

8422; title 20 sections 1087ee, 1092; title 26 sections 912, 3121, 3122, 6051; title 42 sections 292d, 292r, 297b, 405, 409, 410, 12639.

§ 2501. Congressional declaration of purpose

(a) The Congress of the United States declares that it is the policy of the United States and the purpose of this chapter to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, particularly in meeting the basic needs of those living in the poorest areas of such countries, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

(b) The Congress declares that it is the policy of the United States and a purpose of the Peace Corps to maintain, to the maximum extent appropriate and consistent with programmatic and fiscal considerations, a volunteer corps of at least 10,000 individuals.

(Pub. L. 87-293, title I, § 2, Sept. 22, 1961, 75 Stat. 612; Pub. L. 95-331, § 2, Aug. 2, 1978, 92 Stat. 414; Pub. L. 99-83, title XI, § 1102(a), Aug. 8, 1985, 99 Stat. 272.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, as amended, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

AMENDMENTS

1985—Pub. L. 99-83 designated existing provisions as subsec. (a) and added subsec. (b).

1978—Pub. L. 95-331 inserted “particularly in meeting the basic needs of those living in the poorest areas of such countries” after “manpower”.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

EFFECTIVE DATE

Section 28, formerly section 27, of Pub. L. 87-293, as renumbered by Pub. L. 99-83, title XI, § 1105(a)(1), Aug. 8, 1985, 99 Stat. 276, provided that: “This Act [see Short Title note below] shall take effect on the date of its enactment [Sept. 22, 1961].”

SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95-331 provided: “That this Act [amending this section and sections 2501a, 2502, 2504, 2509, and 2510 of this title and enacting provisions set out as notes under sections 2501a and 2509 of this title] may be cited as the ‘Peace Corps Act Amendments of 1978’.”

SHORT TITLE

Section 1 of Pub. L. 87-293 provided that: “This Act [enacting this chapter, amending section 2253 of former Title 5, Executive Departments and Government Officers and Employees, section 425 of Title 20, Education, sections 912, 1303, 3121, 3122, 3401, and 6051 of Title 26, Internal Revenue Code, and sections 405, 409, and 410 of Title 42, The Public Health and Welfare, and enacting

provisions set out as notes under this section and sections 912 and 3121 of Title 26] may be cited as the ‘Peace Corps Act’.”

EXECUTIVE ORDER NO. 10924

Ex. Ord. No. 10924, Mar. 1, 1961, 26 F.R. 1789, relating to the establishment and administration of the Peace Corps, was superseded by Ex. Ord. No. 11041, Aug. 6, 1962, 27 F.R. 7859, formerly set out below.

EXECUTIVE ORDER NO. 11041

Ex. Ord. No. 11041, Aug. 7, 1962, 27 F.R. 7859, as amended by Ex. Ord. No. 11250, Oct. 10, 1965, 30 F.R. 13003, which provided for the continuance and administration of the Peace Corps in the Department of State, was superseded by Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, formerly set out below.

EXECUTIVE ORDER NO. 11603

Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, which provided for the continuance and administration of the Peace Corps within ACTION, was superseded by Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, set out below.

EX. ORD. NO. 12137. ADMINISTRATION OF PEACE CORPS AS AN AGENCY WITHIN ACTION

Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, as amended by Ex. Ord. No. 12245, Oct. 6, 1980, 45 F.R. 66769; Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968; Ex. Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379, provided:

By virtue of the authority vested in me by the Peace Corps Act, as amended (22 U.S.C. 2501-2523) and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

1-1. PEACE CORPS

1-101. The Peace Corps, which was established as an agency in the Department of State pursuant to Executive Order No. 10924 of March 1, 1961 (26 FR 1789) [formerly set out under this section], which was continued in existence in that Department under the Peace Corps Act (the “Act”) [this chapter] pursuant to Section 102 of Executive Order No. 11041 of August 6, 1962 (27 FR 7859) [formerly set out under this section], and which was transferred to and continued as a component of ACTION [now Corporation for National and Community Service] by Executive Order No. 11603 of June 30, 1971 (36 FR 12675) [formerly set out under this section], shall be an agency within ACTION pursuant to the provisions of this Order.

1-102. All references to the “Director” in Part 1-1 of this Order shall refer to the Director of the Peace Corps for whom provision is made in Section 4(a) of the Act (22 U.S.C. 2503).

1-103. Exclusive of the functions otherwise delegated by or reserved to the President by this Order, and subject to the provisions of this Order, there are hereby delegated to the Director all functions conferred upon the President by the Act [this chapter] and by Section 2(b) of Reorganization Plan No. 1 of 1971 [5 U.S.C. App.].

1-104. The function of determining the portion of living allowances constituting basic compensation, conferred upon the President by Section 201(a) of Public Law 87-293 (26 U.S.C. 912(3)), is hereby delegated to the Director and shall be performed in consultation with the Secretary of the Treasury.

1-105. The functions of prescribing regulations and making determinations (relating to appointment of Peace Corps employees in the Foreign Service System), conferred upon the President by Section 5 of Public Law 89-135 (79 Stat. 551) [probably means section 5(b) of Pub. L. 89-134, Aug. 24, 1965, 79 Stat. 551, set out as a note under section 2506 of this title], are hereby delegated to the Director.

1-106. The functions of prescribing conditions, conferred upon the President by the second sentence of

Section 5(e), as amended (22 U.S.C. 2504(e)), and the third proviso of Section 6 of the Act (22 U.S.C. 2505) (relating to providing health care in Government facilities) and hereinabove delegated to the Director, shall be exercised in consultation with the head of the United States Government agency responsible for the facility.

1-107. The reports required by Section 11 of the Act, as amended ([former] 22 U.S.C. 2510), shall be prepared by the Director and submitted to the Congress through the President.

1-108. Subject to applicable provisions of law, all funds appropriated or otherwise made available to the President for carrying out the provisions of the Act [this chapter] shall be deemed to be allocated without any further action of the President to the Director or to such subordinate officer as the Director may designate. The Director or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditures thereby consistent with applicable law.

1-109. Nothing in this Order shall be deemed to impair or limit the powers or functions vested in the Secretary of State by the Act [this chapter].

1-110. The negotiation, conclusion, and termination of international agreements pursuant to the Act [this chapter] shall be under the direction of the Secretary of State.

1-111. Any substantial change in policies in effect on the date of this Order for the utilization of the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], pursuant to Section 7 of the Act (22 U.S.C. 2506), shall be coordinated with the Secretary of State.

1-112. The Director shall consult and coordinate with the Director of ACTION to assure that the functions delegated to the Director by this Order are carried out consistently with the functions conferred upon the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), ("Volunteer Service Act"), Reorganization Plan No. 1 of 1971 [5 U.S.C. App.] and this Order.

1-2. THE PEACE CORPS ADVISORY COUNCIL [REVOKED BY EX. ORD. NO. 12399, DEC. 31, 1982, 48 F.R. 379]

1-3. RESERVATION OF FUNCTIONS TO THE PRESIDENT

1-301. There are hereby excluded from the delegations made by Section 1-1 of this Order the following powers and functions of the President:

(a) All authority conferred by Sections 4(b), 4(c)(2), 4(c)(3), 10(d), and 18 of the Act (22 U.S.C. 2503(b), (c)(2), (c)(3), 2509(d), and 2517).

(b) The authority conferred by Section 4(a) of the Act (22 U.S.C. 2503(a)) to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred on the President by Section 5(f)(1)(B) of the Act (22 U.S.C. 2504(f)(1)(B)).

(d) The authority conferred by Section 10(f) of the Act (22 U.S.C. 2509(f)) to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act [this chapter].

(e) The authority conferred by Section 19 of the Act (22 U.S.C. 2518) to adopt and alter an official seal or emblem of the Peace Corps.

1-4. INCIDENTAL PROVISIONS

1-401. Persons appointed, employed, or assigned under Section 7(a) of the Act (22 U.S.C. 2506(a)) shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by Section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3950) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1-402. Pursuant to Section 10(d) of the Act (22 U.S.C. 2509(d)), it is hereby determined to be in furtherance of the purposes of the Act [this chapter] that functions authorized thereby may be performed without regard to

the applicable laws specified in Section 1 and 2 of Executive Order No. 11223 of May 12, 1965 [22 U.S.C. 2393 note], and with or without consideration as specified in Section 3 of that Order, but subject to the limitations set forth in that Order.

1-403. As used in this Order, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act [this chapter].

1-5. NATIONAL VOLUNTARY ACTION PROGRAM

1-501. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by Section 1 of Executive Order No. 11470 of May 26, 1969 [formerly set out as a note under section 2701 of Title 42, the Public Health and Welfare], is continued in ACTION. That program shall supplement corresponding action by private and other non-Federal organizations such as the National Center for Voluntary Action. As used in this Order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and nonprofit, national and local, occupational, and altruistic) and by individual citizens.

1-6. DIRECTOR OF ACTION

1-601. In addition to the functions vested in the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C., Section 4951 et seq.), Reorganization Plan No. 1 of 1971 [5 U.S.C. App.], and Section 1-401 of this Order, the Director of ACTION shall:

(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative voluntary action programs directed toward community problems.

1-602. The head of each Federal department and agency, or a designated representative, when so requested by the Director of ACTION or the Director of the Peace Corps, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order, the Domestic Volunteer Service Act of 1973 [42 U.S.C. 4951 et seq.] and Reorganization Plan No. 1 of 1971 [5 U.S.C. App.].

1-603. The head of each Federal department or agency shall, when so requested by the Director of ACTION, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

1-604. The head of each Federal department or agency, or a designated representative, shall keep the Director of ACTION informed of proposed budgets, plans, and programs of that department or agency affecting voluntary action programs.

1-605. Under the direction of the President and subject to the responsibilities of the Secretary of State, the Director of ACTION shall be responsible for the general direction of those ACTION functions, which jointly serve ACTION domestic volunteer components and the Peace Corps, and for advising the Director of the Peace Corps to ensure that the functions delegated under this Order to the Director of the Peace Corps are carried out.

1-7. GENERAL PROVISIONS

1-701. Except to the extent that they may be inconsistent with this Order, all determinations, authoriza-

tions, regulations, rulings, certifications, orders, directives, contracts, agreements, and other actions made, issued or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-702. Except as otherwise expressly provided herein, nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the Executive Branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other agency or head or as abrogating, modifying, or restricting any such function in any manner.

1-703. So much of the personnel, property, records, and unexpended balances or appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions assigned to the Director of the Peace Corps or to the Director of ACTION by this Order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Director of the Peace Corps or the Director of ACTION at such time or times as the Director of the Office of Management and Budget shall direct.

1-704. To the extent permitted by law, such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the provisions of this Order shall be carried out by such agencies as the Director of the Office of Management and Budget shall specify.

1-705. The authority conferred by Sections 1-703 and 1-704 of this Order shall supplement, not limit, the provisions of Section 1-108 of this Order.

1-706. Executive Order Nos. 11041, 11250, 11470 and 11603 are hereby superseded.

1-707. This Order shall become effective May 16, 1979.

EXECUTIVE ORDER NO. 12468

Ex. Ord. No. 12468, Mar. 22, 1984, 49 F.R. 11139, which established the Presidential Advisory Council on the Peace Corps and provided for its membership, functions, etc., was revoked by Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2510, 2517 of this title.

§ 2501-1. Independent agency status of Peace Corps

Effective on December 29, 1981, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION Agency, the successor to the ACTION Agency, or any other department or agency of the United States.

(Pub. L. 87-293, title I, §2A as added Pub. L. 97-113, title VI, §601(a), Dec. 29, 1981, 95 Stat. 1540; amended Pub. L. 103-82, title IV, §405(e), Sept. 21, 1993, 107 Stat. 921.)

AMENDMENTS

1993—Pub. L. 103-82 inserted “, the successor to the ACTION Agency,”.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103-82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS, PERSONNEL, ETC., TO PEACE CORPS

Section 601(b), (c) of Pub. L. 97-113 provided that:

“(b) There are transferred to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency [now Corporation for National and Community Service] on the day before the date of the enactment of this Act [Dec. 29, 1981].

“(c)(1) All personnel, assets liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds are determined by the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, the Director of the Peace Corps, and the Director of the ACTION Agency, to be employed, held, used, or assumed primarily in connection with any function relating to the Peace Corps before the date of the enactment of this Act [Dec. 29, 1981] are transferred to the Peace Corps. The transfer of unexpended balances pursuant to the preceding sentence shall be subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) [31 U.S.C. 1531].

“(2)(A) The transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any employee to be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after—

“(i) the date on which the director of the Office of Management and Budget submits the report required by subsection (f)(1) of this section, or

“(ii) the effective date of the transfer of such employee, whichever occurs later.

“(B) The personnel transferred pursuant to this subsection shall, to the maximum extent feasible, be assigned to such related functions and organizational units in the Peace Corps as such personnel were assigned to immediately before the date of the enactment of this Act [Dec. 29, 1981].

“(C) Collective-bargaining agreements in effect on the date of the enactment of this Act [Dec. 29, 1981] covering personnel transferred pursuant to this subsection or employed on such date of enactment [Dec. 29, 1981] by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of such agreements or until such agreements are modified in accordance with applicable procedures.

“(3) Under such regulations as the President may prescribe, each person who, immediately before the date of the enactment of this Act [Dec. 29, 1981], does not hold an appointment under section 7(a)(2) of the Peace Corps Act [22 U.S.C. 2506(a)(2)] and who is determined under paragraph (1) of this subsection to be employed primarily in connection with any function relating to the Peace Corps shall, effective on the date of the enactment of this Act [Dec. 29, 1981], and notwithstanding subparagraph (B) of section 7(a)(2) of the Peace Corps Act, be appointed a member of the Foreign Service under section 7(a)(2) of the Peace Corps Act [22 U.S.C. 2506(a)(2)], and be appointed or assigned to an appropriate class of the Foreign Service, except that—

“(A) any person who, immediately before such date of enactment [Dec. 29, 1981], holds a career or career-conditional appointment shall not, without the consent of such person, be so appointed until three years after such date of enactment [Dec. 29, 1981], during which period any such person not consenting to be so appointed may continue to hold such career or career-conditional appointment; and

“(B) each person so appointed who, immediately before such date of enactment [Dec. 29, 1981], held a career or career-conditional appointment at grade GS-8 or lower of the General Schedule established by section 5332 of title 5, United States Code, shall be appointed a member of the Foreign Service for the du-