

112TH CONGRESS
1ST SESSION

H. R. 2314

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 HOUSE OF REPRESENTATIVES

JUNE 23, 2011

Mr. DAVIS of Kentucky (for himself and Mr. TIERNEY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Armed Services, Homeland Security, Foreign Affairs, and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Interagency Personnel
3 Rotation Act of 2011”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds that—

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

12 (2) these challenges require that executive
13 branch personnel—

14 (A) view national security and homeland
15 security issues from a whole-of-Government per-
16 spective;

17 (B) understand the capabilities, authori-
18 ties, resources, and constraints of other agen-
19 cies; and

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

24 (b) PURPOSE.—The purpose of this Act is to increase
25 the efficiency and effectiveness of the Government by fos-
26 tering greater interagency experience among executive

1 branch personnel on national security and homeland secu-
2 rity matters involving more than one agency.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

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

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

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

17 (A) means—

18 (i) a position that—

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

1 (II) is a position in the civil serv-
2 ice (as defined in section 2101(1) of
3 title 5, United States Code) in the ex-
4 ecutive branch of the Government for
5 which the pay is at a rate at or great-
6 er than the minimum basic rate of
7 pay for a position at GS-11 of the
8 General Schedule; and

9 (III) is a position within an ICI;
10 or

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

14 (B) shall not include—

15 (i) any position described under para-
16 graph (10)(A) or (C); or

17 (ii) any position filled by an employee
18 described under paragraph (10)(B).

19 (6) INTELLIGENCE COMMUNITY.—The term
20 “intelligence community” has the meaning given
21 under section 3(4) of the National Security Act of
22 1947 (50 U.S.C. 401a(4)).

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

1 (8) INTERAGENCY ROTATIONAL SERVICE.—The
2 term “interagency rotational service” means service
3 by an employee in—

4 (A) an ICI position that is—

5 (i) in—

6 (I) a covered agency other than
7 the covered agency employing the em-
8 ployee; or

9 (II) an interagency body, without
10 regard to whether the employee is em-
11 ployed by the agency in which the
12 interagency body is located; and

13 (ii) in the same ICI as the position in
14 which the employee serves or has served
15 before serving in that ICI position; or

16 (B) a position in an interagency body iden-
17 tified by the Committee under section 6(c)(2).

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

23 (A) as a group are employees of multiple
24 agencies of the executive branch of the Govern-
25 ment; and

1 (B) have significant responsibility for the
2 same substantive, functional, or regional subject
3 area related to national security or homeland
4 security that requires integration of the per-
5 sonnel and activities in that area across mul-
6 tiple agencies to ensure that the executive
7 branch of the Government operates as a single,
8 cohesive enterprise to maximize mission success
9 and minimize cost.

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

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

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

22 (C) is employed in a position in the execu-
23 tive branch of the Government of a confidential
24 or policy-determining character under schedule

1 C of subpart C of part 213 of title 5 of the
2 Code of Federal Regulations.

3 (11) RELEVANT COMMITTEES OF CONGRESS.—

4 The term “relevant committees of Congress”
5 means—

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

17 (B) the Committee on Appropriations, the
18 Committee on Armed Services, the Committee
19 on Energy and Commerce, the Committee on
20 Education and the Workforce, the Committee
21 on Foreign Affairs, the Committee on Home-
22 land Security, the Committee on the Judiciary,
23 the Committee on Oversight and Government
24 Reform, the Permanent Select Committee on

1 Intelligence, and the Committee on Ways and
2 Means of the House of Representatives.

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

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

8 (B) a position in the Senior Foreign Serv-
9 ice established under the Foreign Service Act of
10 1980 (22 U.S.C. 3901 et seq.);

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

15 (D) any other equivalent position identified
16 by the Committee.

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

18 (a) NATIONAL SECURITY HUMAN CAPITAL STRAT-
19 EGY.—

20 (1) ISSUING OF STRATEGY.—

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

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

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

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

22 (A) provides for the phased implementa-
23 tion of this Act;

1 (B) contains graduated and specific targets
2 for the percentages of senior positions in an ICI
3 that—

4 (i) require interagency rotational serv-
5 ice as an eligibility requirement;

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

13 (C) includes a schedule for the issuance of
14 directives relating to the requirements under
15 this Act by the Committee.

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

22 (b) REPORTS ON IMPLEMENTATION.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date on which the Committee issues a National
25 Security Human Capital Strategy under subsection

1 (a), the Committee shall submit to the relevant com-
2 mittees of Congress a report on the implementation
3 of the strategy and this Act.

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

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

12 (B) performance measures for the National
13 Security Human Capital Strategy and data on
14 the performance measures.

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

16 (a) ESTABLISHMENT.—There is established the Com-
17 mittee on National Security Personnel within the Execu-
18 tive Office of the President.

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

1 (c) CHAIRPERSON.—The Director of the Office of
2 Management and Budget shall be the Chairperson of the
3 Committee.

4 (d) FUNCTIONS.—

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

11 (2) DIRECTIVES.—

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

23 (B) USE BY COVERED AGENCIES.—The
24 head of each covered agency shall carry out the
25 responsibilities under this Act in accordance

1 with the directives issued by the Director of the
2 Office of Management and Budget.

3 (C) SUBMISSION TO CONGRESS.—Not later
4 than 30 days after the date on which the Direc-
5 tor of the Office of Management and Budget
6 issues a directive under this Act, the Director
7 shall submit the directive to the relevant com-
8 mittees of Congress.

9 (e) SUPPORT AND IMPLEMENTATION.—

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

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

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

5 **SEC. 6. NATIONAL SECURITY INTERAGENCY COMMUNITIES**
6 **OF INTEREST.**

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

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

10 (2) may alter or discontinue an ICI identified
11 under paragraph (1).

12 (b) IDENTIFICATION OF ICI POSITIONS.—

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

16 (2) POSITION WITH ADMINISTRATIVE OR TECH-
17 NICAL DUTIES.—

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

24 (B) TECHNOLOGY DUTIES.—

1 (i) IN GENERAL.—The Committee
2 shall determine which positions the pri-
3 mary duties of which relate to information
4 technology or engineering may be identi-
5 fied as ICI positions by the head of a cov-
6 ered agency. The Committee may provide
7 guidance regarding the positions that may
8 be identified as ICI positions under this
9 clause or approve the identification of the
10 ICI positions on a case-by-case basis, as
11 the Committee determines appropriate.

12 (ii) INFORMATION TECHNOLOGY POSI-
13 TIONS.—A position that relates to informa-
14 tion technology may be identified as an ICI
15 position for an ICI relating to cybersecu-
16 rity.

17 (3) OTHER PROVISIONS.—

18 (A) MULTIPLE ICIS.—A position may be
19 within more than 1 ICI.

20 (B) CHANGES.—Subject to paragraph (4),
21 the head of a covered agency may change which
22 positions are identified as ICI positions or
23 which ICI an ICI position is within.

24 (4) REVIEW AND APPROVAL BY THE COM-
25 MITTEE.—

- 1 (A) IN GENERAL.—The Committee shall—
- 2 (i) provide guidance to the heads of
- 3 covered agencies concerning criteria for
- 4 identifying or changing the identification
- 5 of ICI positions;
- 6 (ii) establish criteria concerning iden-
- 7 tifications and changes to the identifica-
- 8 tions of ICI positions 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 iden-
- 13 tifications and changes to the identifica-
- 14 tions of ICI positions which may be made
- 15 by the head of a covered agency and shall
- 16 be reviewed and approved by the Com-
- 17 mittee before the identification or change
- 18 may take effect; and
- 19 (iv) develop a schedule for the Com-
- 20 mittee to review identifications of and
- 21 changes to the identifications of ICI posi-
- 22 tions that took effect without prior review
- 23 and approval under the criteria established
- 24 under clause (ii).

1 (B) ACTION BY COVERED AGENCIES.—The
2 head of a covered agency may not identify a po-
3 sition as an ICI position or change an ICI posi-
4 tion or which ICI an ICI position is within if
5 the identification or change is not—

6 (i) authorized to be made without the
7 advance authorization of the Committee
8 under subparagraph (A)(ii); or

9 (ii) approved by the Committee under
10 subparagraph (A)(iii).

11 (c) INTERAGENCY BODIES.—

12 (1) IDENTIFICATION.—

13 (A) IN GENERAL.—The Committee shall
14 identify—

15 (i) entities in the executive branch of
16 the Government that are primarily involved
17 in interagency activities; and

18 (ii) components of agencies that are
19 primarily involved in interagency activities
20 and have a mission distinct from the agen-
21 cy within which the component is located.

22 (B) CERTAIN BODIES.—The Committee
23 shall identify the National Security Council and
24 the Directorate of Strategic Operational Plan-

1 ning of the National Counterterrorism Center
2 as interagency bodies under this paragraph.

3 (2) POSITIONS IN INTERAGENCY BODIES.—

4 (A) IN GENERAL.—For purposes of this
5 Act—

6 (i) the Assistant to the President for
7 National Security Affairs shall perform the
8 duties of the head of a covered agency for
9 ICI positions within the National Security
10 Council;

11 (ii) the Director of the National
12 Counterterrorism Center shall perform the
13 duties of the head of a covered agency for
14 ICI positions within the Directorate of
15 Strategic Operational Planning of the Na-
16 tional Counterterrorism Center; and

17 (iii) the Committee shall designate the
18 Federal officer who shall perform the du-
19 ties of the head of a covered agency for
20 ICI positions within any other interagency
21 body.

22 (B) IDENTIFICATION OF POSITIONS.—The
23 officials described or designated under subpara-
24 graph (A) shall identify—

1 (i) positions within their respective
2 interagency bodies that are ICI positions;
3 and

4 (ii) positions within their respective
5 interagency bodies—

6 (I) that are not within an ICI;

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

11 (III) for which service in the po-
12 sition shall constitute interagency ro-
13 tational service.

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

1 **SEC. 7. ICI ROTATIONAL SERVICE.**

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

5 (b) **ROTATIONS.**—

6 (1) **IN GENERAL.**—The Committee shall provide
7 for employees serving in an ICI position to be as-
8 signed on a rotational basis to another ICI position
9 that is—

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

12 (B) within the same ICI.

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

17 (3) **EXCEPTION.**—An employee may be assigned
18 to an ICI position in another covered agency or in
19 an interagency body that is not in the ICI applicable
20 to an ICI position in which the employee serves or
21 has served if—

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

25 (B) the head of the covered agency employ-
26 ing the employee, the head of the covered agen-

1 cy to which the assignment is made, and the
2 Committee approve the assignment.

3 (4) OFFICERS OF THE ARMED FORCES.—

4 (A) SERVICE IN ICIS.—The policies, proce-
5 dures, and practices for the management of of-
6 ficers of the Armed Forces established pursuant
7 to section 661 of title 10, United States Code,
8 may provide for the assignment of officers of
9 the Armed Forces to ICI positions or positions
10 designated under section 6(c)(2)(B)(ii) and for
11 the treatment of such assignments as joint duty
12 assignments for purposes of chapter 38 of such
13 title.

14 (B) DIRECTIVES.—The Committee shall
15 specify the requirements and limitations appli-
16 cable to the assignment of officers of the Armed
17 Forces to ICI positions or positions designated
18 under section 6(c)(2)(B)(ii). The directives
19 specifying such requirements and limitations
20 shall be issued with the concurrence of the Sec-
21 retary of Defense.

22 (5) RETURN TO PRIOR POSITION.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), an employee performing service in
25 an ICI position in another covered agency or

1 interagency body or in a position designated
2 under section 6(c)(2)(B)(ii) shall be entitled to
3 return to the position held by the employee in
4 the covered agency employing the employee
5 within a reasonable period of time after the end
6 of the period of service.

7 (B) REASONABLE EXCEPTIONS.—The
8 Committee shall determine under what cir-
9 cumstances it is reasonable to make an excep-
10 tion to the requirement under subparagraph (A)
11 and issue guidance regarding making such an
12 exception.

13 (c) VOLUNTARY NATURE OF ROTATIONAL SERV-
14 ICE.—

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

19 (2) AUTHORITY TO ASSIGN INVOLUNTARILY.—
20 If the head of a covered agency has the authority
21 under another provision of law to assign an em-
22 ployee involuntarily to a position and the employee
23 is serving in an ICI position, the head of the covered
24 agency may assign the employee involuntarily to

1 serve in an ICI position in another covered agency
2 or interagency body.

3 (d) DIRECTIVES.—

4 (1) IDENTIFICATION OF POSITIONS OPEN FOR
5 ROTATIONAL SERVICE.—The Committee shall—

6 (A) require, and provide guidelines relating
7 to, the identification by the head of each cov-
8 ered agency of ICI positions in the covered
9 agency that are open for assignment of employ-
10 ees serving or who have served in ICI positions
11 in other covered agencies or an interagency
12 body;

13 (B) specify how many ICI positions the
14 head of each covered agency shall make avail-
15 able for assignment of employees serving or who
16 have served in ICI positions in other covered
17 agencies or an interagency body; and

18 (C) ensure that each ICI position in a cov-
19 ered agency or interagency body that is avail-
20 able for assignment of an employee from an-
21 other covered agency or interagency body is
22 filled by an employee serving in a position with
23 a level of responsibility comparable to the posi-
24 tion that is available for assignment.

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

5 (A) shall ensure that the period of service
6 is sufficient to gain an adequately detailed un-
7 derstanding and perspective of the covered
8 agency or interagency body at which the em-
9 ployee is assigned;

10 (B) may provide for different periods for
11 service, depending upon the nature of the posi-
12 tion, including whether the position is in an
13 area that is a combat zone for purposes of sec-
14 tion 112 of the Internal Revenue Code of 1986;
15 and

16 (C) shall require that an employee per-
17 forming service in an ICI position in another
18 covered agency or interagency body is informed
19 of the period of service for the position before
20 beginning such service.

21 (e) SELECTION OF ICI POSITIONS OPEN FOR ROTA-
22 TIONAL SERVICE.—

23 (1) IN GENERAL.—Subject to paragraph (2),
24 the head of each covered agency shall determine
25 which ICI positions in the covered agency shall be

1 available to be filled by employees from another cov-
2 ered agency and may modify a determination under
3 this paragraph.

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

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

7 (i) provide guidance to the heads of
8 covered agencies concerning criteria for de-
9 termining and modifying determinations of
10 which ICI positions are available to be
11 filled by employees from another covered
12 agency;

13 (ii) establish criteria concerning deter-
14 minations and modifications to determina-
15 tions regarding ICI positions that are
16 available to be filled by employees from an-
17 other covered agency which may be made
18 by the head of a covered agency and take
19 effect without review and approval by the
20 Committee;

21 (iii) establish criteria concerning
22 which determinations and modifications to
23 determinations regarding ICI positions
24 that are available to be filled by employees
25 from another covered agency may be made

1 by the head of a covered agency and shall
2 be reviewed and approved by the Com-
3 mittee before the determination or modi-
4 fication may take effect; and

5 (iv) develop a schedule for the Com-
6 mittee to review determinations and modi-
7 fications to determinations that an ICI po-
8 sition is available to be filled by employees
9 from another covered agency that took ef-
10 fect without prior review and approval
11 under the criteria established under clause
12 (ii).

13 (B) ACTION BY COVERED AGENCIES.—The
14 head of a covered agency may not determine an
15 ICI position as available to be filled by employ-
16 ees from another covered agency or make a
17 modification of the determination if the deter-
18 mination or modification is not—

19 (i) authorized to be made without the
20 advance authorization of the Committee
21 under subparagraph (A)(ii); or

22 (ii) approved by the Committee under
23 subparagraph (A)(iii).

24 (3) LIST.—The Committee shall maintain a sin-
25 gle, integrated list of positions available to be filled

1 by employees from another covered agency under
2 this section and shall make the list available to Fed-
3 eral employees on an ongoing basis in order to facili-
4 tate applications for the positions and long-term ca-
5 reer planning by employees of the executive branch
6 of the Government, except to the extent that the
7 Committee determines that the identity of certain
8 positions should not be distributed in order to pro-
9 tect national security or homeland security.

10 (f) PREVENTION OF NEED FOR INCREASED PER-
11 SONNEL LEVELS.—

12 (1) PHASE IN.—The Committee shall phase in
13 the requirement to designate ICI positions for as-
14 signment across covered agencies in a manner that
15 ensures that there is a reasonable equivalence be-
16 tween the number of employees rotating out of the
17 covered agencies or interagency bodies within an ICI
18 and the number of employees rotating into the cov-
19 ered agencies or interagency bodies within an ICI.

20 (2) FILLING POSITIONS ROTATING OUT.—The
21 Committee shall ensure that employees are rotated
22 across covered agencies and interagency bodies with-
23 in an ICI in a manner that ensures that the original
24 ICI positions of all employees performing service in
25 an ICI position in another covered agency or inter-

1 agency body are filled within a reasonable period
2 by—

3 (A) employees from another covered agen-
4 cy or interagency body who are performing
5 service in an ICI position in another covered
6 agency or interagency body; or

7 (B) other available employees.

8 (g) OPEN AND FAIR COMPETITION.—Each covered
9 agency or interagency body that has an ICI position avail-
10 able to be filled by an employee from another covered
11 agency shall coordinate with the Office of Personnel Man-
12 agement to ensure that the position is filled in a fully open
13 and competitive manner that is consistent with the merit
14 system principles set forth in paragraphs (1) and (2) of
15 section 2301(b) of title 5, United States Code, except if
16 the ICI position is otherwise exempt under another provi-
17 sion of law.

18 (h) COLLECTIVE BARGAINING RIGHTS AND OTHER
19 PERSONNEL LAW MATTERS.—

20 (1) NATIONAL SECURITY EXCLUSION.—The
21 identification of a position as available for service by
22 an employee of another covered agency or as being
23 within an ICI shall not be a basis for an order under
24 section 7103(b) of title 5, United States Code, ex-
25 cluding the covered agency, or a subdivision thereof,

1 in which the position is located from the applicability
2 of chapter 71 of title 5, United States Code.

3 (2) ON ROTATION.—An employee performing
4 service in an ICI position in another covered agency
5 or interagency body shall have collective bargaining
6 rights to the extent and in the manner that such
7 rights would be available to the employee if the em-
8 ployee were detailed or assigned under a provision of
9 law other than this Act from the agency employing
10 the employee to the agency in which the ICI position
11 in which the employee is serving is located.

12 (3) CONSULTATION.—The Committee shall con-
13 sult with relevant associations, unions, and other
14 groups involved in collective bargaining or encour-
15 aging public service or organizational reform of the
16 Government in formulating and implementing poli-
17 cies under this Act.

18 (i) REPORTING.—Not later than 1 year after the date
19 on which the Committee issues the first National Security
20 Human Capital Strategy under section 4(a)(1), and every
21 year thereafter, the Committee shall submit to the relevant
22 committees of Congress—

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

1 (2) a consolidated list of ICI positions made
2 available to be filled by employees from another cov-
3 ered agency, which shall include an explanation of
4 the methodology used by the covered agency in de-
5 termining which positions were and were not to be
6 made available.

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

10 (a) REQUIREMENT FOR PROMOTION TO SELECTED
11 SENIOR POSITIONS WITHIN ICIS.—Except as otherwise
12 provided in this section, the head of each covered agency
13 shall—

14 (1) designate ICI positions of the covered agen-
15 cy that are senior positions for which interagency ro-
16 tational service shall be an eligibility requirement;
17 and

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

24 (b) EXEMPTIONS.—

1 (1) IN GENERAL.—An employee may be ap-
2 pointed to a senior position designated under sub-
3 section (a) without meeting the interagency rota-
4 tional service requirement if before the appointment
5 the employee—

6 (A) is not employed in the executive
7 branch of the Government when selected for the
8 senior position;

9 (B) is serving in a senior position that is
10 not an ICI position;

11 (C) has not served in the executive branch
12 of the Government for a sufficient period, as
13 determined by the Committee, to have per-
14 formed interagency rotational service;

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

18 (E) has prior service in another agency
19 that provides the employee with relevant experi-
20 ence in the applicable ICI, as determined by the
21 Committee; or

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

24 (2) NOTICE.—Not later than 30 days after the
25 date on which the Committee determines to exempt

1 a class of employees under paragraph (1)(F), the
2 Committee shall notify the relevant committees of
3 Congress of the exemption.

4 (c) WAIVERS.—

5 (1) IN GENERAL.—On a case-by-case basis, the
6 head of a covered agency may waive the requirement
7 that an employee being appointed to a senior posi-
8 tion designated under subsection (a) has performed
9 interagency rotational service.

10 (2) YEARS 3 TO 8.—During the period begin-
11 ning on October 1 of the second fiscal year after the
12 fiscal year in which this Act is enacted and ending
13 on September 30 of the seventh 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) for good cause.

17 (3) YEARS 9 TO 15.—During the period begin-
18 ning October 1 of the eighth fiscal year after the fis-
19 cal year in which this Act is enacted and ending on
20 September 30 of the fourteenth fiscal year after the
21 fiscal year in which this Act is enacted, the head of
22 a covered agency may issue a waiver under para-
23 graph (1) if—

1 (A) there is a lack of qualified candidates
2 for the senior position who have satisfied the
3 requirement under subsection (a);

4 (B) a lack of sufficient positions available
5 to be filled by employees from another covered
6 agency prevented the most qualified candidate
7 for the senior position from completing inter-
8 agency rotational service; or

9 (C) the most qualified candidate for the
10 senior position has prior service in a position in
11 another agency that, although involving duties
12 comparable to an ICI position, does not qualify
13 as interagency rotational service.

14 (4) AFTER YEAR 15.—

15 (A) IN GENERAL.—After the period de-
16 scribed in paragraph (3), the head of a covered
17 agency may issue a waiver under paragraph (1)
18 if—

19 (i) there are extraordinary cir-
20 cumstances relating to the senior position;
21 and

22 (ii) the Committee concurs with
23 issuing the waiver.

24 (B) NONDELEGATION.—The authority to
25 issue a waiver under paragraph (1) may not be

1 delegated after the period described in para-
2 graph (3).

3 (5) REPORTING.—Not later than 30 days after
4 the date on which a waiver is issued under para-
5 graph (1), the Committee shall submit to the rel-
6 evant committees of Congress a report containing a
7 description of the waiver and an explanation of the
8 justification for the waiver.

9 (d) OTHER ROTATIONAL REQUIREMENTS.—

10 (1) DEFINITIONS.—In this subsection:

11 (A) DHS ROTATIONAL SERVICE PRO-
12 GRAM.—The term “DHS rotational service pro-
13 gram” means any program established before
14 the date of enactment of this Act that provides
15 for rotation assignments of employees within
16 the Department of Homeland Security.

17 (B) IC ROTATIONAL SERVICE PROGRAM.—
18 The term “IC rotational service program”
19 means any program established before the date
20 of enactment of this Act that provides for rota-
21 tion assignments of employees across the agen-
22 cies or elements of the intelligence community.

23 (2) DEPARTMENT OF HOMELAND SECURITY.—

24 If an employee of the Department of Homeland Se-
25 curity has performed service in an ICI position in

1 another covered agency or interagency body, the em-
2 ployee may not be denied an appointment to a senior
3 position in the Department of Homeland Security
4 because of any other requirement to perform service
5 on a rotational basis under a DHS rotational service
6 program.

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

10 (A) by redesignating paragraph (2) as
11 paragraph (3); and

12 (B) by inserting after paragraph (1) the
13 following new paragraph (2):

14 “(2)(A) The definition required by paragraph (1)
15 may provide for the treatment as a joint duty assignment
16 of any assignment of officers to an ICI position or a posi-
17 tion in an interagency body that is not an ICI position
18 as the Secretary may specify in the regulations required
19 by that paragraph.

20 “(B) In this paragraph, the terms ‘ICI position’ and
21 ‘interagency body’ have the meanings given those terms
22 in section 3 of the Interagency Personnel Rotation Act of
23 2011.”.

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

1 (A) IN GENERAL.—During the first 8 fis-
2 cal years after the fiscal year in which this Act
3 is enacted, an employee that performed service
4 in a rotation to another component of the cov-
5 ered agency that employs the employee identi-
6 fied under subparagraph (B) may be appointed
7 to an ICI position that is a senior position in
8 that covered agency without regard to any des-
9 ignation under subsection (a).

10 (B) IDENTIFICATION OF COMPONENTS.—
11 Subject to approval by the Committee, the head
12 of a covered agency may identify the compo-
13 nents of the covered agency that are sufficiently
14 independent in functionality for service in a ro-
15 tation in the component to qualify as service in
16 another component of the covered agency for
17 purposes of subparagraph (A).

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

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

5 (e) PERFORMANCE APPRAISALS.—The Committee
6 shall—

7 (1) ensure that the employees receive perform-
8 ance evaluations that are based primarily on their
9 contribution to the work of the covered agency in
10 which the employee is performing service in an ICI
11 position in another covered agency or interagency
12 body and the functioning of the applicable ICI; and

13 (2) require that—

14 (A) officials at the covered agency employ-
15 ing the employee conduct the evaluations based
16 on input from the supervisors of the employee
17 during service in an ICI position in another
18 covered agency or interagency body; and

19 (B) the evaluations shall be provided the
20 same weight in the receipt of promotions and
21 other rewards by the employee from the covered
22 agency employing the employee as performance
23 evaluations receive for other employees of the
24 covered agency.

1 (f) INCENTIVES FOR PARTICIPATION.—The Com-
 2 mittee shall identify ways in which the head of a covered
 3 agency shall use the authorities of the head of the covered
 4 agency to institute incentives to encourage employees to
 5 perform service in an ICI position in another covered
 6 agency or interagency body, regardless of the interest of
 7 any employee to be promoted to an ICI position that is
 8 a senior position.

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

12 “(4) At the election of an individual subject to a max-
 13 imum time in class limitation under this subsection, any
 14 period of service in an ICI position (as defined in section
 15 3 of the Interagency Personnel Rotation Act of 2011) that
 16 is not within the Department of State shall not be used
 17 for purposes of determining the period during which the
 18 individual has served in a class.”.

19 **SEC. 9. EDUCATION AND TRAINING FOR PERSONNEL SERV-**
 20 **ING IN INTERAGENCY COMMUNITIES OF IN-**
 21 **TEREST.**

22 (a) TRAINING AND EDUCATION REQUIREMENTS.—

23 (1) PARTICIPATION BY PERSONNEL IN ICI POSI-
 24 TIONS.—

1 (A) ORIENTATION TRAINING AND EDU-
2 CATION.—During the second fiscal year after
3 the 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 ori-
6 entation training and education.

7 (B) ONGOING TRAINING AND EDU-
8 CATION.—During the third fiscal year after the
9 fiscal year in which this Act is enacted, and
10 each fiscal year thereafter, each employee serv-
11 ing in an ICI position shall participate in ongo-
12 ing training and education.

13 (2) FAILURE TO OBTAIN TRAINING AND EDU-
14 CATION.—An employee serving in an ICI position
15 who does not successfully complete the orientation
16 training and education and the ongoing training and
17 education required under paragraph (1) may not
18 perform service in an ICI position in another covered
19 agency or interagency body.

20 (3) CONTENTS OF TRAINING.—The training
21 and education required under paragraph (1) shall in-
22 clude training and education on—

23 (A) national security and homeland secu-
24 rity strategy, both general and as relevant to
25 the applicable ICI;

1 (B) the criticality of interagency integra-
2 tion for accomplishing national security and
3 homeland security objectives in an efficient and
4 effective manner;

5 (C) the roles, functions, authorities, cul-
6 tures, and resources of agencies involved in the
7 applicable ICI; and

8 (D) practical skills and strategies for en-
9 suring maximum interagency cohesion, includ-
10 ing effective meeting management, project man-
11 agement, negotiation, and interagency team-
12 building.

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

19 (b) USE OF CONSORTIUM.—

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

1 (2) INCLUSIONS.—The consortium used under
2 paragraph (1) may include Government educational
3 entities such as the Foreign Service Institute, the
4 National Defense University, the Army War College,
5 and the Naval War College, if the head of the agen-
6 cy of which the educational entity is a component
7 determines that participation in the training and
8 education will not adversely impact the capabilities
9 of the agency.

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

12 (a) ESTABLISHMENT.—

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

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

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

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

○