

Public Law 101-416
101st Congress

An Act

Oct. 12, 1990
[H.R. 5643]

To grant a temporary extension on the authority under which the Government may accept the voluntary services of private-sector executives; to clarify the status of Federal employees assigned to private-sector positions while participating in an executive exchange program; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

5 USC 4103 note.

SECTION 1. TEMPORARY EXTENSION OF AUTHORITY RELATING TO PRIVATE-SECTOR EXECUTIVES PERFORMING VOLUNTARY SERVICES FOR THE GOVERNMENT.

(a) **IN GENERAL.**—Notwithstanding the expiration on September 30, 1990, of the Executive Exchange Program Voluntary Services Act of 1986 (5 U.S.C. 4103 note), any individual who, as of that date, is or was participating in a program established under such Act may continue to perform voluntary services for the Government, and the Government may continue to accept those services, for not more than an additional 90 days beyond that expiration date, to the same extent as if such Act had not expired.

(b) **EFFECTIVE DATE.**—This section shall be effective as of September 30, 1990.

SEC. 2. STATUS OF GOVERNMENT EXECUTIVES WHILE SERVING IN PRIVATE-SECTOR POSITIONS.

(a) **IN GENERAL.**—(1) Title 5, United States Code, is amended by inserting after section 3341 the following:

“§ 3342. Federal participants in executive exchange programs

“(a) For the purpose of this section, the term ‘executive exchange program’ means any program which is required, by statute or Executive order, to be administered, in whole or in part, by the President’s Commission on Executive Exchange (described in Executive Order Numbered 12493, dated December 5, 1984), a successor entity in function, or any officer thereof.

“(b) An employee assigned to a position in the private sector as a participant in an executive exchange program shall, while so assigned, be treated as if on detail to a regular work assignment in such employee’s employing agency, except that nothing in section 3341(b) shall limit the period of time for which any such employee may be so assigned.

“(c) An agreement providing for the assignment of an employee to a position in the private sector as a participant in an executive exchange program shall not be effective unless it includes a provision under which the private-sector employer agrees to reimburse the employee’s agency for any basic pay which is paid by the agency to such employee, and attributable to the period during which the employee is so assigned. Any reimbursement so made shall be credited to the appropriation, fund, or account used to pay the amount reimbursed.”.

(2) The table of sections for chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3341 the following:

“3342. Federal participants in executive exchange programs.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 90 days after the date of enactment of this Act, and shall apply with respect to any Federal employee who begins an assignment with a private-sector employer as a participant in an executive exchange program beginning on or after that effective date.

5 USC 3342 note.

Approved October 12, 1990.

LEGISLATIVE HISTORY—H.R. 5643:

CONGRESSIONAL RECORD, Vol. 136 (1990):

Sept. 28, considered and passed House.

Oct. 2, considered and passed Senate.