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5 U.S. Code § 3704 - Assignment of employees from private sector organizations

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(a) IN GENERAL.—

An employee of a private sector organization assigned to an agency under this chapter is deemed, during the period of the assignment, to be on detail to such agency.

(b) TERMS AND CONDITIONS.—An employee of a private sector organization assigned to an agency under this chapter—

- (1)** may continue to receive pay and benefits from the private sector organization from which he is assigned;
- (2)** is deemed, notwithstanding subsection (a), to be an employee of the agency for the purposes of—
- (A)** chapter 73;
 - (B)** sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;
 - (C)** sections 1343, 1344, and 1349(b) of title 31;
 - (D)** the Federal Tort Claims Act and any other Federal tort liability statute;
 - (E)** chapter 131 of this title;
 - (F)** section 1043 of the Internal Revenue Code of 1986; and
 - (G)** chapter 21 of title 41;
- (3)** may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which he is assigned; and
- (4)** is subject to such regulations as the President may prescribe.

The supervision of an employee of a private sector organization assigned to an agency under this chapter may be governed by agreement between the agency and the private sector organization concerned. Such an assignment may be made with or without reimbursement by the agency for the pay, or a part thereof, of the employee during the period of assignment, or for any contribution of the private sector organization to employee benefit systems.

(c) COORDINATION WITH CHAPTER 81.—

An employee of a private sector organization assigned to an agency under this chapter who suffers disability or dies as a result of personal injury sustained while performing duties during the assignment shall be treated, for the purpose of subchapter I of chapter 81, as an employee as defined by section 8101 who had sustained the injury in the performance of duty, except that, if the employee or the employee's dependents receive from the private sector organization any payment under an insurance policy for which the premium is wholly paid by the private sector organization, or other benefit of any kind on account of the same

injury or death, then, the amount of such payment or benefit shall be credited against any compensation otherwise payable under subchapter I of chapter 81.

(d) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—

A private sector organization may not charge the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to an agency under this chapter for the period of the assignment.

(Added Pub. L. 107-347, title II, § 209(c)(1), Dec. 17, 2002, 116 Stat. 2928; amended Pub. L. 111-350, § 5(a)(6), Jan. 4, 2011, 124 Stat. 3841; Pub. L. 117-286, § 4(c)(8), Dec. 27, 2022, 136 Stat. 4354.)



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