

116TH CONGRESS  
1ST SESSION

# H. R. 1433

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2019

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

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 2019” 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 “de-  
21 velop performance measures to provide a basis  
22 for monitoring and evaluating” and inserting  
23 “use performance measures to evaluate, on an  
24 ongoing basis,”;]

1 (C) in paragraph (3), by inserting “that,  
2 to the extent practicable, are informed by em-  
3 ployee feedback” after “policies”;

4 (D) in paragraph (4), by inserting “includ-  
5 ing leader development and employee engage-  
6 ment programs,” before “in coordination”;

7 (E) in paragraph (5), by inserting before  
8 the semicolon at the end the following: “that is  
9 informed by an assessment, carried out by the  
10 Chief Human Capital Officer, of the learning  
11 and developmental needs of employees in super-  
12 visory and non-supervisory roles across the De-  
13 partment and appropriate workforce planning  
14 initiatives”;

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

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

20                   “(9) maintain a catalogue of available employee  
21                   development opportunities, including the Homeland  
22                   Security Rotation Program pursuant to section 844,  
23                   departmental leadership development programs,  
24                   interagency development programs, and other rota-  
25                   tional programs;

1                 “(10) ensure that employee discipline and ad-  
2                 verse action programs comply with the requirements  
3                 of all pertinent laws, rules, regulations, and Federal  
4                 guidance, and ensure due process for employees;”;

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

7                 (3) by inserting after subsection (c) the fol-  
8                 lowing new subsection:

9                 “(d) CHIEF LEARNING AND ENGAGEMENT OFFI-  
10                 CER.—The Chief Human Capital Officer may designate  
11                 an employee of the Department to serve as a Chief Learn-  
12                 ing and Engagement Officer to assist the Chief Human  
13                 Capital Officer in carrying out this section.”; and

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

15                         (A) by redesignating paragraphs (2), (3),  
16                         and (4) as paragraphs (5), (6), and (7), respec-  
17                         tively; and

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

20                 “(2) information on employee development op-  
21                 portunities catalogued pursuant to paragraph (9) of  
22                 subsection (b) and any available data on participa-  
23                 tion rates, attrition rates, and impacts on retention  
24                 and employee satisfaction;

1           “(3) information on the progress of Department-wide strategic workforce planning efforts as  
2           determined under paragraph (2) of subsection (b);

4           “(4) information on the activities of the steering  
5           committee established pursuant to section  
6           711(a), including the number of meetings, types of  
7           materials developed and distributed, and rec-  
8           ommendations made to the Secretary;”.

9 **SEC. 3. EMPLOYEE ENGAGEMENT STEERING COMMITTEE**

10           **AND ACTION PLAN.**

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

14 **“SEC. 711. EMPLOYEE ENGAGEMENT.**

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

24           “(1) Identify factors that have a negative im-  
25           pact on employee engagement, morale, and commu-

1           nlications within the Department, such as percep-  
2           tions about limitations on career progression, mobil-  
3           ity, or development opportunities, collected through  
4           employee feedback platforms, including through an-  
5           nual employee surveys, questionnaires, and other  
6           communications, as appropriate.

7           “(2) Identify, develop, and distribute initiatives  
8           and best practices to improve employee engagement,  
9           morale, and communications within the Department,  
10           including through annual employee surveys, ques-  
11           tionnaires, and other communications, as appro-  
12           priate.

13           “(3) Monitor efforts of each component to ad-  
14           dress employee engagement, morale, and commu-  
15           nications based on employee feedback provided  
16           through annual employee surveys, questionnaires,  
17           and other communications, as appropriate.

18           “(4) Advise the Secretary on efforts to improve  
19           employee engagement, morale, and communications  
20           within specific components and across the Depart-  
21           ment.

22           “(5) Conduct regular meetings and report, not  
23           less than once per quarter, to the Under Secretary  
24           for Management, the head of each component, and

1 the Secretary on Department-wide efforts to improve  
2 employee engagement, morale, and communications.

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

5 “(1) not later than 120 days after the date of  
6 the establishment of the employee engagement steer-  
7 ing committee under subsection (a), issue a Depart-  
8 ment-wide employee engagement action plan, reflect-  
9 ing input from the steering committee and employee  
10 feedback provided through annual employee surveys,  
11 questionnaires, and other communications in accord-  
12 ance with paragraph (1) of such subsection, to exe-  
13 cute strategies to improve employee engagement,  
14 morale, and communications within the Department;  
15 and

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

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

1 integrated in developing programs and initia-  
2 tives;

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

5                         “(C) provide to the Chief Human Capital  
6                         Officer and the steering committee quarterly re-  
7                         ports on actions planned and progress made  
8                         under this paragraph.

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

12 (b) CLERICAL AMENDMENT.—The table of contents  
13 in section 1(b) of the Homeland Security Act of 2002 is  
14 amended by inserting after the item relating to section  
15 710 the following new item:

### “Sec. 711. Employee engagement.”.

16 (c) SUBMISSIONS TO CONGRESS.—

1 (b)(1) of section 711 of the Homeland Security Act  
2 of 2002 (as added by subsection (a) of this section)  
3 not later than 30 days after the issuance of such  
4 plan under such subsection (b)(1).

5 (2) COMPONENT-SPECIFIC EMPLOYEE ENGAGE-  
6 MENT PLANS.—Each head of a component of the  
7 Department of Homeland Security shall submit to  
8 the Committee on Homeland Security of the House  
9 of Representatives and the Committee on Homeland  
10 Security and Governmental Affairs of the Senate the  
11 component-specific employee engagement plan of  
12 each such component required under subsection  
13 (b)(2) of section 711 of the Homeland Security Act  
14 of 2002 (as added by subsection (a) of this section)  
15 not later than 30 days after the issuance of each  
16 such plan under such subsection (b)(2).

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

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

22 **“SEC. 712. ANNUAL EMPLOYEE AWARD PROGRAM.**

23 “(a) IN GENERAL.—The Secretary may establish an  
24 annual employee award program to recognize Department  
25 employees or groups of employees for significant contribu-

1 tions to the achievement of the Department's goals and  
2 missions. If such a program is established, the Secretary  
3 shall—

4 “(1) establish within such program categories  
5 of awards, each with specific criteria, that empha-  
6 sizes honoring employees who are at the non-super-  
7 visory level;

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

11 “(3) establish an internal review board com-  
12 prised of representatives from Department compo-  
13 nents, headquarters, and field personnel to submit to  
14 the Secretary award recommendations regarding  
15 specific employees or groups of employees;

16 “(4) select recipients from the pool of nominees  
17 submitted by the internal review board under para-  
18 graph (3) and convene a ceremony at which employ-  
19 ees or groups of employees receive such awards from  
20 the Secretary; and

21 “(5) publicize such program within the Depart-  
22 ment.

23 “(b) INTERNAL REVIEW BOARD.—The internal re-  
24 view board described in subsection (a)(3) shall, when car-  
25 rying out its function under such subsection, consult with

1 representatives from operational components and head-  
2 quarters, including supervisory and non-supervisory per-  
3 sonnel, and employee labor organizations that represent  
4 Department employees.

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

10       (b) CLERICAL AMENDMENT.—The table of contents  
11 in section 1(b) of the Homeland Security Act of 2002, as  
12 amended by section 3 of this Act, is further amended by  
13 inserting after the item relating to section 711 the fol-  
14 lowing new item:

“See. 712. Annual employee award program.”.

15 **SEC. 5. INDEPENDENT INVESTIGATION AND IMPLEmenTATION PLAN.**

17       (a) IN GENERAL.—Not later than 120 days after the  
18 date of the enactment of this Act, the Comptroller General  
19 of the United States shall investigate whether the applica-  
20 tion in the Department of Homeland Security of discipline  
21 and adverse actions are administered in an equitable and  
22 consistent manner that results in the same or substantially  
23 similar disciplinary outcomes across the Department for  
24 misconduct by a non-supervisory or supervisor employee

1 who engaged in the same or substantially similar mis-  
2 conduct.

3 (b) CONSULTATION.—In carrying out the investiga-  
4 tion described in subsection (a), the Comptroller General  
5 of the United States shall consult with the Under Sec-  
6 retary for Management of the Department of Homeland  
7 Security and the employee engagement steering committee  
8 established pursuant to subsection (b)(1) of section 711  
9 of the Homeland Security Act of 2002 (as added by sec-  
10 tion 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 711 of the Homeland Security  
19 Act of 2002, to correct any relevant deficiencies identified  
20 by the Comptroller General of the United States in such  
21 investigation. The Under Secretary for Management shall  
22 direct the employee engagement steering committee to re-  
23 view such plan to inform committee activities and action  
24 plans authorized under such section 711.

