

118TH CONGRESS
1ST SESSION

H. R. 162

To amend title 5, United States Code, to establish a National Digital Reserve Corps to help address the digital and cybersecurity needs of Executive agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. TONY GONZALES of Texas (for himself and Ms. KELLY of Illinois) introduced the following bill; which was referred to the Committee on Oversight and Accountability

A BILL

To amend title 5, United States Code, to establish a National Digital Reserve Corps to help address the digital and cybersecurity needs of Executive agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Digital Re-
5 serve Corps Act”.

1 **SEC. 2. 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.

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

18 “(4) RESERVIST.—The term ‘reservist’ means
19 an individual who is a member of the National Dig-
20 ital Reserve Corps.

1 **“SEC. 10402. ESTABLISHMENT.**

2 “(a) ESTABLISHMENT.—There is established in the
3 General Services Administration a program to establish,
4 manage, and assign a reserve of individuals with relevant
5 skills and credentials, to be know as the ‘National Digital
6 Reserve Corps’, to help address the digital and cybersecu-
7 rity needs of Executive agencies.

8 “(b) IMPLEMENTATION.—

9 “(1) GUIDANCE.—Not later than six months
10 after the date of the enactment of this section, the
11 Administrator shall issue guidance for the National
12 Digital Reserve Corps, which shall include proce-
13 dures for coordinating with Executive agencies to—

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

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

19 “(2) RECRUITMENT AND INITIAL ASSIGN-
20 MENTS.—Not later than one year after the date of
21 the enactment of this section, the Administrator
22 shall begin recruiting reservists and assigning active
23 reservists under the Program.

24 **“SEC. 10403. ORGANIZATION.**

25 “(a) ADMINISTRATION.—

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

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

6 “(A) establish standards for serving as a
7 reservist, including educational attainment, pro-
8 fessional qualifications, and background checks;

9 “(B) ensure the standards established
10 under subparagraph (A) are met;

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

13 “(D) activate and deactivate reservists as
14 necessary;

15 “(E) coordinate with Executive agencies
16 to—

17 “(i) determine the digital and cyberse-
18 curity needs which reservists shall be as-
19 signed to address;

20 “(ii) ensure reservists have access, re-
21 sources, and equipment required to address
22 digital and cybersecurity needs which such
23 reservists are assigned to address; and

24 “(iii) analyze potential assignments
25 for reservists to determine outcomes, de-

1 velop anticipated assignment timelines, and
2 identify Executive agency partners;

3 “(F) ensure reservists acquire and main-
4 tain appropriate security clearances; and

5 “(G) determine what additional resources,
6 if any, are required to successfully implement
7 the Program.

8 “(b) NATIONAL DIGITAL RESERVE CORPS PARTICI-
9 PATION.—

10 “(1) SERVICE OBLIGATION AGREEMENT.—

11 “(A) IN GENERAL.—An individual may be-
12 come a reservist only if such individual enters
13 into a written agreement with the Adminis-
14 trator to become a reservist.

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

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

22 “(ii) set forth all other the rights and
23 obligations of the individual and the Gen-
24 eral Services Administration.

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

5 “(3) EMPLOYMENT PROTECTIONS.—The Sec-
6 retary of Labor shall prescribe such regulations as
7 necessary to ensure the reemployment, continuation
8 of benefits, and non-discrimination in reemployment
9 of active reservists, provided that such regulations
10 shall include, at a minimum, those rights and obliga-
11 tions set forth under chapter 43 of title 38.

12 “(4) PENALTIES.—

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

18 “(i) cease to be a reservist; and

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

21 “(I) an amount equal to the
22 amounts, if any, paid under section
23 10405 with respect to such reservist,
24 and

1 “(II) the difference between the
2 amount of compensation such reserv-
3 ist would have received if the reservist
4 completed the entire term of service
5 as a reservist agreed to in the agree-
6 ment described in paragraph (1) and
7 the amount of compensation such re-
8 servist has received under such agree-
9 ment.

10 “(B) EXCEPTION.—Subparagraph (A)
11 shall not apply with respect to a failure of a re-
12 servist to accept an appointment under sub-
13 section (c)(2) or to carry out the duties as-
14 signed to the reservist under such an appoint-
15 ment if—

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

18 “(ii) the Administrator determines
19 that subparagraph (A) should not apply
20 with respect to the failure.

21 “(c) HIRING AUTHORITY.—

22 “(1) CORPS LEADERSHIP.—The Administrator
23 may appoint, without regard to the provisions of
24 subchapter I of chapter 33 (other than sections
25 3303 and 3328) of this title, qualified candidates to

1 positions in the competitive service in the General
2 Service Administration for which the primary duties
3 are related to the management or administration of
4 the National Digital Reserve Corps, as determined
5 by the Administrator.

6 “(2) CORPS RESERVISTS.—

7 “(A) IN GENERAL.—The Administrator
8 may appoint, without regard to the provisions
9 of subchapter I of chapter 33 (other than sec-
10 tions 3303 and 3328), qualified reservists to
11 temporary positions in the competitive service
12 for the purpose of assigning such reservists
13 under section 10404 and to otherwise carry out
14 the National Digital Reserve Corps.

15 “(B) APPOINTMENT LIMITS.—

16 “(i) IN GENERAL.—The Administrator
17 may not appoint an individual under this
18 paragraph if, during the 365-day period
19 ending on the date of such appointment,
20 such individual has been an officer or em-
21 ployee of the executive or legislative branch
22 of the United States Government, of any
23 independent agency of the United States,
24 or of the District of Columbia for not less
25 than 130 days.

1 “(ii) AUTOMATIC APPOINTMENT TER-
2 MINATION.—The appointment of an indi-
3 vidual under this paragraph shall termi-
4 nate upon such individual being employed
5 as an officer or employee of the executive
6 or legislative branch of the United States
7 Government, of any independent agency of
8 the United States, or of the District of Co-
9 lumbia for 130 days during the previous
10 365 days.

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

15 “(D) ADDITIONAL EMPLOYEES.—Individ-
16 uals appointed under this paragraph shall be in
17 addition to any employees of the General Serv-
18 ices Administration whose duties relate to the
19 digital or cybersecurity needs of the General
20 Services Administration.

21 **“SEC. 10404. ASSIGNMENTS.**

22 “(a) IN GENERAL.—The Administrator may assign
23 active reservists to address the digital and cybersecurity
24 needs of Executive agencies, including cybersecurity serv-
25 ices, digital education and training, data triage, acquisi-

1 tion assistance, guidance on digital projects, development
2 of technical solutions, and bridging public needs and pri-
3 vate sector capabilities.

4 “(b) **ASSIGNMENT-SPECIFIC ACCESS, RESOURCES,**
5 **SUPPLIES, OR EQUIPMENT.**—The head of an Executive
6 agency shall, to the extent practicable, provide each active
7 reservist assigned to address a digital or cybersecurity
8 need of such Executive agency under subsection (a) with
9 any specialized access, resources, supplies, or equipment
10 required to address such digital or cybersecurity need.

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

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

14 “(2) the date on which the Administrator re-
15 ceives notification of the decision of the head of the
16 Executive agency, the digital or cybersecurity needs
17 of which such individual is assigned to address
18 under subsection (a), that such assignment should
19 terminate; or

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

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

23 “(a) **IN GENERAL.**—Subject to the availability of ap-
24 propriations, the Administrator may pay for reservists to
25 acquire training and receive continuing education, includ-

1 ing attending conferences and seminars and obtaining cer-
2 tifications, that will enable reservists to more effectively
3 meet the digital and cybersecurity needs of Executive
4 agencies.

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

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

13 **“SEC. 10406. CONGRESSIONAL REPORTS.**

14 “Not later than two years after the date of the enact-
15 ment of this section, and annually thereafter, the Adminis-
16 trator shall submit to Congress a report on the Program,
17 including—

18 “(1) the number of reservists;

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

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

24 “(4) with respect to each such request to which
25 active reservists have been assigned and for which

1 work by the National Digital Reserve Corps has con-
 2 cluded, an evaluation of such work and the results
 3 of such work by—

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

6 “(B) the reservists assigned to such re-
 7 quest.”.

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

“**104. National Digital Reserve Corps10401**”.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 13 authorized to be appropriated \$30,000,000, to remain
 14 available until fiscal year 2025, to carry out the program
 15 established under section 10402(a) of title 5, United
 16 States Code, as added by this Act.

○