

**AMENDMENT TO RULES COMM. PRINT. 117-13**  
**OFFERED BY MR. PANETTA OF CALIFORNIA**

Add at the end of subtitle D of title XV of division  
A the following:

1 **SEC. 15\_\_ . CIVILIAN CYBERSECURITY RESERVE PILOT**  
2 **PROJECT AT UNITED STATES CYBER COM-**  
3 **MAND.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
6 TEES.—The term “appropriate congressional com-  
7 mittees” means—

8 (A) the Committee on Homeland Security  
9 and Governmental Affairs of the Senate;

10 (B) the Committee on Armed Services of  
11 the Senate;

12 (C) the Committee on Homeland Security  
13 of the House of Representatives; and

14 (D) the Committee on Armed Services of  
15 the House of Representatives.

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

1           (3) EXCEPTED SERVICE.—The term “excepted  
2 service” has the meaning given the term in section  
3 2103 of title 5, United States Code.

4           (4) EXECUTIVE AGENT.—The term “Executive  
5 Agent” means the Executive Agent of United States  
6 Cyber Command.

7           (5) SIGNIFICANT INCIDENT.—The term “sig-  
8 nificant incident”—

9           (A) means an incident or a group of re-  
10 lated incidents that results, or is likely to re-  
11 sult, in demonstrable harm to—

12           (i) the national security interests, for-  
13 eign relations, or economy of the United  
14 States; or

15           (ii) the public confidence, civil lib-  
16 erties, or public health and safety of the  
17 people of the United States; and

18           (B) does not include an incident or a por-  
19 tion of a group of related incidents that occurs  
20 on—

21           (i) a national security system, as de-  
22 fined in section 3552 of title 44, United  
23 States Code; or

1 (ii) a system described in paragraph  
2 (2) or (3) of section 3553(e) of title 44,  
3 United States Code.

4 (6) TEMPORARY POSITION.—The term “tem-  
5 porary position” means a position in the competitive  
6 or excepted service for a period of 180 days or less.

7 (7) UNIFORMED SERVICES.—The term “uni-  
8 formed services” has the meaning given the term in  
9 section 2101 of title 5, United States Code.

10 (b) PILOT PROJECT.—

11 (1) IN GENERAL.—The Executive Agent, in co-  
12 ordination with the Chief Information Officer of the  
13 Department of Defense, shall carry out a pilot  
14 project to establish a Civilian Cybersecurity Reserve  
15 at United States Cyber Command.

16 (2) PURPOSE.—The purpose of the Civilian Cy-  
17 bersecurity Reserve is to enable United States Cyber  
18 Command to effectively respond to significant inci-  
19 dents.

20 (3) ALTERNATIVE METHODS.—Consistent with  
21 section 4703 of title 5, United States Code, in car-  
22 rying out the pilot project required under paragraph  
23 (1), the Executive Agent may, without further au-  
24 thorization from the Office of Personnel Manage-  
25 ment, provide for alternative methods of—

1 (A) establishing qualifications require-  
2 ments for, recruitment of, and appointment to  
3 positions; and

4 (B) classifying positions.

5 (4) APPOINTMENTS.—Under the pilot project  
6 required under paragraph (1), upon occurrence of a  
7 significant incident, the Executive Agent—

8 (A) may activate members of the Civilian  
9 Cybersecurity Reserve by—

10 (i) noncompetitively appointing mem-  
11 bers of the Civilian Cybersecurity Reserve  
12 to temporary positions in the competitive  
13 service; or

14 (ii) appointing members of the Civil-  
15 ian Cybersecurity Reserve to temporary po-  
16 sitions in the excepted service;

17 (B) shall notify Congress whenever a mem-  
18 ber is activated under subparagraph (A); and

19 (C) may appoint not more than 50 mem-  
20 bers to the Civilian Cybersecurity Reserve  
21 under subparagraph (A) at any time.

22 (5) STATUS AS FEDERAL EMPLOYEES.—An in-  
23 dividual appointed under paragraph (4) shall be con-  
24 sidered an employee under section 2105 of title 5,  
25 United States Code.

1           (6) **ADDITIONAL EMPLOYEES.**—Individuals ap-  
2           pointed under paragraph (4) shall be in addition to  
3           any employees of the United States Cyber Command  
4           who provide cybersecurity services.

5           (7) **EMPLOYMENT PROTECTIONS.**—The Sec-  
6           retary of Labor shall prescribe such regulations as  
7           necessary to ensure the reemployment, continuation  
8           of benefits, and non-discrimination in reemployment  
9           of individuals appointed under paragraph (4), pro-  
10          vided that such regulations shall include, at a min-  
11          imum, those rights and obligations set forth under  
12          chapter 43 of title 38, United States Code.

13          (8) **STATUS IN RESERVE.**—During the period  
14          beginning on the date on which an individual is re-  
15          cruited by United States Cyber Command to serve  
16          in the Civilian Cybersecurity Reserve and ending on  
17          the date on which the individual is appointed under  
18          paragraph (4), and during any period in between  
19          any such appointments, the individual shall not be  
20          considered an employee under section 2105 of title  
21          5, United States Code.

22          (c) **ELIGIBILITY; APPLICATION AND SELECTION.**—

23               (1) **IN GENERAL.**—Under the pilot project re-  
24               quired under subsection (b)(1), the Executive Agent,  
25               in coordination with the Chief Information Officer of

1 the Department of Defense, shall establish criteria  
2 for—

3 (A) individuals to be eligible for the Civil-  
4 ian Cybersecurity Reserve; and

5 (B) the application and selection processes  
6 for the Civilian Cybersecurity Reserve.

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

10 (A) if the individual has previously served  
11 as a member of the Civilian Cybersecurity Re-  
12 serve, that the previous appointment ended not  
13 less than 60 days before the individual may be  
14 appointed for a subsequent temporary position  
15 in the Civilian Cybersecurity Reserve; and

16 (B) cybersecurity expertise.

17 (3) PRESCREENING.—The Executive Agent  
18 shall—

19 (A) conduct a prescreening of each indi-  
20 vidual prior to appointment under subsection  
21 (b)(4) for any topic or product that would cre-  
22 ate a conflict of interest; and

23 (B) require each individual appointed  
24 under subsection (b)(4) to notify the Com-

1           mander if a potential conflict of interest arises  
2           during the appointment.

3           (4) AGREEMENT REQUIRED.—An individual  
4           may become a member of the Civilian Cybersecurity  
5           Reserve only if the individual enters into an agree-  
6           ment with the Executive Agent to become such a  
7           member, which shall set forth the rights and obliga-  
8           tions of the individual and United States Cyber  
9           Command.

10          (5) EXCEPTION FOR CONTINUING MILITARY  
11          SERVICE COMMITMENTS.—A member of the Selected  
12          Reserve under section 10143 of title 10, United  
13          States Code, may not be a member of the Civilian  
14          Cybersecurity Reserve.

15          (6) PROHIBITION.—Any individual who is an  
16          employee of the executive branch may not be re-  
17          cruited or appointed to serve in the Civilian Cyberse-  
18          curity Reserve.

19          (d) SECURITY CLEARANCES.—

20          (1) IN GENERAL.—The Executive Agent shall  
21          ensure that all members of the Civilian Cybersecu-  
22          rity Reserve undergo the appropriate personnel vet-  
23          ting and adjudication commensurate with the duties  
24          of the position, including a determination of eligi-  
25          bility for access to classified information where a se-

1 security clearance is necessary, according to applicable  
2 policy and authorities.

3 (2) COST OF SPONSORING CLEARANCES.—If a  
4 member of the Civilian Cybersecurity Reserve re-  
5 quires a security clearance in order to carry out the  
6 duties of the member, United States Cyber Com-  
7 mand shall be responsible for the cost of sponsoring  
8 the security clearance of the member.

9 (e) STUDY AND IMPLEMENTATION PLAN.—

10 (1) STUDY.—Not later than 60 days after the  
11 Principal Cyber Advisor to the Secretary of Defense,  
12 in conjunction with the Under Secretary for Per-  
13 sonnel and Readiness of the Department of Defense  
14 and the Principal Cyber Advisors of the military  
15 services, submit to the congressional defense com-  
16 mittees the evaluation of reserve models tailored to  
17 the support of cyberspace operations for the Depart-  
18 ment required by section 1730 of the William M.  
19 (Mac) Thornberry National Defense Authorization  
20 Act for Fiscal Year 2021 (Public Law 116–283), the  
21 Executive Agent shall begin a study on the design  
22 and implementation of the pilot project required  
23 under subsection (b)(1), including—

24 (A) compensation and benefits for mem-  
25 bers of the Civilian Cybersecurity Reserve;



1 (B) activities that members may undertake  
2 as part of their duties;

3 (C) methods for identifying and recruiting  
4 members, including alternatives to traditional  
5 qualifications requirements;

6 (D) methods for preventing conflicts of in-  
7 terest or other ethical concerns as a result of  
8 participation in the pilot project and details of  
9 mitigation efforts to address any conflict of in-  
10 terest concerns;

11 (E) resources, including additional fund-  
12 ing, needed to carry out the pilot project;

13 (F) possible penalties for individuals who  
14 do not respond to activation when called, in ac-  
15 cordance with the rights and procedures set  
16 forth under title 5, Code of Federal Regula-  
17 tions; and

18 (G) processes and requirements for train-  
19 ing and onboarding members.

20 (2) IMPLEMENTATION PLAN.—Not later than  
21 one year after beginning the study required under  
22 paragraph (1), the Executive Agent shall—

23 (A) submit to the appropriate congres-  
24 sional committees an implementation plan for

1           the pilot project required under subsection  
2           (b)(1); and

3                   (B) provide to the appropriate congress-  
4           sional committees a briefing on the implementa-  
5           tion plan.

6           (3) PROHIBITION.—The Executive Agent may  
7           not take any action to begin implementation of the  
8           pilot project required under subsection (b)(1) until  
9           the Executive Agent fulfills the requirements under  
10          paragraph (2).

11          (f) PROJECT GUIDANCE.—Not later than two years  
12         after the date of the enactment of this Act, the Executive  
13         Agent shall, in consultation with the Office of Personnel  
14         Management and the Office of Government Ethics, issue  
15         guidance establishing and implementing the pilot project  
16         required under subsection (b)(1).

17          (g) BRIEFINGS AND REPORT.—

18                 (1) BRIEFINGS.—Not later than one year after  
19                 the date of the enactment of this Act, and every year  
20                 thereafter until the date on which the pilot project  
21                 required under subsection (b)(1) terminates under  
22                 subsection (i), the Commander shall provide to the  
23                 appropriate congressional committees a briefing on  
24                 activities carried out under the pilot project, includ-  
25                 ing—

1 (A) participation in the Civilian Cybersecu-  
2 rity Reserve, including the number of partici-  
3 pants, the diversity of participants, and any  
4 barriers to recruitment or retention of mem-  
5 bers;

6 (B) an evaluation of the ethical require-  
7 ments of the pilot project;

8 (C) whether the Civilian Cybersecurity Re-  
9 serve has been effective in providing additional  
10 capacity to the United States Cyber Command  
11 during significant incidents; and

12 (D) an evaluation of the eligibility require-  
13 ments for the pilot project.

14 (2) REPORT.—Not earlier than 180 days and  
15 not later than 90 days before the date on which the  
16 pilot project required under subsection (b)(1) termi-  
17 nates under subsection (i), the Executive Agent shall  
18 submit to the appropriate congressional committees  
19 a report and provide a briefing on recommendations  
20 relating to the pilot project, including recommenda-  
21 tions for—

22 (A) whether the pilot project should be  
23 modified, extended in duration, or established  
24 as a permanent program, and if so, an appro-  
25 priate scope for the program;

1 (B) how to attract participants, ensure a  
2 diversity of participants, and address any bar-  
3 riers to recruitment or retention of members of  
4 the Civilian Cybersecurity Reserve;

5 (C) the ethical requirements of the pilot  
6 project and the effectiveness of mitigation ef-  
7 forts to address any conflict of interest con-  
8 cerns; and

9 (D) an evaluation of the eligibility require-  
10 ments for the pilot project.

11 (h) EVALUATION.—Not later than three years after  
12 the pilot project required under subsection (b)(1) is estab-  
13 lished, the Comptroller General of the United States  
14 shall—

15 (1) conduct a study evaluating the pilot project;

16 and

17 (2) submit to the appropriate congressional  
18 committees—

19 (A) a report on the results of the study;

20 and

21 (B) a recommendation with respect to  
22 whether the pilot project should be modified.

23 (i) SUNSET.—The pilot project required under sub-  
24 section (b)(1) shall terminate on the date that is four

1 years after the date on which the pilot project is estab-  
2 lished.

3 (j) NO ADDITIONAL FUNDS.—

4 (1) IN GENERAL.—No additional funds are au-  
5 thORIZED to be appropriated for the purpose of car-  
6 rying out this section.

7 (2) EXISTING AUTHORIZED AMOUNTS.—Funds  
8 to carry out this section may, as provided in advance  
9 in appropriations Acts, only come from amounts au-  
10 thORIZED to be appropriated to United States Cyber  
11 Command.

