

112TH CONGRESS
1ST SESSION

S. _____

To increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, 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 “Interagency Personnel
5 Rotation Act of 2011”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the national security and homeland security
4 challenges of the 21st century bridge the foreign and
5 domestic divide and require a whole-of-Government
6 approach in order for the United States Government
7 to operate in the most effective and efficient man-
8 ner; and

9 (2) these challenges require that executive
10 branch personnel—

11 (A) view national security and homeland
12 security issues from a whole-of-Government per-
13 spective;

14 (B) understand the capabilities, authori-
15 ties, resources, and constraints of other agen-
16 cies; and

17 (C) be able to rely upon networks and
18 communities of interest composed of personnel
19 from other agencies who work on the same na-
20 tional security or homeland security issues.

21 (b) PURPOSE.—The purpose of this Act is to increase
22 the efficiency and effectiveness of the Government by fos-
23 tering greater interagency experience among executive
24 branch personnel on national security and homeland secu-
25 rity matters involving more than 1 agency.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **AGENCY.**—The term “agency” has the
4 meaning given the term “Executive agency” under
5 section 105 of title 5, United States Code.

6 (2) **COMMITTEE.**—The term “Committee”
7 means the Committee on National Security Per-
8 sonnel established under section 5(a).

9 (3) **COVERED AGENCY.**—The term “covered
10 agency” means an agency that is part of an ICI.

11 (4) **ICI.**—The term “ICI” means a National
12 Security Interagency Community of Interest identi-
13 fied by the Committee under section 6(a).

14 (5) **ICI POSITION.**—The term “ICI position”—

15 (A) means—

16 (i) a position that—

17 (I) is identified by the head of a
18 covered agency as a position within
19 that agency the primary duties of
20 which relate to national security or
21 homeland security policy formulation
22 or execution;

23 (II) is a position in the civil serv-
24 ice (as defined in section 2101(1) of
25 title 5, United States Code) in the ex-
26 ecutive branch of the Government for

1 which the pay is at a rate at or great-
2 er than the minimum basic rate of
3 pay for a position at GS-11 of the
4 General Schedule; and

5 (III) is a position within an ICI;

6 or

7 (ii) a position in an interagency body
8 identified as an ICI position by the Com-
9 mittee under section 6(c)(1); and

10 (B) shall not include—

11 (i) any position described under para-
12 graph (10)(A) or (C); or

13 (ii) any position filled by an employee
14 described under paragraph (10)(B).

15 (6) INTELLIGENCE COMMUNITY.—The term
16 “intelligence community” has the meaning given
17 under section 3(4) of the National Security Act of
18 1947 (50 U.S.C. 401a(4)).

19 (7) INTERAGENCY BODY.—The term “inter-
20 agency body” means an interagency body identified
21 by the Committee under section 6(c)(1).

22 (8) INTERAGENCY ROTATIONAL SERVICE.—The
23 term “interagency rotational service” means service
24 by an employee in—

25 (A) an ICI position that is—

1 (i) in—

2 (I) a covered agency other than
3 the covered agency employing the em-
4 ployee; or

5 (II) an interagency body, without
6 regard to whether the employee is em-
7 ployed by the agency in which the
8 interagency body is located; and

9 (ii) in the same ICI as the position in
10 which the employee serves or has served
11 before serving in that ICI position; or

12 (B) in a position in an interagency body
13 identified by the Committee under section
14 6(e)(2).

15 (9) NATIONAL SECURITY INTERAGENCY COM-
16 MUNITY OF INTEREST.—The term “National Secu-
17 rity Interagency Community of Interest” means the
18 personnel of the executive branch of the Government
19 that—

20 (A) as a group are employees of multiple
21 agencies of the executive branch of the Govern-
22 ment; and

23 (B) have significant responsibility for the
24 same substantive, functional, or regional subject
25 area related to national security or homeland

1 security that requires integration of the per-
2 sonnel and activities in that area across mul-
3 tiple agencies to ensure that the executive
4 branch of the Government operates as a single,
5 cohesive enterprise to maximize mission success
6 and minimize cost.

7 (10) POLITICAL APPOINTEE.—The term “polit-
8 ical appointee” means an individual who—

9 (A) is employed in a position described
10 under sections 5312 through 5316 of title 5,
11 United States Code, (relating to the Executive
12 Schedule);

13 (B) is a limited term appointee, limited
14 emergency appointee, or noncareer appointee in
15 the Senior Executive Service, as defined under
16 paragraphs (5), (6), and (7), respectively, of
17 section 3132(a) of title 5, United States Code;
18 or

19 (C) is employed in a position in the execu-
20 tive branch of the Government of a confidential
21 or policy-determining character under schedule
22 C of subpart C of part 213 of title 5 of the
23 Code of Federal Regulations.

1 (11) RELEVANT COMMITTEES OF CONGRESS.—

2 The term “relevant committees of Congress”
3 means—

4 (A) the Committee on Appropriations, the
5 Committee on Armed Services, the Committee
6 on Commerce, Science, and Transportation, the
7 Committee on Energy and Natural Resources,
8 the Committee on Finance, the Committee on
9 Foreign Relations, the Committee on Health,
10 Labor, Education, and Pensions, the Committee
11 on Homeland Security and Governmental Af-
12 fairs, the Committee on the Judiciary, and the
13 Select Committee on Intelligence of the Senate;
14 and

15 (B) the Committee on Appropriations, the
16 Committee on Armed Services, the Committee
17 on Energy and Commerce, the Committee on
18 Education and the Workforce, the Committee
19 on Foreign Affairs, the Committee on Home-
20 land Security, the Committee on the Judiciary,
21 the Committee on Oversight and Government
22 Reform, the Permanent Select Committee on
23 Intelligence, and the Committee on Ways and
24 Means of the House of Representatives.

1 (12) SENIOR POSITION.—The term “senior po-
2 sition” means—

3 (A) a Senior Executive Service position, as
4 defined in section 3132(a)(2) of title 5, United
5 States Code;

6 (B) a position in the Senior Foreign Serv-
7 ice established under the Foreign Service Act of
8 1980 (22 U.S.C. 3901 et seq.);

9 (C) a position in the Federal Bureau of In-
10 vestigation and Drug Enforcement Administra-
11 tion Senior Executive Service established under
12 section 3151 of title 5, United States Code; and

13 (D) any other equivalent position identified
14 by the Committee.

15 **SEC. 4. STRATEGY AND PLANNING REQUIREMENTS.**

16 (a) NATIONAL SECURITY HUMAN CAPITAL STRAT-
17 EGY.—

18 (1) ISSUING OF STRATEGY.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), not later than October 1 of
21 the first fiscal year after the fiscal year in
22 which this Act is enacted, and every 4 years
23 thereafter, the Committee shall issue a National
24 Security Human Capital Strategy to develop
25 the national security and homeland security

1 personnel necessary for accomplishing national
2 security and homeland security objectives that
3 require integration of personnel and activities
4 from multiple agencies of the executive branch
5 of the Government in order to ensure that the
6 executive branch of the Government operates as
7 a single, cohesive enterprise to maximize mis-
8 sion success and minimize cost.

9 (B) MODIFIED DATE.—If this Act is en-
10 acted on a date that is less than 180 days be-
11 fore the end of the fiscal year, then the Com-
12 mittee shall issue the National Security Human
13 Capital Strategy under this paragraph not later
14 than October 1 of the second fiscal year after
15 the fiscal year in which this Act is enacted, and
16 every 4 years thereafter.

17 (2) PLAN.—Each National Security Human
18 Capital Strategy issued under paragraph (1) shall
19 include a plan that—

20 (A) provides for the phased implementa-
21 tion of this Act;

22 (B) contains graduated and specific targets
23 for the percentages of senior positions in an ICI
24 that—

1 (i) require interagency rotational serv-
2 ice as an eligibility requirement;

3 (ii) ensures that, not later than Octo-
4 ber 1 of the fifteenth fiscal year after the
5 fiscal year in which this Act is enacted, not
6 less than 85 percent of the ICI positions of
7 each covered agency that are senior posi-
8 tions are designated under section 8(a)(1);
9 and

10 (C) includes a schedule for the issuance of
11 directives relating to the requirements under
12 this Act by the Committee.

13 (3) SUBMISSION TO RELEVANT COMMITTEES OF
14 CONGRESS.—Not later than 30 days after the date
15 on which the Committee issues a National Security
16 Human Capital Strategy under paragraph (1), the
17 Committee shall submit that strategy to the relevant
18 committees of Congress.

19 (b) REPORTS ON IMPLEMENTATION.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date on which the Committee issues a National
22 Security Human Capital Strategy under subsection
23 (a), the Committee shall submit to the relevant com-
24 mittees of Congress a report on the implementation
25 of the strategy and this Act.

1 (2) CONTENTS.—Each report submitted under
2 paragraph (1) shall include updates to the plan con-
3 tained in the most recent National Security Human
4 Capital Strategy and detailed reporting that is spe-
5 cific to each ICI and to each covered agency and
6 interagency body regarding—

7 (A) implementation of the National Secu-
8 rity Human Capital Strategy and this Act; and

9 (B) performance measures for the National
10 Security Human Capital Strategy and data on
11 the performance measures.

12 **SEC. 5. COMMITTEE ON NATIONAL SECURITY PERSONNEL.**

13 (a) ESTABLISHMENT.—There is established the Com-
14 mittee on National Security Personnel within the Execu-
15 tive Office of the President.

16 (b) MEMBERSHIP.—The members of the Committee
17 shall be the Director of the Office of Management and
18 Budget, the Director of the Office of Personnel Manage-
19 ment, and the Assistant to the President for National Se-
20 curity Affairs.

21 (c) CHAIRPERSON.—The Director of the Office of
22 Management and Budget shall be the Chairperson of the
23 Committee.

24 (d) FUNCTIONS.—

1 (1) IN GENERAL.—The Committee shall per-
2 form the functions as provided under this Act to
3 carry out service in an ICI position in another cov-
4 ered agency or interagency body by employees, the
5 training required under section 9, and other activi-
6 ties under this Act.

7 (2) DIRECTIVES.—

8 (A) IN GENERAL.—In consultation with
9 the Director of the Office of Personnel Manage-
10 ment and the Assistant to the President for
11 National Security Affairs, the Director of the
12 Office of Management and Budget shall issue
13 directives and set standards for service in an
14 ICI position in another covered agency or inter-
15 agency body, the training required under sec-
16 tion 9, and other activities under this Act, in-
17 cluding the directives specifically required under
18 this Act.

19 (B) USE BY COVERED AGENCIES.—The
20 head of each covered agency shall carry out the
21 responsibilities under this Act in accordance
22 with the directives issued by the Director of the
23 Office of Management and Budget.

24 (C) SUBMISSION TO CONGRESS.—Not later
25 than 30 days after the date on which the Direc-

1 tor of the Office of Management and Budget
2 issues a directive under this Act, the Director
3 shall submit the directive to the relevant com-
4 mittees of Congress.

5 (e) SUPPORT AND IMPLEMENTATION.—

6 (1) BOARD.—There is established a board to
7 assist the Committee, which shall be composed of 1
8 designee (who shall serve in an Executive schedule
9 position at level III) selected by each of the Sec-
10 retary of State, the Secretary of Defense, the Sec-
11 retary of Homeland Security, the Attorney General,
12 the Secretary of the Treasury, the Secretary of En-
13 ergy, the Secretary of Health and Human Services,
14 the Secretary of Commerce, and the Director of Na-
15 tional Intelligence.

16 (2) CHIEF HUMAN CAPITAL OFFICERS COUN-
17 CIL.—The Chief Human Capital Officers Council
18 shall provide advice to the Committee regarding
19 technical human capital issues relating to the imple-
20 mentation of this Act.

21 (3) COVERED AGENCY OFFICIALS.—The head of
22 each covered agency shall designate an officer and
23 office within that covered agency with responsibility
24 for the implementation of this Act.

1 **SEC. 6. NATIONAL SECURITY INTERAGENCY COMMUNITIES**
2 **OF INTEREST.**

3 (a) IDENTIFICATION OF ICIs.—The Committee—

4 (1) shall identify ICIs on an ongoing basis for
5 purposes of carrying out this Act; and

6 (2) may alter or discontinue an ICI identified
7 under paragraph (1).

8 (b) IDENTIFICATION OF ICI POSITIONS.—

9 (1) IN GENERAL.—Subject to paragraph (4),
10 the head of each covered agency shall identify ICI
11 positions within that covered agency.

12 (2) POSITION WITH ADMINISTRATIVE OR TECH-
13 NICAL DUTIES.—

14 (A) EXCLUSION FOR ADMINISTRATIVE DU-
15 TIES.—A position the primary duties of which
16 relate to administrative duties (including duties
17 relating to procurement, accounting, and fi-
18 nance) shall not be identified as an ICI posi-
19 tion.

20 (B) TECHNOLOGY DUTIES.—

21 (i) IN GENERAL.—The Committee
22 shall determine which positions the pri-
23 mary duties of which relate to information
24 technology or engineering may be identi-
25 fied as ICI positions by the head of a cov-
26 ered agency. The Committee may provide

1 guidance regarding the positions that may
2 be identified as ICI positions under this
3 clause or approve the identification of the
4 ICI positions on a case-by-case basis, as
5 the Committee determines appropriate.

6 (ii) INFORMATION TECHNOLOGY POSI-
7 TIONS.—A position that relates to informa-
8 tion technology may be identified as an ICI
9 position for an ICI relating to cybersecu-
10 rity.

11 (3) OTHER PROVISIONS.—

12 (A) MULTIPLE ICIS.—A position may be
13 within more than 1 ICI.

14 (B) CHANGES.—Subject to paragraph (4),
15 the head of a covered agency may change which
16 positions are identified as ICI positions or
17 which ICI an ICI position is within.

18 (4) REVIEW AND APPROVAL BY THE COM-
19 MITTEE.—

20 (A) IN GENERAL.—The Committee shall—

21 (i) provide guidance to the heads of
22 covered agencies concerning criteria for
23 identifying or changing the identification
24 of ICI positions;

1 (ii) establish criteria concerning iden-
2 tifications and changes to the identifica-
3 tions of ICI positions which may be made
4 by the head of a covered agency and take
5 effect without review and approval by the
6 Committee;

7 (iii) establish criteria concerning iden-
8 tifications and changes to the identifica-
9 tions of ICI positions which may be made
10 by the head of a covered agency and shall
11 be reviewed and approved by the Com-
12 mittee before the identification or change
13 may take effect; and

14 (iv) develop a schedule for the Com-
15 mittee to review identifications of and
16 changes to the identifications of ICI posi-
17 tions that took effect without prior review
18 and approval under the criteria established
19 under clause (ii).

20 (B) ACTION BY COVERED AGENCIES.—The
21 head of a covered agency may not identify a po-
22 sition as an ICI position or change an ICI posi-
23 tion or which ICI an ICI position is within if
24 the identification or change is not—

1 (i) authorized to be made without the
2 advance authorization of the Committee
3 under subparagraph (A)(ii); or

4 (ii) approved by the Committee under
5 subparagraph (A)(iii).

6 (c) INTERAGENCY BODIES.—

7 (1) IDENTIFICATION.—

8 (A) IN GENERAL.—The Committee shall
9 identify—

10 (i) entities in the executive branch of
11 the Government that are primarily involved
12 in interagency activities; and

13 (ii) components of agencies that are
14 primarily involved in interagency activities
15 and have a mission distinct from the agen-
16 cy within which the component is located.

17 (B) CERTAIN BODIES.—The Committee
18 shall identify the National Security Council and
19 the Directorate of Strategic Operational Plan-
20 ning of the National Counterterrorism Center
21 as interagency bodies under this paragraph.

22 (2) POSITIONS IN INTERAGENCY BODIES.—

23 (A) IN GENERAL.—For purposes of this
24 Act—

1 (i) the Assistant to the President for
2 National Security Affairs shall perform the
3 duties of the head of a covered agency for
4 ICI positions within the National Security
5 Council;

6 (ii) the Director of the National
7 Counterterrorism Center shall perform the
8 duties of the head of a covered agency for
9 ICI positions within the Directorate of
10 Strategic Operational Planning of the Na-
11 tional Counterterrorism Center; and

12 (iii) the Committee shall designate the
13 Federal officer who shall perform the du-
14 ties of the head of a covered agency for
15 ICI positions within any other interagency
16 body.

17 (B) IDENTIFICATION OF POSITIONS.—The
18 officials described or designated under subpara-
19 graph (A) shall identify—

20 (i) positions within their respective
21 interagency bodies that are ICI positions;
22 and

23 (ii) positions within their respective
24 interagency bodies—

25 (I) that are not within an ICI;

1 (II) that are not a position de-
2 scribed under section 3(10)(A) or (C)
3 or a position filled by an employee de-
4 scribed under section 3(10)(B); and

5 (III) for which service in the po-
6 sition shall constitute interagency ro-
7 tational service.

8 (C) REVIEW AND APPROVAL BY THE COM-
9 MITTEE.—The identification of, change of, and
10 determinations relating to positions described in
11 subparagraph (B) by a Federal officer de-
12 scribed in or designated under subparagraph
13 (A) shall be subject to review and approval by
14 the Committee in the same manner and to the
15 same extent as provided for the head of a cov-
16 ered agency under this Act.

17 **SEC. 7. ICI ROTATIONAL SERVICE.**

18 (a) EXCLUSION OF SENIOR POSITIONS.—For pur-
19 poses of this section, the term “ICI position” does not in-
20 clude a senior position.

21 (b) ROTATIONS.—

22 (1) IN GENERAL.—The Committee shall provide
23 for employees serving in an ICI position to be as-
24 signed on a rotational basis to another ICI position
25 that is—

1 (A) within another covered agency or with-
2 in an interagency body; and

3 (B) within the same ICI.

4 (2) SERVICE WITHIN MULTIPLE ICIS.—An em-
5 ployee who has served or is serving in an ICI posi-
6 tion that is within 2 or more ICIs may be assigned
7 to an ICI position in any of such ICIs.

8 (3) EXCEPTION.—An employee may be assigned
9 to an ICI position in another covered agency or in
10 an interagency body that is not in the ICI applicable
11 to an ICI position in which the employee serves or
12 has served if—

13 (A) the employee has particular nongovern-
14 mental or other expertise or skills that are rel-
15 evant to the assigned ICI position; and

16 (B) the head of the covered agency employ-
17 ing the employee, the head of the covered agen-
18 cy to which the assignment is made, and the
19 Committee approve the assignment.

20 (4) OFFICERS OF THE ARMED FORCES.—

21 (A) SERVICE IN ICIS.—The policies, proce-
22 dures, and practices for the management of of-
23 ficers of the Armed Forces established pursuant
24 to section 661 of title 10, United States Code,
25 may provide for the assignment of officers of

1 the Armed Forces to ICI positions or positions
2 designated under section 6(c)(2)(B)(ii) and for
3 the treatment of such assignments as joint duty
4 assignments for purposes of chapter 38 of such
5 title.

6 (B) DIRECTIVES.—The Committee shall
7 specify the requirements and limitations appli-
8 cable to the assignment of officers of the Armed
9 Forces to ICI positions or positions designated
10 under section 6(c)(2)(B)(ii). The directives
11 specifying such requirements and limitations
12 shall be issued with the concurrence of the Sec-
13 retary of Defense.

14 (5) RETURN TO PRIOR POSITION.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), an employee performing service in
17 an ICI position in another covered agency or
18 interagency body or in a position designated
19 under section 6(c)(2)(B)(ii) shall be entitled to
20 return to the position held by the employee in
21 the covered agency employing the employee
22 within a reasonable period of time after the end
23 of the period of service.

24 (B) REASONABLE EXCEPTIONS.—The
25 Committee shall determine under what cir-

1 cumstances it is reasonable to make an excep-
2 tion to the requirement under subparagraph (A)
3 and issue guidance regarding making such an
4 exception.

5 (c) VOLUNTARY NATURE OF ROTATIONAL SERV-
6 ICE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), service in an ICI position in another cov-
9 ered agency or interagency body shall be voluntary
10 by an employee.

11 (2) AUTHORITY TO ASSIGN INVOLUNTARILY.—
12 If the head of a covered agency has the authority
13 under another provision of law to assign an em-
14 ployee involuntarily to a position and the employee
15 is serving in an ICI position, the head of the covered
16 agency may assign the employee involuntarily to
17 serve in an ICI position in another covered agency
18 or interagency body.

19 (d) DIRECTIVES.—

20 (1) IDENTIFICATION OF POSITIONS OPEN FOR
21 ROTATIONAL SERVICE.—The Committee shall—

22 (A) require, and provide guidelines relating
23 to, the identification by the head of each cov-
24 ered agency of ICI positions in the covered
25 agency that are open for assignment of employ-

1 ees serving or who have served in ICI positions
2 in other covered agencies or an interagency
3 body;

4 (B) specify how many ICI positions the
5 head of each covered agency shall make avail-
6 able for assignment of employees serving or who
7 have served in ICI positions in other covered
8 agencies or an interagency body; and

9 (C) ensure that each ICI position in a cov-
10 ered agency or interagency body that is avail-
11 able for assignment of an employee from an-
12 other covered agency or interagency body is
13 filled by an employee serving in a position with
14 a level of responsibility comparable to the posi-
15 tion that is available for assignment.

16 (2) MINIMUM PERIOD FOR SERVICE.—With re-
17 spect to the period of service in an ICI position in
18 another covered agency or interagency body, the
19 Committee—

20 (A) shall ensure that the period of service
21 is sufficient to gain an adequately detailed un-
22 derstanding and perspective of the covered
23 agency or interagency body at which the em-
24 ployee is assigned;

1 (B) may provide for different periods for
2 service, depending upon the nature of the posi-
3 tion, including whether the position is in an
4 area that is a combat zone for purposes of sec-
5 tion 112 of the Internal Revenue Code of 1986;
6 and

7 (C) shall require that an employee per-
8 forming service in an ICI position in another
9 covered agency or interagency body is informed
10 of the period of service for the position before
11 beginning such service.

12 (e) SELECTION OF ICI POSITIONS OPEN FOR ROTA-
13 TIONAL SERVICE.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 the head of each covered agency shall determine
16 which ICI positions in the covered agency shall be
17 available to be filled by employees from another cov-
18 ered agency and may modify a determination under
19 this paragraph.

20 (2) REVIEW OF DETERMINATION OF ICI POSI-
21 TIONS OPEN FOR ROTATIONAL SERVICE.—

22 (A) IN GENERAL.—The Committee shall—
23 (i) provide guidance to the heads of
24 covered agencies concerning criteria for de-
25 termining and modifying determinations of

1 which ICI positions are available to be
2 filled by employees from another covered
3 agency;

4 (ii) establish criteria concerning deter-
5 minations and modifications to determina-
6 tions regarding ICI positions that are
7 available to be filled by employees from an-
8 other covered agency which may be made
9 by the head of a covered agency and take
10 effect without review and approval by the
11 Committee;

12 (iii) establish criteria concerning
13 which determinations and modifications to
14 determinations regarding ICI positions
15 that are available to be filled by employees
16 from another covered agency may be made
17 by the head of a covered agency and shall
18 be reviewed and approved by the Com-
19 mittee before the determination or modi-
20 fication may take effect; and

21 (iv) develop a schedule for the Com-
22 mittee to review determinations and modi-
23 fications to determinations that an ICI po-
24 sition is available to be filled by employees
25 from another covered agency that took ef-

1 fect without prior review and approval
2 under the criteria established under clause
3 (ii).

4 (B) ACTION BY COVERED AGENCIES.—The
5 head of a covered agency may not determine an
6 ICI position as available to be filled by employ-
7 ees from another covered agency or make a
8 modification of the determination if the deter-
9 mination or modification is not—

10 (i) authorized to be made without the
11 advance authorization of the Committee
12 under subparagraph (A)(ii); or

13 (ii) approved by the Committee under
14 subparagraph (A)(iii).

15 (3) LIST.—The Committee shall maintain a sin-
16 gle, integrated list of positions available to be filled
17 by employees from another covered agency under
18 this section and shall make the list available to Fed-
19 eral employees on an ongoing basis in order to facili-
20 tate applications for the positions and long-term ca-
21 reer planning by employees of the executive branch
22 of the Government, except to the extent that the
23 Committee determines that the identity of certain
24 positions should not be distributed in order to pro-
25 tect national security or homeland security.

1 (f) PREVENTION OF NEED FOR INCREASED PER-
2 SONNEL LEVELS.—

3 (1) PHASE IN.—The Committee shall phase in
4 the requirement to designate ICI positions for as-
5 signment across covered agencies in a manner that
6 ensures that there is a reasonable equivalence be-
7 tween the number of employees rotating out of the
8 covered agencies or interagency bodies within an ICI
9 and the number of employees rotating into the cov-
10 ered agencies or interagency bodies within an ICI.

11 (2) FILLING POSITIONS ROTATING OUT.—The
12 Committee shall ensure that employees are rotated
13 across covered agencies and interagency bodies with-
14 in an ICI in a manner that ensures that the original
15 ICI positions of all employees performing service in
16 an ICI position in another covered agency or inter-
17 agency body are filled within a reasonable period
18 by—

19 (A) employees from another covered agen-
20 cy or interagency body who are performing
21 service in an ICI position in another covered
22 agency or interagency body; or

23 (B) other available employees.

24 (g) OPEN AND FAIR COMPETITION.—Each covered
25 agency or interagency body that has an ICI position avail-

1 able to be filled by an employee from another covered
2 agency shall coordinate with the Office of Personnel Man-
3 agement to ensure that the position is filled in a fully open
4 and competitive manner that is consistent with the merit
5 system principles set forth in paragraphs (1) and (2) of
6 section 2301(b) of title 5, United States Code, except if
7 the ICI position is otherwise exempt under another provi-
8 sion of law.

9 (h) COLLECTIVE BARGAINING RIGHTS AND OTHER
10 PERSONNEL LAW MATTERS.—

11 (1) NATIONAL SECURITY EXCLUSION.—The
12 identification of a position as available for service by
13 an employee of another covered agency or as being
14 within an ICI shall not be a basis for an order under
15 section 7103(b) of title 5, United States Code, ex-
16 cluding the covered agency, or a subdivision thereof,
17 in which the position is located from the applicability
18 of chapter 71 of title 5, United States Code.

19 (2) ON ROTATION.—An employee performing
20 service in an ICI position in another covered agency
21 or interagency body shall have collective bargaining
22 rights to the extent and in the manner that such
23 rights would be available to the employee if the em-
24 ployee were detailed or assigned under a provision of
25 law other than this Act from the agency employing

1 the employee to the agency in which the ICI position
2 in which the employee is serving is located.

3 (3) CONSULTATION.—The Committee shall con-
4 sult with relevant associations, unions, and other
5 groups involved in collective bargaining or encour-
6 aging public service or organizational reform of the
7 Government in formulating and implementing poli-
8 cies under this Act.

9 (i) REPORTING.—Not later than 1 year after the date
10 on which the Committee issues the first National Security
11 Human Capital Strategy under section 4(a)(1), and every
12 year thereafter, the Committee shall submit to the relevant
13 committees of Congress—

14 (1) a consolidated list of ICI positions, which
15 shall include an explanation of the reasons that each
16 position was identified as being within the ICI; and

17 (2) a consolidated list of ICI positions made
18 available to be filled by employees from another cov-
19 ered agency, which shall include an explanation of
20 the methodology used by the covered agency in de-
21 termining which positions were and were not to be
22 made available.

1 **SEC. 8. INTERAGENCY ROTATIONAL SERVICE AS A RE-**
2 **QUIREMENT FOR SELECTION TO SENIOR PO-**
3 **SITIONS IN ICIS.**

4 (a) REQUIREMENT FOR PROMOTION TO SELECTED
5 SENIOR POSITIONS WITHIN ICIS.—Except as otherwise
6 provided in this section, the head of each covered agency
7 shall—

8 (1) designate ICI positions of the covered agen-
9 cy that are senior positions for which interagency ro-
10 tational service shall be an eligibility requirement;
11 and

12 (2) not later than October 1 of the fifteenth fis-
13 cal year after the fiscal year in which this Act is en-
14 acted, designate not less than 85 percent of the ICI
15 positions of the covered agency that are senior posi-
16 tions to be senior positions for which interagency ro-
17 tational service shall be an eligibility requirement.

18 (b) EXEMPTIONS.—

19 (1) IN GENERAL.—An employee may be ap-
20 pointed to a senior position designated under sub-
21 section (a) without meeting the interagency rota-
22 tional service requirement if before the appointment
23 the employee—

24 (A) is not employed in the executive
25 branch of the Government when selected for the
26 senior position;

1 (B) is serving in a senior position that is
2 not an ICI position;

3 (C) has not served in the executive branch
4 of the Government for a sufficient period, as
5 determined by the Committee, to have per-
6 formed interagency rotational service;

7 (D) entered service in the executive branch
8 of the Government at or above GS–15 of the
9 General Schedule, or equivalent;

10 (E) has prior service in another agency
11 that provides the employee with relevant experi-
12 ence in the applicable ICI, as determined by the
13 Committee; or

14 (F) is in another class of employees ex-
15 empted from subsection (a) by the Committee.

16 (2) NOTICE.—Not later than 30 days after the
17 date on which the Committee determines to exempt
18 a class of employees under paragraph (1)(F), the
19 Committee shall notify the relevant committees of
20 Congress of the exemption.

21 (c) WAIVERS.—

22 (1) IN GENERAL.—On a case-by-case basis, the
23 head of a covered agency may waive the requirement
24 that an employee being appointed to a senior posi-

1 tion designated under subsection (a) has performed
2 interagency rotational service.

3 (2) YEARS 3 TO 8.—During the period begin-
4 ning on October 1 of the second fiscal year after the
5 fiscal year in which this Act is enacted and ending
6 on September 30 of the seventh fiscal year after the
7 fiscal year in which this Act is enacted, the head of
8 a covered agency may issue a waiver under para-
9 graph (1) for good cause.

10 (3) YEARS 9 TO 15.—During the period begin-
11 ning October 1 of the eighth fiscal year after the fis-
12 cal year in which this Act is enacted and ending on
13 September 30 of the fourteenth fiscal year after the
14 fiscal year in which this Act is enacted, the head of
15 a covered agency may issue a waiver under para-
16 graph (1) if—

17 (A) there is a lack of qualified candidates
18 for the senior position who have satisfied the
19 requirement under subsection (a);

20 (B) a lack of sufficient positions available
21 to be filled by employees from another covered
22 agency prevented the most qualified candidate
23 for the senior position from completing inter-
24 agency rotational service; or

1 (C) the most qualified candidate for the
2 senior position has prior service in a position in
3 another agency that, although involving duties
4 comparable to an ICI position, does not qualify
5 as interagency rotational service.

6 (4) AFTER YEAR 15.—

7 (A) IN GENERAL.—After the period de-
8 scribed in paragraph (3), the head of a covered
9 agency may issue a waiver under paragraph (1)
10 if—

11 (i) there are extraordinary cir-
12 cumstances relating to the senior position;
13 and

14 (ii) the Committee concurs with
15 issuing the waiver.

16 (B) NONDELEGATION.—The authority to
17 issue a waiver under paragraph (1) may not be
18 delegated after the period described in para-
19 graph (3).

20 (5) REPORTING.—Not later than 30 days after
21 the date on which a waiver is issued under para-
22 graph (1), the Committee shall submit to the rel-
23 evant committees of Congress a report containing a
24 description of the waiver and an explanation of the
25 justification for the waiver.

1 (d) OTHER ROTATIONAL REQUIREMENTS.—

2 (1) DEFINITIONS.—In this subsection:

3 (A) DHS ROTATIONAL SERVICE PRO-
4 GRAM.—The term “DHS rotational service pro-
5 gram” means any program established before
6 the date of enactment of this Act that provides
7 for rotation assignments of employees within
8 the Department of Homeland Security.

9 (B) IC ROTATIONAL SERVICE PROGRAM.—
10 The term “IC rotational service program”
11 means any program established before the date
12 of enactment of this Act that provides for rota-
13 tion assignments of employees across the agen-
14 cies or elements of the intelligence community.

15 (2) DEPARTMENT OF HOMELAND SECURITY.—
16 If an employee of the Department of Homeland Se-
17 curity has performed service in an ICI position in
18 another covered agency or interagency body, the em-
19 ployee may not be denied an appointment to a senior
20 position in the Department of Homeland Security
21 because of any other requirement to perform service
22 on a rotational basis under a DHS rotational service
23 program.

1 (3) OFFICERS OF THE ARMED FORCES.—Sec-
2 tion 668(b) of title 10, United States Code, is
3 amended—

4 (A) by redesignating paragraph (2) as
5 paragraph (3); and

6 (B) by inserting after paragraph (1) the
7 following new paragraph (2):

8 “(2)(A) The definition required by paragraph (1)
9 may provide for the treatment as a joint duty assignment
10 of any assignment of officers to an ICI position or a posi-
11 tion in an interagency body that is not an ICI position
12 as the Secretary may specify in the regulations required
13 by that paragraph.

14 “(B) In this paragraph, the terms ‘ICI position’ and
15 ‘interagency body’ have the meanings given those terms
16 in section 3 of the Interagency Personnel Rotation Act of
17 2011.”.

18 (4) CREDIT FOR SERVICE IN ANOTHER COMPO-
19 NENT WITHIN AN AGENCY.—

20 (A) IN GENERAL.—During the first 8 fis-
21 cal years after the fiscal year in which this Act
22 is enacted, an employee that performed service
23 in a rotation to another component of the cov-
24 ered agency that employs the employee identi-
25 fied under subparagraph (B) may be appointed

1 to an ICI position that is a senior position in
2 that covered agency without regard to any des-
3 ignation under subsection (a).

4 (B) IDENTIFICATION OF COMPONENTS.—
5 Subject to approval by the Committee, the head
6 of a covered agency may identify the compo-
7 nents of the covered agency that are sufficiently
8 independent in functionality for service in a ro-
9 tation in the component to qualify as service in
10 another component of the covered agency for
11 purposes of subparagraph (A).

12 (5) INTELLIGENCE COMMUNITY PERSONNEL.—
13 During the first 8 fiscal years after the fiscal year
14 in which this Act is enacted, an employee of a cov-
15 ered agency that performed service in a rotation in
16 the intelligence community under an IC rotational
17 service program may be appointed to an ICI position
18 that is a senior position in that covered agency with-
19 out regard to any designation under subsection (a).

20 (6) REPORTS.—The head of each covered agen-
21 cy shall include information relating to this sub-
22 section in any relevant report to the relevant com-
23 mittees of Congress required under this Act.

24 (e) PERFORMANCE APPRAISALS.—The Committee
25 shall—

1 (1) ensure that the employees receive perform-
2 ance evaluations that are based primarily on their
3 contribution to the work of the covered agency in
4 which the employee is performing service in an ICI
5 position in another covered agency or interagency
6 body and the functioning of the applicable ICI; and

7 (2) require that—

8 (A) officials at the covered agency employ-
9 ing the employee conduct the evaluations based
10 on input from the supervisors of the employee
11 during service in an ICI position in another
12 covered agency or interagency body; and

13 (B) the evaluations shall be provided the
14 same weight in the receipt of promotions and
15 other rewards by the employee from the covered
16 agency employing the employee as performance
17 evaluations receive for other employees of the
18 covered agency.

19 (f) INCENTIVES FOR PARTICIPATION.—The Com-
20 mittee shall identify ways in which the head of a covered
21 agency shall use the authorities of the head of the covered
22 agency to institute incentives to encourage employees to
23 perform service in an ICI position in another covered
24 agency or interagency body, regardless of the interest of

1 any employee to be promoted to an ICI position that is
2 a senior position.

3 (g) FOREIGN SERVICE.—Section 607(a) of the For-
4 eign Service Act of 1980 (22 U.S.C. 4007(a)) is amended
5 by adding at the end the following:

6 “(4) At the election of an individual subject to a max-
7 imum time in class limitation under this subsection, any
8 period of service in an ICI position (as defined in section
9 3 of the Interagency Personnel Rotation Act of 2011) that
10 is not within the Department of State shall not be used
11 for purposes of determining the period during which the
12 individual has served in a class.”.

13 **SEC. 9. EDUCATION AND TRAINING FOR PERSONNEL SERV-**
14 **ING IN INTERAGENCY COMMUNITIES OF IN-**
15 **TEREST.**

16 (a) TRAINING AND EDUCATION REQUIREMENTS.—

17 (1) PARTICIPATION BY PERSONNEL IN ICI POSI-
18 TIONS.—

19 (A) ORIENTATION TRAINING AND EDU-
20 CATION.—During the second fiscal year after
21 the fiscal year in which this Act is enacted, and
22 each fiscal year thereafter, each employee serv-
23 ing in an ICI position shall participate in ori-
24 entation training and education.

1 (B) ONGOING TRAINING AND EDU-
2 CATION.—During the third fiscal year after the
3 fiscal year in which this Act is enacted, and
4 each fiscal year thereafter, each employee serv-
5 ing in an ICI position shall participate in ongo-
6 ing training and education.

7 (2) FAILURE TO OBTAIN TRAINING AND EDU-
8 CATION.—An employee serving in an ICI position
9 who does not successfully complete the orientation
10 training and education and the ongoing training and
11 education required under paragraph (1) may not
12 perform service in an ICI position in another covered
13 agency or interagency body.

14 (3) CONTENTS OF TRAINING.—The training
15 and education required under paragraph (1) shall in-
16 clude training and education on—

17 (A) national security and homeland secu-
18 rity strategy, both general and as relevant to
19 the applicable ICI;

20 (B) the criticality of interagency integra-
21 tion for accomplishing national security and
22 homeland security objectives in an efficient and
23 effective manner;

1 (C) the roles, functions, authorities, cul-
2 tures, and resources of agencies involved in the
3 applicable ICI; and

4 (D) practical skills and strategies for en-
5 suring maximum interagency cohesion, includ-
6 ing effective meeting management, project man-
7 agement, negotiation, and interagency team-
8 building.

9 (4) ONLINE TRAINING.—Unless the Committee
10 determines that the benefits of an in-person training
11 for increasing interagency coordination to improve
12 interagency effectiveness and efficiency outweigh the
13 cost, the training and education required under
14 paragraph (1) shall be online.

15 (b) USE OF CONSORTIUM.—

16 (1) IN GENERAL.—The Committee may use a
17 consortium of agencies, educational institutions, and
18 nongovernmental organizations to provide the train-
19 ing and education required under this section, in-
20 cluding by the use of preexisting courses and mate-
21 rials.

22 (2) INCLUSIONS.—The consortium used under
23 paragraph (1) may include Government educational
24 entities such as the Foreign Service Institute, the
25 National Defense University, the Army War College,

1 and the Naval War College, if the head of the agen-
2 cy of which the educational entity is a component
3 determines that participation in the training and
4 education will not adversely impact the capabilities
5 of the agency.

6 **SEC. 10. INTERAGENCY PROCESS AND STRATEGIES TRAIN-**
7 **ING FOR POLITICAL APPOINTEES.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—Subject to the direction of
10 the Committee, the Office of Personnel Management
11 shall establish a course for political appointees relat-
12 ing to the objectives, history, and functioning of the
13 senior-level interagency process and strategies for
14 ensuring maximum interagency cohesion and the ac-
15 complishment of national security and homeland se-
16 curity objectives in an efficient and effective manner.

17 (2) LENGTH OF COURSE.—The length of a
18 course established under paragraph (1) may be dif-
19 ferent for different positions, based on the seniority
20 of the position and other factors as the Committee
21 determines appropriate.

22 (b) REQUIREMENT.—Not later than 120 days after
23 an individual is appointed to a position which makes the
24 individual a political appointee, that individual shall take
25 the course established under subsection (a).

1 (c) APPLICATION.—This section shall apply to ap-
2 pointments made on and after the end of the fiscal year
3 following the fiscal year in which this Act is enacted.