

115TH CONGRESS
1ST SESSION

H. R. 3712

To amend title 10, United States Code, to provide for the establishment and operation of reserve component cyber civil support teams, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2017

Mr. KILMER (for himself, Mr. PALAZZO, and Mr. HECK) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for the establishment and operation of reserve component cyber civil support teams, 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 “Major General Tim
5 Lowenberg National Guard Cyber Defenders Act”.

6 **SEC. 2. ESTABLISHMENT AND OPERATION OF RESERVE**
7 **COMPONENT CYBER CIVIL SUPPORT TEAMS.**

8 (a) ESTABLISHMENT AND PURPOSE.—Section
9 12310(c) of title 10, United States Code, is amended—

1 (1) in paragraph (1), by adding at the end the
2 following new subparagraph:

3 “(E) An attack or natural disaster impacting a
4 computer, electronic, or cyber network.”; and

5 (2) in paragraph (3)—

6 (A) by striking “A Reserve may perform
7 duty described in paragraph (1)” and inserting

8 “(A) A Reserve may perform duty described in
9 subparagraphs (A) through (D) of paragraph
10 (1)”;

11 (B) by adding at the end the following new
12 subparagraph:

13 “(B) A Reserve, including a Reserve assigned or at-
14 tached to a reserve component cyber civil support team,
15 may perform duty described in subparagraph (E) of para-
16 graph (1).”.

17 (b) CONFORMING AMENDMENTS.—Section 12310(c)
18 of title 10, United States Code, is further amended—

19 (1) in the subsection heading, by striking “AND
20 TERRORIST ATTACKS” and inserting “, TERRORIST
21 ATTACKS, AND CYBER ATTACKS”; and

22 (2) in paragraph (5), by striking “weapons of
23 mass destruction civil support team” and inserting
24 “civil support team described in paragraph (3)”.

1 **SEC. 3. PROMPT IMPLEMENTATION OF RESERVE COMPO-**
2 **NENT CYBER CIVIL SUPPORT TEAMS.**

3 (a) FIVE-YEAR DEADLINE FOR TEAMS.—Not later
4 than September 30, 2022, each State, the District of Co-
5 lumbia, Puerto Rico, Guam, and the Virgin Islands shall
6 have an operational reserve component cyber civil support
7 team composed of reserve component members of the
8 Armed Forces assigned under section 12310 of title 10,
9 United States Code.

10 (b) PROGRESS REPORT REQUIREMENT.—Not later
11 than September 30, 2018, the Chief of the National Guard
12 Bureau shall submit to Congress a report—

13 (1) identifying which States, and whether the
14 District of Columbia, Puerto Rico, Guam, and the
15 Virgin Islands, have satisfied the requirement im-
16 posed by subsection (a);

17 (2) establishing a plan for meeting the deadline
18 imposed by subsection (a);

19 (3) assessing the level of involvement and as-
20 sistance of the National Guard Bureau in the estab-
21 lishment and support of reserve component cyber
22 civil support teams; and

23 (4) evaluating the need for increased levels of
24 such involvement and assistance.

1 (c) OPERATIONAL ELEMENTS.—To be considered
2 operational, a reserve component cyber civil support team
3 must be ready—

4 (1) to perform duties relating to analysis and
5 protection in support of responding to emergencies
6 involving an attack or natural disaster impacting a
7 computer, electronic, or cyber network;

8 (2) to advise and coordinate on any incident
9 deemed critical for the protection of life, property,
10 and maintenance of good order for the Governor;

11 (3) to cooperate with and assist private sector
12 owners and operators of critical infrastructure and
13 key resources;

14 (4) to collaborate and participate in information
15 sharing with Federal, State, and local Fusion Cen-
16 ters, emergency management authorities, and emer-
17 gency management divisions; and

18 (5) to maintain relationships and close coordi-
19 nation with—

20 (A) State-based employees of the Protec-
21 tive Security Advisor Program Office of the De-
22 partment of Homeland Security;

23 (B) cybersecurity advisors of the Depart-
24 ment of Homeland Security (where assigned);
25 and

1 (C) employees of the Office of Infrastruc-
2 ture Protection of the Department of Homeland
3 Security.

4 (d) OVERSIGHT BY NATIONAL GUARD BUREAU.—To
5 ensure standardization among reserve component cyber
6 civil support teams, the National Guard Bureau Joint
7 Staff shall provide program management and oversight as
8 follows:

9 (1) Members of a reserve component cyber civil
10 support team shall undergo initial training com-
11 prising a military occupational specialty or Air Force
12 Specialty Code initial skills course approved by a
13 branch of the Armed Forces.

14 (2) The National Guard Bureau Joint Staff
15 shall establish specific curricula for teams, which
16 shall—

17 (A) include best-of-breed commercially
18 available training and a National Guard-devel-
19 oped course focused on domestic coordination,
20 communication, and cyber incident response
21 skills; and

22 (B) be updated on a periodic basis based
23 on the evolving circumstances of cyber threats,
24 the needs of the public and private entities such

1 teams support, and the relationships between
2 such teams and such entities.

3 (e) **GUIDANCE TO STATES.**—The National Guard Bu-
4 reau Joint Staff shall consult with the Council of Gov-
5 ernors and other appropriate civilian authorities to estab-
6 lish guidance to States concerning situations that are ap-
7 propriate for the involvement of a reserve component cyber
8 civil support team.

9 (f) **MINIMUM LENGTH OF SERVICE REQUIRE-**
10 **MENT.**—The National Guard Bureau Joint Staff may es-
11 tablish a minimum length of service for a member of a
12 reserve component cyber civil support team.

13 **SEC. 4. TREATMENT OF RECORDS.**

14 The requirements of section 552 of title 5, United
15 States Code, shall apply to any reserve component cyber
16 civil support teams composed of reserve component mem-
17 bers of the Armed Forces assigned under section 12310
18 of title 10, United States Code.

19 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to the Sec-
21 retary of Defense \$50,000,000 to implement this Act and
22 the amendments made by this Act.

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