

AMENDMENT TO COMMITTEE PRINT 117-13
OFFERED BY MR. TONY GONZALES OF
TEXAS

At the end of title XI, add the following new section:

1 **SEC. 11 ____. NATIONAL DIGITAL RESERVE CORPS.**

2 (a) IN GENERAL.—Subpart I of part III of title 5,
3 United States Code, is amended by adding at the end the
4 following new chapter:

5 **“CHAPTER 103—NATIONAL DIGITAL**
6 **RESERVE CORPS**

“Sec. 10301. Definitions.
“Sec. 10302. Establishment.
“Sec. 10303. Organization.
“Sec. 10304. Assignments.
“Sec. 10305. Reservist continuing education.
“Sec. 10306. Congressional reports.

7 **“SEC. 10301. DEFINITIONS.**

8 “In this chapter:

9 “(1) ACTIVE RESERVIST.—The term ‘active re-
10 servist’ means a reservist holding a position to which
11 such reservist has been appointed under section
12 10303(c)(2).

13 “(2) ADMINISTRATOR.—The term ‘Adminis-
14 trator’ means the Administrator of the General
15 Services Administration.

1 “(3) **INACTIVE RESERVIST.**—The term ‘inactive
2 reservist’ means a reservist who is not serving in an
3 appointment under section 10303(c)(2).

4 “(4) **PROGRAM.**—The term ‘Program’ means
5 the program established under section 10302(a).

6 “(5) **RESERVIST.**—The term ‘reservist’ means
7 an individual who is a member of the National Dig-
8 ital Reserve Corps.

9 **“SEC. 10302. ESTABLISHMENT.**

10 “(a) **ESTABLISHMENT.**—There is established in the
11 General Services Administration a program to establish,
12 manage, and assign a reserve of individuals with relevant
13 skills and credentials, to be known as the ‘National Digital
14 Reserve Corps’, to help address the digital and cybersecu-
15 rity needs of Executive agencies.

16 “(b) **IMPLEMENTATION.**—

17 “(1) **GUIDANCE.**—Not later than six months
18 after the date of the enactment of this section, the
19 Administrator shall issue guidance for the National
20 Digital Reserve Corps, which shall include proce-
21 dures for coordinating with Executive agencies to—

22 “(A) identify digital and cybersecurity
23 needs which may be addressed by the National
24 Digital Reserve Corps; and

1 “(B) assign active reservists to address
2 such needs.

3 “(2) RECRUITMENT AND INITIAL ASSIGN-
4 MENTS.—Not later than one year after the date of
5 the enactment of this section, the Administrator
6 shall begin recruiting reservists and assigning active
7 reservists under the Program.

8 **“SEC. 10303. ORGANIZATION.**

9 “(a) ADMINISTRATION.—

10 “(1) IN GENERAL.—The National Digital Re-
11 serve Corps shall be administered by the Adminis-
12 trator.

13 “(2) RESPONSIBILITIES.—In carrying out the
14 Program, the Administrator shall—

15 “(A) establish standards for serving as a
16 reservist, including educational attainment, pro-
17 fessional qualifications, and background checks;

18 “(B) ensure the standards established
19 under subparagraph (A) are met;

20 “(C) recruit individuals to the National
21 Digital Reserve Corps;

22 “(D) activate and deactivate reservists as
23 necessary;

24 “(E) coordinate with Executive agencies
25 to—

1 “(i) determine the digital and cyberse-
2 curity needs which reservists shall be as-
3 signed to address;

4 “(ii) ensure reservists have access, re-
5 sources, and equipment required to address
6 digital and cybersecurity needs which such
7 reservists are assigned to address; and

8 “(iii) analyze potential assignments
9 for reservists to determine outcomes, de-
10 velop anticipated assignment timelines, and
11 identify Executive agency partners;

12 “(F) ensure reservists acquire and main-
13 tain appropriate suitability and security eligi-
14 bility and access; and

15 “(G) determine what additional resources,
16 if any, are required to successfully implement
17 the Program.

18 “(b) NATIONAL DIGITAL RESERVE CORPS PARTICI-
19 PATION.—

20 “(1) SERVICE OBLIGATION AGREEMENT.—

21 “(A) IN GENERAL.—An individual may be-
22 come a reservist only if such individual enters
23 into a written agreement with the Adminis-
24 trator to become a reservist.

1 “(B) CONTENTS.—The agreement under
2 subparagraph (A) shall—

3 “(i) require the individual seeking to
4 become a reservist to serve as a reservist
5 for a three-year period, during which such
6 individual shall serve not less than 30 days
7 per year as an active reservist; and

8 “(ii) set forth all other the rights and
9 obligations of the individual and the Gen-
10 eral Services Administration.

11 “(2) EMPLOYEE STATUS AND COMPENSA-
12 TION.—

13 “(A) EMPLOYEE STATUS.—An inactive re-
14 servist shall not be considered to be a Federal
15 employee for any purpose solely on the basis of
16 being a reservist.

17 “(B) COMPENSATION.—The Administrator
18 shall determine the appropriate compensation
19 for service as an active reservist, except that
20 the maximum rate of pay may not exceed the
21 maximum rate of basic pay payable for GS-15
22 (including any applicable locality-based com-
23 parability payment under section 5304 or simi-
24 lar provision of law).

1 “(3) USERRA EMPLOYMENT AND REEMPLOY-
2 MENT RIGHTS.—

3 “(A) IN GENERAL.—The protections,
4 rights, benefits, and obligations provided under
5 chapter 43 of title 38 shall apply to active re-
6 servists of the National Reserve Digital Corps
7 appointed pursuant to paragraph (2) of sub-
8 section (c) of section 10303 of this chapter to
9 perform service to the General Services Admin-
10 istration under section 10304 of this chapter,
11 or to train for such service under section 10305
12 of this chapter.

13 “(B) NOTICE OF ABSENCE FROM POSITION
14 OF EMPLOYMENT.—Preclusion of giving notice
15 of service by necessity of service under para-
16 graph (2) of subsection (c) of section 10303 of
17 this chapter to perform service to the General
18 Services Administration under section 10304 of
19 this chapter, or to train for such service under
20 section 10305 of this chapter, shall be deemed
21 preclusion by “military necessity” for purposes
22 of section 4312(b) of title 38 pertaining to giv-
23 ing notice of absence from a position of employ-
24 ment. A determination of such necessity shall
25 be made by the Administrator and shall not be

1 subject to review in any judicial or administra-
2 tive proceeding.

3 “(4) PENALTIES.—

4 “(A) IN GENERAL.—A reservist that fails
5 to accept an appointment under subsection
6 (c)(2) or fails to carry out the duties assigned
7 to reservist under such an appointment shall,
8 after notice and an opportunity to be heard—

9 “(i) cease to be a reservist; and

10 “(ii) be fined an amount equal to the
11 amounts, if any, paid under section 10305
12 with respect to training expenses for such
13 reservist.

14 “(B) EXCEPTION.—With respect to a fail-
15 ure of a reservist to accept an appointment
16 under subsection (c)(2) or to carry out the du-
17 ties assigned to the reservist under such an ap-
18 pointment—

19 “(i) subparagraph (A) shall not apply
20 if the failure was due to the continuation,
21 recurrence, or onset of a serious health
22 condition or any other circumstance be-
23 yond the control of the reservist; and

24 “(ii) the Administrator may waive the
25 application of subparagraph (A), in whole

1 or in part, if the Administrator determines
2 that applying subparagraph (A) with re-
3 spect to the failure would be against equity
4 and good conscience and not in the best in-
5 terest of the United States.

6 “(c) HIRING AUTHORITY.—

7 “(1) CORPS LEADERSHIP.—The Administrator
8 may appoint qualified candidates to positions in the
9 competitive service in the General Service Adminis-
10 tration for which the primary duties are related to
11 the management or administration of the National
12 Digital Reserve Corps, as determined by the Admin-
13 istrator.

14 “(2) CORPS RESERVISTS.—

15 “(A) IN GENERAL.—The Administrator
16 may appoint, without regard to the provisions
17 of subchapter I of chapter 33 (other than sec-
18 tions 3303 and 3328), qualified reservists to
19 temporary positions in the competitive service
20 for the purpose of assigning such reservists
21 under section 10304 and to otherwise carry out
22 the National Digital Reserve Corps.

23 “(B) APPOINTMENT LIMITS.—

24 “(i) IN GENERAL.—The Administrator
25 may not appoint an individual under this

1 paragraph if, during the 365-day period
2 ending on the date of such appointment,
3 such individual has been an officer or em-
4 ployee of the executive or legislative branch
5 of the United States Government or of any
6 independent agency of the United States
7 130 or more days.

8 “(ii) AUTOMATIC APPOINTMENT TER-
9 MINATION.—The appointment of an indi-
10 vidual under this paragraph shall termi-
11 nate upon such individual being employed
12 as an officer or employee of the executive
13 or legislative branch of the United States
14 Government or of any independent agency
15 of the United States for 130 days during
16 the previous 365 days.

17 “(C) EMPLOYEE STATUS.—An individual
18 appointed under this paragraph shall be consid-
19 ered a special Government employee (as such
20 term is defined in section 202(a) of title 18).

21 “(D) ADDITIONAL EMPLOYEES.—Individ-
22 uals appointed under this paragraph shall be in
23 addition to any employees of the General Serv-
24 ices Administration whose duties relate to the

1 digital or cybersecurity needs of the General
2 Services Administration.

3 **“SEC. 10304. ASSIGNMENTS.**

4 “(a) IN GENERAL.—The Administrator may assign
5 active reservists to address the digital and cybersecurity
6 needs of Executive agencies, including cybersecurity serv-
7 ices, digital education and training, data triage, acquisi-
8 tion assistance, guidance on digital projects, development
9 of technical solutions, and bridging public needs and pri-
10 vate sector capabilities.

11 “(b) ASSIGNMENT-SPECIFIC ACCESS, RESOURCES,
12 SUPPLIES, OR EQUIPMENT.—The head of an Executive
13 agency shall, to the extent practicable, provide each active
14 reservist assigned to address a digital or cybersecurity
15 need of such Executive agency under subsection (a) with
16 any specialized access, resources, supplies, or equipment
17 required to address such digital or cybersecurity need.

18 “(c) DURATION.—An assignment of an individual
19 under subsection (a) shall terminate on the earlier of—

20 “(1) the date determined by the Administrator;

21 “(2) the date on which the Administrator re-
22 ceives notification of the decision of the head of the
23 Executive agency, the digital or cybersecurity needs
24 of which such individual is assigned to address

1 under subsection (a), that such assignment should
2 terminate; or

3 “(3) the date on which the assigned individual
4 ceases to be an active reservist.

5 “(d) COMPLIANCE.—The Administrator shall ensure
6 that assignments under subsection (a) are consistent with
7 all applicable Federal ethics rules and Federal appropria-
8 tions laws.

9 **“SEC. 10305. RESERVIST CONTINUING EDUCATION.**

10 “(a) IN GENERAL.—Subject to the availability of ap-
11 propriations, the Administrator may pay for reservists to
12 acquire training and receive continuing education, includ-
13 ing attending conferences and seminars and obtaining cer-
14 tifications, that will enable reservists to more effectively
15 meet the digital and cybersecurity needs of Executive
16 agencies.

17 “(b) APPLICATION.—The Administrator shall estab-
18 lish a process for reservists to apply for the payment of
19 reasonable expenses related to the training or continuing
20 education described in subsection (a).

21 “(c) REPORT.—Not later than one year after the date
22 of the enactment of this section, and annually thereafter,
23 the Administrator shall submit to Congress a report on
24 the expenditures under this subsection.

1 **“SEC. 10306. CONGRESSIONAL REPORTS.**

2 “Not later than two years after the date of the enact-
3 ment of this section, and annually thereafter, the Adminis-
4 trator shall submit to Congress a report on the Program,
5 including—

6 “(1) the number of reservists;

7 “(2) a list of Executive agencies that have sub-
8 mitted requests for support from the National Dig-
9 ital Reserve Corps;

10 “(3) the nature and status of such requests;
11 and

12 “(4) with respect to each such request to which
13 active reservists have been assigned and for which
14 work by the National Digital Reserve Corps has con-
15 cluded, an evaluation of such work and the results
16 of such work by—

17 “(A) the Executive agency that submitted
18 the request; and

19 “(B) the reservists assigned to such re-
20 quest.”.

21 (b) CLERICAL AMENDMENT.—The table of chapters
22 for part III of title 5, United States Code, is amended
23 by inserting after the item related to chapter 102 the fol-
24 lowing new item:

“103. National Digital Reserve Corps10303”.

25 (c) CONFORMING AMENDMENTS.—

1 (1) SERVICE DEFINITIONS.—Section 4303 of
2 title 38, United States Code, is amended—

3 (A) in paragraph (13), by inserting “, a
4 period for which a person is absent from a posi-
5 tion of employment to perform service to the
6 General Services Administration as an active
7 reservist of the National Reserve Digital Corps
8 under section 10304 of Title 5, or inactive re-
9 servist training for such service under section
10 10305 of Title 5,” before “, and a period”; and

11 (B) in the second paragraph (16), by in-
12 serting “, active reservists of the National Re-
13 serve Digital Corps who are appointed into
14 General Services Administration service under
15 section 10303(c)(2) of Title 5, or inactive re-
16 servist training for such service under section
17 10305 of Title 5,” before “, and any other cat-
18 egory”.

19 (2) REEMPLOYMENT SERVICE NOTICE RE-
20 QUIREMENT.—Section 4312(b) of title 38, United
21 States Code, is amended by striking “A determina-
22 tion of military necessity” and all that follows and
23 inserting the following: “A determination of military
24 necessity for the purposes of this subsection—

25 “(1) shall be made—

1 “(A) except as provided under subpara-
2 graph (B), (C), or (D), pursuant to regulations
3 prescribed by the Secretary of Defense;

4 “(B) for persons performing service to the
5 Federal Emergency Management Agency under
6 section 327 of the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42
8 U.S.C. 5165f) and as intermittent personnel
9 under section 306(b)(1) of such Act, by the Ad-
10 ministrator of the Federal Emergency Manage-
11 ment Agency as described in sections 327(j)(2)
12 and 306(d)(2), respectively, of such Act;

13 “(C) for intermittent disaster-response ap-
14 pointees of the National Disaster Medical Sys-
15 tem, by the Secretary of Health and Human
16 Services as described in section 2812(d)(3)(B)
17 of the Public Health Service Act (42 U.S.C.
18 300hh–11(d)(3)(B)); and

19 “(D) for active reservists of the National
20 Reserve Digital Corps performing service to the
21 General Services Administration under section
22 10304 of title 5, or inactive reservist training
23 for such service under section 10305 of Title 5,
24 by the Administrator of the General Services

1 Administration as described in section
2 10303(b)(3)(B) of title 5; and

3 “(2) shall not be subject to judicial review.”.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated \$30,000,000, to remain
6 available until fiscal year 2023, to carry out the program
7 established under section 10302(a) of title 5, United
8 States Code, as added by this section.

