

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 posi-
2 tion” means a position identified as having informa-
3 tion technology, cybersecurity, or other cyber-related
4 functions under section 303 of the Federal Cyberse-
5 curity Workforce Assessment Act of 2015 (Public
6 Law 114–113; 5 U.S.C. 301 note).

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

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

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

14 (A) is a cyber position;

15 (B) is in the competitive service (as de-
16 fined in section 2102 of title 5, United States
17 Code) in an agency; and

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

22 (6) ROTATIONAL CYBER POSITION.—The term
23 “rotational cyber position” means a joint cyber posi-
24 tion designated to be filled only as part of rotational
25 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.

1 (2) WAIVER.—The Director may waive the re-
2 quirements 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.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), and notwithstanding section 3341 of title
11 5, United States Code, an appointment to a rota-
12 tional cyber position shall be for a period of not less
13 than 1 year and not longer than 3 years.

14 (2) WAIVER.—The Chief Human Capital Offi-
15 cer of an agency may waive the limitation on the pe-
16 riod of an appointment under paragraph (1).

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

19 (1) DETAIL ON A NONREIMBURSABLE BASIS.—
20 Service by an employee in a rotational cyber position
21 in an agency that is not the agency employing the
22 employee—

23 (A) shall constitute a detail of the em-
24 ployee from the agency employing the employee;
25 and

1 (B) shall be performed without reimburse-
2 ment.

3 (2) RETURN TO PRIOR POSITION.—An employee
4 performing service in a rotational cyber position in
5 an agency that is not the agency employing the em-
6 ployee shall be entitled to return to the position held
7 by the employee in the agency employing the em-
8 ployee within a reasonable period of time after the
9 end of the period of service.

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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