

**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) EXECUTIVE AGENT.—The term “Executive  
2     Agent” means the Executive Agent of United States  
3     Cyber Command.

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

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

9           (i) the national security interests, for-  
10    eign relations, or economy of the United  
11    States; or

12          (ii) the public confidence, civil lib-  
13    erties, or public health and safety of the  
14    people of the United States; and

15          (B) does not include an incident or a por-  
16    tion of a group of related incidents that occurs  
17    on—

18          (i) a national security system, as de-  
19    fined in section 3552 of title 44, United  
20    States Code; or

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

24          (5) PART TIME PERMANENT POSITION.—The  
25    term “part time permanent position” means a posi-

1           tion in the competitive service for a period each year  
2           of 180 days or less, which may be extended up to  
3           two years of consecutive 180 day assignments.

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

7           (b) PILOT PROJECT.—

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

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

17          (3) ALTERNATIVE METHODS.—Consistent with  
18          section 4703 of title 5, United States Code, in car-  
19          rying out the pilot project required under paragraph  
20          (1), the Executive Agent may, subject to approval  
21          from the the Office of Personnel Management, pro-  
22          vide for alternative methods of—

23                  (A) establishing qualifications require-  
24                  ments for, recruitment of, and appointment to  
25                  positions; and

1 (B) classifying positions.

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

5 (A) may activate members of the Civilian  
6 Cybersecurity Reserve by appointing members  
7 of the Civilian Cybersecurity Reserve to part  
8 time permanent positions;

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

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

14 (5) STATUS AS FEDERAL EMPLOYEES.—An in-  
15 dividual appointed under paragraph (4) shall be con-  
16 sidered an employee under section 2105 of title 5,  
17 United States Code.

18 (6) ADDITIONAL EMPLOYEES.—Individuals ap-  
19 pointed under paragraph (4) shall be in addition to  
20 any employees of the United States Cyber Command  
21 who provide cybersecurity services.

22 (7) EMPLOYMENT PROTECTIONS.—The Sec-  
23 retary of Labor shall prescribe such regulations as  
24 necessary to ensure the reemployment, continuation  
25 of benefits, and non-discrimination in reemployment

1 of individuals appointed under paragraph (4), pro-  
2 vided that such regulations shall include, at a min-  
3 imum, those rights and obligations set forth under  
4 chapter 43 of title 38, United States Code.

5 (8) STATUS IN RESERVE.—During the period  
6 beginning on the date on which an individual is re-  
7 cruited by United States Cyber Command to serve  
8 in the Civilian Cybersecurity Reserve and ending on  
9 the date on which the individual is appointed under  
10 paragraph (4), and during any period in between  
11 any such appointments, the individual shall not be  
12 considered an employee under section 2105 of title  
13 5, United States Code.

14 (c) ELIGIBILITY; APPLICATION AND SELECTION.—

15 (1) IN GENERAL.—Under the pilot project re-  
16 quired under subsection (b)(1), the Executive Agent,  
17 in coordination with the Chief Information Officer of  
18 the Department of Defense, shall establish criteria  
19 for—

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

22 (B) the application and selection processes  
23 for the Civilian Cybersecurity Reserve.

24 (2) REQUIREMENTS FOR INDIVIDUALS.—The  
25 criteria established under paragraph (1)(A) with re-

1       spect to an individual shall include cybersecurity ex-  
2       pertise.

3           (3)   PRESCREENING.—The Executive Agent  
4       shall—

5           (A)   conduct a prescreening of each indi-  
6       vidual prior to appointment under subsection  
7       (b)(4) for any topic or product that would cre-  
8       ate a conflict of interest;

9           (B)   require each individual appointed  
10       under subsection (b)(4) to notify the Com-  
11       mander if a potential conflict of interest arises  
12       during the appointment; and

13          (C)   require appointees to file public finan-  
14       cial disclosure reports (Office of Government  
15       Ethics form 278).

16          (4)   AGREEMENT REQUIRED.—An individual  
17       may become a member of the Civilian Cybersecurity  
18       Reserve only if the individual enters into an agree-  
19       ment with the Executive Agent to become such a  
20       member, which shall set forth the rights and obliga-  
21       tions of the individual and United States Cyber  
22       Command.

23          (5)   EXCEPTION FOR CONTINUING MILITARY  
24       SERVICE COMMITMENTS.—A member of the Selected  
25       Reserve under section 10143 of title 10, United

1 States Code, may not be a member of the Civilian  
2 Cybersecurity Reserve.

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

7 (d) SECURITY CLEARANCES.—

8 (1) IN GENERAL.—The Executive Agent shall  
9 ensure that all members of the Civilian Cybersecu-  
10 rity Reserve undergo the appropriate personnel vet-  
11 ting and adjudication commensurate with the duties  
12 of the position, including a determination of eligi-  
13 bility for access to classified information where a se-  
14 curity clearance is necessary, according to applicable  
15 policy and authorities.

16 (2) COST OF SPONSORING CLEARANCES.—If a  
17 member of the Civilian Cybersecurity Reserve re-  
18 quires a security clearance in order to carry out the  
19 duties of the member, United States Cyber Com-  
20 mand shall be responsible for the cost of sponsoring  
21 the security clearance of the member.

22 (e) STUDY AND IMPLEMENTATION PLAN.—

23 (1) STUDY.—Not later than 60 days after the  
24 Principal Cyber Advisor to the Secretary of Defense,  
25 in conjunction with the Under Secretary for Per-

1       sonnel and Readiness of the Department of Defense  
2       and the Principal Cyber Advisors of the military  
3       services, submit to the congressional defense com-  
4       mittees the evaluation of reserve models tailored to  
5       the support of cyberspace operations for the Depart-  
6       ment required by section 1730 of the William M.  
7       (Mac) Thornberry National Defense Authorization  
8       Act for Fiscal Year 2021 (Public Law 116–283), the  
9       Executive Agent shall begin a study on the design  
10      and implementation of the pilot project required  
11      under subsection (b)(1), including—

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

14               (B) activities that members may undertake  
15               as part of their duties;

16               (C) methods for identifying and recruiting  
17               members, including alternatives to traditional  
18               qualifications requirements;

19               (D) methods for preventing conflicts of in-  
20               terest or other ethical concerns as a result of  
21               participation in the pilot project and details of  
22               mitigation efforts to address any conflict of in-  
23               terest concerns;

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



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

6 (G) processes and requirements for train-  
7 ing and onboarding members.

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

11 (A) submit to the appropriate congres-  
12 sional committees an implementation plan for  
13 the pilot project required under subsection  
14 (b)(1); and

15 (B) provide to the appropriate congres-  
16 sional committees a briefing on the implementa-  
17 tion plan.

18 (3) PROHIBITION.—The Executive Agent may  
19 not take any action to begin implementation of the  
20 pilot project required under subsection (b)(1) until  
21 the Executive Agent fulfills the requirements under  
22 paragraph (2).

23 (f) PROJECT GUIDANCE.—Not later than two years  
24 after the date of the enactment of this Act, the Executive  
25 Agent shall, in consultation with the Office of Personnel

1 Management and the Office of Government Ethics, issue  
2 guidance establishing and implementing the pilot project  
3 required under subsection (b)(1).

4 (g) BRIEFINGS AND REPORT.—

5 (1) BRIEFINGS.—Not later than one year after  
6 the date of the enactment of this Act, and every year  
7 thereafter until the date on which the pilot project  
8 required under subsection (b)(1) terminates under  
9 subsection (i), the Commander shall provide to the  
10 appropriate congressional committees a briefing on  
11 activities carried out under the pilot project, includ-  
12 ing—

13 (A) participation in the Civilian Cybersecu-  
14 rity Reserve, including the number of partici-  
15 pants, the diversity of participants, and any  
16 barriers to recruitment or retention of mem-  
17 bers;

18 (B) an evaluation of the ethical require-  
19 ments of the pilot project;

20 (C) whether the Civilian Cybersecurity Re-  
21 serve has been effective in providing additional  
22 capacity to the United States Cyber Command  
23 during significant incidents; and

24 (D) an evaluation of the eligibility require-  
25 ments for the pilot project.

1           (2) REPORT.—Not earlier than 180 days and  
2           not later than 90 days before the date on which the  
3           pilot project required under subsection (b)(1) termi-  
4           nates under subsection (i), the Executive Agent shall  
5           submit to the appropriate congressional committees  
6           a report and provide a briefing on recommendations  
7           relating to the pilot project, including recommenda-  
8           tions for—

9                   (A) whether the pilot project should be  
10                  modified, extended in duration, or established  
11                  as a permanent program, and if so, an appro-  
12                  priate scope for the program;

13                   (B) how to attract participants, ensure a  
14                  diversity of participants, and address any bar-  
15                  riers to recruitment or retention of members of  
16                  the Civilian Cybersecurity Reserve;

17                   (C) the ethical requirements of the pilot  
18                  project and the effectiveness of mitigation ef-  
19                  forts to address any conflict of interest con-  
20                  cerns; and

21                   (D) an evaluation of the eligibility require-  
22                  ments for the pilot project.

23           (h) EVALUATION.—Not later than three years after  
24           the pilot project required under subsection (b)(1) is estab-

1 lished, the Comptroller General of the United States  
2 shall—

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

4 and

5 (2) submit to the appropriate congressional  
6 committees—

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

8 and

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

11 (i) SUNSET.—The pilot project required under sub-  
12 section (b)(1) shall terminate on the date that is four  
13 years after the date on which the pilot project is estab-  
14 lished.

15 (j) NO ADDITIONAL FUNDS.—

16 (1) IN GENERAL.—No additional funds are au-  
17 thorized to be appropriated for the purpose of car-  
18 rying out this section.

19 (2) EXISTING AUTHORIZED AMOUNTS.—Funds  
20 to carry out this section may, as provided in advance  
21 in appropriations Acts, only come from amounts au-  
22 thorized to be appropriated to United States Cyber  
23 Command.

