IN THE SENATE OF THE UNITED STATES
JUNE 21, 2017
Received; read twice and referred to the Committee on Homeland Security and Governmental Affairs

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.

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 redesigning subsections (d) and (e) as
subsections (e) and (f), respectively;

(3) by inserting after subsection (e) the fol-
lowing new subsection:

“(d) CHIEF LEARNING AND ENGAGEMENT OFFI-
CER.—The Chief Human Capital Officer may designate
an employee of the Department to serve as a Chief Learn-
ing 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), respec-
tively; and

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

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

“(3) information on the progress of Depart-
ment-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 5 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 per-
sonnel, and employee labor organizations that represent

Department employees.

“(c) Rule of Construction.—Nothing in this sec-

tion 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 fol-
lowing new item:

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

SEC. 5. INDEPENDENT INVESTIGATION AND IMPLEMENTA-
TION 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 1 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 ad-
verse actions are administered in an equitable and con-
sistent 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.

Passed the House of Representatives June 20, 2017.

Attest: KAREN L. HAAS,

Clerk.