

118TH CONGRESS  
1ST SESSION

# S. 903

To require the Secretary of the Army to carry out a pilot project to establish a Civilian Cybersecurity Reserve, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 21, 2023

Ms. ROSEN (for herself and Mrs. BLACKBURN) introduced the following bill;  
which was read twice and referred to the Committee on Armed Services

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## A BILL

To require the Secretary of the Army to carry out a pilot project to establish a Civilian Cybersecurity Reserve, 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 “Department of Defense  
5 Civilian Cybersecurity Reserve Act”.

6 **SEC. 2. CIVILIAN CYBERSECURITY RESERVE PILOT**  
7 **PROJECT.**

8 (a) DEFINITIONS.—In this Act:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means—

4                   (A) the Committee on Homeland Security  
5                   and Governmental Affairs of the Senate;

6                   (B) the Committee on Armed Services of  
7                   the Senate;

8                   (C) the Committee on Homeland Security  
9                   of the House of Representatives; and

10                  (D) the Committee on Armed Services of  
11                  the House of Representatives.

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

15           (3) EXCEPTED SERVICE.—The term “excepted  
16           service” has the meaning given the term in section  
17           2103 of title 5, United States Code.

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

21           (b) PILOT PROJECT.—

22                   (1) IN GENERAL.—The Secretary of the Army  
23                   shall carry out a pilot project to establish a Civilian  
24                   Cybersecurity Reserve.

1           (2) PURPOSE.—The purpose of the Civilian Cy-  
2           bersecurity Reserve is to enable the Army to provide  
3           manpower to the United States Cyber Command to  
4           effectively—

5                   (A) preempt, defeat, deter, or respond to  
6                   malicious cyber activity;

7                   (B) conduct cyberspace operations;

8                   (C) secure information and systems of the  
9                   Department of Defense against malicious cyber  
10                  activity; and

11                  (D) assist in solving cyber workforce-re-  
12                  lated challenges.

13           (3) ALTERNATIVE METHODS.—Consistent with  
14           section 4703 of title 5, United States Code, in car-  
15           rying out the pilot project required under paragraph  
16           (1), the Secretary may, without further authoriza-  
17           tion from the Office of Personnel Management, pro-  
18           vide for alternative methods of—

19                   (A) establishing qualifications require-  
20                   ments for, recruitment of, and appointment to  
21                   positions; and

22                   (B) classifying positions.

23           (4) APPOINTMENTS.—Under the pilot project  
24           required under paragraph (1), in order to fulfill the  
25           purpose under paragraph (2), the Secretary—

1 (A) may activate members of the Civilian  
2 Cybersecurity Reserve by—

3 (i) noncompetitively appointing mem-  
4 bers of the Civilian Cybersecurity Reserve  
5 to temporary positions in the competitive  
6 service; or

7 (ii) appointing members of the Civil-  
8 ian Cybersecurity Reserve to temporary po-  
9 sitions in the excepted service;

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

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

15 (5) STATUS AS EMPLOYEES.—An individual ap-  
16 pointed under paragraph (4) shall be considered a  
17 Federal civil service employee under section 2105 of  
18 title 5, United States Code.

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

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

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

6 (8) STATUS IN RESERVE.—During the period  
7 beginning on the date on which an individual is re-  
8 cruited to serve in the Civilian Cybersecurity Reserve  
9 and ending on the date on which the individual is  
10 appointed under paragraph (4), and during any pe-  
11 riod in between any such appointments, the indi-  
12 vidual shall not be considered a Federal employee.

13 (c) ELIGIBILITY; APPLICATION AND SELECTION.—

14 (1) IN GENERAL.—Under the pilot project re-  
15 quired under subsection (b)(1), the Secretary of the  
16 Army shall establish criteria for—

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

19 (B) the application and selection processes  
20 for the Civilian Cybersecurity Reserve.

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

24 (A) if the individual has previously served  
25 as a member of the Civilian Cybersecurity Re-

1 serve, that the previous appointment ended not  
2 less than 60 days before the individual may be  
3 appointed for a subsequent temporary position  
4 in the Civilian Cybersecurity Reserve; and

5 (B) cybersecurity expertise.

6 (3) **PRESCREENING.**—The Secretary shall—

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

11 (B) require each individual appointed  
12 under subsection (b)(4) to notify the Secretary  
13 if a potential conflict of interest arises during  
14 the appointment.

15 (4) **AGREEMENT REQUIRED.**—An individual  
16 may become a member of the Civilian Cybersecurity  
17 Reserve only if the individual enters into an agree-  
18 ment with the Secretary to become such a member,  
19 which shall set forth the rights and obligations of  
20 the individual and the Army.

21 (5) **EXCEPTION FOR CONTINUING MILITARY**  
22 **SERVICE COMMITMENTS.**—A member of the Selected  
23 Reserve under section 10143 of title 10, United  
24 States Code, may not be a member of the Civilian  
25 Cybersecurity Reserve.

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

5           (d) SECURITY CLEARANCES.—

6           (1) IN GENERAL.—The Secretary of the Army  
7 shall ensure that all members of the Civilian Cyber-  
8 security Reserve undergo the appropriate personnel  
9 vetting and adjudication commensurate with the du-  
10 ties of the position, including a determination of eli-  
11 gibility for access to classified information where a  
12 security clearance is necessary, according to applica-  
13 ble policy and authorities.

14           (2) COST OF SPONSORING CLEARANCES.—If a  
15 member of the Civilian Cybersecurity Reserve re-  
16 quires a security clearance in order to carry out the  
17 duties of the member, the Army shall be responsible  
18 for the cost of sponsoring the security clearance of  
19 the member.

20           (e) IMPLEMENTATION PLAN.—

21           (1) IN GENERAL.—Not later than 180 days  
22 after the date on which the Secretary of Defense  
23 submits to the Committee on Armed Services of the  
24 Senate and the Committee on Armed Services of the  
25 House of Representatives the report required under

1 section 1540(d)(2) of the James M. Inhofe National  
2 Defense Authorization Act for Fiscal Year 2023  
3 (Public Law 117–263) on the feasibility and advis-  
4 ability of creating and maintaining a civilian cyber-  
5 security reserve corps, the Secretary of the Army  
6 shall—

7 (A) submit to the appropriate congres-  
8 sional committees an implementation plan for  
9 the pilot project required under subsection  
10 (b)(1); and

11 (B) provide to the appropriate congres-  
12 sional committees a briefing on the implementa-  
13 tion plan.

14 (2) PROHIBITION.—The Secretary of the Army  
15 may not take any action to begin implementation of  
16 the pilot project required under subsection (b)(1)  
17 until the Secretary fulfills the requirements under  
18 paragraph (1).

19 (f) PROJECT GUIDANCE.—Not later than two years  
20 after the date of the enactment of this Act, the Secretary  
21 of the Army shall, in consultation with the Office of Per-  
22 sonnel Management and the Office of Government Ethics,  
23 issue guidance establishing and implementing the pilot  
24 project required under subsection (b)(1).

25 (g) BRIEFINGS AND REPORT.—



1           (1) BRIEFINGS.—Not later than one year after  
2 the date on which the guidance required under sub-  
3 section (f) is issued, and every year thereafter until  
4 the date on which the pilot project required under  
5 subsection (b)(1) terminates under subsection (i),  
6 the Secretary of the Army shall provide to the ap-  
7 propriate congressional committees a briefing on ac-  
8 tivities carried out under the pilot project, includ-  
9 ing—

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

15                   (B) an evaluation of the ethical require-  
16 ments of the pilot project;

17                   (C) whether the Civilian Cybersecurity Re-  
18 serve has been effective in providing additional  
19 capacity to the Army; and

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

22           (2) REPORT.—Not earlier than 180 days and  
23 not later than 90 days before the date on which the  
24 pilot project required under subsection (b)(1) termi-  
25 nates under subsection (i), the Secretary shall sub-

1 mit to the appropriate congressional committees a  
2 report and provide a briefing on recommendations  
3 relating to the pilot project, including recommenda-  
4 tions for—

5 (A) whether the pilot project should be  
6 modified, extended in duration, or established  
7 as a permanent program, and if so, an appro-  
8 priate scope for the program;

9 (B) how to attract participants, ensure a  
10 diversity of participants, and address any bar-  
11 riers to recruitment or retention of members of  
12 the Civilian Cybersecurity Reserve;

13 (C) the ethical requirements of the pilot  
14 project and the effectiveness of mitigation ef-  
15 forts to address any conflict of interest con-  
16 cerns; and

17 (D) an evaluation of the eligibility require-  
18 ments for the pilot project.

19 (h) EVALUATION.—Not later than three years after  
20 the pilot project required under subsection (b)(1) is estab-  
21 lished, the Comptroller General of the United States  
22 shall—

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

24 and

25 (2) submit to Congress—

1                   (A) a report on the results of the study;  
2                   and

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

5           (i) SUNSET.—The pilot project required under sub-  
6 section (b)(1) shall terminate on the date that is four  
7 years after the date on which the pilot project is estab-  
8 lished.

9           (j) NO ADDITIONAL FUNDS.—

10           (1) IN GENERAL.—No additional funds are au-  
11 thORIZED to be appropriated for the purpose of car-  
12 rying out this Act.

13           (2) EXISTING AUTHORIZED AMOUNTS.—Funds  
14 to carry out this Act may, as provided in advance in  
15 appropriations Acts, only come from amounts au-  
16 thORIZED to be appropriated to the Army.

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