AMENDMENT TO
RULES COMMITTEE PRINT 118–10
OFFERED BY MR. TONY GONZALES OF TEXAS

At the appropriate place in title XI, insert the following:

SEC. 11. NATIONAL DIGITAL RESERVE CORPS.

(a) In General.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 104—NATIONAL DIGITAL RESERVE CORPS"

"10401. Definitions.
10402. Establishment.
10403. Organization.
10404. Assignments.
10405. Reservist continuing education.
10406. Congressional reports.
10407. Construction.

"§ 10401. Definitions

"In this chapter:

"(1) Active reservist.—The term ‘active reservist’ means a reservist holding a position to which such reservist has been appointed under section 10403(c)(2).
“(2) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the General Services Administration.

“(3) COVERED EXECUTIVE AGENCY.—The term ‘covered Executive agency’ means an Executive agency as defined in section 105, except that such term includes the United States Postal Service, the Postal Regulatory Commission, and the Executive Office of the President.

“(4) PROGRAM.—The term ‘Program’ means the program established under section 10402(a).

“(5) RESERVIST.—The term ‘reservist’ means an individual who is a member of the National Digital Reserve Corps.

“§ 10402. Establishment

“(a) ESTABLISHMENT.—There is established in the General Services Administration a program to establish, recruit, manage, and assign a reserve of individuals with relevant skills and credentials, to be known as the ‘National Digital Reserve Corps’, to help address the digital and cybersecurity needs of covered Executive agencies.

“(b) IMPLEMENTATION.—

“(1) GUIDANCE.—Not later than six months after the date of the enactment of this section, the Administrator, in consultation with the Director of
the Office of Personnel Management, shall issue
guidance for the National Digital Reserve Corps,
which shall include procedures for coordinating with
covered Executive agencies to—

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

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

“(2) Recruitment and Initial Assign-
ments.—Not later than one year after the date of
the enactment of this section, the Administrator
shall begin recruiting reservists and assigning active
reservists under the Program.

§ 10403. Organization

“(a) Administration.—

“(1) In general.—The National Digital Re-
serve Corps shall be administered by the Adminis-
trator.

“(2) Responsibilities.—In carrying out the
Program, the Administrator shall—

“(A) establish standards for serving as a
reservist, including educational attainment, pro-
fessional qualifications, and background checks
in accordance with existing Federal guidance;
“(B) ensure the standards established under subparagraph (A) are met;

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

“(D) activate and deactivate reservists as necessary;

“(E) coordinate with covered Executive agencies to—

“(i) determine the digital and cybersecurity needs which reservists shall be assigned to address;

“(ii) ensure active reservists have access, resources, and equipment required to address digital and cybersecurity needs which such reservists are assigned to address; and

“(iii) analyze potential assignments for reservists to determine outcomes, develop anticipated assignment timelines, and identify covered Executive agency partners;

“(F) ensure reservists acquire and maintain appropriate security clearances; and

“(G) determine what additional resources, if any, are required to successfully implement the Program.
“(b) NATIONAL DIGITAL RESERVE CORPS PARTICIPATION.—

“(1) SERVICE OBLIGATION AGREEMENT.—

“(A) IN GENERAL.—An individual may become a reservist only if such individual enters into a written agreement with the Administrator to become a reservist.

“(B) CONTESTS.—The agreement under subparagraph (A) shall—

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

“(ii) set forth all other the rights and obligations of the individual and the General Services Administration.

“(2) COMPENSATION.—The Administrator shall determine the appropriate compensation for service as a reservist, except that the annual pay for such service shall not exceed $10,000.

“(3) EMPLOYMENT PROTECTIONS.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and nondiscrimination in reemployment
of active reservists, provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38.

“(4) PENALTIES.—

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

“(i) cease to be a reservist; and

“(ii) be fined an amount equal to the sum of—

“(I) an amount equal to the amounts, if any, paid under section 10405 with respect to such reservist; and

“(II) the difference between the amount of compensation such reservist would have received if the reservist completed the entire term of service as a reservist agreed to in the agreement described in paragraph (1) and the amount of compensation such reservist has received under such agreement.
“(B) EXCEPTION.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to a failure of a reservist to accept an appointment under subsection (c)(2) or to carry out the duties assigned to the reservist under such an appointment if—

“(I) the failure was due to the death or disability of such reservist; or

“(II) the Administrator, in consultation with the head of the relevant covered Executive agency, determines that subparagraph (A) should not apply with respect to the failure.

“(ii) RELEVANT COVERED EXECUTIVE AGENCY DEFINED.—In this subparagraph, the term ‘relevant covered Executive agency’ means—

“(I) in the case of a reservist failing to accept an appointment under subsection (c)(2), the covered Executive agency to which such reservist would have been appointed; and
“(II) in the case of a reservist failing to carry out the duties assigned to such reservist under such an appointment, the covered Executive agency to which such reservist was appointed.

“(c) Hiring Authority.—

“(1) Corps leadership.—The Administrator may appoint qualified candidates to positions in the competitive service in the General Service Administration for which the primary duties are related to the management or administration of the National Digital Reserve Corps, as determined by the Administrator.

“(2) Corps reservists.—

“(A) In general.—The Administrator may appoint qualified reservists to temporary positions in the competitive service for the purpose of assigning such reservists under section 10404 and to otherwise carry out the National Digital Reserve Corps.

“(B) Appointment limits.—

“(i) In general.—The Administrator may not appoint an individual under this paragraph if, during the 365-day period
ending on the date of such appointment, 
such individual has been an officer or em-
ployee of the executive or legislative branch 
of the United States Government, of any 
independent agency of the United States, 
or of the District of Columbia for not less 
than 130 days.

“(ii) AUTOMATIC APPOINTMENT TER-
MINATION.—The appointment of an indi-
vidual under this paragraph shall termi-
nate upon such individual being employed 
as an officer or employee of the executive 
or legislative branch of the United States 
Government, of any independent agency of 
the United States, or of the District of Co-
lumbia for 130 days during the previous 
365 days.

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

“(D) CONFLICT OF INTEREST.—Individ-
uals appointed under this section shall not, as 
an active reservist, have access to proprietary or 
confidential information that is of commercial
value to any private entity or individual employing such appointee.

“(E) ADDITIONAL EMPLOYEES.—Individuals appointed under this paragraph shall be in addition to any employees of the General Services Administration whose duties relate to the digital or cybersecurity needs of the General Services Administration.

“§10404. Assignments

“(a) IN GENERAL.—The Administrator may assign active reservists to address the digital and cybersecurity needs of covered Executive agencies, including cybersecurity services, digital education and training, data triage, acquisition assistance, guidance on digital projects, development of technical solutions, and bridging public needs and private sector capabilities.

“(b) ASSIGNMENT-SPECIFIC ACCESS, RESOURCES, SUPPLIES, OR EQUIPMENT.—The head of a covered Executive agency shall, to the extent practicable, provide each active reservist assigned to address a digital or cybersecurity need of such covered Executive agency under subsection (a) with any specialized access, resources, supplies, or equipment required to address such digital or cybersecurity need.
“(c) Duration.—An assignment of an individual under subsection (a) shall terminate on the earlier of—

“(1) the date determined by the Administrator;

“(2) the date on which the Administrator receives notification of the decision of the head of the covered Executive agency, the digital or cybersecurity needs of which such individual is assigned to address under subsection (a), that such assignment should terminate; or

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

§ 10405. Reservist continuing education

“(a) In General.—Subject to the availability of appropriations, the Administrator may pay for reservists to acquire training and receive continuing education related to the duties assigned to such reservists pursuant to appointments under section 10403(c)(2), including attending conferences and seminars and obtaining certifications, that will enable reservists to more effectively meet the digital and cybersecurity needs of covered Executive agencies.

“(b) Application.—The Administrator shall establish a process for reservists to apply for the payment of reasonable expenses related to the training or continuing education described in subsection (a).
“(c) REPORT.—Not later than one year after the date of the enactment of this section, and annually thereafter, the Administrator shall submit to Congress a report on the expenditures under this subsection.

§ 10406. Congressional reports

“Not later than two years after the date of the enactment of this section, and annually thereafter, the Administrator shall submit to Congress a report on the Program, including—

“(1) the number of reservists;

“(2) a list of covered Executive agencies that have submitted requests for support from the National Digital Reserve Corps;

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

“(4) with respect to each such request to which active reservists have been assigned and for which work by the National Digital Reserve Corps has concluded, an evaluation of such work and the results of such work by—

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

“(B) the reservists assigned to such request.
§ 10407. Construction

“Nothing in this chapter shall be construed to abrogate or otherwise affect the authorities or the responsibilities of the head of any other Executive agency.”.

(b) Clerical Amendment.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item related to chapter 103 the following new item:

“104. National Digital Reserve Corps .......................................................... 10401”.

(e) Authorization of Appropriations.—There is authorized to be appropriated $30,000,000, to remain available until fiscal year 2025 to carry out the program established under section 10402(a) of title 5, United States Code, as added by this section.

(d) Transition Assistance Program.—Section 1142(b)(3) of title 10, United States Code, is amended by inserting “and the National Digital Reserve Corps” after “Selected Reserve”.

(e) Offset.—Notwithstanding the amounts set forth in the funding tables in division D, the amounts authorized to be appropriated in section 301 for operation and maintenance, Defense-wide, for Office of the Secretary of Defense, Line 490, as specified in the corresponding fund-
The table in section 4301, is hereby reduced by $30,000,000.