

119TH CONGRESS  
1ST SESSION

# S. 2605

To amend title 10, United States Code, to improve recruitment and retention of the cyber workforce of the Department of Defense, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 2025

Mr. ROUNDS introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to improve recruitment and retention of the cyber workforce of the Department of Defense, 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. CYBER WORKFORCE RECRUITMENT AND RE-**  
4       **TENTION.**

5       (a) IN GENERAL.—Section 1599f of title 10, United  
6       States Code, is amended to read as follows:

7       **“§ 1599f. Cyber workforce recruitment and retention**

8       “(a) GENERAL AUTHORITY.—

9               “(1) IN GENERAL.—The Secretary of Defense  
10       may—

1 “(A) establish, as positions in the excepted  
2 service, such qualified positions in the Depart-  
3 ment of Defense as the Secretary considers nec-  
4 essary to carry out the cyber mission of the De-  
5 partment and are not in the Defense Civilian  
6 Intelligence Personnel System, including—

7 “(i) positions in the Defense Digital  
8 Executive Service established under sub-  
9 section (c); and

10 “(ii) Defense Digital Senior Level po-  
11 sitions designated under subsection (d);

12 “(B) carry out a program of personnel  
13 management authority provided in subsection  
14 (b) in order to facilitate recruitment of eminent  
15 experts in cyber for the Department; and

16 “(C) implement an interagency transfer  
17 agreement between qualified positions in the ex-  
18 cepted service established under this section  
19 and positions in the competitive service in the  
20 Department, including the military depart-  
21 ments.

22 “(2) APPLICABILITY.—Unless explicitly pro-  
23 vided otherwise by law, the authority of the Sec-  
24 retary under this section applies without regard to  
25 any other provision of law relating to the appoint-

1       ment, number, classification, or compensation of em-  
2       ployees that the Secretary determines is incompat-  
3       ible with the approach to talent management under  
4       this section.

5       “(b) PERSONNEL MANAGEMENT AUTHORITY.—

6               “(1) IN GENERAL.—The Secretary may—

7                       “(A) without regard to any provision of  
8                       title 5 governing the appointment of employees  
9                       in the civil service, appoint individuals to quali-  
10                      fied positions established under subsection  
11                      (a)(1); and

12                     “(B) subject to paragraphs (2) and (3), fix  
13                     the compensation of employees appointed under  
14                     subparagraph (A).

15               “(2) RATES OF BASIC PAY.—The Secretary—

16                     “(A) shall fix the rates of basic pay for  
17                     employees appointed under paragraph (1)(A)—

18                       “(i) with the rates of pay provided for  
19                       employees in comparable positions in the  
20                       Federal Government; and

21                     “(ii) subject to the same limitations  
22                     on maximum rates of pay established for  
23                     such employees by statute or regulation;  
24                     and

“(B) may prescribe the rates of basic pay for employees appointed under paragraph (1)(A) at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5.

“(3) ADDITIONAL COMPENSATION.—

“(A) IN GENERAL.—Subject to subparagraph (C), the Secretary may, with respect to an employee appointed under paragraph (1)(A), other than such an employee receiving the maximum rate of basic pay prescribed under paragraph (2)(B), provide the employee compensation (in addition to basic pay), including payments, benefits, sabbaticals, incentives, awards, and allowances—

“(i) in accordance with relevant provisions of other laws, including provisions of title 5;

“(ii) consistent with, and not in excess of the level authorized for, comparable positions in the Federal Government; and

“(iii) to the extent compatible with the approach to talent management under this section.

1           “(B) ALLOWANCES.—An employee ap-  
2           pointed under paragraph (1)(A) shall be eligible  
3           for an allowance under section 5941 of title 5,  
4           in addition to such basic pay, on the same basis  
5           and at least to the same extent as if the em-  
6           ployee was an employee covered by such section,  
7           including eligibility conditions, allowance rates,  
8           and all other terms and conditions in statute or  
9           regulation.

10           “(C) MAXIMUM AMOUNT OF ADDITIONAL  
11           COMPENSATION.—No additional compensation  
12           may be provided to an employee under this  
13           paragraph in any calendar year if, or to the ex-  
14           tent that, the employee’s total annual com-  
15           pensation in such calendar year will exceed the  
16           maximum amount of total annual compensation  
17           payable at the salary set in accordance with  
18           section 104 of title 3.

19           “(c) DEFENSE DIGITAL EXECUTIVE SERVICE.—The  
20           Secretary may establish a Defense Digital Executive Serv-  
21           ice for positions established under subsection (a)(1)(A)(i)  
22           that are comparable to Senior Executive Service positions.

23           “(d) DEFENSE DIGITAL SENIOR LEVEL POSI-  
24           TIONS.—The Secretary may designate as a Defense Dig-

1 ital Senior Level position any defense cyber position that,  
 2 as determined by the Secretary—

3 “(1) is classified above the grade of GG–15 of  
 4 the excepted service;

5 “(2) does not satisfy functional or program  
 6 management criteria for being designated as a posi-  
 7 tion in the Defense Digital Executive Service; and

8 “(3) has no more than minimal supervisory re-  
 9 sponsibilities.

10 “(e) TWO-YEAR PROBATIONARY PERIOD.—The pro-  
 11 bationary period for all employees hired under the author-  
 12 ity provided by this section shall be two years.

13 “(f) INCUMBENTS OF EXISTING COMPETITIVE SERV-  
 14 ICE POSITIONS.—

15 “(1) IN GENERAL.—An individual occupying a  
 16 position on the date of the enactment of this section  
 17 that is selected to be converted to a position in the  
 18 excepted service under this section shall have the  
 19 right to refuse such conversion.

20 “(2) POSITION CONVERSION.—After the date on  
 21 which an individual who refuses a conversion under  
 22 paragraph (1) stops serving in the position selected  
 23 to be converted, the position shall be converted to a  
 24 position in the excepted service.

1       “(g) IMPLEMENTATION PLAN; EFFECTIVE DATE OF  
2 AUTHORITY.—

3               “(1) IN GENERAL.—The authority provided by  
4 this section shall become effective 30 days after the  
5 date on which the Secretary submits to the congres-  
6 sional defense committees a plan for the implemen-  
7 tation of such authority.

8               “(2) ELEMENTS.—The plan described in para-  
9 graph (1) shall include the following:

10                   “(A) An assessment of the current scope of  
11 the positions covered by the authority provided  
12 by subsection (a).

13                   “(B) A plan for the use of the authority.

14                   “(C) An assessment of the anticipated  
15 workforce needs for the cyber mission of the  
16 Department across the future-years defense  
17 program.

18                   “(D) Other matters as appropriate.

19       “(h) COLLECTIVE BARGAINING AGREEMENTS.—  
20 Nothing in subsection (a) may be construed to impair the  
21 continued effectiveness of a collective bargaining agree-  
22 ment with respect to an office, component, subcomponent,  
23 or equivalent of the Department that is a successor to an  
24 office, component, subcomponent, or equivalent of the De-  
25 partment covered by the agreement before the succession.

1       “(i) REGULATIONS REQUIRED.—The Secretary, in  
2 coordination with the Director of the Office of Personnel  
3 Management, shall prescribe regulations for the adminis-  
4 tration of this section.

5       “(j) ANNUAL REPORT.—

6           “(1) IN GENERAL.—Not later than one year  
7 after the date of the enactment of this section and  
8 not less frequently than once each year thereafter  
9 until the date that is five years after the date of the  
10 enactment of this section, the Director of the Office  
11 of Personnel Management, in coordination with the  
12 Secretary, shall submit to the appropriate commit-  
13 tees of Congress a detailed report on the administra-  
14 tion of this section during the most recent one-year  
15 period.

16           “(2) ELEMENTS.—Each report required by  
17 paragraph (1) shall include, for the period covered  
18 by the report, the following:

19           “(A) A discussion of the process used in  
20 accepting applications, assessing candidates, en-  
21 suring adherence to veterans’ preference, and  
22 selecting applicants for vacancies to be filled by  
23 an individual for a qualified position.

24           “(B) A description of the following:



1 “(i) How the Secretary plans to fulfill  
2 the critical need of the Department to re-  
3 cruit and retain employees in qualified po-  
4 sitions.

5 “(ii) The measures that will be used  
6 to measure progress.

7 “(iii) Any actions taken during the re-  
8 porting period to fulfill such critical need.

9 “(C) A discussion of how the planning and  
10 actions taken under subparagraph (B) are inte-  
11 grated into the strategic workforce planning of  
12 the Department.

13 “(D) The metrics on actions occurring  
14 during the reporting period, including the fol-  
15 lowing:

16 “(i) The number of employees in  
17 qualified positions hired, disaggregated by  
18 occupation and grade and level or pay  
19 band.

20 “(ii) The placement of employees in  
21 qualified positions, disaggregated by mili-  
22 tary department, Defense Agency, or other  
23 component within the Department.

24 “(iii) The total number of veterans  
25 hired.

1           “(iv) The number of separations of  
2           employees in qualified positions,  
3           disaggregated by occupation and grade and  
4           level or pay band.

5           “(v) The number of retirements of  
6           employees in qualified positions,  
7           disaggregated by occupation and grade and  
8           level or pay band.

9           “(vi) The number and amounts of re-  
10          cruitment, relocation, and retention incen-  
11          tives paid to employees in qualified posi-  
12          tions, disaggregated by occupation and  
13          grade and level or pay band.

14          “(vii) The number of employees in  
15          qualified positions who held an appoint-  
16          ment related to cybersecurity at a Federal  
17          agency outside of the Department during  
18          the three-year period prior to being ap-  
19          pointed under this section.

20          “(k) COMPTROLLER GENERAL ASSESSMENT.—

21               “(1) AVAILABILITY OF ANNUAL REPORT.—The  
22          Director of the Office of Personnel Management  
23          shall make available to the Comptroller General of  
24          the United States each report required by subsection  
25          (j).

1           “(2) ASSESSMENT.—The Comptroller General  
2 shall—

3           “(A) assess any differences in recruitment  
4 and retention for cyber positions experienced by  
5 Federal agencies based on unique hiring and  
6 pay authorities for cyber professionals, includ-  
7 ing with respect to Senior Executive Service po-  
8 sitions and Senior Level positions; and

9           “(B) not later than five years after the  
10 date of the enactment of this section, submit to  
11 the appropriate committees of Congress the re-  
12 sults of that assessment.

13       “(l) DEFINITIONS.—In this section:

14           “(1) APPROPRIATE COMMITTEES OF CON-  
15 GRESS.—The term ‘appropriate committees of Con-  
16 gress’ means—

17           “(A) the Committee on Armed Services,  
18 the Committee on Homeland Security and Gov-  
19 ernmental Affairs, and the Committee on Ap-  
20 propriations of the Senate; and

21           “(B) the Committee on Armed Services,  
22 the Committee on Oversight and Government  
23 Reform, and the Committee on Appropriations  
24 of the House of Representatives.

1           “(2) COMPETITIVE SERVICE.—The term ‘com-  
 2           petitive service’ has the meaning given that term in  
 3           section 2102 of title 5.

4           “(3) EXCEPTED SERVICE.—The term ‘excepted  
 5           service’ has the meaning given that term in section  
 6           2103 of title 5.

7           “(4) QUALIFIED POSITION.—The term ‘quali-  
 8           fied position’ means a position, designated by the  
 9           Secretary for the purpose of this section, in which  
 10          the individual occupying such position performs,  
 11          manages, or supervises functions that execute the  
 12          cyber mission of the Department.

13          “(5) SENIOR EXECUTIVE SERVICE POSITION.—  
 14          The term ‘Senior Executive Service position’ has the  
 15          meaning given that term in section 3132(a) of title  
 16          5.”.

17          (b) CLERICAL AMENDMENT.—The table of sections  
 18          at the beginning of chapter 81 of such title is amended  
 19          by striking the item relating to section 1599f and inserting  
 20          the following new item:

“1599f. Cyber workforce recruitment and retention.”.

