

HSA@20 Episode Companion: Personnel

March 24, 2023

This Insight accompanies the “Personnel” episode of *The Homeland Security Act at 20* podcast series and includes background information on the issues discussed during the podcast.

Click this [link](#) to ask questions, provide feedback, or offer suggestions for future topics. You can also e-mail the podcast team at HSA20@loc.gov. Thank you for your engagement.

Definitions

Homeland Security Enterprise

- Broadly defined as the universe of those engaged in accomplishing homeland security goals at all levels of government, in the private sector, and across civil society.
- Perceptions of what the enterprise encompasses may vary depending on the issue at hand, given the breadth of the mission set.

Federal Employees

- Employees of the federal civil service are divided into [three categories](#):
 - competitive service (the largest category, appointed through competitive examination);
 - excepted service (appointed without competitive examination); and
 - senior executive service (high-level administrators).
- Management authorities for civilian personnel generally are in [5 U.S. Code](#).
- The civil service includes civilian employees of the armed services.

Military Personnel/Servicemembers

- Uniformed personnel of the armed services of the United States.
 - Most of the armed services are within the Department of Defense, including the Army, Navy, Marine Corps, Air Force, and Space Force.
 - The U.S. Coast Guard (USCG), as part of the Department of Homeland Security (DHS), is the only armed service outside the Department of Defense.
- Management authorities in multiple places in the *U.S. Code*:

Congressional Research Service

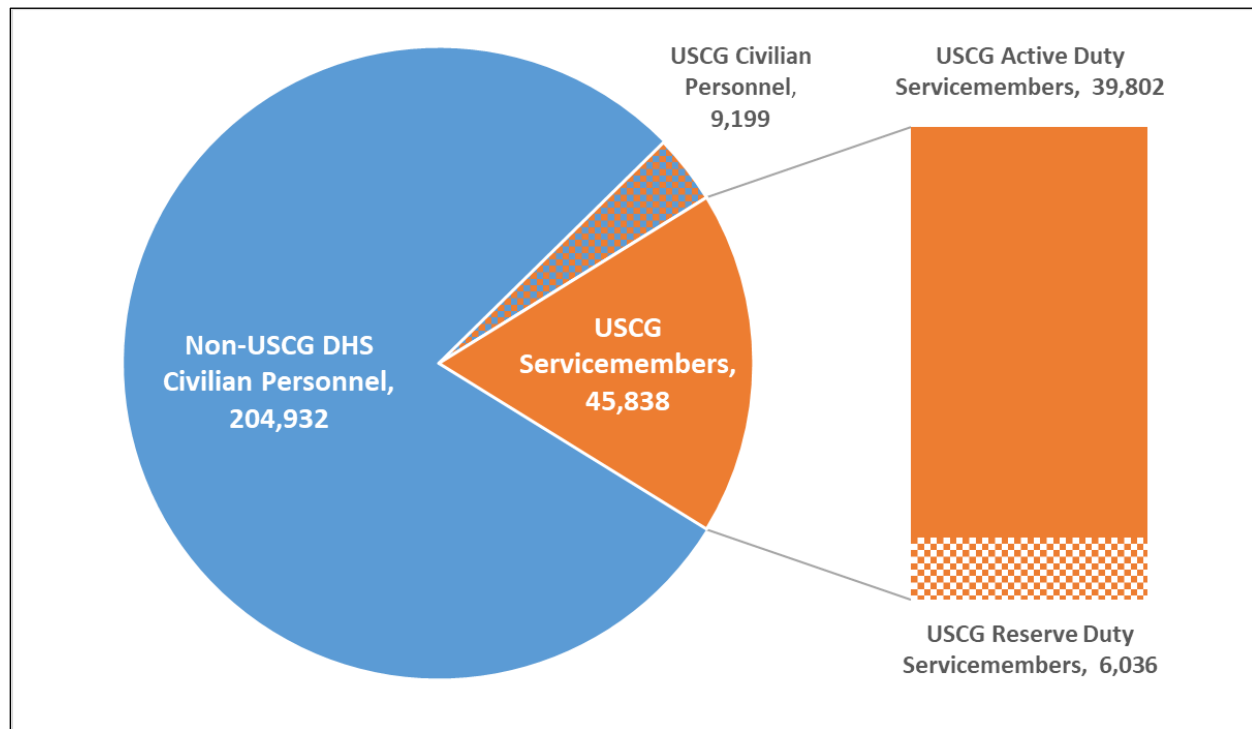
<https://crsreports.congress.gov>

IN12128

- Title 10 – Armed Forces
- Title 14 – Coast Guard
- Title 37 – Pay and Allowances
- Servicemembers are not considered federal employees or part of the civil service.

Figure I. Department of Homeland Security (DHS) and U.S. Coast Guard (USCG) Civilian Personnel and Servicemembers

As of September 30, 2022



Source: CRS analysis of data from FedScope and USCG Liaison Office e-mail to CRS, February 2, 2023.

Note: Historical data on DHS civilian staffing is available in CRS Report R47446, *The Department of Homeland Security: A Primer*.

Ideas for Civil Service Reform Under Hart-Rudman

- [U.S. Commission on National Security/21st Century \(Hart-Rudman Commission\)](#)
 - Co-chaired by former Senators Gary Hart and Warren Rudman.
 - Its [third of three reports](#), months before 9/11, called for a “National Homeland Security Agency.”
 - It also made recommendations for civil service reforms, noting “[There] are clearly specific problems requiring substantial and immediate attention. These include: the aging of the federal workforce; the institutional challenges of bringing new workers into government service; and critical gaps in recruiting and retaining information technology professionals and those with less-common language skills.” (Discussion begins on page 96 of the report.)

HSA-Linked Civilian Personnel Reforms

MAX-HR

HSA provided authority to establish a new human resource management system (P.L. 107-296, §841).

- The George W. Bush Administration released a [final rule](#) for implementing the system on February 1, 2005.
- Lawsuits filed by federal employee unions led to an injunction against implementation.
- The DHS Appropriations Act, 2009 (P.L. 110-161), §533 blocked funding for the system.
- On October 2, 2008, DHS [rescinded](#) its application of the new system.

Parallel DOD Civilian Workforce Reforms

- The National Defense Authorization Act, 2004 (P.L. 108-136, §1101) authorized a new National Security Personnel System.
- Terminated by the National Defense Authorization Act, 2010 (P.L. 111-84, §1113).

Implemented HSA Provisions

- Chief Human Capital Officers (CHCO)
 - Authorization of CHCOs—§1302
 - [Office of the Chief Human Capital Officer, DHS](#)
 - Authorization of the [CHCO Council](#)—§1303
- Requirement for OPM to design a system to assess human capital management—§1311
- Direct Hire Authority—§1312
 - [A 2021 study](#) looking back at direct hire appointments from FY2014 through FY2018 showed DHS made one out of every eleven such appointments.
 - Two positions specific to DHS used direct hire authority frequently:
 - Border Patrol Enforcement (Occupational Code 1896), and
 - Customs and Border Protection (1895).

Post-HSA Reform – Rotation and Joint Duty

DHS Programs

- The Homeland Security Rotation Program was authorized under §622 of the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA; P.L. 109-295, [Title VI](#)).
- The [DHS Joint Duty Program](#) was authorized under §1901 of the National Defense Authorization Act for Fiscal Year 2017 (P.L. 114-329).
 - Currently codified at [6 U.S.C. §348\(b\)\(10\)](#).

DOD Origins and Peers

- These strategies were included in 1986 Defense Department reforms under the Goldwater-Nichols Act (P.L. 99-433).
- Originally laid out in Title IV (100 Stat. 1025-1034), it remains as amended at [10 U.S.C. §661](#).

- The [Intelligence Community Joint Duty Program](#), established under the Enhanced Personnel Management subsection ([50 U.S.C. §3024\(l\)](#)) in Section 1011 of the Intelligence Reform and Terrorism Preparedness Act (P.L. 108-458), is a more recent iteration.

Incorporation of USCG personnel into DHS

HSA §888 transferred the USCG to DHS (currently codified at [6 U.S.C. §468](#)):

- Specifically maintained USCG as a distinct entity within DHS;
- Required DHS to maintain its authorities, functions, and capabilities “without significant reduction;” and
- Prohibited the Secretary from substantially or significantly reducing USCG missions.

USCG still required to operate as a service in the Navy when directed by Congress or the President ([14 U.S.C. §103](#)).

Current Challenges Facing the Federal Homeland Security Workforce

USCG Servicemember Challenges

- Recruiting and retention:
 - See page 7 of USCG [Ready Workforce 2030](#) for a summary of issues.
 - In [September 2022](#), the Government Accountability Office (GAO) noted growing demand for a cyber-capable workforce.
- Sexual assault and harassment:
 - Identified as a problem [in DHS](#) and [across the military services](#) by leadership, and DHS has [implemented disciplinary reforms](#) after problems were highlighted by outside groups.
 - USCG Sexual Assault Prevention, Response, and Recovery (SAPRR) [web resources and SAPRR Strategic Plan, 2018-2022](#).

DHS Morale

DHS morale comes up frequently at hearings and has been [the sole focus](#) on occasion.

- [Federal Employee Viewpoint Survey](#) (FEVS) has provided an organizational climate survey since 2002.
- [Best Places to Work](#) (BPTW, assembled by [the Partnership for Public Service](#)) has used FEVS data to [develop rankings and scores](#) since 2003.
 - [Comparison](#) of the most recent DHS overall BPTW scores to USCG scores.
- GAO provided [observations](#) on morale improvements and recommended actions in 2021.

FOR MORE INFORMATION

- For more information on the management of the federal civilian workforce, see CRS In Focus IF11510, *Defense Primer: Department of Defense Civilian Employees*, and CRS Report R45635, *Categories of Federal Civil Service Employment: A Snapshot*; or contact our panelists directly.

- For more episodes of this podcast series, search “HSA@20” on the CRS website.

NEXT EPISODE

April 3, 2023: Oversight

Author Information

William L. Painter, Coordinator
Specialist in Homeland Security and Appropriations

Barbara L. Schwemle
Analyst in American National Government

Alan Ott
Analyst in Defense and Intelligence Personnel Policy

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.