

118TH CONGRESS
1ST SESSION

H. R. 3855

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

JUNE 6, 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, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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**

“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).

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

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

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

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

6 **“§ 10402. Establishment**

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

13 “(b) IMPLEMENTATION.—

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

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

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

1 “(2) RECRUITMENT AND INITIAL ASSIGN-
2 MENTS.—Not later than one year after the date of
3 the enactment of this section, the Administrator
4 shall begin recruiting reservists and assigning active
5 reservists under the Program.

6 **“§ 10403. Organization**

7 “(a) ADMINISTRATION.—

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

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

13 “(A) establish standards for serving as a
14 reservist, including educational attainment, pro-
15 fessional qualifications, and background checks
16 in accordance with existing Federal guidance;

17 “(B) ensure the standards established
18 under subparagraph (A) are met;

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

21 “(D) activate and deactivate reservists as
22 necessary;

23 “(E) coordinate with covered Executive
24 agencies to—

1 “(i) determine the digital and cyberse-
2 curity needs which reservists shall be as-
3 signed to address;

4 “(ii) ensure active reservists have ac-
5 cess, resources, and equipment required to
6 address digital and cybersecurity needs
7 which such reservists are assigned to ad-
8 dress; and

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

13 “(F) ensure reservists acquire and main-
14 tain appropriate security clearances; and

15 “(G) determine what additional resources,
16 if any, are required to successfully implement
17 the Program.

18 “(b) NATIONAL DIGITAL RESERVE CORPS PARTICI-
19 PATION.—

20 “(1) SERVICE OBLIGATION AGREEMENT.—

21 “(A) IN GENERAL.—An individual may be-
22 come a reservist only if such individual enters
23 into a written agreement with the Adminis-
24 trator to become a reservist.

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

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

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

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

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

22 “(4) PENALTIES.—

23 “(A) IN GENERAL.—A reservist that fails
24 to accept an appointment under subsection
25 (c)(2) or fails to carry out the duties assigned

1 to a reservist under such an appointment shall,
2 after notice and an opportunity to be heard—

3 “(i) cease to be a reservist; and

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

6 “(I) an amount equal to the
7 amounts, if any, paid under section
8 10405 with respect to such reservist;
9 and

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

19 “(B) EXCEPTION.—

20 “(i) IN GENERAL.—Subparagraph (A)
21 shall not apply with respect to a failure of
22 a reservist to accept an appointment under
23 subsection (c)(2) or to carry out the duties
24 assigned to the reservist under such an ap-
25 pointment if—

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

3 “(II) the Administrator, in con-
4 sultation with the head of the relevant
5 covered Executive agency, determines
6 that subparagraph (A) should not
7 apply with respect to the failure.

8 “(ii) RELEVANT COVERED EXECUTIVE
9 AGENCY DEFINED.—In this subparagraph,
10 the term ‘relevant covered Executive agen-
11 cy’ means—

12 “(I) in the case of a reservist
13 failing to accept an appointment
14 under subsection (c)(2), the covered
15 Executive agency to which such re-
16 servist would have been appointed;
17 and

18 “(II) in the case of a reservist
19 failing to carry out the duties as-
20 signed to such reservist under such an
21 appointment, the covered Executive
22 agency to which such reservist was
23 appointed.

24 “(c) HIRING AUTHORITY.—

1 “(1) CORPS LEADERSHIP.—The Administrator
2 may appoint qualified candidates to positions in the
3 competitive service in the General Service Adminis-
4 tration for which the primary duties are related to
5 the management or administration of the National
6 Digital Reserve Corps, as determined by the Admin-
7 istrator.

8 “(2) CORPS RESERVISTS.—

9 “(A) IN GENERAL.—The Administrator
10 may appoint qualified reservists to temporary
11 positions in the competitive service for the pur-
12 pose of assigning such reservists under section
13 10404 and to otherwise carry out the National
14 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) CONFLICT OF INTEREST.—Individ-
16 uals appointed under this section shall not, as
17 an active reservist, have access to proprietary or
18 confidential information that is of commercial
19 value to any private entity or individual employ-
20 ing such appointee.

21 “(E) ADDITIONAL EMPLOYEES.—Individ-
22 uals appointed under this paragraph shall be in
23 addition to any employees of the General Serv-
24 ices Administration whose duties relate to the

1 digital or cybersecurity needs of the General
2 Services Administration.

3 **“§ 10404. Assignments**

4 “(a) IN GENERAL.—The Administrator may assign
5 active reservists to address the digital and cybersecurity
6 needs of covered Executive agencies, including cybersecu-
7 rity services, digital education and training, data triage,
8 acquisition assistance, guidance on digital projects, devel-
9 opment of technical solutions, and bridging public needs
10 and private sector capabilities.

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

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

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

22 “(2) the date on which the Administrator re-
23 ceives notification of the decision of the head of the
24 covered Executive agency, the digital or cybersecu-
25 rity needs of which such individual is assigned to ad-

1 dress under subsection (a), that such assignment
2 should terminate; or

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

5 **“§ 10405. Reservist continuing education**

6 “(a) IN GENERAL.—Subject to the availability of ap-
7 propriations, the Administrator may pay for reservists to
8 acquire training and receive continuing education related
9 to the duties assigned to such reservists pursuant to ap-
10 pointments under section 10403(c)(2), including attending
11 conferences and seminars and obtaining certifications,
12 that will enable reservists to more effectively meet the dig-
13 ital and cybersecurity needs of covered Executive agencies.

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

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

22 **“§ 10406. Congressional reports**

23 “Not later than two years after the date of the enact-
24 ment of this section, and annually thereafter, the Adminis-

1 trator shall submit to Congress a report on the Program,
2 including—

3 “(1) the number of reservists;

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

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

9 “(4) with respect to each such request to which
10 active reservists have been assigned and for which
11 work by the National Digital Reserve Corps has con-
12 cluded, an evaluation of such work and the results
13 of such work by—

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

16 “(B) the reservists assigned to such re-
17 quest.

18 **“§ 10407. Construction**

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

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

“104. National Digital Reserve Corps 10401”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$30,000,000, to remain
3 available until fiscal year 2024 to carry out the program
4 established under section 10402(a) of title 5, United
5 States Code, as added by this section.

6 **SEC. 3. TRANSITION ASSISTANCE PROGRAM.**

7 Section 1142(b)(3) of title 10, United States Code,
8 is amended by inserting “and the National Digital Reserve
9 Corps” after “Selected Reserve”.

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