

115TH CONGRESS
2D SESSION

S. 2620

To establish a Federal cyber joint duty program for cyber employees of Federal agencies.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2018

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish a Federal cyber joint duty program for cyber employees of Federal agencies.

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 “Federal Cyber Joint
5 Duty Program Act of 2018”.

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) AGENCY.—The term “agency” has the
9 meaning given the term “Executive agency” under
10 section 105 of title 5, United States Code.

1 (2) CYBER POSITION.—The term “cyber position” means a position identified as having information technology, cybersecurity, or other cyber-related functions under section 303 of the Federal Cybersecurity Workforce Assessment Act of 2015 (Public Law 114–113; 5 U.S.C. 301 note).

7 (3) DIRECTOR.—The term “Director” means the Director of the Office of Personnel Management.

9 (4) EMPLOYEE.—The term “employee” has the meaning given that term in section 2105 of title 5, United States Code.

12 (5) JOINT CYBER POSITION.—The term “joint cyber position” means a position that—

14 (A) is a cyber position;

15 (B) is in the competitive service (as defined in section 2102 of title 5, United States Code) in an agency; and

18 (C) that requires or provides experience with information technology, cybersecurity, or other cyber-related functions that relate to multiple agencies, as determined by the Director.

22 (6) ROTATIONAL CYBER POSITION.—The term “rotational cyber position” means a joint cyber position designated to be filled only as part of rotational service under section 4.

1 **SEC. 3. JOINT CYBER POSITIONS.**

2 (a) PREPARATION OF LIST.—The Director, in con-
3 sultation with the heads of agencies, shall develop a list
4 of joint cyber positions.

5 (b) DESIGNATION FOR ROTATIONAL SERVICE.—The
6 head of each agency may designate a joint cyber position
7 in that agency as a rotational cyber position if the head
8 of the agency determines it appropriate.

9 (c) DISTRIBUTION OF LIST.—The Director shall an-
10 nually distribute an updated list of joint cyber positions
11 to the head of each agency and other appropriate entities
12 that includes—

13 (1) the title, agency, and duty location for the
14 joint cyber position;

15 (2) whether the joint cyber position is a rota-
16 tional cyber position; and

17 (3) whether the position is vacant or is expected
18 to become vacant within a year.

19 (d) COMPETITIVE APPOINTMENT.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the head of an agency shall make ap-
22 pointments to joint cyber positions (including rota-
23 tional cyber positions) in a fully open and competi-
24 tive manner that is consistent with the merit system
25 principles set forth in paragraphs (1) and (2) of sec-
26 tion 2301(b) of title 5, United States Code.

(2) WAIVER.—The Director may waive the requirements on appointments under paragraph (1).

3 SEC. 4. ROTATIONAL SERVICE.

4 (a) IN GENERAL.—An employee serving in a cyber
5 position in an agency may submit an application for ap-
6 pointment to a rotational cyber position in that agency
7 or another agency.

8 (b) TERM.—

17 (c) APPOINTMENT TO POSITIONS IN OTHER AGEN-
18 CIES —

10 (d) PERSONNEL LAW MATTERS.—An employee per-
11 forming service in a rotational cyber position in an agency
12 that is not the agency employing the employee shall have
13 all the rights that would be available to the employee if
14 the employee was detailed or appointed under a provision
15 of law other than this Act from the agency employing the
16 employee to the agency in which the rotational cyber posi-
17 tion is located.

18 SEC. 5. REPORTING.

19 The Director shall submit to the Committee on
20 Homeland Security and Governmental Affairs of the Sen-
21 ate and the Committee on Oversight and Government Re-
22 form of the House of Representatives an annual report
23 on the program under this Act, which shall include statis-
24 tics about the efficacy of the program, including—

- 1 (1) the number of joint cyber positions identi-
2 fied, by agency;
- 3 (2) the number of rotational cyber positions
4 designated by each agency;
- 5 (3) the number of applicants for and employees
6 appointed to a rotational cyber position, by agency;
- 7 and
- 8 (4) the number and identity of agencies that
9 have 1 or more joint cyber positions in the agency
10 and did not designate any positions in the agency as
11 rotational cyber positions.

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