

[DISCUSSION DRAFT]

119TH CONGRESS
1ST SESSION

H. R. _____

To establish a National Defense Executive Reserve, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NUNN of Iowa introduced the following bill; which was referred to the
Committee on _____

A BILL

To establish a National Defense Executive 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 [“_____ Act
5 of 2025”].

6 **SEC. 2. NATIONAL DEFENSE EXECUTIVE RESERVE.**

7 (a) IN GENERAL.—Title VII of the Defense Produc-
8 tion Act of 1950 (50 U.S.C. 4551 et seq.) is amended by
9 inserting after section 711 the following:

1 **“SEC. 712. NATIONAL DEFENSE EXECUTIVE RESERVE.**

2 “(a) ESTABLISHMENT.—The President shall estab-
3 lish the National Defense Executive Reserve (in this sec-
4 tion referred to as the ‘Reserve’).

5 “(b) PURPOSE.—The purpose of the Reserve shall be
6 to—

7 “(1) improve the preparedness of the Federal
8 Government for national defense emergencies by al-
9 lowing volunteer, private persons with unique exper-
10 tise to be trained for and exercised in executive roles
11 in Federal positions that may be necessary during
12 an emergency;

13 “(2) efficiently augment the capabilities of the
14 Federal Government with these private persons as
15 required during periods of national defense emer-
16 gency when activated by the President;

17 “(3) provide a cost-efficient way of expanding
18 Federal Government capacity for the management of
19 future national defense emergencies without having
20 to dramatically expand standing full-time staff; and

21 “(4) enable the appropriate controls and over-
22 sight to be established by the Federal Government
23 in advance of the activation of the Reserve to avoid
24 any real or perceived conflicts of interest or other
25 harms created by the temporary Government em-

1 ployment of volunteer private persons in the Re-
2 serve.

3 “(c) RESERVE UNITS.—

4 “(1) IN GENERAL.—The President shall require
5 the heads of each of the following agencies to estab-
6 lish a unit of the Reserve within the applicable agen-
7 cy:

8 “(A) The Department of Commerce.

9 “(B) The Department of Defense.

10 “(C) The Department of Homeland Secu-
11 rity.

12 “(D) Such other agencies as the President
13 determines appropriate.

14 “(2) DEADLINE FOR THE ESTABLISHMENT OF
15 INITIAL UNITS.—The units of the Reserve within the
16 agencies described under subparagraphs (A), (B),
17 and (C) shall be established no later than 180 days
18 after the issuance of the final rules required under
19 subsection (f).

20 “(d) ACTIVATION.—The President may only activate
21 the Reserve—

22 “(1) on non-delegable basis;

23 “(2) during a national emergency declared by
24 the President under the National Emergencies Act
25 (50 U.S.C. 1601 et seq.) with respect to which the

1 President has specified, as described under section
2 301 of such Act, that the President may activate the
3 Reserve pursuant to the authorities under this sec-
4 tion; and

5 “(3) upon a public determination by the Presi-
6 dent that the activation is necessary to support the
7 national defense.

8 “(e) TRAINING.—The President may, without acti-
9 vating the Reserve, allow for periodic training and exer-
10 cises to prepare the Reserve for duty during an activation.

11 “(f) RULEMAKING.—Not later than 270 days after
12 the date of enactment of this section, the Director of the
13 Office of Personnel Management, in consultation with the
14 Secretary of Commerce, the Secretary of Defense, and the
15 Secretary of Homeland Security, shall issue rules, in ac-
16 cordance with section 553 of title 5, United States Code,
17 to provide—

18 “(1) instruction on—

19 “(A) criteria for determining the number
20 of positions in and organization of Reserve
21 units;

22 “(B) criteria for determining the appro-
23 priate level of seniority and job classifications of
24 Reserve positions;

1 “(C) the advertisement of the Reserve to
2 the public to generate interest in volunteers;

3 “(D) the selection of individuals for the
4 Reserve and the job assignment process;

5 “(E) the appointment authorities to be
6 used by the head of an agency during an activa-
7 tion of the applicable Reserve unit;

8 “(F) the appropriate levels of compensa-
9 tion for private individuals for service in the
10 Reserve, dependent on the qualifications and
11 expected roles of the individuals;

12 “(G) the appropriate levels of compensa-
13 tion for private individuals for service in the
14 Reserve for additional expenses, such as travel
15 and accommodation, to fulfill the responsibil-
16 ities in the Reserve, including during training
17 and exercise;

18 “(H) additional incentives to be provided
19 to private individuals to encourage participation
20 in the Reserve;

21 “(I) whether and how to issue security
22 clearances to individuals selected to serve in the
23 Reserve, both prior to and during activation;

24 “(J) the frequency and content of training
25 and exercises for the Reserve;

1 “(K) the appropriate interaction between
2 permanent Government employees and individ-
3 uals in the Reserve during training, exercises,
4 and activations of the Reserve;

5 “(L) the appointment of permanent Gov-
6 ernment employees to manage the Reserve for
7 each agency with a Reserve unit, both prior to
8 and during activation;

9 “(M) all other matters necessary to effec-
10 tively manage the Reserve, as determined by
11 the Director of the Office of Personnel Manage-
12 ment; and

13 “(2) recommendations and considerations for
14 the President on selective activation of the Reserve.

15 “(g) ADDITIONAL GUIDANCE.—The Director of the
16 Office of Personnel Management may issue any additional
17 internal guidance as needed to supplement the rules issued
18 under subsection (f).

19 “(h) EMPLOYMENT PROTECTION.—For purposes of
20 chapter 43 of title 38, United States Code, an individual
21 absent from a position of employment due to an appoint-
22 ment into service in the Reserve shall be subject to the
23 same employment and reemployment protections as are
24 provided under such chapter for an individual absent from
25 a position of employment due to an appointment into serv-

1 ice in the Federal Emergency Management Agency as
2 intermittent personnel under section 306(b)(1) of the Rob-
3 ert T. Stafford Disaster Relief and Emergency Assistance
4 Act.”.

5 (h) FUNDING.—Section 304(c) of the Defense Pro-
6 duction Act of 1950 (50 U.S.C. 4534(c)) is amended by
7 inserting “and section 712” after “this title”.

8 (i) CONFORMING AMENDMENT.—Section 710 of the
9 Defense Production Act of 1950 (50 U.S.C. 4560) is
10 amended by—

11 (1) striking subsection (e); and

12 (2) redesignating subsections (f) and (g) as
13 subsections (e) and (f), respectively.

14 **SEC. 3. IMPROVING THE USE OF VOLUNTARY AGREE-**
15 **MENTS.**

16 (a) IN GENERAL.—Section 708 of the Defense Pro-
17 duction Act of 1950 (50 U.S.C. 4558) is amended—

18 (1) in subsection (c)(2), by striking “individuals
19 who are appointed” and all that follows through the
20 period at the end and inserting “the head of each
21 Federal agency to which the President has delegated
22 authority under this Act.”;

23 (2) in subsection (d)(2)—

24 (A) by striking “,” between “therefrom”
25 and “with”; and

1 (B) by striking “and Chairman of the Fed-
2 eral Trade Commission”;

3 (3) in subsection (e)—

4 (A) by striking paragraph (1) and insert-
5 ing the following:

6 “(1) The Secretary of Commerce shall promul-
7 gate rules, after approval of the Attorney General, in
8 accordance with section 553 of title 5, United States
9 Code, that incorporate standards and procedures by
10 which voluntary agreements and plans of action may
11 be developed and carried out.”; and

12 (B) in paragraph (3)(A), by striking “and
13 which are chaired by the individual referred to
14 in clause (iii)”;

15 (4) in subsection (f)—

16 (A) in paragraph (1)(B)—

17 (i) striking by “(after consultation
18 with the Chairman of the Federal Trade
19 Commission)”; and

20 (ii) striking by “and publishes such a
21 finding in the Federal Register”;

22 (B) in paragraph (2), by striking “(after
23 consultation with the Chairman of the Federal
24 Trade Commission)”;

1 (5) in subsection (g), by striking “and the
2 Chairman of the Federal Trade Commission” and
3 inserting “and the Secretary of Commerce”;

4 (6) in subsection (h)—

5 (A) in subparagraph (2), by striking “and
6 the Chairman of the Federal Trade Commis-
7 sion”;

8 (B) in subparagraph (3), by striking “, or
9 the Chairman of the Federal Trade Commis-
10 sion” in both places it appears;

11 (C) in subparagraph (4), by striking “and
12 the Chairman of the Federal Trade Commis-
13 sion”;

14 (D) by striking paragraphs (6), (7), (8),
15 (10), and (11) and redesignating paragraph (9)
16 as paragraph (6); and

17 (E) in subparagraph (6)(A), as so redesign-
18 ated, by striking “the Chairman of the Fed-
19 eral Trade Commission and”;

20 (7) by striking subsection (i) and inserting the
21 following:

22 “(i) RULES.—The Attorney General shall not later
23 than 270 days after the date of the enactment of this sub-
24 section, promulgate a rule, in accordance with section 553
25 of title 5, United States Code, that established how the

1 Attorney General shall carry out the responsibilities of the
2 Attorney General under this section in a manner that
3 maintains a proper balance between providing for the na-
4 tional defense and protecting competition and preventing
5 anticompetitive practices and effects from the creation and
6 implementation of voluntary agreements and their plans
7 of action.”; and

8 (8) in subsection (k)—

9 (A) by striking “and the Federal Trade
10 Commission”; and

11 (B) by striking “(after consultation with
12 the Federal Trade Commission)”;

13 (b) REQUIRED DEVELOPMENT OF VOLUNTARY
14 AGREEMENT.—

15 (1) IN GENERAL.—Not later than the later of
16 the date that is 18 months after the date of the en-
17 actment of this Act and the date on which the Attor-
18 ney General issues a rule under Section 708(i) of the
19 Defense Production Act of 1950, the President shall
20 develop a voluntary agreement under section 708 of
21 the Defense Production Act.

22 (2) REQUIREMENTS.—The voluntary agreement
23 entered by the President under paragraph (1)
24 shall—

1 (A) address a current critical national de-
2 fense issue, such as—

3 (i) the need for a plan of action to re-
4 spond to a catastrophic cyber attack on a
5 sector of critical infrastructure, as defined
6 in section 5195e(e) of title 42, United
7 States Code, including how to restore that
8 sector as quickly as possible from the at-
9 tack through public and private coopera-
10 tion; or

11 (ii) another issue pertinent to national
12 defense as determined by the President
13 and notified to Congress within 270 days
14 of enactment of this Act; and

15 (B) use 1 or more of the units of the Na-
16 tional Defense Executive Reserve established
17 under section 712 of the of the Defense Pro-
18 duction Act of 1950.