AMENDMENT TO
RULES COMMITTEE PRINT 117–54
OFFERED BY MR. TONY GONZALES OF TEXAS

Add at the end of title XI 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

“SEC. 10401. DEFINITIONS.

“In this chapter:

“(1) ACTIVE RESERVED.—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.

“SEC. 10402. ESTABLISHMENT.

“(a) ESTABLISHMENT.—There is established in the General Services Administration a program to establish, 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 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 ASSIGNMENTS.—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.

“SEC. 10403. ORGANIZATION.

“(a) ADMINISTRATION.—

“(1) IN GENERAL.—The National Digital Reserve Corps shall be administered by the Administrator.

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

“(A) establish standards for serving as a reservist, including educational attainment, professional qualifications, and background checks;

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

“(i) require the individual seeking to become a reservist to serve as a reservist for a three-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 reservists, 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 non-discrimination 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 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.—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 as-
signed 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 determines that subparagraph (A) should not apply with respect to the failure.

“(c) Hiring Authority.—

“(1) Corps Leadership.—The Administrator may appoint, without regard to the provisions of subchapter I of chapter 33 (other than sections 3303 and 3328) of this title, 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, without regard to the provisions of subchapter I of chapter 33 (other than sections 3303 and 3328), 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) ADDITIONAL EMPLOYEES.—Individ-
uals appointed under this paragraph shall be in
addition to any employees of the General Serv-
ices Administration whose duties relate to the
digital or cybersecurity needs of the General
Services Administration.

“SEC. 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, develop-
ment 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 sub-
section (a) with any specialized access, resources, supplies,
or equipment required to address such digital or cyberse-
curity 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.

SEC. 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, 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.

“SEC. 10406. CONGRESSIONAL REPORTS.

“Not later than two years after the date of the enact-
ment of this section, and annually thereafter, the Adminis-
trator 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 Na-
tional 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 con-
cluded, 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 re-
quest.”.

(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 ....................................10403”.

(c) Authorization of Appropriations.—There is authorized to be appropriated $30,000,000, to remain available until fiscal year 2023, to carry out the program established under section 10402(a) of title 5, United States Code, as added by this section.