

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4909
OFFERED BY MR. LANGEVIN OF RHODE ISLAND**

Page 480, before line 13, insert the following:

1 **SEC. 1112. PUBLIC-PRIVATE TALENT EXCHANGE.**

2 (a) **AUTHORITY.**—Chapter 81 of title 10, United
3 States Code, as amended by section 1105 of this Act, is
4 further amended by adding at the end the following new
5 section:

6 **“§ 1599g. Public-private talent exchange**

7 “(a) **ASSIGNMENT AUTHORITY.**—Under regulations
8 prescribed by the Secretary of Defense, the Secretary may,
9 with the agreement of a private-sector organization and
10 the consent of the employee, arrange for the temporary
11 assignment of an employee to such private-sector organi-
12 zation, or from such private-sector organization to a De-
13 partment of Defense organization under this section.

14 “(b) **AGREEMENTS.**—(1) The Secretary of Defense
15 shall provide for a written agreement among the Depart-
16 ment of Defense, the private-sector organization, and the
17 employee concerned regarding the terms and conditions of
18 the employee’s assignment under this section. The agree-
19 ment—

1 “(A) shall require that the employee of the De-
2 partment of Defense, upon completion of the assign-
3 ment, will serve in the Department of Defense, or
4 elsewhere in the civil service if approved by the Sec-
5 retary, for a period equal to the length of the assign-
6 ment; and

7 “(B) shall provide that if the employee of the
8 Department of Defense or of the private-sector orga-
9 nization (as the case may be) fails to carry out the
10 agreement, such employee shall be liable to the
11 United States for payment of all expenses of the as-
12 signment, unless that failure was for good and suffi-
13 cient reason, as determined by the Secretary of De-
14 fense.

15 “(2) An amount for which an employee is liable under
16 paragraph (1) shall be treated as a debt due the United
17 States.

18 “(3) The Secretary may waive, in whole or in part,
19 collection of a debt described in paragraph (2) based on
20 a determination that the collection would be against equity
21 and good conscience and not in the best interests of the
22 United States, after taking into account any indication of
23 fraud, misrepresentation, fault, or lack of good faith on
24 the part of the employee.

1 “(c) TERMINATION.—An assignment under this sec-
2 tion may, at any time and for any reason, be terminated
3 by the Department of Defense or the private-sector orga-
4 nization concerned.

5 “(d) DURATION.—An assignment under this section
6 shall be for a period of not less than 3 months and not
7 more than one year, renewable up to a total of 4 years.
8 No employee of the Department of Defense may be as-
9 signed under this section for more than a total of 4 years
10 inclusive of all such assignments.

11 “(e) STATUS OF FEDERAL EMPLOYEES ASSIGNED TO
12 PRIVATE-SECTOR ORGANIZATIONS.—An employee of the
13 Department of Defense who is assigned to a private-sector
14 organization under this section shall be considered, during
15 the period of assignment, to be on detail to a regular work
16 assignment in the Department for all purposes. The writ-
17 ten agreement established under subsection (b)(1) shall
18 address the specific terms and conditions related to the
19 employee’s continued status as a Federal employee.

20 “(f) TERMS AND CONDITIONS FOR PRIVATE-SECTOR
21 EMPLOYEES.—An employee of a private-sector organiza-
22 tion who is assigned to a Department of Defense organiza-
23 tion under this section—

24 “(1) shall continue to receive pay and benefits
25 from the private-sector organization from which such

1 employee is assigned and shall not receive pay or
2 benefits from the Department of Defense, except as
3 provided in paragraph (2);

4 “(2) is deemed to be an employee of the De-
5 partment of Defense for the purposes of—

6 “(A) chapters 73 and 81 of title 5;

7 “(B) sections 201, 203, 205, 207, 208,
8 209, 603, 606, 607, 643, 654, 1905, and 1913
9 of title 18;

10 “(C) sections 1343, 1344, and 1349(b) of
11 title 31;

12 “(D) the Federal Tort Claims Act and any
13 other Federal tort liability statute;

14 “(E) the Ethics in Government Act of
15 1978; and

16 “(F) chapter 21 of title 41;

17 “(3) shall not have access to any trade secrets
18 or to any other nonpublic information which is of
19 commercial value to the private-sector organization
20 from which such employee is assigned.

21 “(g) PROHIBITION AGAINST CHARGING CERTAIN
22 COSTS TO THE FEDERAL GOVERNMENT.—A private-sec-
23 tor organization may not charge the Department of any
24 other agency of the Federal Government, as direct or indi-
25 rect costs under a Federal contract, the costs of pay or

1 benefits paid by the organization to an employee assigned
2 to a Department organization under this section for the
3 period of the assignment.

4 “(h) CONSIDERATIONS.—In carrying out this section,
5 the Secretary of Defense—

6 “(1) shall ensure that, of the assignments made
7 under this section each year, at least 20 percent are
8 from small business concerns (as defined by section
9 3703(e)(2)(A) of title 5);

10 “(2) shall take into consideration the question
11 of how assignments under this section might best be
12 used to help meet the needs of the Department of
13 Defense with respect to the training of employees;
14 and

15 “(3) shall take into consideration, where appli-
16 cable, areas of particular private sector expertise,
17 such as cybersecurity.”.

18 (b) TABLE OF SECTIONS AMENDMENT.—The table of
19 sections at the beginning of such chapter, as amended by
20 section 1105 of this Act, is further amended by adding
21 at the end the following new item:

“1599g. Public-private talent exchange.”.

