

117TH CONGRESS
1ST SESSION

S. 1324

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 SENATE OF THE UNITED STATES

APRIL 22, 2021

Ms. ROSEN (for herself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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”.

6 **SEC. 2. CIVILIAN CYBER SECURITY RESERVE PILOT**
7 **PROJECT.**

8 (a) **DEFINITIONS.**—In this section:

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

3 (A) in the case of the Department of
4 Homeland Security, the Secretary of Homeland
5 Security; and

6 (B) in the case of the Department of De-
7 fense, the Secretary of Defense.

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

11 (3) COVERED AGENCY.—The term “covered
12 agency” means the Department of Homeland Secu-
13 rity or the Department of Defense.

14 (4) EXCEPTED SERVICE.—The term “excepted
15 service” has the meaning given the term in section
16 2103 of title 5, United States Code.

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

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

22 (b) PILOT PROJECT.—

23 (1) IN GENERAL.—Each appropriate agency
24 head may carry out a pilot project to establish a Ci-
25 vilian Cyber Security Reserve at the covered agency

1 to address the cyber security needs of the United
2 States with respect to national security.

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

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

12 (4) ADDITIONAL EMPLOYEES.—Individuals ap-
13 pointed under paragraph (2) shall be in addition to
14 any employees of the covered agency who provide
15 cyber security services.

16 (5) EMPLOYMENT PROTECTIONS.—The Sec-
17 retary of Labor shall prescribe such regulations as
18 necessary to ensure the reemployment, continuation
19 of benefits, and non-discrimination in reemployment
20 of individuals appointed under paragraph (2), pro-
21 vided that such regulations shall include, at a min-
22 imum, those rights and obligations set forth under
23 chapter 43 of title 38, United States Code.

24 (c) ELIGIBILITY; APPLICATION AND SELECTION.—

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

4 (A) individuals to be eligible for the Civil-
5 ian Cyber Security Reserve in the covered agen-
6 cy; and

7 (B) the application and selection processes
8 for the Reserve.

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

12 (A) previous employment by the Federal
13 Government or within the uniformed services;
14 and

15 (B) cyber security expertise.

16 (3) AGREEMENT REQUIRED.—An individual
17 may become a member of the Civilian Cyber Secu-
18 rity Reserve only if the individual enters into an
19 agreement with the appropriate agency head to be-
20 come such a member, which shall set forth the rights
21 and obligations of the individual and the covered
22 agency.

23 (4) 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 Cyber Security Reserve.

3 (d) COMPONENTS OF THE CIVILIAN CYBER SECUR-
4 RITY RESERVE.—The appropriate agency head may con-
5 sider, in carrying out a pilot project authorized under sub-
6 section (b), developing different components of the Civilian
7 Cyber Security Reserve in the covered agency, one with
8 an obligation to respond when called into activation at the
9 direction of the appropriate agency head and one that is
10 not compelled to so respond, with appropriate cor-
11 responding differing benefits for each such component.

12 (e) SECURITY CLEARANCES.—

13 (1) IN GENERAL.—The appropriate agency
14 head shall ensure that all members of the Civilian
15 Cyber Security Reserve in the covered agency under-
16 go the appropriate personnel vetting and adjudica-
17 tion commensurate with the duties of the position,
18 including a determination of eligibility for access to
19 classified information where a security clearance is
20 necessary, in accordance with Executive Order
21 12968 (50 U.S.C. 3161 note; relating to access to
22 classified information) and Executive Order 13467
23 (50 U.S.C. 3161 note; relating to reforming proc-
24 esses related to suitability for Government employ-
25 ment, fitness for contractor employees, and eligibility

1 for access to classified national security informa-
2 tion).

3 (2) COST OF MAINTAINING CLEARANCES.—The
4 original sponsor of a security clearance of a member
5 of a Civilian Cyber Security Reserve at a covered
6 agency shall be responsible for the cost of maintain-
7 ing that security clearance.

8 (f) PROJECT GUIDANCE.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this Act, each appro-
11 priate agency head may issue guidance establishing
12 and implementing a pilot project authorized under
13 subsection (b) at the covered agency.

14 (2) PENALTIES.—

15 (A) IN GENERAL.—In developing guidance
16 under paragraph (1), an appropriate agency
17 head may provide for penalties for individuals
18 who do not respond to activation when called,
19 such as recoupment of pay or benefits earned
20 as a member of the Civilian Cyber Security Re-
21 serve or recoupment of civilian service cred-
22 itable under section 8411 of title 5, United
23 States Code.

24 (B) PROCEDURES.—In the case of a pro-
25 posed penalty or action under this paragraph,

1 the individual shall be entitled to the applicable
2 procedures set forth in title 5, Code of Federal
3 Regulations, or as otherwise specified in appli-
4 cable guidance.

5 (g) EVALUATION.—Not later than 5 years after the
6 pilot project authorized under subsection (b) is established
7 in each covered agency, the Comptroller General of the
8 United States shall—

9 (1) conduct a study evaluating the pilot project
10 at the covered agency; and

11 (2) submit to Congress—

12 (A) a report on the results of the study;
13 and

14 (B) a recommendation with respect to
15 whether the pilot project should be modified,
16 extended in duration, or established as a per-
17 manent program.

18 (h) REPORT.—Not later than 5 years after the pilot
19 project authorized under subsection (b) is established in
20 a covered agency, the appropriate agency head shall sub-
21 mit to the Committee on Homeland Security and Govern-
22 mental Affairs and the Committee on Armed Services of
23 the Senate and the Committee on Homeland Security and
24 the Committee on Armed Services of the House of Rep-
25 resentatives a report—

1 (1) on the activities carried out under the pilot
2 project; and

3 (2) that includes a recommendation with re-
4 spect to whether the pilot project should be modi-
5 fied, extended in duration, or established as a per-
6 manent program.

7 (i) SUNSET.—A pilot project authorized under this
8 section shall terminate on the date that is 6 years after
9 the date on which the pilot project is established.

10 (j) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to each appropriate
12 agency head such sums as may be necessary to carry out
13 this section.

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