

119TH CONGRESS  
1ST SESSION

# H. R. 5122

To amend title 51, United States Code, to provide for a NASA public-private talent program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2025

Mrs. SYKES (for herself and Mr. MILLER of Ohio) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

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## A BILL

To amend title 51, United States Code, to provide for a NASA public-private talent program, 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 “NASA Talent Ex-  
5       change Program Act”.

6       **SEC. 2. NASA PUBLIC-PRIVATE TALENT PROGRAM.**

7       Section 20113 of title 51, United States Code, is  
8       amended by adding at the end the following new sub-  
9       section:

10       “(o) PUBLIC-PRIVATE TALENT PROGRAM.—

1           “(1) ASSIGNMENT AUTHORITY.—Under policies  
2           and procedures prescribed by the Administration,  
3           the Administrator may, with the agreement of a pri-  
4           vate sector entity and the consent of an employee of  
5           the Administration or of such entity, arrange for the  
6           temporary assignment of such employee of the Ad-  
7           ministration to such private sector entity, or of such  
8           employee of such entity to the Administration, as  
9           the case may be.

10           “(2) AGREEMENTS.—

11           “(A) IN GENERAL.—The Administrator  
12           shall provide for a written agreement among  
13           the Administration, the private sector entity,  
14           and the employee concerned regarding the  
15           terms and conditions of the employee’s assign-  
16           ment under this subsection. The agreement  
17           shall—

18                   “(i) require that the employee of the  
19                   Administration, upon completion of the as-  
20                   signment, will serve in the Administration,  
21                   or elsewhere in the civil service if approved  
22                   by the Administrator, for a period equal to  
23                   twice the length of the assignment;

24                   “(ii) provide that if the employee of  
25                   the Administration or of the private sector

1           entity (as the case may be) fails to carry  
2           out the agreement, such employee shall be  
3           liable to the United States for payment of  
4           all expenses of the assignment, unless such  
5           failure was for good and sufficient reason,  
6           as determined by the Administrator; and

7           “(iii) contain language ensuring that  
8           such employee of the Administration or of  
9           the private sector entity (as the case may  
10          be) does not improperly use predecisional  
11          or draft deliberative information that such  
12          employee may be privy to or aware of re-  
13          lated to Administration programing, budg-  
14          eting, resourcing, acquisition, or procure-  
15          ment for the benefit or advantage of the  
16          private sector entity.

17          “(B) TREATMENT.—An amount for which  
18          an employee is liable under subparagraph (A)  
19          shall be treated as a debt due the United  
20          States.

21          “(C) WAIVER.—The Administrator may  
22          waive, in whole or in part, collection of a debt  
23          described in subparagraph (B) based on a de-  
24          termination that the collection would be against  
25          equity and good conscience and not in the best

1 interests of the United States, after taking into  
2 account any indication of fraud, misrepresenta-  
3 tion, fault, or lack of good faith on the part of  
4 the employee concerned.

5 “(3) TERMINATION.—An assignment under this  
6 section may, at any time and for any reason, be ter-  
7 minated by the Administration or the private-sector  
8 entity concerned, as the case may be.

9 “(4) DURATION.—

10 “(A) IN GENERAL.—An assignment under  
11 this subsection shall be for a period of not less  
12 than three months and not more than two  
13 years, renewable up to a total of three years.  
14 An employee of the Administration may not be  
15 assigned under this subsection for more than a  
16 total of three years inclusive of all such assign-  
17 ments.

18 “(B) EXTENSION.—An assignment under  
19 this subsection may be for a period in excess of  
20 two years, but not more than three years, if the  
21 Administrator determines that such assignment  
22 is necessary to meet critical mission or program  
23 requirements.

24 “(5) POLICIES AND PROCEDURES.—

1           “(A) IN GENERAL.—The Administrator  
2 shall establish policies and procedures relating  
3 to assignments under this subsection.

4           “(B) ELEMENTS.—Policies and procedures  
5 established pursuant to subparagraph (A) shall  
6 address the following:

7                   “(i) The nature and elements of writ-  
8 ten agreements with participants in assign-  
9 ments under this subsection.

10                   “(ii) Criteria for making such assign-  
11 ments, including the needs of the Adminis-  
12 tration relating thereto.

13                   “(iii) How the Administration will  
14 oversee such assignments, in particular  
15 with respect to paragraphs (2)(A)(iii),  
16 (7)(C), and (7)(D).

17                   “(iv) Criteria for issuing waivers.

18                   “(v) How expenses under paragraph  
19 (2)(A)(ii) would be determined.

20                   “(vi) Guidance for participants in  
21 such assignments.

22                   “(vii) Mission Directorate, Office, and  
23 organizational structure to implement and  
24 manage such assignments.

1           “(viii) Any other necessary policies,  
2           procedures, or guidelines to ensure such  
3           assignments comply with all relevant statu-  
4           tory authorities and ethics rules, and effec-  
5           tively contribute to one or more of the Ad-  
6           ministration’s missions.

7           “(C) INHERENTLY GOVERNMENTAL AC-  
8           TIVITIES.—Assignments made under this sub-  
9           section shall not have responsibilities or per-  
10          form duties or decision making regarding Ad-  
11          ministration activities that are inherently gov-  
12          ernmental, pursuant to subpart 7.500 of title  
13          48, Code of Federal Regulations, and Office of  
14          Management and Budget review.

15          “(6) STATUS OF FEDERAL EMPLOYEES AS-  
16          SIGNED TO PRIVATE SECTOR ENTITIES.—

17                 “(A) IN GENERAL.—An employee of the  
18                 Administration who is assigned to a private sec-  
19                 tor entity under this subsection shall be consid-  
20                 ered, during the period of such assignment, to  
21                 be on detail to a regular work assignment in  
22                 the Administration for all purposes. The written  
23                 agreement established under paragraph (2)(A)  
24                 shall address the specific terms and conditions

1 related to such employee’s continued status as  
2 a Federal employee.

3 “(B) CERTIFICATION.—In establishing a  
4 temporary assignment of an employee of the  
5 Administration to a private sector entity, the  
6 Administrator shall certify that such temporary  
7 assignment shall not have an adverse or nega-  
8 tive impact on the mission of the Administra-  
9 tion or organizational capabilities associated  
10 with such assignment.

11 “(7) TERMS AND CONDITIONS FOR PRIVATE  
12 SECTOR EMPLOYEES.—An employee of a private sec-  
13 tor entity who is assigned to the Administration  
14 under this subsection—

15 “(A) shall continue to receive pay and ben-  
16 efits from the private sector entity from which  
17 such employee is assigned and shall not receive  
18 pay or benefits from the Administration, except  
19 as provided in subparagraph (B);

20 “(B) is deemed to be an employee of the  
21 Administration for the purposes of—

22 “(i) chapters 73 and 81 of title 5;

23 “(ii) sections 201, 203, 205, 207,  
24 208, 209, 603, 606, 607, 643, 654, 1905,  
25 and 1913 of title 18, except that such sec-

1           tion 209 does not apply to any salary, or  
2           contribution or supplementation of salary  
3           made pursuant to subparagraph (A) of this  
4           paragraph;

5           “(iii) sections 1343, 1344, and  
6           1349(b) of title 31;

7           “(iv) the Federal Tort Claims Act and  
8           any other Federal tort liability statute;

9           “(v) the Ethics in Government Act of  
10          1978; and

11          “(vi) chapter 21 of title 41;

12          “(C) shall not have access to any trade se-  
13          crets or any other nonpublic information which  
14          is of commercial value to the private sector en-  
15          tity from which such employee is assigned;

16          “(D) may not perform work that is consid-  
17          ered inherently governmental in nature, in ac-  
18          cordance with paragraph (5)(C); and

19          “(E) may not be used to circumvent—

20               “(i) section 1710 of title 41, United  
21               States Code; or

22               “(ii) any limitation or restriction on  
23               the size of the Administration’s civil serv-  
24               ant workforce.

1           “(8) ADDITIONAL REQUIREMENTS.—The Ad-  
2           ministrators shall ensure that—

3                   “(A) the normal duties and functions of an  
4                   employee of the Administration who is assigned  
5                   to a private sector entity under this subsection  
6                   can be reasonably performed by other employ-  
7                   ees of the Administration without the perma-  
8                   nent transfer or reassignment of other per-  
9                   sonnel of the Administration;

10                   “(B) normal duties and functions of such  
11                   other employees of the Administration are not,  
12                   as a result of and during the course of such  
13                   temporary assignment, performed or augmented  
14                   by contractor personnel in violation of section  
15                   1710 of title 41; and

16                   “(C) not more than two percent of the Ad-  
17                   ministration’s civil servant workforce may par-  
18                   ticipate in an assignment under this subsection  
19                   at the same time.

20           “(9) CONFLICTS OF INTEREST.—The Adminis-  
21           trator shall implement a system to identify, mitigate,  
22           and manage any conflicts of interests that may arise  
23           as a result of an employee’s assignment under this  
24           subsection.

1           “(10) PROHIBITION AGAINST CHARGING CER-  
2           TAIN COSTS TO THE FEDERAL GOVERNMENT.—A  
3           private-sector entity may not charge the Administra-  
4           tion or any other agency of the Federal Government,  
5           as direct or indirect costs under a Federal contract,  
6           the costs of pay or benefits paid by the entity to an  
7           employee assigned to the Administration under this  
8           subsection for the period of the assignment con-  
9           cerned.

10           “(11) CONSIDERATIONS.—In carrying out this  
11           subsection, the Administrator shall take into consid-  
12           eration—

13                   “(A) the question of how assignments  
14                   under this subsection might best be used to  
15                   help meet the needs of the Administration with  
16                   respect to the training of employees; and

17                   “(B) where applicable, areas of particular  
18                   private sector expertise, such as cybersecurity.

19           “(12) NASA REPORTING.—

20                   “(A) IN GENERAL.—Not later than April  
21                   30 of each year, the Administrator shall submit  
22                   to the Committee on Science, Space, and Tech-  
23                   nology of the House of Representatives and the  
24                   Committee on Commerce, Science, and Trans-

1 portation of the Senate a report summarizing  
2 the implementation of this subsection.

3 “(B) CONTENTS.—Each report under sub-  
4 paragraph (A) shall include, with respect to the  
5 annual period to which such report relates, the  
6 following:

7 “(i) Information relating to the total  
8 number of employees of private sector enti-  
9 ties assigned to the Administration, and  
10 the total number of employees of the Ad-  
11 ministration assigned to private sector en-  
12 tities.

13 “(ii) A brief description and assess-  
14 ment of the talent management benefits  
15 evidenced from such assignments, as well  
16 as any identified strategic human capital  
17 and operational challenges, including the  
18 following:

19 “(I) An identification of the  
20 names of the private sector entities to  
21 and from which employees were as-  
22 signed.

23 “(II) A complete listing of posi-  
24 tions such employees were assigned to  
25 and from.

1                   “(III) An identification of as-  
2                   signed roles and objectives of such as-  
3                   signments.

4                   “(IV) Information relating to the  
5                   durations of such assignments.

6                   “(V) Information relating to as-  
7                   sociated pay grades and levels.

8                   “(iii) An assessment of impacts of  
9                   such assignments on the Administration  
10                  workforce and workforce culture.

11                  “(iv) An identification of the number  
12                  of Administration staff and budgetary re-  
13                  sources required to implement this sub-  
14                  section.

15                  “(13) FEDERAL ETHICS.—Nothing in this sub-  
16                  section shall affect existing Federal ethics rules ap-  
17                  plicable to Federal personnel.

18                  “(14) GAO REPORTING.—

19                  “(A) IN GENERAL.—Not later than three  
20                  years after the date of the enactment of this  
21                  subsection, the Comptroller General of the  
22                  United States shall submit to the Committee on  
23                  Science, Space, and Technology of the House of  
24                  Representatives and the Committee on Com-  
25                  merce, Science, and Transportation of the Sen-

1           ate a report summarizing the implementation of  
2           this subsection.

3           “(B) CONTENTS.—The report under sub-  
4           paragraph (A) shall include the following:

5                   “(i) A review of the implementation of  
6                   this subsection, according to law and the  
7                   Administration policies and procedures es-  
8                   tablished for assignments under this sub-  
9                   section.

10                   “(ii) Information relating to the ex-  
11                   tent to which such assignments adhere to  
12                   best practices relating to public-private tal-  
13                   ent exchange programs.

14                   “(iii) A determination as to whether  
15                   there should be limitations on the number  
16                   of individuals participating in such assign-  
17                   ments.

18                   “(iv) Information relating to the ex-  
19                   tent to which the Administration complies  
20                   with statutory requirements and ethics  
21                   rules, and appropriately handles potential  
22                   conflicts of interest and access to non-  
23                   public information with respect to such as-  
24                   signments.

1                   “(v) Information relating to the extent  
2                   to which such assignments effectively con-  
3                   tribute to one or more of the Administra-  
4                   tion’s missions.

5                   “(vi) Information relating to Adminis-  
6                   tration resources, including employee time,  
7                   dedicated to administering such assign-  
8                   ments, and whether such resources are suf-  
9                   ficient for such administration.”.

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