

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.

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## 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

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## 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 Corps .....10401**”.

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.

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