

117TH CONGRESS  
1ST SESSION

# H. R. 490

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IN THE SENATE OF THE UNITED STATES

APRIL 22, 2021

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Department of Home-  
5 land Security Morale, Recognition, Learning and Engage-  
6 ment Act of 2021” or the “DHS MORALE Act”.

7 **SEC. 2. CHIEF HUMAN CAPITAL OFFICER RESPONSIBIL-**  
8 **ITIES.**

9       Section 704 of the Homeland Security Act of 2002  
10 (6 U.S.C. 344) is amended—

11           (1) in subsection (b)—

12                   (A) in paragraph (1)—

13                           (i) by inserting “, including with re-  
14 spect to leader development and employee  
15 engagement,” after “policies”;

16                           (ii) by striking “and in line” and in-  
17 serting “, in line”; and

18                           (iii) by inserting “and informed by  
19 best practices within the Federal govern-  
20 ment and the private sector,” after “prior-  
21 ities,”;

22                   (B) in paragraph (2), by striking “develop  
23 performance measures to provide a basis for  
24 monitoring and evaluating” and inserting “use

1 performance measures to evaluate, on an ongoing basis,”;

2  
3 (C) in paragraph (3), by inserting “that,  
4 to the extent practicable, are informed by employee feedback” after “policies”;

5  
6 (D) in paragraph (4), by inserting “including leader development and employee engagement programs,” before “in coordination”;

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

14  
15  
16 (F) by redesignating paragraphs (9) and  
17 (10) as paragraphs (13) and (14), respectively;  
18 and

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

22 “(9) maintain a catalogue of available employee  
23 development opportunities, including the Homeland  
24 Security Rotation Program pursuant to section 844,  
25 departmental leadership development programs,

1 interagency development programs, and other rota-  
2 tional programs;

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

7 “(11) analyze each Department or Government-  
8 wide Federal workforce satisfaction or morale survey  
9 not later than 90 days after the date of the publica-  
10 tion of each such survey and submit to the Secretary  
11 such analysis, including, as appropriate, rec-  
12 ommendations to improve workforce satisfaction or  
13 morale within the Department;

14 “(12) review and approve all component em-  
15 ployee engagement action plans to ensure such plans  
16 include initiatives responsive to the root cause of em-  
17 ployee engagement challenges, as well as outcome-  
18 based performance measures and targets to track  
19 the progress of such initiatives;”;

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

22 (3) by inserting after subsection (c) the fol-  
23 lowing new subsection:

24 “(d) CHIEF LEARNING AND ENGAGEMENT OFFI-  
25 CER.—The Chief Human Capital Officer may designate

1 an employee of the Department to serve as a Chief Learn-  
2 ing and Engagement Officer to assist the Chief Human  
3 Capital Officer in carrying out this section.”; and

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

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

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

10 “(2) information on employee development op-  
11 portunities catalogued pursuant to paragraph (9) of  
12 subsection (b) and any available data on participa-  
13 tion rates, attrition rates, and impacts on retention  
14 and employee satisfaction;

15 “(3) information on the progress of Depart-  
16 ment-wide strategic workforce planning efforts as  
17 determined under paragraph (2) of subsection (b);

18 “(4) information on the activities of the steer-  
19 ing committee established pursuant to section  
20 711(a), including the number of meetings, types of  
21 materials developed and distributed, and rec-  
22 ommendations made to the Secretary;”.

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

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

6 **“SEC. 711. EMPLOYEE ENGAGEMENT.**

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

16 “(1) Identify factors that have a negative im-  
17 pact on employee engagement, morale, and commu-  
18 nications within the Department, such as percep-  
19 tions about limitations on career progression, mobil-  
20 ity, or development opportunities, collected through  
21 employee feedback platforms, including through an-  
22 nual employee surveys, questionnaires, and other  
23 communications, as appropriate.

24 “(2) Identify, develop, and distribute initiatives  
25 and best practices to improve employee engagement,  
26 morale, and communications within the Department,

1 including through annual employee surveys, ques-  
2 tionnaires, and other communications, as appro-  
3 priate.

4 “(3) Monitor efforts of each component to ad-  
5 dress employee engagement, morale, and commu-  
6 nications based on employee feedback provided  
7 through annual employee surveys, questionnaires,  
8 and other communications, as appropriate.

9 “(4) Advise the Secretary on efforts to improve  
10 employee engagement, morale, and communications  
11 within specific components and across the Depart-  
12 ment.

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

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

20 “(1) not later than 120 days after the date of  
21 the establishment of the employee engagement steer-  
22 ing committee under subsection (a), issue a Depart-  
23 ment-wide employee engagement action plan, reflect-  
24 ing input from the steering committee and employee  
25 feedback provided through annual employee surveys,

1 questionnaires, and other communications in accord-  
2 ance with paragraph (1) of such subsection, to exe-  
3 cute strategies to improve employee engagement,  
4 morale, and communications within the Department;  
5 and

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

7 “(A) develop and implement a component-  
8 specific employee engagement plan to advance  
9 the action plan required under paragraph (1)  
10 that includes performance measures and objec-  
11 tives, is informed by employee feedback pro-  
12 vided through annual employee surveys, ques-  
13 tionnaires, and other communications, as appro-  
14 priate, and sets forth how employees and, where  
15 applicable, their labor representatives are to be  
16 integrated in developing programs and initia-  
17 tives;

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

20 “(C) provide to the Chief Human Capital  
21 Officer and the steering committee quarterly re-  
22 ports on actions planned and progress made  
23 under this paragraph.



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

4       (b) CLERICAL AMENDMENT.—The table of contents  
5 in section 1(b) of the Homeland Security Act of 2002 is  
6 amended by inserting after the item relating to section  
7 710 the following new item:

“Sec. 711. Employee engagement.”.

8       (c) SUBMISSIONS TO CONGRESS.—

9           (1) DEPARTMENT-WIDE EMPLOYEE ENGAGE-  
10       MENT ACTION PLAN.—The Secretary of Homeland  
11       Security, acting through the Chief Human Capital  
12       Officer of the Department of Homeland Security,  
13       shall submit to the Committee on Homeland Secu-  
14       rity of the House of Representatives and the Com-  
15       mittee on Homeland Security and Governmental Af-  
16       fairs of the Senate the Department-wide employee  
17       engagement action plan required under subsection  
18       (b)(1) of section 711 of the Homeland Security Act  
19       of 2002 (as added by subsection (a) of this section)  
20       not later than 30 days after the issuance of such  
21       plan under such subsection (b)(1).

22           (2) COMPONENT-SPECIFIC EMPLOYEE ENGAGE-  
23       MENT PLANS.—Each head of a component of the  
24       Department of Homeland Security shall submit to  
25       the Committee on Homeland Security of the House

1 of Representatives and the Committee on Homeland  
2 Security and Governmental Affairs of the Senate the  
3 component-specific employee engagement plan of  
4 each such component required under subsection  
5 (b)(2) of section 711 of the Homeland Security Act  
6 of 2002 not later than 30 days after the issuance of  
7 each such plan under such subsection (b)(2).

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

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

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

14 “(a) IN GENERAL.—The Secretary may establish an  
15 annual employee award program to recognize Department  
16 employees or groups of employees for significant contribu-  
17 tions to the achievement of the Department’s goals and  
18 missions. If such a program is established, the Secretary  
19 shall—

20 “(1) establish within such program categories  
21 of awards, each with specific criteria, that empha-  
22 sizes honoring employees who are at the non-super-  
23 visory level;

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

4           “(3) establish an internal review board com-  
5           prised of representatives from Department compo-  
6           nents, headquarters, and field personnel to submit to  
7           the Secretary award recommendations regarding  
8           specific employees or groups of employees;

9           “(4) select recipients from the pool of nominees  
10          submitted by the internal review board under para-  
11          graph (3) and convene a ceremony at which employ-  
12          ees or groups of employees receive such awards from  
13          the Secretary; and

14          “(5) publicize such program within the Depart-  
15          ment.

16          “(b) INTERNAL REVIEW BOARD.—The internal re-  
17          view board described in subsection (a)(3) shall, when car-  
18          rying out its function under such subsection, consult with  
19          representatives from operational components and head-  
20          quarters, including supervisory and non-supervisory per-  
21          sonnel, and employee labor organizations that represent  
22          Department employees.

23          “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
24          tion may be construed to authorize additional funds to  
25          carry out the requirements of this section or to require

1 the Secretary to provide monetary bonuses to recipients  
2 of an award under this section.”.

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

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

8 **SEC. 5. INDEPENDENT INVESTIGATION AND IMPLEMENTA-**  
9 **TION PLAN.**

10 (a) IN GENERAL.—Not later than 120 days after the  
11 date of the enactment of this Act, the Comptroller General  
12 of the United States shall investigate whether the applica-  
13 tion in the Department of Homeland Security of discipline  
14 and adverse actions are administered in an equitable and  
15 consistent manner that results in the same or substantially  
16 similar disciplinary outcomes across the Department for  
17 misconduct by a non-supervisory or supervisor employee  
18 who engaged in the same or substantially similar mis-  
19 conduct.

20 (b) CONSULTATION.—In carrying out the investiga-  
21 tion described in subsection (a), the Comptroller General  
22 of the United States shall consult with the Under Sec-  
23 retary for Management of the Department of Homeland  
24 Security and the employee engagement steering committee  
25 established pursuant to subsection (b)(1) of section 711

1 of the Homeland Security Act of 2002 (as added by sec-  
2 tion 3(a) of this Act).

3 (c) ACTION BY UNDER SECRETARY FOR MANAGE-  
4 MENT.—Upon completion of the investigation described in  
5 subsection (a), the Under Secretary for Management of  
6 the Department of Homeland Security shall review the  
7 findings and recommendations of such investigation and  
8 implement a plan, in consultation with the employee en-  
9 gagement steering committee established pursuant to sub-  
10 section (b)(1) of section 711 of the Homeland Security  
11 Act of 2002, to correct any relevant deficiencies identified  
12 by the Comptroller General of the United States in such  
13 investigation. The Under Secretary for Management shall  
14 direct the employee engagement steering committee to re-  
15 view such plan to inform committee activities and action  
16 plans authorized under such section 711.

17 **SEC. 6. IMPACTS OF SHUTDOWN.**

18 Not later than 90 days after the date of the enact-  
19 ment of this Act, the Secretary of Homeland Security shall  
20 report to the Committee on Homeland Security of the  
21 House of Representatives and the Committee on Home-  
22 land Security and Governmental Affairs of the Senate re-  
23 garding the direct and indirect impacts of the lapse in ap-  
24 propriations between December 22, 2018, and January  
25 25, 2019, on—

1           (1) Department of Homeland Security human  
2 resources operations;

3           (2) the Department's ability to meet hiring  
4 benchmarks; and

5           (3) retention, attrition, and morale of Depart-  
6 ment personnel.

Passed the House of Representatives April 20, 2021.

Attest:                   CHERYL L. JOHNSON,  
*Clerk.*