

117TH CONGRESS
1ST SESSION

H. R. 2894

To establish a Civilian Cyber Security Reserve as a pilot project to address the cyber security needs of the United States with respect to national security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2021

Mr. PANETTA (for himself and Mr. CALVERT) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a Civilian Cyber Security Reserve as a pilot project to address the cyber security needs of the United States with respect to national security, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civilian Cyber Security
5 Reserve Act”.

1 **SEC. 2. CIVILIAN CYBER SECURITY RESERVE PILOT**
2 **PROJECT.**

3 (a) PILOT PROJECT.—

4 (1) IN GENERAL.—Each appropriate agency
5 head may carry out a pilot project to establish a Ci-
6 vilian Cyber Security Reserve at the covered agency
7 to address the cyber security needs of the United
8 States with respect to national security.

9 (2) APPOINTMENTS.—Under a pilot project au-
10 thorized under paragraph (1), the appropriate agen-
11 cy head may noncompetitively appoint members of
12 the Civilian Cyber Security Reserve to temporary po-
13 sitions in the competitive or excepted service.

14 (3) STATUS AS EMPLOYEES.—An individual ap-
15 pointed under paragraph (2) shall be considered a
16 Federal civil service employee under section 2105 of
17 title 5, United States Code.

18 (b) ELIGIBILITY; APPLICATION AND SELECTION.—

19 (1) IN GENERAL.—Under a pilot project au-
20 thorized under subsection (a), the appropriate agen-
21 cy head shall establish criteria for—

22 (A) individuals to be eligible for the Civil-
23 ian Cyber Security Reserve in the covered agen-
24 cy; and

25 (B) the application and selection processes
26 for the Reserve.

1 (2) REQUIREMENTS FOR INDIVIDUALS.—The
2 criteria established under paragraph (1)(A) with re-
3 spect to an individual shall include—

4 (A) previous employment by the Federal
5 Government or within the uniformed services;
6 and

7 (B) cyber security expertise.

8 (3) AGREEMENT REQUIRED.—An individual
9 may become a member of the Civilian Cyber Secu-
10 rity Reserve only if the individual enters into an
11 agreement with the appropriate agency head to be-
12 come such a member, which shall set forth the rights
13 and obligations of the individual and the covered
14 agency.

15 (4) EXCEPTION FOR CONTINUING MILITARY
16 SERVICE COMMITMENTS.—A member of the Selected
17 Reserve under section 10143 of title 10, United
18 States Code, may not be a member of the Civilian
19 Cyber Security Reserve.

20 (c) COMPONENTS OF THE CIVILIAN CYBER SECURITY
21 RESERVE.—The appropriate agency head may consider,
22 in carrying out a pilot project authorized under subsection
23 (a), developing different components of the Civilian Cyber
24 Security Reserve in the covered agency, one with an obli-
25 gation to respond when called into activation at the direc-

1 tion of the appropriate agency head and one that is not
2 compelled to so respond, with appropriate corresponding
3 differing benefits for each such component.

4 (d) SECURITY CLEARANCES.—

5 (1) IN GENERAL.—The appropriate agency
6 head shall ensure that all members of the Civilian
7 Cyber Security Reserve in the covered agency under-
8 go the appropriate personnel vetting and adjudica-
9 tion commensurate with the duties of the position,
10 including a determination of eligibility for access to
11 classified information where a security clearance is
12 necessary, in accordance with Executive Order
13 12968 (50 U.S.C. 3161 note; relating to access to
14 classified information) and Executive Order 13467
15 (50 U.S.C. 3161 note; relating to reforming proc-
16 esses related to suitability for Government employ-
17 ment, fitness for contractor employees, and eligibility
18 for access to classified national security informa-
19 tion).

20 (2) COST OF MAINTAINING CLEARANCES.—The
21 original sponsor of a security clearance of a member
22 of a Civilian Cyber Security Reserve at a covered
23 agency shall be responsible for the cost of maintain-
24 ing that security clearance.

25 (e) PROJECT GUIDANCE.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, each ap-
3 propriate agency head may issue guidance estab-
4 lishing and implementing a pilot project authorized
5 under subsection (a) at the covered agency.

6 (2) PENALTIES.—

7 (A) IN GENERAL.—In developing guidance
8 under paragraph (1), an appropriate agency
9 head may provide for penalties for individuals
10 who do not respond to activation when called,
11 such as recoupment of pay or benefits earned
12 as a member of the Civilian Cybersecurity Re-
13 serve, or recoupment of civilian service cred-
14 itable under section 8411 of title 5, United
15 States Code.

16 (B) PROCEDURES.—In the case of a pro-
17 posed penalty or action under this paragraph,
18 the individual shall be entitled to the applicable
19 procedures set forth in title 5, Code of Federal
20 Regulations, or as otherwise specified in appli-
21 cable guidance.

22 (f) EVALUATION.—Not later than 5 years after the
23 pilot project authorized under subsection (a) is established
24 in each covered agency, the Comptroller General of the
25 United States shall—

1 (1) conduct a study evaluating the pilot project
2 at each such agency; and

3 (2) submit to Congress—

4 (A) a report on the results of the study;
5 and

6 (B) a recommendation with respect to
7 whether the pilot project should be modified,
8 extended in duration, or established as a per-
9 manent program.

10 (g) REPORT.—Not later than 5 years after the pilot
11 project authorized under subsection (a) is established in
12 a covered agency, the appropriate agency head shall sub-
13 mit to the Committee on Homeland Security and Govern-
14 mental Affairs and the Committee on Armed Services of
15 the Senate and the Committee on Homeland Security and
16 the Committee on Armed Services of the House of Rep-
17 resentatives a report—

18 (1) relating to the activities carried out under
19 the pilot project; and

20 (2) that includes a recommendation with re-
21 spect to whether the pilot project should be modi-
22 fied, extended in duration, or established as a per-
23 manent program.

1 (h) SUNSET.—A pilot project authorized under this
2 section shall terminate on the date that is 6 years after
3 the date on which the pilot project is established.

4 (i) DEFINITIONS.—In this section:

5 (1) APPROPRIATE AGENCY HEAD.—The term
6 “appropriate agency head” means—

7 (A) in the case of the Department of
8 Homeland Security, the Secretary of Homeland
9 Security; and

10 (B) in the case of the Department of De-
11 fense, the Secretary of Defense.

12 (2) COMPETITIVE SERVICE.—The term “com-
13 petitive service” has the meaning given that term in
14 section 2102 of title 5, United States Code.

15 (3) COVERED AGENCY.—The term “covered
16 agency” means the Department of Homeland Secu-
17 rity or the Department of Defense.

18 (4) EXCEPTED SERVICE.—The term “excepted
19 service” has the meaning given the term in section
20 2103 of title 5, United States Code.

21 (5) TEMPORARY.—The term “temporary”
22 means a period of not more than 6 months.

23 (6) UNIFORMED SERVICES.—The term “uni-
24 formed services” has the meaning given that term in
25 section 2101 of title 5, United States Code.

1 (j) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to each appropriate
3 agency head such sums as may be necessary to carry out
4 this section.

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