of whether the questions are the 16 currently in regulation, not later than 60 days before such changes, additions, or removals are finalized. The submission must include: the proposed change, addition, or removal and the proposed final text; a justification for the proposed change, addition, or removal; and an analysis of whether it will affect the ability to compare results from surveys taken after it is implemented with results from surveys taken before implementation. The OPM is required to use the questions in the 2017 version of the annual federal employee survey, including all questions not in regulation, as the basis for providing the required analysis.

Finally, the bill requires the OPM to report FEVS data by occupation to the extent practicable, while also ensuring the confidentiality of each respondent. Reporting data by occupation increases its usefulness. The OPM already does this when it reports on FEVS responses each year. This added provision codifies this requirement in law.

LEGISLATIVE HISTORY

On July 14, 2017, Representative Mark Meadows (R-NC) introduced H.R. 3244, to amend title 5, United States Code, to provide for annual surveys of Federal employees, and for other purposes, with Representatives Jody Hice (R-GA) and Gerald Connolly (D-VA). H.R. 3244 was referred to the Committee on Oversight and Government Reform. The Committee considered H.R. 3244 at a business meeting on July 19, 2017 and ordered the bill reported favorably to the House, as amended, by voice vote.

The Committee has held three hearings analyzing agency-specific FEVS results. The Subcommittee on Government Operations heard from the National Archives and Records Administration, the U.S. Chemical Safety Board, DHS, and the Government Accountability Office at an April 16, 2015, hearing titled *The Worst Places to Work in the Federal Government*. The Subcommittee heard from the National Aeronautics and Space Administration, DHS, the Department of Labor, the Department of Housing and Urban Development, and the Partnership for Public Service at an April 27, 2016, hearing titled *The Best and Worst Places to Work in the Federal Government*. Finally, the Subcommittee heard from the Department of Agriculture, the Securities and Exchange Commission, DHS, the Surface Transportation Board, the OPM, and the Partnership for Public Service at an April 6, 2017, hearing titled *The*

²³*Id.* (statement of Gerald Connolly, Ranking Minority Member, Subcomm. on Gov’t Operations).

Best and Worst Places to Work in the Federal Government. At the April 27, 2016, and April 6, 2017, hearings, the Subcommittee discussed the OPM's specific changes to the FEVS regulations.

SECTION-BY-SECTION

Section 1. Employee surveys

This section adds a new section 1403 to title 5, United States Code. Section 1403 makes permanent the mandate for annual employee surveys in section 1128 of the *National Defense Authorization Act for Fiscal Year 2004*, without change except for new requirements added in subsections (b) and (c). Changes include the publication of respondent data by occupation and a 60-day delay in implementation of any FEVS-related regulation or change to FEVS questions from the date the changes are submitted to the appropriate committees. The baseline for such changes is the survey sent to federal employees in May and June of 2017. Additionally, the bill repeals section 1128 of the *National Defense Authorization Act for Fiscal Year 2004* which section 1403 would render superfluous.

Sec. 2. GAO Study on annual survey incentives

This section requires the Government Accountability Office (GAO) to review the incentives agencies offer for participation in FEVS.

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Representative Mark Meadows (R-NC) offered an amendment in the nature of a substitute (ANS) to clarify that OPM must use the most recent edition of the FEVS, sent to federal employees in May and June of 2017, as its basis for reporting changes and changing the chapter of title 5 amended by the bill.

Representative Gerald Connolly (D-VA) offered a perfecting amendment to the ANS requiring agencies to submit information to OPM on incentives offered to employees in exchange for participation in the FEVS and for GAO to conduct a study thereon.

The Committee agreed to the Connolly amendment to the ANS by voice vote and the Meadows ANS, as amended, by voice vote.

COMMITTEE CONSIDERATION

On July 19, 2017, the Committee met in open session and, with a quorum being present, ordered the bill favorably reported to the House, by voice vote, as amended.

ROLL CALL VOTES

There were no roll call votes requested or conducted during consideration of H.R. 3244.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill authorizes a voluntary federal employee survey. As such, this bill does not relate to em-

ployment or access to public services and accommodations applicable to the legislative branch.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to provide for annual surveys of Federal employees.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 2(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The legislation requires the Director of the Office of Personnel Management to issue regulations prescribing survey questions that must appear on all surveys authorized under the act.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds the legislation does not establish or authorize the establishment of an advisory committee within the definition of Section 5(b) of the appendix to title 5, United States Code.

UNFUNDED MANDATE STATEMENT

Pursuant to section 423 of the Congressional Budget and Impoundment Control Act (Pub. L. 113-67) the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

COMMITTEE ESTIMATE

Pursuant to clause 3(d)(2)(B) of rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 18, 2017.

Hon. TREY GOWDY,
*Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3244, a bill to amend title 5, United States Code, to provide for annual surveys of Federal employees, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 3244—A bill to amend title 5, United State Code, to provide for annual surveys of Federal employees, and for other purposes

H.R. 3244 would expand the requirements for administering the Federal Employee Viewpoint Survey. The National Defense Authorization Act for 2004 requires agencies to conduct annual employee surveys across the federal government. Under the bill, the survey would need to include new agency-specific questions and would require additional oversight from the Office of Personnel Management (OPM) and the Congress. The bill also would require the Government Accountability Office (GAO) to study the incentives agencies use to encourage employee participation in the surveys.

Based on an analysis of information from OPM, CBO expects that most of the survey information referenced in H.R. 3244 is already collected and that there would be minimal administrative costs associated with expanding the existing surveys. Thus, CBO estimates any additional costs would total less than \$500,000 annually; such spending would be subject to the availability of appropriated funds. In addition, and based on similar reports, CBO estimates that the cost of the study by GAO would not be significant.

The bill could affect direct spending by agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would be negligible. Enacting H.R. 3244 would not affect revenues.

CBO estimates that enacting H.R. 3244 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 3244 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

* * * * *

PART II—CIVIL SERVICE FUNCTIONS AND RESPONSIBILITIES

Chap.		Sec.
11.	Office of Personnel Management	1101
	* * * * *	
[14.	Agency Chief Human Capital Officers	1401]
14.	<i>Agency Chief Human Capital Officers; Employee Surveys</i>	<i>1401</i>
	* * * * *	

CHAPTER 14—AGENCY CHIEF HUMAN CAPITAL OFFICERS; *EMPLOYEE SURVEYS*

Sec.	
1401.	Establishment of agency Chief Human Capital Officers.
	* * * * *
1403.	<i>Employee surveys.</i>
	* * * * *

§ 1403. *Employee surveys*

(a) *IN GENERAL.*—*Each agency shall conduct an annual survey of its employees (including survey questions unique to the agency and questions prescribed under subsection (b)) to assess—*

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

(2) *employee satisfaction with—*

(A) *leadership policies and practices;*

(B) *work environment;*

(C) *rewards and recognition for professional accomplishment and personal contributions to achieving organizational mission;*

(D) *opportunity for professional development and growth; and*

(E) *opportunity to contribute to achieving organizational mission.*

(b) *REGULATIONS; NOTICE.*—

(1) *IN GENERAL.*—*The Director of the Office of Personnel Management shall issue regulations prescribing survey ques-*

tions that should appear on all agency surveys under subsection (a) in order to allow a comparison across agencies.

(2) NOTICE OF CHANGE TO REGULATIONS.—

(A) *IN GENERAL.*—The Director of the Office of Personnel Management may not issue a regulation under this section until the date that is 60 days after the date on which the Director submits such regulation to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate unless the Director submitted such regulation to those committees not later than the day after the date on which the notice of proposed rule-making is published in the Federal Register.

(B) *APPLICABILITY.*—Subparagraph (A) shall apply with respect to any regulation promulgated on or after the date of enactment of this paragraph.

(3) NOTICE OF CHANGE TO SURVEY QUESTIONS.—Not later than 60 days before finalizing any change, addition, or removal to any survey question in the annual employee survey administered by the Office pursuant to this section, the Director shall—

(A) make the proposed change, addition, or removal and the proposed final text, if applicable, of any such question publicly available on the agency's website; and

(B) provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate—

(i) the proposed change, addition, or removal and the proposed final text, if applicable, of any such question;

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

(iii) an analysis of whether the change, addition, or removal will affect the ability to compare results from surveys taken after the change, addition, or removal is implemented with results from surveys taken before the change, addition, or removal is implemented.

(c) *OCCUPATIONAL DATA.*—To the extent practicable, the Director of the Office of Personnel Management shall, in publishing agency survey data collected under subsection (a), include responses to such surveys by occupation. In carrying out this subsection the Director shall ensure the confidentiality of any agency survey respondent.

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

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

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

* * * * *

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

* * * * *

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS

* * * * *

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

* * * * *

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

* * * * *

TITLE XI—CIVILIAN PERSONNEL MATTERS

* * * * *

Subtitle C—Other Federal Government Civilian Personnel Matters

* * * * *

[Sec. 1128. Employee surveys.]

* * * * *

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

* * * * *

TITLE XI—CIVILIAN PERSONNEL MATTERS

* * * * *

Subtitle C—Other Federal Government Civilian Personnel Matters

* * * * *

[SEC. 1128. EMPLOYEE SURVEYS.]

[(a) IN GENERAL.—Each agency shall conduct an annual survey of its employees (including survey questions unique to the agency and questions prescribed under subsection (b)) to assess—

[(1) leadership and management practices that contribute to agency performance; and

[(2) employee satisfaction with—

[(A) leadership policies and practices;

[(B) work environment;

[(C) rewards and recognition for professional accomplishment and personal contributions to achieving organizational mission;

[(D) opportunity for professional development and growth; and

[(E) opportunity to contribute to achieving organizational mission.

[(b) REGULATION.—The Office of Personnel Management shall issue regulations prescribing survey questions that should appear on all agency surveys under subsection (a) in order to allow a comparison across agencies.

[(c) AVAILABILITY OF RESULTS.—The results of the agency surveys under subsection (a) shall be made available to the public and posted on the website of the agency involved, unless the head of such agency determines that doing so would jeopardize or negatively impact national security.

[(d) AGENCY DEFINED.—For purposes of this section, the term “agency” means an Executive agency (as defined by section 105 of title 5, United States Code).]

* * * * *

