

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. TONY GONZALES OF TEXAS

At the end of subtitle A of title XVII, insert the following new section:

1 **SEC. 17__ . 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**

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

7 **“§ 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).

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

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

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

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

15 **“§ 10402. Establishment**

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

22 “(b) IMPLEMENTATION.—

23 “(1) GUIDANCE.—Not later than six months
24 after the date of the enactment of this section, the
25 Administrator, in consultation with the Director of

1 the Office of Personnel Management, shall issue
2 guidance for the National Digital Reserve Corps,
3 which shall include procedures for coordinating with
4 covered Executive agencies to—

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

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

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

15 **“§ 10403. Organization**

16 “(a) ADMINISTRATION.—

17 “(1) IN GENERAL.—The National Digital Re-
18 serve Corps shall be administered by the Adminis-
19 trator.

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

22 “(A) establish standards for serving as a
23 reservist, including educational attainment, pro-
24 fessional qualifications, and background checks
25 in accordance with existing Federal guidance;

1 “(B) ensure the standards established
2 under subparagraph (A) are met;

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

5 “(D) activate and deactivate reservists as
6 necessary;

7 “(E) coordinate with covered Executive
8 agencies to—

9 “(i) determine the digital and cyberse-
10 curity needs which reservists shall be as-
11 signed to address;

12 “(ii) ensure active reservists have ac-
13 cess, resources, and equipment required to
14 address digital and cybersecurity needs
15 which such reservists are assigned to ad-
16 dress; and

17 “(iii) analyze potential assignments
18 for reservists to determine outcomes, de-
19 velop anticipated assignment timelines, and
20 identify covered Executive agency partners;

21 “(F) ensure reservists acquire and main-
22 tain appropriate security clearances; and

23 “(G) determine what additional resources,
24 if any, are required to successfully implement
25 the Program.

1 “(b) NATIONAL DIGITAL RESERVE CORPS PARTICI-
2 PATION.—

3 “(1) SERVICE OBLIGATION AGREEMENT.—

4 “(A) IN GENERAL.—An individual may be-
5 come a reservist only if such individual enters
6 into a written agreement with the Adminis-
7 trator to become a reservist.

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

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

15 “(ii) set forth all other the rights and
16 obligations of the individual and the Gen-
17 eral Services Administration.

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

22 “(3) EMPLOYMENT PROTECTIONS.—The Sec-
23 retary of Labor shall prescribe such regulations as
24 necessary to ensure the reemployment, continuation
25 of benefits, and nondiscrimination in reemployment

1 of active reservists, provided that such regulations
2 shall include, at a minimum, those rights and obliga-
3 tions set forth under chapter 43 of title 38.

4 “(4) PENALTIES.—

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

10 “(i) cease to be a reservist; and

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

13 “(I) an amount equal to the
14 amounts, if any, paid under section
15 10405 with respect to such reservist;
16 and

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

1 “(B) EXCEPTION.—

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

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

10 “(II) the Administrator, in con-
11 sultation with the head of the relevant
12 covered Executive agency, determines
13 that subparagraph (A) should not
14 apply with respect to the failure.

15 “(ii) RELEVANT COVERED EXECUTIVE
16 AGENCY DEFINED.—In this subparagraph,
17 the term ‘relevant covered Executive agen-
18 cy’ means—

19 “(I) in the case of a reservist
20 failing to accept an appointment
21 under subsection (c)(2), the covered
22 Executive agency to which such re-
23 servist would have been appointed;
24 and

1 “(II) in the case of a reservist
2 failing to carry out the duties as-
3 signed to such reservist under such an
4 appointment, the covered Executive
5 agency to which such reservist was
6 appointed.

7 “(c) HIRING AUTHORITY.—

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

15 “(2) CORPS RESERVISTS.—

16 “(A) IN GENERAL.—The Administrator
17 may appoint qualified reservists to temporary
18 positions in the competitive service for the pur-
19 pose of assigning such reservists under section
20 10404 and to otherwise carry out the National
21 Digital Reserve Corps.

22 “(B) APPOINTMENT LIMITS.—

23 “(i) IN GENERAL.—The Administrator
24 may not appoint an individual under this
25 paragraph if, during the 365-day period

1 ending on the date of such appointment,
2 such individual has been an officer or em-
3 ployee of the executive or legislative branch
4 of the United States Government, of any
5 independent agency of the United States,
6 or of the District of Columbia for not less
7 than 130 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, of any independent agency of
15 the United States, or of the District of Co-
16 lumbia for 130 days during the previous
17 365 days.

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

22 “(D) CONFLICT OF INTEREST.—Individ-
23 uals appointed under this section shall not, as
24 an active reservist, have access to proprietary or
25 confidential information that is of commercial

1 value to any private entity or individual employ-
2 ing such appointee.

3 “(E) 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 **“§ 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 **“§ 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 related
16 to the duties assigned to such reservists pursuant to ap-
17 pointments under section 10403(c)(2), including attending
18 conferences and seminars and obtaining certifications,
19 that will enable reservists to more effectively meet the dig-
20 ital and cybersecurity needs of covered Executive agencies.

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

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

5 **“§ 10406. Congressional reports**

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

10 “(1) the number of reservists;

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

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

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

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

23 “(B) the reservists assigned to such re-
24 quest.

1 **“§ 10407. Construction**

2 “Nothing in this chapter shall be construed to abro-
3 gate or otherwise affect the authorities or the responsibil-
4 ities of the head of any other Executive agency.”.

5 (b) CLERICAL AMENDMENT.—The table of chapters
6 for part III of title 5, United States Code, is amended
7 by inserting after the item related to chapter 103 the fol-
8 lowing new item:

“104. National Digital Reserve Corps 10401
”.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated \$30,000,000, to remain
11 available until fiscal year 2026 to carry out the program
12 established under section 10402(a) of title 5, United
13 States Code, as added by this section.

14 (d) TRANSITION ASSISTANCE PROGRAM.—Section
15 1142(b)(3) of title 10, United States Code, is amended
16 by inserting “and the National Digital Reserve Corps”
17 after “Selected Reserve”.

18 (e) OFFSET.—Notwithstanding the amounts set forth
19 in the funding tables in division D, the amounts author-
20 ized to be appropriated in section 301 for operation and
21 maintenance, Defense-wide, for administration and serv-
22 ice-wide activities, Office of the Secretary of Defense, Line

1 470, as specified in the corresponding funding table in sec-
2 tion 4301, is hereby reduced by \$30,000,000.

