

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

Add at the end of title XI the following:

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 104—NATIONAL DIGITAL**
6 **RESERVE CORPS**

“Sec. 10401. Definitions.
“Sec. 10402. Establishment.
“Sec. 10403. Organization.
“Sec. 10404. Assignments.
“Sec. 10405. Reservist continuing education.
“Sec. 10406. Congressional reports.

7 **“SEC. 10401. 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 10403(c)(2).

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

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

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

9 “(5) RESERVIST.—The term ‘reservist’ means
10 an individual who is a member of the National Dig-
11 ital Reserve Corps.

12 **“SEC. 10402. ESTABLISHMENT.**

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

19 “(b) IMPLEMENTATION.—

20 “(1) GUIDANCE.—Not later than six months
21 after the date of the enactment of this section, the
22 Administrator shall issue guidance for the National
23 Digital Reserve Corps, which shall include proce-
24 dures for coordinating with covered Executive agen-
25 cies to—

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

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

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

11 **“SEC. 10403. ORGANIZATION.**

12 “(a) ADMINISTRATION.—

13 “(1) IN GENERAL.—The National Digital Re-
14 serve Corps shall be administered by the Adminis-
15 trator.

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

18 “(A) establish standards for serving as a
19 reservist, including educational attainment, pro-
20 fessional qualifications, and background checks;

21 “(B) ensure the standards established
22 under subparagraph (A) are met;

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

1 “(D) activate and deactivate reservists as
2 necessary;

3 “(E) coordinate with covered Executive
4 agencies to—

5 “(i) determine the digital and cyberse-
6 curity needs which reservists shall be as-
7 signed to address;

8 “(ii) ensure reservists have access, re-
9 sources, and equipment required to address
10 digital and cybersecurity needs which such
11 reservists are assigned to address; and

12 “(iii) analyze potential assignments
13 for reservists to determine outcomes, de-
14 velop anticipated assignment timelines, and
15 identify covered Executive agency partners;

16 “(F) ensure reservists acquire and main-
17 tain appropriate security clearances; and

18 “(G) determine what additional resources,
19 if any, are required to successfully implement
20 the Program.

21 “(b) NATIONAL DIGITAL RESERVE CORPS PARTICI-
22 PATION.—

23 “(1) SERVICE OBLIGATION AGREEMENT.—

24 “(A) IN GENERAL.—An individual may be-
25 come a reservist only if such individual enters

1 into a written agreement with the Adminis-
2 trator to become a reservist.

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

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

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

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

17 “(3) EMPLOYMENT PROTECTIONS.—The Sec-
18 retary of Labor shall prescribe such regulations as
19 necessary to ensure the reemployment, continuation
20 of benefits, and non-discrimination in reemployment
21 of active reservists, provided that such regulations
22 shall include, at a minimum, those rights and obliga-
23 tions set forth under chapter 43 of title 38.

24 “(4) PENALTIES.—

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

6 “(i) cease to be a reservist; and

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

9 “(I) an amount equal to the
10 amounts, if any, paid under section
11 10405 with respect to such reservist,
12 and

13 “(II) the difference between the
14 amount of compensation such reserv-
15 ist would have received if the reservist
16 completed the entire term of service
17 as a reservist agreed to in the agree-
18 ment described in paragraph (1) and
19 the amount of compensation such re-
20 servist has received under such agree-
21 ment.

22 “(B) EXCEPTION.—Subparagraph (A)
23 shall not apply with respect to a failure of a re-
24 servist to accept an appointment under sub-
25 section (c)(2) or to carry out the duties as-

1 signed to the reservist under such an appoint-
2 ment if—

3 “(i) the failure was due to the death
4 or disability of such reservist; or

5 “(ii) the Administrator determines
6 that subparagraph (A) should not apply
7 with respect to the failure.

8 “(c) HIRING AUTHORITY.—

9 “(1) CORPS LEADERSHIP.—The Administrator
10 may appoint, without regard to the provisions of
11 subchapter I of chapter 33 (other than sections
12 3303 and 3328) of this title, qualified candidates to
13 positions in the competitive service in the General
14 Service Administration for which the primary duties
15 are related to the management or administration of
16 the National Digital Reserve Corps, as determined
17 by the Administrator.

18 “(2) CORPS RESERVISTS.—

19 “(A) IN GENERAL.—The Administrator
20 may appoint, without regard to the provisions
21 of subchapter I of chapter 33 (other than sec-
22 tions 3303 and 3328), qualified reservists to
23 temporary positions in the competitive service
24 for the purpose of assigning such reservists

1 under section 10404 and to otherwise carry out
2 the National Digital Reserve Corps.

3 “(B) APPOINTMENT LIMITS.—

4 “(i) IN GENERAL.—The Administrator
5 may not appoint an individual under this
6 paragraph if, during the 365-day period
7 ending on the date of such appointment,
8 such individual has been an officer or em-
9 ployee of the executive or legislative branch
10 of the United States Government, of any
11 independent agency of the United States,
12 or of the District of Columbia for not less
13 than 130 days.

14 “(ii) AUTOMATIC APPOINTMENT TER-
15 MINATION.—The appointment of an indi-
16 vidual under this paragraph shall termi-
17 nate upon such individual being employed
18 as an officer or employee of the executive
19 or legislative branch of the United States
20 Government, of any independent agency of
21 the United States, or of the District of Co-
22 lumbia for 130 days during the previous
23 365 days.

24 “(C) EMPLOYEE STATUS.—An individual
25 appointed under this paragraph shall be consid-

1 ered a special Government employee (as such
2 term is defined in section 202(a) of title 18).

3 “(D) **ADDITIONAL EMPLOYEES.**—Individ-
4 uals appointed under this paragraph shall be in
5 addition to any employees of the General Serv-
6 ices Administration whose duties relate to the
7 digital or cybersecurity needs of the General
8 Services Administration.

9 **“SEC. 10404. ASSIGNMENTS.**

10 “(a) **IN GENERAL.**—The Administrator may assign
11 active reservists to address the digital and cybersecurity
12 needs of covered Executive agencies, including cybersecu-
13 rity services, digital education and training, data triage,
14 acquisition assistance, guidance on digital projects, devel-
15 opment of technical solutions, and bridging public needs
16 and private sector capabilities.

17 “(b) **ASSIGNMENT-SPECIFIC ACCESS, RESOURCES,**
18 **SUPPLIES, OR EQUIPMENT.**—The head of a covered Exec-
19 utive agency shall, to the extent practicable, provide each
20 active reservist assigned to address a digital or cybersecu-
21 rity need of such covered Executive agency under sub-
22 section (a) with any specialized access, resources, supplies,
23 or equipment required to address such digital or cyberse-
24 curity need.

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

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

4 “(2) the date on which the Administrator re-
5 ceives notification of the decision of the head of the
6 covered Executive agency, the digital or cybersecu-
7 rity needs of which such individual is assigned to ad-
8 dress under subsection (a), that such assignment
9 should terminate; or

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

12 **“SEC. 10405. RESERVIST CONTINUING EDUCATION.**

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

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

24 “(c) REPORT.—Not later than one year after the date
25 of the enactment of this section, and annually thereafter,

1 the Administrator shall submit to Congress a report on
2 the expenditures under this subsection.

3 **“SEC. 10406. CONGRESSIONAL REPORTS.**

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

8 “(1) the number of reservists;

9 “(2) a list of covered Executive agencies that
10 have submitted requests for support from the Na-
11 tional Digital Reserve Corps;

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

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

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

21 “(B) the reservists assigned to such re-
22 quest.”.

23 (b) CLERICAL AMENDMENT.—The table of chapters
24 for part III of title 5, United States Code, is amended

1 by inserting after the item related to chapter 103 the fol-
2 lowing new item:

“104. National Digital Reserve Corps10403”.

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

