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

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2011

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

NOVEMBER 13, 2012

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

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

(2) these challenges require that executive
branch personnel—

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

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

(C) be able to rely upon networks and
communities of interest composed of personnel
from other agencies who work on the same na-
tional security or homeland security issues.
(b) PURPOSE.—The purpose of this Act is to increase the efficiency and effectiveness of the Government by fostering greater interagency experience among executive branch personnel on national security and homeland security matters involving more than one agency.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) COMMITTEE.—The term "Committee" means the Committee on National Security Personnel established under section 5(a).

(3) COVERED AGENCY.—The term "covered agency" means an agency that is part of an ICI.

(4) ICI.—The term "ICI" means a National Security Interagency Community of Interest identified by the Committee under section 6(a).

(5) ICI POSITION.—The term "ICI position"—

(A) means—

(i) a position that—

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

(II) is a position in the civil serv-

ice (as defined in section 2101(1) of
title 5, United States Code) in the ex-
cutive branch of the Government for
which the pay is at a rate at or great-
er than the minimum basic rate of
pay for a position at GS–11 of the
General Schedule; and

(III) is a position within an ICI;
or

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

(B) shall not include—

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

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

(6) INTELLIGENCE COMMUNITY.—The term
"intelligence community" has the meaning given
under section 3(4) of the National Security Act of
1947 (50 U.S.C. 401a(4)).
(7) Interagency body.—The term "interagency body" means an interagency body identified by the Committee under section 6(c)(1).

(8) Interagency rotational service.—The term "interagency rotational service" means service by an employee in—

(A) an ICI position that is—

(i) in—

(I) a covered agency other than the covered agency employing the employee; or

(II) an interagency body, without regard to whether the employee is employed by the agency in which the interagency body is located; and

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

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

(9) National security interagency community of interest.—The term "National Security Interagency Community of Interest" means the
personnel of the executive branch of the Government that—

(A) as a group are employees of multiple agencies of the executive branch of the Government; and

(B) have significant responsibility for the same substantive, functional, or regional subject area related to national security or homeland security that requires integration of the personnel and activities in that area across multiple agencies to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

(10) POLITICAL APPOINTEE.—The term "political appointee" means an individual who—

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

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

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

(11) RELEVANT COMMITTEES OF CONGRESS.—

The term "relevant committees of Congress" means—

(A) the Committee on Appropriations; the Committee on Armed Services; the Committee on Commerce, Science, and Transportation; the Committee on Energy and Natural Resources; the Committee on Finance; the Committee on Foreign Relations; the Committee on Health, Labor, Education, and Pensions; the Committee on Homeland Security and Governmental Affairs; the Committee on the Judiciary; and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Appropriations; the Committee on Armed Services; the Committee on Energy and Commerce; the Committee on Education and the Workforce; the Committee
on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Oversight and Government Reform, the Permanent Select Committee on Intelligence, and the Committee on Ways and Means of the House of Representatives.

(12) **Senior position.**—The term “senior position” means—

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

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

(C) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service established under section 3154 of title 5, United States Code; and

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

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

(a) **National Security Human Capital Strategy.**—

(1) **Issuing of strategy.**—
(A) In general.—Except as provided in subparagraph (B), not later than October 1 of the first fiscal year after the fiscal year in which this Act is enacted, and every 4 years thereafter, the Committee shall issue a National Security Human Capital Strategy to develop the national security and homeland security personnel necessary for accomplishing national security and homeland security objectives that require integration of personnel and activities from multiple agencies of the executive branch of the Government in order to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

(B) Modified date.—If this Act is enacted on a date that is less than 180 days before the end of the fiscal year, then the Committee shall issue the National Security Human Capital Strategy under this paragraph not later than October 1 of the second fiscal year after the fiscal year in which this Act is enacted, and every 4 years thereafter.
(2) PLAN.—Each National Security Human Capital Strategy issued under paragraph (1) shall include a plan that—

(A) provides for the phased implementation of this Act;

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

(i) require interagency rotational service as an eligibility requirement;

(ii) ensures that, not later than October 1 of the fifteenth fiscal year after the fiscal year in which this Act is enacted, not less than 85 percent of the ICI positions of each covered agency that are senior positions are designated under section 8(a)(1);

and

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

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

(b) REPORTS ON IMPLEMENTATION.—

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

(2) CONTENTS.—Each report submitted under paragraph (1) shall include updates to the plan contained in the most recent National Security Human Capital Strategy and detailed reporting that is specific to each ICI and to each covered agency and interagency body regarding—

(A) implementation of the National Security Human Capital Strategy and this Act; and

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

SEC. 5. COMMITTEE ON NATIONAL SECURITY PERSONNEL.

(a) ESTABLISHMENT.—There is established the Committee on National Security Personnel within the Executive Office of the President.
(b) **MEMBERSHIP.**—The members of the Committee shall be the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Assistant to the President for National Security Affairs.

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

(d) **FUNCTIONS.**—

(1) **IN GENERAL.**—The Committee shall perform the functions as provided under this Act to carry out service in an ICI position in another covered agency or interagency body by employees, the training required under section 9, and other activities under this Act.

(2) **DIRECTIVES.**—

(A) **IN GENERAL.**—In consultation with the Director of the Office of Personnel Management and the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget shall issue directives and set standards for service in an ICI position in another covered agency or interagency body, the training required under section 9, and other activities under this Act, in
including the directives specifically required under this Act.

(B) Use by covered agencies.—The head of each covered agency shall carry out the responsibilities under this Act in accordance with the directives issued by the Director of the Office of Management and Budget.

(C) Submission to Congress.—Not later than 30 days after the date on which the Director of the Office of Management and Budget issues a directive under this Act, the Director shall submit the directive to the relevant committees of Congress.

(e) Support and Implementation.—

(1) Board.—There is established a board to assist the Committee, which shall be composed of 1 designee (who shall serve in an Executive schedule position at level III) selected by each of the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, the Attorney General, the Secretary of the Treasury, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Commerce, and the Director of National Intelligence.
(2) Chief human capital officers council.—The Chief Human Capital Officers Council shall provide advice to the Committee regarding technical human capital issues relating to the implementation of this Act.

(3) Covered agency officials.—The head of each covered agency shall designate an officer and office within that covered agency with responsibility for the implementation of this Act.

SEC. 6. NATIONAL SECURITY INTERAGENCY COMMUNITIES OF INTEREST.

(a) Identification of ICIs.—The Committee—

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

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

(b) Identification of ICI Positions.—

(1) In general.—Subject to paragraph (4), the head of each covered agency shall identify ICI positions within that covered agency.

(2) Position with administrative or technical duties.—

(A) Exclusion for administrative duties.—A position the primary duties of which relate to administrative duties (including duties
relating to procurement, accounting, and finance) shall not be identified as an ICI position.

(B) TECHNOLOGY DUTIES.—

(i) IN GENERAL.—The Committee shall determine which positions the primary duties of which relate to information technology or engineering may be identified as ICI positions by the head of a covered agency. The Committee may provide guidance regarding the positions that may be identified as ICI positions under this clause or approve the identification of the ICI positions on a case-by-case basis, as the Committee determines appropriate.

(ii) INFORMATION TECHNOLOGY POSITIONS.—A position that relates to information technology may be identified as an ICI position for an ICI relating to cybersecurity.

(3) OTHER PROVISIONS.—

(A) MULTIPLE ICIS.—A position may be within more than one ICI.

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

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

(A) IN GENERAL.—The Committee shall—

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

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

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

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

(B) Action by Covered Agencies.—The
head of a covered agency may not identify a po-
sition as an ICI position or change an ICI posi-
tion or which ICI an ICI position is within if
the identification or change is not—

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

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

(c) Interagency Bodies.—

(1) Identification.—

(A) In General.—The Committee shall
identify—

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

(ii) components of agencies that are
primarily involved in interagency activities
and have a mission distinct from the agen-
ey within which the component is located.
(B) CERTAIN BODIES.—The Committee shall identify the National Security Council and the Directorate of Strategic Operational Planning of the National Counterterrorism Center as interagency bodies under this paragraph.

(2) POSITIONS IN INTERAGENCY BODIES.—

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

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

(ii) the Director of the National Counterterrorism Center shall perform the duties of the head of a covered agency for ICI positions within the Directorate of Strategic Operational Planning of the National Counterterrorism Center; and

(iii) the Committee shall designate the Federal officer who shall perform the duties of the head of a covered agency for ICI positions within any other interagency body.
(B) Identification of positions.—The officials described or designated under subparagraph (A) shall identify—

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

(ii) positions within their respective interagency bodies—

(I) that are not within an ICI;

(II) that are not a position described under section 3(10)(A) or (C) or a position filled by an employee described under section 3(10)(B); and

(III) for which service in the position shall constitute interagency rotational service.

(C) Review and approval by the committee.—The identification of, change of, and determinations relating to positions described in subparagraph (B) by a Federal officer described in or designated under subparagraph (A) shall be subject to review and approval by the Committee in the same manner and to the same extent as provided for the head of a covered agency under this Act.
SEC. 7. ICI ROTATIONAL SERVICE.

(a) Exclusion of Senior Positions.—For purposes of this section, the term "ICI position" does not include a senior position.

(b) Rotations.—

(1) In general.—The Committee shall provide for employees serving in an ICI position to be assigned on a rotational basis to another ICI position that is—

(A) within another covered agency or within an interagency body; and

(B) within the same ICI.

(2) Service within multiple ICIs.—An employee who has served or is serving in an ICI position that is within 2 or more ICIs may be assigned to an ICI position in any of such ICIs.

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

(A) the employee has particular nongovernmental or other expertise or skills that are relevant to the assigned ICI position; and

(B) the head of the covered agency employing the employee; the head of the covered agen-
ey to which the assignment is made, and the Committee approve the assignment.

(4) Officers of the Armed Forces.—

(A) Service in ICIs.—The policies, procedures, and practices for the management of officers of the Armed Forces established pursuant to section 661 of title 10, United States Code, may provide for the assignment of officers of the Armed Forces to ICI positions or positions designated under section 6(c)(2)(B)(ii) and for the treatment of such assignments as joint duty assignments for purposes of chapter 38 of such title.

(B) Directives.—The Committee shall specify the requirements and limitations applicable to the assignment of officers of the Armed Forces to ICI positions or positions designated under section 6(c)(2)(B)(ii). The directives specifying such requirements and limitations shall be issued with the concurrence of the Secretary of Defense.

(5) Return to Prior Position.—

(A) In General.—Subject to subparagraph (B), an employee performing service in an ICI position in another covered agency or
interagency body or in a position designated under section 6(e)(2)(B)(ii) shall be entitled to return to the position held by the employee in the covered agency employing the employee within a reasonable period of time after the end of the period of service.

(B) REASONABLE EXCEPTIONS.—The Committee shall determine under what circumstances it is reasonable to make an exception to the requirement under subparagraph (A) and issue guidance regarding making such an exception.

(c) VOLUNTARY NATURE OF ROTATIONAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), service in an ICI position in another covered agency or interagency body shall be voluntary by an employee.

(2) AUTHORITY TO ASSIGN IN VOLUNTARILY.—

If the head of a covered agency has the authority under another provision of law to assign an employee involuntarily to a position and the employee is serving in an ICI position, the head of the covered agency may assign the employee involuntarily to
serve in an ICI position in another covered agency or interagency body.

(d) **DIRECTIVES.**—

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

(A) require, and provide guidelines relating to, the identification by the head of each covered agency of ICI positions in the covered agency that are open for assignment of employees serving or who have served in ICI positions in other covered agencies or an interagency body;

(B) specify how many ICI positions the head of each covered agency shall make available for assignment of employees serving or who have served in ICI positions in other covered agencies or an interagency body; and

(C) ensure that each ICI position in a covered agency or interagency body that is available for assignment of an employee from another covered agency or interagency body is filled by an employee serving in a position with a level of responsibility comparable to the position that is available for assignment.
(2) Minimum period for service.—With respect to the period of service in an ICI position in another covered agency or interagency body, the Committee—

(A) shall ensure that the period of service is sufficient to gain an adequately detailed understanding and perspective of the covered agency or interagency body at which the employee is assigned;

(B) may provide for different periods for service, depending upon the nature of the position, including whether the position is in an area that is a combat zone for purposes of section 112 of the Internal Revenue Code of 1986; and

(C) shall require that an employee performing service in an ICI position in another covered agency or interagency body is informed of the period of service for the position before beginning such service.

(c) Selection of ICI Positions Open for Rotational Service.—

(1) In general.—Subject to paragraph (2), the head of each covered agency shall determine which ICI positions in the covered agency shall be
available to be filled by employees from another covered agency and may modify a determination under this paragraph.

(2) REVIEW OF DETERMINATION OF ICI POSITIONS OPEN FOR ROTATIONAL SERVICE.—

(A) IN GENERAL.—The Committee shall—

(i) provide guidance to the heads of covered agencies concerning criteria for determining and modifying determinations of which ICI positions are available to be filled by employees from another covered agency;

(ii) establish criteria concerning determinations and modifications to determinations regarding ICI positions that are available to be filled by employees from another covered agency which may be made by the head of a covered agency and take effect without review and approval by the Committee;

(iii) establish criteria concerning which determinations and modifications to determinations regarding ICI positions that are available to be filled by employees from another covered agency may be made
by the head of a covered agency and shall be reviewed and approved by the Committee before the determination or modification may take effect; and

(iv) develop a schedule for the Committee to review determinations and modifications to determinations that an ICI position is available to be filled by employees from another covered agency that took effect without prior review and approval under the criteria established under clause (ii).

(B) Action by Covered Agencies.—The head of a covered agency may not determine an ICI position as available to be filled by employees from another covered agency or make a modification of the determination if the determination or modification is not—

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

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

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

(f) Prevention of Need for Increased Per-
sonnel Levels.—

(1) Phase In.—The Committee shall phase in the requirement to designate ICI positions for as-
signment across covered agencies in a manner that ensures that there is a reasonable equivalence be-
tween the number of employees rotating out of the covered agencies or interagency bodies within an ICI and the number of employees rotating into the cov-
ered agencies or interagency bodies within an ICI.

(2) Filling Positions Rotating Out.—The Committee shall ensure that employees are rotated across covered agencies and interagency bodies within an ICI in a manner that ensures that the original ICI positions of all employees performing service in an ICI position in another covered agency or inter-
agency body are filled within a reasonable period by—

(A) employees from another covered agency or interagency body who are performing service in an ICI position in another covered agency or interagency body; or

(B) other available employees.

(g) Open and Fair Competition.—Each covered agency or interagency body that has an ICI position available to be filled by an employee from another covered agency shall coordinate with the Office of Personnel Management to ensure that the position is filled in a fully open and competitive manner that is consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, except if the ICI position is otherwise exempt under another provision of law.

(h) Collective Bargaining Rights and Other Personnel Law Matters.—

(1) National Security Exclusion.—The identification of a position as available for service by an employee of another covered agency or as being within an ICI shall not be a basis for an order under section 7103(b) of title 5, United States Code, excluding the covered agency, or a subdivision thereof,
in which the position is located from the applicability of chapter 74 of title 5, United States Code.

(2) On rotation.—An employee performing service in an ICI position in another covered agency or interagency body shall have collective bargaining rights to the extent and in the manner that such rights would be available to the employee if the employee were detailed or assigned under a provision of law other than this Act from the agency employing the employee to the agency in which the ICI position in which the employee is serving is located.

(3) Consultation.—The Committee shall consult with relevant associations, unions, and other groups involved in collective bargaining or encouraging public service or organizational reform of the Government in formulating and implementing policies under this Act.

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

(1) a consolidated list of ICI positions, which shall include an explanation of the reasons that each position was identified as being within the ICI; and
(2) a consolidated list of ICI positions made available to be filled by employees from another covered agency, which shall include an explanation of the methodology used by the covered agency in determining which positions were and were not to be made available.

SEC. 8. INTERAGENCY ROTATIONAL SERVICE AS A REQUIREMENT FOR SELECTION TO SENIOR POSITIONS IN ICIS.

(a) Requirement for Promotion to Selected Senior Positions Within ICIS.—Except as otherwise provided in this section, the head of each covered agency shall—

(1) designate ICI positions of the covered agency that are senior positions for which interagency rotational service shall be an eligibility requirement; and

(2) not later than October 1 of the fifteenth fiscal year after the fiscal year in which this Act is enacted, designate not less than 85 percent of the ICI positions of the covered agency that are senior positions to be senior positions for which interagency rotational service shall be an eligibility requirement.

(b) Exemptions.—
(1) In general.—An employee may be appointed to a senior position designated under subsection (a) without meeting the interagency rotational service requirement if before the appointment the employee—

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

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

(C) has not served in the executive branch of the Government for a sufficient period, as determined by the Committee, to have performed interagency rotational service;

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

(E) has prior service in another agency that provides the employee with relevant experience in the applicable ICI, as determined by the Committee; or

(F) is in another class of employees exempted from subsection (a) by the Committee.

(2) Notice.—Not later than 30 days after the date on which the Committee determines to exempt
a class of employees under paragraph (1)(F); the Committee shall notify the relevant committees of Congress of the exemption.

(e) Waivers.—

(1) In general.—On a case-by-case basis, the head of a covered agency may waive the requirement that an employee being appointed to a senior position designated under subsection (a) has performed interagency rotational service.

(2) Years 3 to 8.—During the period beginning on October 1 of the second fiscal year after the fiscal year in which this Act is enacted and ending on September 30 of the seventh fiscal year after the fiscal year in which this Act is enacted, the head of a covered agency may issue a waiver under paragraph (1) for good cause.

(3) Years 9 to 15.—During the period beginning October 1 of the eighth fiscal year after the fiscal year in which this Act is enacted and ending on September 30 of the fourteenth fiscal year after the fiscal year in which this Act is enacted, the head of a covered agency may issue a waiver under paragraph (1) if—
(A) there is a lack of qualified candidates for the senior position who have satisfied the requirement under subsection (a);

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

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

(4) AFTER YEAR 15.—

(A) IN GENERAL.—After the period described in paragraph (3), the head of a covered agency may issue a waiver under paragraph (1) if—

(i) there are extraordinary circumstances relating to the senior position; and

(ii) the Committee concurs with issuing the waiver.

(B) NONDELEGATION.—The authority to issue a waiver under paragraph (1) may not be
delegated after the period described in paragraph (3).

(5) REPORTING.—Not later than 30 days after the date on which a waiver is issued under paragraph (4), the Committee shall submit to the relevant committees of Congress a report containing a description of the waiver and an explanation of the justification for the waiver.

(4) OTHER ROTATIONAL REQUIREMENTS.—

(1) DEFINITIONS.—In this subsection:

(A) DHS ROTATIONAL SERVICE PROGRAM.—The term “DHS rotational service program” means any program established before the date of enactment of this Act that provides for rotation assignments of employees within the Department of Homeland Security.

(B) IC ROTATIONAL SERVICE PROGRAM.—The term “IC rotational service program” means any program established before the date of enactment of this Act that provides for rotation assignments of employees across the agencies or elements of the intelligence community.

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

(3) Officers of the armed forces.—Sec-
tion 668(b) of title 10, United States Code, is
amended—

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

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

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

"(B) In this paragraph, the terms 'ICI position' and
'interagency body' have the meanings given those terms
in section 3 of the Interagency Personnel Rotation Act of
2011:"

(4) Credit for service in another compo-
nent within an agency.—
(A) In general.—During the first 8 fiscal years after the fiscal year in which this Act is enacted, an employee that performed service in a rotation to another component of the covered agency that employs the employee identified under subparagraph (B) may be appointed to an ICI position that is a senior position in that covered agency without regard to any designation under subsection (a).

(B) Identification of components.—Subject to approval by the Committee, the head of a covered agency may identify the components of the covered agency that are sufficiently independent in functionality for service in a rotation in the component to qualify as service in another component of the covered agency for purposes of subparagraph (A).

(5) Intelligence community personnel.—During the first 8 fiscal years after the fiscal year in which this Act is enacted, an employee of a covered agency that performed service in a rotation in the intelligence community under an IC rotational service program may be appointed to an ICI position that is a senior position in that covered agency without regard to any designation under subsection (a).
(6) REPORTS.—The head of each covered agency shall include information relating to this subsection in any relevant report to the relevant committees of Congress required under this Act.

(c) PERFORMANCE APPRAISALS.—The Committee shall—

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

(2) require that—

(A) officials at the covered agency employing the employee conduct the evaluations based on input from the supervisors of the employee during service in an ICI position in another covered agency or interagency body; and

(B) the evaluations shall be provided the same weight in the receipt of promotions and other rewards by the employee from the covered agency employing the employee as performance evaluations receive for other employees of the covered agency.
(f) Incentives for Participation.—The Committee shall identify ways in which the head of a covered agency shall use the authorities of the head of the covered agency to institute incentives to encourage employees to perform service in an ICI position in another covered agency or interagency body, regardless of the interest of any employee to be promoted to an ICI position that is a senior position.

(g) Foreign Service.—Section 607(a) of the Foreign Service Act of 1980 (22 U.S.C. 4007(a)) is amended by adding at the end the following:

"(4) At the election of an individual subject to a maximum time in class limitation under this subsection, any period of service in an ICI position (as defined in section 3 of the Interagency Personnel Rotation Act of 2011) that is not within the Department of State shall not be used for purposes of determining the period during which the individual has served in a class."

SEC. 9. EDUCATION AND TRAINING FOR PERSONNEL SERVING IN INTERAGENCY COMMUNITIES OF INTEREST.

(a) Training and Education Requirements.—

(1) Participation by Personnel in ICI Positions.—
(A) **Orientation training and education.**—During the second fiscal year after the fiscal year in which this Act is enacted, and each fiscal year thereafter, each employee serving in an ICI position shall participate in orientation training and education.

(B) **Ongoing training and education.**—During the third fiscal year after the fiscal year in which this Act is enacted, and each fiscal year thereafter, each employee serving in an ICI position shall participate in ongoing training and education.

(2) **Failure to obtain training and education.**—An employee serving in an ICI position who does not successfully complete the orientation training and education and the ongoing training and education required under paragraph (1) may not perform service in an ICI position in another covered agency or interagency body.

(3) **Contents of training.**—The training and education required under paragraph (1) shall include training and education on—

(A) national security and homeland security strategy, both general and as relevant to the applicable ICI,
(B) the criticality of interagency integration for accomplishing national security and homeland security objectives in an efficient and effective manner;

(C) the roles, functions, authorities, cultures, and resources of agencies involved in the applicable ICI; and

(D) practical skills and strategies for ensuring maximum interagency cohesion, including effective meeting management, project management, negotiation, and interagency team-building.

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

(b) USE OF CONSORTIUM.—

(1) IN GENERAL.—The Committee may use a consortium of agencies, educational institutions, and nongovernmental organizations to provide the training and education required under this section, including by the use of preexisting courses and materials.
(2) INCLUSIONS.—The consortium used under paragraph (1) may include Government educational entities such as the Foreign Service Institute, the National Defense University, the Army War College, and the Naval War College, if the head of the agency of which the educational entity is a component determines that participation in the training and education will not adversely impact the capabilities of the agency.

SEC. 10. INTERAGENCY PROCESS AND STRATEGIES TRAINING FOR POLITICAL APPOINTEES.

(a) Establishment.—

(1) IN GENERAL.—Subject to the direction of the Committee, the Office of Personnel Management shall establish a course for political appointees relating to the objectives, history, and functioning of the senior-level interagency process and strategies for ensuring maximum interagency cohesion and the accomplishment of national security and homeland security objectives in an efficient and effective manner.

(2) LENGTH OF COURSE.—The length of a course established under paragraph (1) may be different for different positions, based on the seniority of the position and other factors as the Committee determines appropriate.
(b) **Requirement.**—Not later than 120 days after an individual is appointed to a position which makes the individual a political appointee, that individual shall take the course established under subsection (a).

(c) **Application.**—This section shall apply to appointments made on and after the end of the fiscal year following the fiscal year in which this Act is enacted.

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. FINDING AND PURPOSE.**

(a) **Finding.**—Congress finds that the national security and homeland security challenges of the 21st century require that executive branch personnel use a whole-of-Government approach in order for the United States Government to operate in the most effective and efficient manner.

(b) **Purpose.**—The purpose of this Act is to increase the efficiency and effectiveness of the Government by fostering greater interagency experience among executive branch personnel on national security and homeland security matters involving more than 1 agency.

**SEC. 3. DEFINITIONS.**

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

(2) COMMITTEE.—The term “Committee” means the Committee on National Security Personnel established under section 4(a).

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

(4) ICI.—The term “ICI” means a National Security Interagency Community of Interest identified by the Committee under section 5(a).

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

(A) means—

(i) a position that—

(I) is identified by the head of a covered agency as a position within the covered agency that has significant responsibility for the subject area of the ICI in which the position is located and for activities that involve more than 1 agency;

(II) is a position in the civil service (as defined in section 2101(1) of title 5, United States Code) in the executive branch of the Government (in-
including a position in the Foreign Service) at or above GS–11 of the General Schedule or at a level of responsibility comparable to a position at or above GS–11 of the General Schedule; and

(III) is a position within an ICI;

or

(ii) a position in an interagency body identified as an ICI position under section 5(c)(2)(A); and

(B) shall not include—

(i) any position described under paragraph (10)(A) or (C); or

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

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

(7) INTERAGENCY BODY.—The term “interagency body” means an entity or component identified under section 5(c)(1).

(8) INTERAGENCY ROTATIONAL SERVICE.—The term “interagency rotational service” means service by an employee in—
(A) an ICI position that is—

(i) in—

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

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

(ii) in the same ICI as the position in
which the employee serves or has served be-
fore serving in that ICI position; or

(B) in a position in an interagency body
identified under section 5(c)(2)(B).

(9) NATIONAL SECURITY INTERAGENCY COMMU-
NITY OF INTEREST.—The term “National Security
Interagency Community of Interest” means the posi-
tions in the executive branch of the Government
that—

(A) as a group are positions within mul-
tiple agencies of the executive branch of the Gov-
ernment; and

(B) have significant responsibility for the
same substantive, functional, or regional subject
area related to national security or homeland se-
curity that requires integration of the positions and activities in that area across multiple agencies to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

(10) POLITICAL APPOINTEE.—The term “political appointee” means an individual who—

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

(B) is a noncareer appointee in the Senior Executive Service, as defined under paragraph (7) of section 3132(a) of title 5, United States Code; or

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

(11) SENIOR POSITION.—The term “senior position” means—
(A) a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

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

(C) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service established under section 3151 of title 5, United States Code;

(D) a position filled by a limited term appointee or limited emergency appointee in the Senior Executive Service, as defined under paragraphs (5) and (6), respectively, of section 3132(a) of title 5, United States Code; and

(E) any other equivalent position identified by the Committee.

SEC. 4. COMMITTEE ON NATIONAL SECURITY PERSONNEL.

(a) Establishment.—There is established the Committee on National Security Personnel within the Executive Office of the President.

(b) Membership.—The members of the Committee shall be the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Assistant to the President for National Security Affairs.
(c) **Chairperson.**—The Director of the Office of Management and Budget shall be the Chairperson of the Committee.

(d) **Functions.**—

(1) **In general.**—The Committee shall perform the functions as provided under this Act to implement this Act and shall validate the actions taken by the heads of covered agencies to implement the directives issued and meet the standards established under paragraph (2).

(2) **Directives and standards.**—

(A) **In general.**—In consultation with the Director of the Office of Personnel Management and the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget shall issue directives and establish standards relating to the implementation of this Act.

(B) **Use by covered agencies.**—The head of each covered agency shall carry out the responsibilities under this Act in accordance with the directives issued and standards established by the Director of the Office of Management and Budget.

(e) **Support and implementation.**—
(1) BOARD.—There is established a board to assist the Committee, which shall be composed of 1 designee (who shall be serving in an Executive Schedule position at level III) selected by—

(A) the Secretary of State;
(B) the Secretary of Defense;
(C) the Secretary of Homeland Security;
(D) the Attorney General;
(E) the Secretary of the Treasury;
(F) the Secretary of Energy;
(G) the Secretary of Health and Human Services;
(H) the Secretary of Commerce;
(I) the Director of National Intelligence;
and
(J) the head of any other agency determined appropriate by the Committee.

(2) CHIEF HUMAN CAPITAL OFFICERS COUNCIL.—The Chief Human Capital Officers Council shall provide advice to the Committee regarding technical human capital issues.

(3) COVERED AGENCY OFFICIALS.—

(A) IN GENERAL.—The head of each covered agency shall designate an officer and office with-
in that covered agency with responsibility for the implementation of this Act.

(B) EXISTING OFFICES.—If an officer or office of a covered agency is designated as the officer or office within the covered agency with responsibility for the implementation of Executive Order 13434 for the covered agency on the date of enactment of this Act, the head of the covered agency shall designate the officer or office as the officer or office within the covered agency with responsibility for the implementation of this Act.

(4) STAFF.—

(A) IN GENERAL.—Not more than 3 full-time equivalent employees may be hired to assist the Committee in implementation of this Act, who may be employees of the Office of Management and Budget or the Office of Personnel Management. Any employee transferred under subparagraph (B)(ii)(II) shall be deemed to be an employee hired for purposes of the authorization under this subparagraph.

(B) FUNDING.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2012 through
2016 to carry out subparagraph (A) an amount equal to the amount expended for salaries and expenses of the National Security Professional Development Integration Office during fiscal year 2011.

(ii) OFFSET.—

(I) IN GENERAL.—Except as provided in paragraph (3)(B), effective on the date of enactment of this Act, the National Security Professional Development Integration Office of the Department of Defense is terminated and, on and after the date of enactment of this Act, the Secretary of Defense may not establish a comparable office to implement Executive Order 13434 or to design, administer, or report on the creation of a national security professional development system, cadre of national security professionals, or any personnel rotations, education, or training for individuals involved in interagency activities or who are national security professionals who are not employed by the Department of De-
fense. Nothing in this subclause shall be construed to prohibit the Secretary of Defense from establishing or designating an office to administer interagency rotations by, or the interagency activities of, employees of the Department of Defense.

(II) TRANSFER OF FUNCTIONS.—Effective on the date of enactment of this Act, there are transferred to the Office of Management and Budget or the Office of Personnel Management, as determined appropriate by the Committee, the functions of the National Security Professional Development Integration Office of the Department of Defense.

(III) FUNDS.—Effective on the date of enactment of this Act, all unobligated balances made available for the activities of the National Security Professional Development Integration Office of the Department of Defense are rescinded.
SEC. 5. NATIONAL SECURITY INTERAGENCY COMMUNITIES OF INTEREST.

(a) IDENTIFICATION OF ICIS.—Subject to section 8, the Committee—

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

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

(b) IDENTIFICATION OF ICI POSITIONS.—The head of each covered agency shall identify ICI positions within the covered agency.

(c) INTERAGENCY BODIES.—

(1) IDENTIFICATION.—

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

(i) entities in the executive branch of the Government that are primarily involved in interagency activities relating to national security or homeland security; and

(ii) components of agencies that are primarily involved in interagency activities relating to national security or homeland security and have a mission distinct from the agency within which the component is located.

(B) CERTAIN BODIES.—
(i) In general.—The Committee shall identify the National Security Council and the Directorate of Strategic Operational Planning of the National Counterterrorism Center as interagency bodies under this paragraph.

(ii) FBI rotations.—Joint Terrorism Task Forces shall not be considered interagency bodies for purposes of service by employees of the Federal Bureau of Investigation.

(C) Duties of head of covered agency.—The Committee shall designate the Federal officer who shall perform the duties of the head of a covered agency relating to ICI positions within an interagency body.

(2) Positions in interagency bodies.—The officials designated under paragraph (1)(C) shall identify—

(A) positions within their respective interagency bodies that are ICI positions; and

(B) positions within their respective interagency bodies—

(i) that are not a position described under section 3(10)(A) or (C) or a position
filled by an employee described under section 3(10)(B); and

(ii) for which service in the position shall constitute interagency rotational service.

SEC. 6. INTERAGENCY COMMUNITY OF INTEREST ROTATIONAL SERVICE.

(a) EXCLUSION OF SENIOR POSITIONS.—For purposes of this section, the term “ICI position” does not include a senior position.

(b) ROTATIONS.—

(1) IN GENERAL.—The Committee shall provide for employees serving in an ICI position to be assigned on a rotational basis to another ICI position that is—

(A) within another covered agency or within an interagency body; and

(B) within the same ICI.

(2) EXCEPTION.—An employee may be assigned to an ICI position in another covered agency or in an interagency body that is not in the ICI applicable to an ICI position in which the employee serves or has served if—
(A) the employee has particular nongovernmental or other expertise or skills that are relevant to the assigned ICI position; and

(B) the head of the covered agency employing the employee, the head of the covered agency to which the assignment is made, and the Committee approve the assignment.

(3) NONREIMBURSABLE BASIS.—Service by an employee in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed without reimbursement.

(4) RETURN TO PRIOR POSITION.—Except as provided otherwise by the Committee, an employee performing service in an ICI position in another covered agency or interagency body or in a position designated under section 5(c)(2)(B) shall be entitled to return to the position held by the employee in the covered agency employing the employee within a reasonable period of time after the end of the period of service.

(c) SELECTION OF ICI POSITIONS OPEN FOR ROTATIONAL SERVICE.—

(1) IN GENERAL.—The head of each covered agency shall determine which ICI positions in the
covered agency shall be available for service by employees from another covered agency and may modify a determination under this paragraph.

(2) List.—The Committee shall maintain a single, integrated list of positions available for service by employees from another covered agency under this section and shall make the list available to Federal employees on an ongoing basis in order to facilitate applications for the positions and long-term career planning by employees of the executive branch of the Government, except to the extent that the Committee determines that the identity of certain positions should not be distributed in order to protect national security or homeland security.

(d) Minimum Period for Service.—With respect to the period of service in an ICI position in another covered agency or interagency body, the Committee—

(1) shall, notwithstanding any other provision of law, ensure that the period of service is sufficient to gain an adequately detailed understanding and perspective of the covered agency or interagency body at which the employee is assigned;

(2) may provide for different periods for service, depending upon the nature of the position, including whether the position is in an area that is a combat
zone for purposes of section 112 of the Internal Revenue Code of 1986; and

(3) shall require that an employee performing service in an ICI position in another covered agency or interagency body is informed of the period of service for the position before beginning such service.

(e) Voluntary Nature of Rotational Service.—

(1) In general.—Except as provided in paragraph (2), service in an ICI position in another covered agency or interagency body shall be voluntary by an employee.

(2) Authority to assign involuntarily.—If the head of a covered agency has the authority under another provision of law to assign an employee involuntarily to a position and the employee is serving in an ICI position, the head of the covered agency may assign the employee involuntarily to serve in an ICI position in another covered agency or interagency body.

(f) Training and Education of Personnel Performing Interagency Rotational Service.—Each employee performing interagency rotational service shall participate in the training and education, if any, that is regularly provided to new employees by the covered agency or interagency body in which the employee is serving in order
to learn how the covered agency or interagency body func-
tions.

(g) Prevention of Need for Increased Personnel Levels.—The Committee shall ensure that em-
ployees are rotated across covered agencies and interagency bodies within an ICI in a manner that ensures that, for the original ICI positions of all employees performing serv-
ice in an ICI position in another covered agency or inter-
agency body—

(1) employees from another covered agency or interagency body who are performing service in an ICI position in another covered agency or interagency body, or other available employees, begin service in such original positions within a reasonable period, at no additional cost to the covered agency or the inter-
agency body in which such original positions are lo-
cated; or

(2) other employees do not need to serve in the positions in order to maintain the effectiveness of or to prevent any costs being accrued by the covered agency or interagency body in which such original positions are located.

(h) Open and Fair Competition.—Each covered agency or interagency body that has an ICI position avail-
able for service by an employee from another covered agency
shall coordinate with the Office of Personnel Management to ensure that employees of covered agencies selected to perform interagency rotational service shall be selected in a fully open and competitive manner that is consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, unless the ICI position is otherwise exempt under another provision of law.

(i) PERSONNEL LAW MATTERS.—

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

(2) ON ROTATION.—An employee performing interagency rotational service shall have all the rights that would be available to the employee if the employee was detailed or assigned under a provision of law other than this Act from the agency employing the employee to the agency in which the ICI position in which the employee is serving is located.
(j) **Consultation.**—The Committee shall consult with relevant associations, unions, and other groups involved in collective bargaining or encouraging public service, organizational reform of the Government, or interagency activities (such as the Simons Center for the Study of Interagency Cooperation of the Command and General Staff College Foundation) in formulating and implementing policies under this Act.

(k) **Officers of the Armed Forces.**—The policies, procedures, and practices for the management of officers of the Armed Forces may provide for the assignment of officers of the Armed Forces to ICI positions or positions designated under section 5(c)(2)(B).

(l) **Performance Appraisals.**—The Committee shall—

(1) ensure that an employee receives performance evaluations that are based primarily on the contribution of the employee to the work of the covered agency in which the employee is performing service in an ICI position in another covered agency or interagency body and the functioning of the applicable ICI; and

(2) require that—

(A) officials at the covered agency employing the employee conduct the evaluations based on input from the supervisors of the employee
during service in an ICI position in another covered agency or interagency body; and

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

(m) FOREIGN SERVICE.—Section 607(a) of the Foreign Service Act of 1980 (22 U.S.C. 4007(a)) is amended by adding at the end the following:

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

(n) REPORTING.—Not later than October 1 of the first fiscal year after the fiscal year in which this Act is enacted, and October 1 of each fiscal year thereafter, the Committee shall submit to Congress—

(1) a consolidated list of ICI positions, which shall include an explanation of the criteria governing
the identification of positions as being within the ICI; and

(2) a consolidated list of ICI positions made available for service by employees from another covered agency, which shall include an explanation of the methodology used by the covered agency in determining which positions were and were not to be made available.

SEC. 7. SELECTION OF SENIOR POSITIONS IN AN INTER-AGENCY COMMUNITY OF INTEREST.

(a) SELECTION OF INDIVIDUALS TO FILL SENIOR POSITIONS WITHIN AN ICI.—In selecting individuals to fill senior positions within an ICI, the head of a covered agency shall ensure that a strong preference is given to selecting of personnel who have performed interagency rotational service.

(b) ESTABLISHMENT BY HEADS OF COVERED AGENCIES OF MINIMUM THRESHOLDS.—

(1) IN GENERAL.—On October 1 of the second fiscal year after the fiscal year in which the Committee identifies an ICI, and October 1 of each fiscal year thereafter, the head of each covered agency within which 1 or more positions within that ICI are located shall establish the minimum number of that agency’s senior positions that are within that ICI.
that shall be filled by personnel who have performed interagency rotational service.

(2) Reporting Requirements.—

(A) Minimum Number of Positions.—Not later than 30 days after the date on which all heads of covered agencies have established the minimum number required under paragraph (1) for a fiscal year, the Committee shall submit to Congress a consolidated list of the minimum numbers of senior positions that shall be filled by personnel who have performed interagency rotational service.

(B) Failure to Meet Minimum Number.—Not later than 30 days after the end of any fiscal year in which a covered agency fails to meet the minimum number of senior positions to be filled by individuals who have performed interagency rotational service established by the head of the covered agency under paragraph (2), the head of the covered agency shall submit to the Committee and Congress at the end of the fiscal year a report identifying the failure and indicating what actions the head of the covered agency has taken or plans to take in response to the failure.
(c) **Other Rotational Requirements.**—

(1) **Credit for service in another component within an agency.**—

(A) **In general.**—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee in a rotation to an ICI position in another component of the covered agency that employs the employee that is identified under subparagraph (B) shall constitute interagency rotational service for purposes of this section.

(B) **Identification of components.**—Subject to approval by the Committee, the head of a covered agency may identify the components of the covered agency that are sufficiently independent in functionality for service in a rotation in the component to qualify as service in another component of the covered agency for purposes of subparagraph (A).

(2) **Intelligence Community personnel.**—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee of a covered agency under any program established before the date of enactment of this Act that provides for rotation assignments of
employees across the agencies or elements of the intelligence community shall constitute interagency rotational service for purposes of this section.

SEC. 8. IMPLEMENTATION.

(a) ICIS and ICI Positions.—

(1) In general.—During the first 4 fiscal years after the fiscal year in which this Act is enacted—

(A) there shall be 2 ICIs, which shall be an ICI for emergency management and an ICI for stabilization and reconstruction; and

(B) during each such fiscal year, not less than 20 employees and not more than 25 employees in the executive branch of the Government shall perform service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee under this Act.

(2) Location.—

(A) In general.—The Committee shall designate a metropolitan area in which the ICI for emergency management will be located and a metropolitan area in which the ICI for stabilization and reconstruction will be located.

(B) Service.—During the first 4 fiscal years after the fiscal year in which this Act is
enacted, any service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed—

(i) by an employee who is located in the metropolitan area for the ICI designated under subparagraph (A) before beginning service in the ICI position; and

(ii) at a location in the metropolitan area for the ICI designated under subparagraph (A).

(b) PRIORITY FOR DETAILS.—During the first 4 fiscal years after the fiscal year in which this Act is enacted, a covered agency shall give priority in using amounts available to the covered agency for details to assigning employees on a rotational basis under this Act.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Committee shall submit to Congress a plan for the establishment of the ICI for emergency management and the ICI for stabilization and reconstruction.

SEC. 9. STRATEGY AND PERFORMANCE EVALUATION.

(a) ISSUING OF STRATEGY.—

(1) IN GENERAL.—Not later than October 1 of the third fiscal year after the fiscal year in which this
Act is enacted, and every 4 fiscal years thereafter, the Committee shall issue a National Security Human Capital Strategy to develop the national security and homeland security personnel necessary for accomplishing national security and homeland security objectives that require integration of personnel and activities from multiple agencies of the executive branch of the Government.

(2) Consultations with Congress.—In developing or making adjustments to the National Security Human Capital Strategy issued under paragraph (1), the Committee—

(A) shall consult at least annually with Congress, including majority and minority views from all appropriate authorizing, appropriations, and oversight committees; and

(B) as the Committee determines appropriate, shall solicit and consider the views and suggestions of entities potentially affected by or interested in the strategy.

(3) Contents of strategy.—Each National Security Human Capital Strategy issued under paragraph (1) shall—

(A) provide for the implementation of this Act;
(B) identify best practices from ICIs already in operation;

(C) identify any additional ICIs to be identified by the Committee;

(D) include a schedule for the issuance of directives and establishment of standards relating to the requirements under this Act by the Committee;

(E) include a description of how the strategy incorporates views and suggestions obtained through the consultations with Congress required under paragraph (2);

(F) include an assessment of performance measures over a multi-year period, such as—

(i) the percentage of ICI positions available for service by employees from another covered agency for which such employees performed such service;

(ii) the number of personnel participating in interagency rotational service in each covered agency and interagency body;

(iii) the length of interagency rotational service under this Act;

(iv) reports by the heads of covered agencies submitted under section 7(b)(2)(B);
(v) the training and education of personnel who perform interagency rotational service, and the evaluation by the Committee of the training and education;

(vi) the positions (including grade level) held by employees who perform interagency rotational service during the period beginning on the date on which the interagency rotational service terminates and ending on the date of the assessment; and

(vii) to the extent possible, the evaluation of the Committee of the utility of interagency rotational service in improving interagency integration.

(b) REPORTS ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than October 1 of the second fiscal year after a fiscal year in which the Committee issues a National Security Human Capital Strategy under subsection (a), the Committee shall issue a report on the implementation of the strategy and this Act.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include updates to the plan contained in the most recent National Security Human Capital Strategy and reporting that is specific to
each ICI and to each covered agency and interagency body regarding—

(A) implementation of the National Security Human Capital Strategy and this Act; and

(B) performance measures for the National Security Human Capital Strategy and data on the performance measures, including information regarding the performance measures described in subsection (a)(3)(F).

(c) Submission to Congress.—Not later than 30 days after the date on which the Committee issues a National Security Human Capital Strategy under subsection (a) or an implementation report under subsection (b), the Committee shall submit that strategy or report to Congress.

SEC. 10. GAO STUDY OF INTERAGENCY ROTATIONAL SERVICE.

Not later than the end of the second fiscal year after the fiscal year in which this Act is enacted, the Comptroller General of the United States shall submit to Congress a report regarding—

(1) the extent to which performing service in an ICI position in another covered agency or an interagency body under this Act enabled the employees performing the service to gain an adequately detailed understanding of and perspective on the covered agen-
cy or interagency body, including an assessment of the effect of—

(A) the period of the service; and

(B) the duties performed by the employees during the service;

(2) the effectiveness of the Committee and the staff of the Committee funded under section 4(e)(4)(B) in overseeing and managing interagency rotational service under this Act, including an evaluation of any directives or standards issued by the Committee;

(3) the participation of covered agencies in interagency rotational service under this Act, including whether each covered agency that performs a mission relating to an ICI in effect—

(A) identified positions within the covered agency as ICI positions;

(B) had 1 or more employees from another covered agency perform service in an ICI position in the covered agency; or

(C) had 1 or more employees of the covered agency perform service in an ICI position in another covered agency;

(4) the positions (including grade level) held by employees after completing interagency rotational
service under this Act, and the extent to which the
employees were rewarded for the service; and

(5) the extent to which or likelihood that inter-
agency rotational service under this Act has improved
or is projected to improve interagency integration.

SEC. 11. PROHIBITION OF PRINTED REPORTS.

Each strategy, plan, report, or other submission re-
quired under this Act——

(1) shall be made available by the agency issuing
the strategy, plan, report, or other submission only in
electronic form; and

(2) shall not be made available by the agency in
printed form.
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.

NOVEMBER 13, 2012

Reported with an amendment

November 13, 2012