

119TH CONGRESS
1ST SESSION

H. R. 3561

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

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2025

Mr. NUNN of Iowa (for himself and Mr. HIMES) introduced the following bill;
which was referred to the Committee on Financial Services

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 “Federal Overhaul of
5 Reserve Command Executive Modernization Act” or the
6 “FORCE Act”.

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

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

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

2 “(a) ESTABLISHMENT.—The President shall estab-
3 lish a National Defense Executive Reserve (in this section
4 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 private persons with unique expertise to vol-
10 unteer, be trained for and temporarily employed in
11 Federal positions within any of the Federal agencies
12 that has established a Reserve unit under subsection
13 (c) that may be necessary during an national de-
14 fense emergency;

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

19 “(3) provide a cost-efficient way of expanding
20 Federal Government capacity for the management of
21 future national defense emergencies without needing
22 to dramatically expand the number of full-time Fed-
23 eral employees; and

24 “(4) enable the appropriate controls and over-
25 sight to be established by the Federal Government
26 in advance of the activation of the Reserve to avoid

1 real or perceived conflicts of interest or other harms
2 created by the temporary employment of private per-
3 sons who volunteer to be temporarily employed by
4 the Reserve.

5 “(c) RESERVE UNITS.—

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

10 “(A) The Department of Commerce.

11 “(B) The Department of Defense.

12 “(C) The Department of Homeland Secu-
13 rity.

14 “(D) Such other agencies as the President
15 determines appropriate.

16 “(2) DEADLINE.—The units of the Reserve
17 within the agencies described under subparagraphs
18 (A), (B), and (C) shall be established not later than
19 180 days after the issuance of the final rules re-
20 quired under subsection (f).

21 “(d) ACTIVATION.—The President may only activate
22 a unit of the Reserve—

23 “(1) on non-delegable basis;

24 “(2) during a national emergency declared by
25 the President under the National Emergencies Act

1 (50 U.S.C. 1601 et seq.) with respect to which the
2 President has specified, as described under section
3 301 of such Act, that the President may activate the
4 Reserve pursuant to the authorities under this sec-
5 tion; and

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

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

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

19 “(1) instruction on—

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

23 “(B) criteria for determining the appro-
24 priate level of seniority and job classifications of
25 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 the Director of the Office of Per-
18 sonnel determines is necessary to supplement the rules
19 issued under subsection (f).

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

1 a position of employment due to an appointment into serv-
2 ice in the Federal Emergency Management Agency as
3 intermittent personnel under section 306(b)(1) of the Rob-
4 ert T. Stafford Disaster Relief and Emergency Assistance
5 Act.”.

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

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

12 (1) by striking subsection (e); and

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

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

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

19 (1) by striking subsection (c)(2) and inserting
20 the following: “The authority granted to the Presi-
21 dent in paragraph (1) and subsection (d) may be
22 delegated by him to the head of any Federal agency
23 to which the President has delegated authority
24 under this Act.”;

25 (2) by striking subsection (c)(3);

1 (3) in subsection (d)(2), by striking “and the
2 Federal Trade Commission.”;

3 (4) by striking subsection (e) and inserting the
4 following:

5 “(e) RULEMAKING RELATING TO VOLUNTARY
6 AGREEMENTS.—

7 “(1) IN GENERAL.—The Secretary of Com-
8 merce issue rules, after approval of the Attorney
9 General, in accordance with section 553 of title 5,
10 United States Code, that incorporate standards and
11 procedures by which voluntary agreements and plans
12 of action may be developed and carried out.

13 “(2) PUBLICATION REQUIREMENT.—Notwith-
14 standing section 553 of title 5, United States Code,
15 the Secretary of Commerce shall publish any rule
16 issued under paragraph (1) in the Federal Register
17 not less than 30 days before the effective date of
18 such rule.”.

19 (5) in subsection (f)—

20 (A) in paragraph (1)(B)—

21 (i) striking by “(after consultation
22 with the Chairman of the Federal Trade
23 Commission)”; and

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

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

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

7 (7) in subsection (h)—

8 (A) in subparagraph (2), by striking “and
9 the Chairman of the Federal Trade Commis-
10 sion”;

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

14 (C) in subparagraph (4), by striking “and
15 the Chairman of the Federal Trade Commis-
16 sion”;

17 (D) by striking paragraphs (6), (7), (8),
18 (10), and (11) and redesignating paragraph (9)
19 as paragraph (6);

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

23 (F) in subparagraph (6)(B), as so redesign-
24 ated, by striking “and the Chairman of the
25 Federal Trade Commission”.

1 (8) by striking subsection (i) and inserting the
2 following:

3 “(i) RULES.—The Attorney General shall, not later
4 than 270 days after the date of the enactment of this sub-
5 section, issue a rule, in accordance with section 553 of
6 title 5, United States Code, that establishes how the Attor-
7 ney General shall carry out the responsibilities of the At-
8 torney General under this section in a manner that main-
9 tains a proper balance between providing for the national
10 defense and protecting competition and preventing anti-
11 competitive practices and effects from the creation and im-
12 plementation of voluntary agreements and their plans of
13 action.”; and

14 (9) in subsection (k)—

15 (A) by striking “and the Federal Trade
16 Commission”; and

17 (B) by striking “(after consultation with
18 the Federal Trade Commission)”; and

19 (10) in subsection (m)—

20 (A) by striking “(d)(2),”; and

21 (B) by striking “(7), and (8),”.

22 (b) REQUIRED DEVELOPMENT OF VOLUNTARY
23 AGREEMENT.—

24 (1) IN GENERAL.—Not later than the later of
25 the date that is 18 months after the date of the en-

1 actment of this Act and the date on which the Attor-
2 ney General issues a rule under Section 708(i) of the
3 Defense Production Act of 1950, the President shall
4 develop a voluntary agreement under section 708 of
5 the Defense Production Act.

6 (2) REQUIREMENTS.—The voluntary agreement
7 entered by the President under paragraph (1)
8 shall—

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

11 (i) the need for a plan of action to re-
12 spond to a catastrophic cyber attack on a
13 sector of critical infrastructure, as defined
14 in section 5195c(e) of title 42, United
15 States Code, including how to restore that
16 sector as quickly as possible from the at-
17 tack through public and private coopera-
18 tion; or

19 (ii) another issue pertinent to national
20 defense as determined by the President
21 and notified to Congress within 270 days
22 of enactment of this Act; and

23 (B) use 1 or more of the units of the Na-
24 tional Defense Executive Reserve established

1 under section 712 of the of the Defense Pro-
2 duction Act of 1950.

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