

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, authorizations, 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 instrumental-

ity 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.

§ 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 duration of operations under the Peace Corps Act [this chapter].

Each person appointed under this paragraph shall receive basic compensation at the rate of such person's class determined by the President to be appropriate, except that the rate of basic compensation received by such person immediately before the effective date of such person's appointment under this paragraph shall not be reduced as a result of the provisions of this paragraph.”

REFERENCES TO ACTION AGENCY OR DIRECTOR OF ACTION AGENCY WITH RESPECT TO PEACE CORPS OR DIRECTOR FUNCTIONS OR ACTIVITIES

Section 601(g) of Pub. L. 97-113 provided that: “References in any statute, reorganization plan, Executive

order, regulation, or other official document or proceeding to the ACTION Agency [now Corporation for National and Community Service] or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.”

§ 2501a. Voluntary service programs

(a) Congressional declaration of policy of encouragement

The Congress declares that it is the policy of the United States and a further purpose of this chapter (1) to encourage countries and areas to establish programs under which their citizens and nationals would volunteer to serve in order to help meet the needs of less developed countries or areas for trained manpower; (2) to encourage less developed countries or areas to establish programs under which their citizens and nationals would volunteer to serve in order to meet their needs for trained manpower; and (3) to encourage the development of, and participation in, international voluntary service programs and activities.

(b) Limitations on executive activities and use of funds

(1) Activities carried out by the President in furtherance of the purposes of clauses (1) and (2) of subsection (a) of this section shall be limited to—

(A) furnishing technical assistance, materials, tools, supplies, and training appropriate to the support of volunteer programs in such countries or areas; and

(B) conducting demonstration projects in such countries or areas.

None of the funds made available to carry out the purposes of clauses (1) and (2) of subsection (a) of this section may be used to pay the administrative costs of any program or project, other than a demonstration project, or to assist any program or project of a paramilitary or military nature. Funds allocated for activities set forth in this paragraph should be kept to a minimum so that such allocation will not be detrimental to other Peace Corps programs and activities.

(2) Not more than 2 per centum of the amount appropriated to the Peace Corps for a fiscal year may be used in such fiscal year to carry out the provisions of clause (3) of subsection (a) of this section. Such funds may be contributed to educational institutions, private voluntary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of encouraging the development of, and participation in, international voluntary programs and activities.

(c) Compromise of national character

Such activities shall not compromise the national character of the Peace Corps.

(Pub. L. 87-293, title III, §301, as added Pub. L. 88-200, §8, Dec. 13, 1963, 77 Stat. 360; amended Pub. L. 91-99, §3, Oct. 29, 1969, 83 Stat. 166; Pub. L. 91-352, §9, July 24, 1970, 84 Stat. 465; Pub. L. 92-352, title IV, §402, July 13, 1972, 86 Stat. 495; Pub. L. 95-331, §§7, 8(a), Aug. 2, 1978, 92 Stat. 415, 416.)