

112TH CONGRESS  
1ST SESSION

# S. 1268

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

JUNE 23, 2011

Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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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,*

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) in a position in an interagency body  
17 identified by the Committee under section  
18 6(c)(2).

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

1 (A) as a group are employees of multiple  
2 agencies of the executive branch of the Govern-  
3 ment; and

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

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

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

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

1           (C) is employed in a position in the execu-  
2           tive branch of the Government of a confidential  
3           or policy-determining character under schedule  
4           C of subpart C of part 213 of title 5 of the  
5           Code of Federal Regulations.

6           (11) RELEVANT COMMITTEES OF CONGRESS.—  
7           The term “relevant committees of Congress”  
8           means—

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

20          (B) the Committee on Appropriations, the  
21          Committee on Armed Services, the Committee  
22          on Energy and Commerce, the Committee on  
23          Education and the Workforce, the Committee  
24          on Foreign Affairs, the Committee on Home-  
25          land Security, the Committee on the Judiciary,

1 the Committee on Oversight and Government  
 2 Reform, the Permanent Select Committee on  
 3 Intelligence, and the Committee on Ways and  
 4 Means of the House of Representatives.

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

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

10 (B) a position in the Senior Foreign Serv-  
 11 ice established under the Foreign Service Act of  
 12 1980 (22 U.S.C. 3901 et seq.);

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

17 (D) any other equivalent position identified  
 18 by the Committee.

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

20 (a) NATIONAL SECURITY HUMAN CAPITAL STRAT-  
 21 EGY.—

22 (1) ISSUING OF STRATEGY.—

23 (A) IN GENERAL.—Except as provided in  
 24 subparagraph (B), not later than October 1 of  
 25 the first fiscal year after the fiscal year in



1           which this Act is enacted, and every 4 years  
2           thereafter, the Committee shall issue a National  
3           Security Human Capital Strategy to develop  
4           the national security and homeland security  
5           personnel necessary for accomplishing national  
6           security and homeland security objectives that  
7           require integration of personnel and activities  
8           from multiple agencies of the executive branch  
9           of the Government in order to ensure that the  
10          executive branch of the Government operates as  
11          a single, cohesive enterprise to maximize mis-  
12          sion success and minimize cost.

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

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

24                         (A) provides for the phased implementa-  
25                         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 one 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.

○