

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.

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IN THE SENATE OF THE UNITED STATES

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

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**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.