

115TH CONGRESS  
1ST SESSION

# S. 163

To amend chapter 31 of title 5, United States Code, to establish in statute the Presidential Innovation Fellows Program.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2017

Mr. WARNER (for himself, Mr. LANKFORD, and Mr. BOOKER) 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 amend chapter 31 of title 5, United States Code, to establish in statute the Presidential Innovation Fellows Program.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Innovation  
5 Fellows Program Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) It is in the national interest for the Federal  
9 Government to attract the brightest minds skilled in

1 technology or innovative practices to serve in the  
 2 Federal Government to work on some of the biggest  
 3 and most pressing challenges facing the United  
 4 States.

5 (2) The Presidential Innovation Fellows Pro-  
 6 gram will encourage successful entrepreneurs, execu-  
 7 tives, and innovators to join the Federal Government  
 8 and work in close cooperation with Federal Govern-  
 9 ment leaders, to create meaningful solutions that  
 10 can help save lives and Federal funds, fuel job cre-  
 11 ation, and significantly improve how the Federal  
 12 Government serves the people of the United States.

13 **SEC. 3. PRESIDENTIAL INNOVATION FELLOWS PROGRAM.**

14 (a) IN GENERAL.—Chapter 31 of title 5, United  
 15 States Code, is amended by adding at the end the fol-  
 16 lowing:

17 **“Subchapter V—Presidential Innovation**  
 18 **Fellows Program**

19 **“§ 3171. Definitions**

20 “In this subchapter—

21 “(1) the term ‘agency’ has the meaning given  
 22 the term ‘Executive agency’ under section 105;

23 “(2) the term ‘Administration’ means the Gen-  
 24 eral Services Administration;

1           “(3) the term ‘Administrator’ means the Ad-  
2           ministrators of General Services;

3           “(4) the term ‘Advisory Board’ means the Pres-  
4           idential Innovation Fellows Program Advisory Board  
5           under section 3174(a)(1);

6           “(5) the term ‘Director’ means the Director of  
7           the Program;

8           “(6) the term ‘Fellow’ means a Presidential In-  
9           novation Fellow; and

10           “(7) the term ‘Program’ means the Presidential  
11           Innovation Fellows Program under this subchapter.

12   **“§ 3172. Establishment and administration**

13           “(a) IN GENERAL.—There is in the Administration  
14           the Presidential Innovation Fellows Program to enable ex-  
15           ceptional individuals with proven track records to serve  
16           time-limited appointments in agencies as Presidential In-  
17           novation Fellows to address some of the most significant  
18           challenges facing the United States and improve efforts  
19           by the Federal Government that would particularly benefit  
20           from expertise using innovative techniques and technology.

21           “(b) ADMINISTRATION.—

22           “(1) DIRECTOR.—The Program shall be admin-  
23           istered by a Director, who shall be appointed by the  
24           Administrator.

1           “(2) ADMINISTRATIVE SUPPORT.—To the ex-  
 2           tent permitted by law and that amounts are pro-  
 3           vided in appropriation Acts, the Administration shall  
 4           provide the employees, resources, and administrative  
 5           support necessary to carry out the Program.

6           “(c) APPOINTMENT OF FELLOWS.—The Director  
 7           shall appoint Fellows and, in cooperation with agencies,  
 8           shall facilitate placement of Fellows to participate in  
 9           projects that have the potential for significant positive ef-  
 10          fects and are consistent with the goals of the President.

11   **“§ 3173. Appointment of Fellows**

12          “(a) APPLICATION PROCESS.—The Director—

13               “(1) shall prescribe and make publicly available  
 14               the process for applications and nominations of indi-  
 15               viduals to be Fellows; and

16               “(2) may accept applications and nominations  
 17               in accordance with such process.

18          “(b) PROGRAM STANDARDS.—The Director shall—

19               “(1) establish, administer, review, and revise, if  
 20               appropriate, a Government-wide cap on the number  
 21               of Fellows; and

22               “(2) establish and publish salary ranges, bene-  
 23               fits, and standards for the Program.

24          “(c) SELECTION, APPOINTMENT, AND ASSIGNMENT  
 25          OF FELLOWS.—

1           “(1) IN GENERAL.—The Director shall pre-  
2       scribe appropriate procedures for the selection, ap-  
3       pointment, and assignment of Fellows.

4           “(2) CONSULTATION.—Before the selection of  
5       Fellows, the Director shall consult with the heads of  
6       agencies regarding potential projects and how best  
7       to meet the needs of the agencies.

8           “(3) TIME LIMITATION.—The appointment of a  
9       Fellow shall be for a period of not less than 6  
10      months and not more than 2 years.

11          “(4) PLACING OF FELLOWS.—The Director  
12      shall facilitate the process of placing Fellows at  
13      agencies requesting a Fellow.

14          “(d) RESPONSIBILITIES OF AGENCIES.—

15           “(1) IN GENERAL.—Each agency shall work  
16      with the Director and the Advisory Board to at-  
17      tempt to maximize the benefits of the Program to  
18      the agency and the Federal Government, including  
19      by identifying initiatives that will have a meaningful  
20      effect on the people served and that will benefit from  
21      involvement by 1 or more Fellows.

22           “(2) COORDINATION OF WORK.—Each agency  
23      shall ensure that each Fellow placed at the agency  
24      works closely with 1 or more responsible senior offi-  
25      cials for the duration of the placement.

1 **“§ 3174. Presidential Innovation Fellows Program Ad-**  
2 **visory Board**

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—There is, under the author-  
5 ity of the Administrator, a Presidential Innovation  
6 Fellows Program Advisory Board to—

7 “(A) advise the Director by recommending  
8 such priorities and standards as may be bene-  
9 ficial to fulfill the mission of the Program; and

10 “(B) assist in identifying potential projects  
11 and placements for Fellows.

12 “(2) LIMITATION.—The Advisory Board shall  
13 not participate in the selection of Fellows.

14 “(b) MEMBERSHIP.—The members of the Advisory  
15 Board shall be as follows:

16 “(1) A representative designated by the Admin-  
17 istrator, who shall serve as the Chairperson of the  
18 Advisory Board.

19 “(2) The Deputy Director for Management of  
20 the Office of Management and Budget.

21 “(3) The Director of the Office of Personnel  
22 Management.

23 “(4) The Administrator of the Office of Elec-  
24 tronic Government.

25 “(5) The Assistant to the President and Chief  
26 Technology Officer.

1           “(6) Other individuals, as designated by the  
2 Administrator.

3           “(c) CONSULTATION.—The Advisory Board may con-  
4 sult with industry, academia, and nonprofit organizations  
5 to ensure the Program is continually identifying opportu-  
6 nities to apply advanced skillsets and innovative practices  
7 in effective ways to address the most significant challenges  
8 to the United States.

9           **“§ 3175. Rule of construction**

10           “Nothing in this chapter shall be construed to—

11           “(1) impair or otherwise affect—

12           “(A) the authority granted by law to an  
13 agency, or the head thereof; or

14           “(B) the functions of the Director of the  
15 Office of Management and Budget relating to  
16 budgetary, administrative, or legislative pro-  
17 posals; or

18           “(2) create any right or benefit, substantive or  
19 procedural, enforceable at law or in equity by any  
20 party against the United States, its departments,  
21 agencies, or entities, its officers, employees, or  
22 agents, or any other person.”.

23           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
24 The table of sections for chapter 31 of title 5, United

1 States Code, is amended by adding at the end the fol-  
 2 lowing:

“SUBCHAPTER V—PRESIDENTIAL INNOVATION FELLOWS PROGRAM

“3171. Definitions.

“3172. Establishment and administration.

“3173. Appointment of Fellows.

“3174. Presidential Innovation Fellows Program Advisory Board.

“3175. Rule of construction.”.

3 (c) TRANSITIONAL PROVISION.—

4 (1) DEFINITION.—In this subsection, the term  
 5 “function” means any duty, obligation, power, au-  
 6 thority, responsibility, right, privilege, activity, pro-  
 7 gram, or employee.

8 (2) TRANSITION.—The functions of the Presi-  
 9 dential Innovation Fellows Program established pur-  
 10 suant to Executive Order 13704 (5 U.S.C. 3301  
 11 note), as in existence on the day before the date of  
 12 enactment of this Act, shall be functions of the Pres-  
 13 idential Innovation Fellows Program under sub-  
 14 chapter V of title 5, United States Code, as added  
 15 by this Act.

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