

## LEGAL EXPENSES INCURRED PRIOR TO SEPT. 13, 1966

Section 2(b) of Pub. L. 89-572 provided that: "The authority contained in subsection (a) [adding subsec. (1) to this section] shall extend to counsels fees, costs, and other expenses of the types specified therein that were incurred prior to the date of enactment of this Act [Sept. 13, 1966]."

## EX. ORD. NO. 11103. APPOINTMENT OF FORMER VOLUNTEERS TO CIVILIAN CAREER SERVICES

Ex. Ord. No. 11103, Apr. 10, 1963, 28 F.R. 3571, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) [see, generally, section 1101 et seq. of Title 5, Government Organization and Employers], and section 1753 of the Revised Statutes [section 3301 of Title 5], and as President of the United States, it is hereby ordered as follows:

SECTION 1. Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the Executive Branch may appoint in the competitive service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act [see Short Title note set out under section 2501 of this title] and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

SEC. 2. The head of any agency in the Executive Branch having an established merit system in the excepted service may appoint in such service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act [see Short Title note set out under section 2501 of this title] and who passes such examination as such agency head may prescribe.

SEC. 3. Certificates of satisfactory service for the purposes of this order shall be issued only to persons who have completed a full term of service (approximately two years) under the Peace Corps Act [see Short Title note set out under section 2501 of this title]: *Provided*, That such certificates may be issued to persons who have completed a lesser period of satisfactory service if, in the judgment of the Director of the Peace Corps, (1) their service was of sufficient duration to demonstrate their capability to complete satisfactorily a full term, and (2) their failure to complete a full term was due to circumstances beyond their control.

SEC. 4. Any appointment under this order shall be effected within a period of one year after completion of the appointee's service under the Peace Corps Act [see Short Title note set out under section 2501 of this title]: *Provided*, That such period may be extended to not more than three years in the case of persons who, following such service, are engaged in military service, in the pursuit of studies at a recognized institution of higher learning, or in other activities which, in the view of the appointing authority, warrant an extension of such period.

SEC. 5. Any law, Executive Order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this order.

**§ 2505. Peace Corps volunteer leaders; number; applicability of chapter; benefits**

The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in connection with programs under this chapter (referred to in this chapter as "volunteer leaders"). The ratio of the total number of volunteer

leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five. Except as otherwise provided in this chapter, all of the provisions of this chapter applicable to volunteers shall be applicable to volunteer leaders, and the term "volunteers" shall include "volunteer leaders": *Provided, however, That—*

(1) volunteer leaders shall be entitled to receive a readjustment allowance at a rate not less than \$125 for each month of satisfactory service as determined by the President;

(2) spouses and minor children of volunteer leaders may receive such living, travel, and leave allowances, and such housing, transportation, subsistence, and essential special items of clothing, as the President may determine, but the authority contained in this paragraph shall be exercised only under exceptional circumstances;

(3) spouses and minor children of volunteer leaders accompanying them may receive such health care as the President may determine and upon such terms as he may determine, including health care in any facility referred to in section 2504(e) of this title, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in section 2504(e) of this title; and

(4) spouses and minor children of volunteer leaders accompanying them may receive such orientation, language, and other training necessary to accomplish the purposes of this chapter as the President may determine.

(Pub. L. 87-293, title I, § 6, Sept. 22, 1961, 75 Stat. 615; Pub. L. 88-200, § 3, Dec. 13, 1963, 77 Stat. 360; Pub. L. 89-134, § 3, Aug. 24, 1965, 79 Stat. 549; Pub. L. 91-352, § 4, July 24, 1970, 84 Stat. 465; Pub. L. 97-387, § 1(a), Dec. 23, 1982, 96 Stat. 1947.)

## REFERENCES IN TEXT

This chapter, referred to in text, 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 under section 2501 of this title and Tables.

## AMENDMENTS

1982—Par. (1). Pub. L. 97-387 substituted "not less than \$125" for "not to exceed \$125".

1970—Pub. L. 91-352 struck out provisions extending health care under cl. (3) to a married volunteer's child if born during the volunteer's service.

1965—Pub. L. 89-134 extended the health care provisions of cl. (3) to a married volunteer's child if born during the volunteer's service.

1963—Pub. L. 88-200 substituted "a readjustment allowance" for "termination payments" in cl. (1).

## EFFECTIVE DATE OF 1982 AMENDMENT

Section 1(b) of Pub. L. 97-387 provided that: "This amendment [amending this section] shall be effective as of December 29, 1981."

## DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Director of Peace Corps with functions relating to providing health care in government facilities under clause (3) to be exercised in consultation with head of agency responsible for facility by sections 1-103 and 1-106 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

## APPOINTMENT TO CIVILIAN CAREER SERVICES

Appointment of former volunteer leaders to civilian career services, see Ex. Ord. No. 11103, Apr. 10, 1963, 28 F.R. 3571, set out as a note under section 2504 of this title.

**§ 2506. Peace Corps employees****(a) Foreign employment; compensation, allowances, and benefits; utilization of Presidential authority respecting Foreign Service; additional compensation and differentials; additional governmental employment by person receiving Foreign Service Reserve or staff appointment or assignment; limitation on length of employment**

(1) For the purpose of performing functions under this chapter outside the United States, the President may employ or assign persons, or authorize the employment or assignment of officers or employees of agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system, who shall receive compensation at any of the rates established under section 402 or 403 of the Foreign Service Act of 1980 [22 U.S.C. 3962, 3963], together with allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of the employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of that Act [22 U.S.C. 3950] for persons appointed to the Foreign Service.

(2) The President may utilize such authority contained in the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.] relating to members of the Foreign Service and other United States Government officers and employees as the President deems necessary to carry out functions under this chapter, except that—

(A) no Foreign Service appointment or assignment under this paragraph shall be for a period of more than seven and one-half years, subject to paragraph (5) and except as provided in paragraph (6); and

(B) no individual whose Foreign Service appointment or assignment under this paragraph has been terminated shall be reappointed or reassigned under this paragraph before the expiration of a period of time equal to the preceding tour of duty of that individual.

Subparagraphs (A) and (B) do not apply with respect to foreign national employees. Such provisions of the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.] (other than the provisions of section 309 [22 U.S.C. 3949]) as the President deems appropriate shall apply to individuals appointed or assigned under this paragraph, including in all cases, the provisions of section 310 of that Act [22 U.S.C. 3950], except that (i) the President may by regulation make exceptions to the application of section 310 [22 U.S.C. 3950] in cases in which the period of the appointment or assignment exceeds thirty months, (ii) members of the Foreign Service appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe, and (iii) under such regulations as the President may prescribe, individuals who are to perform

duties of a more routine nature than are generally performed by members of the Foreign Service assigned to class 9 in the Foreign Service Schedule may be appointed to an unenumerated class ranking below class 9 in the Foreign Service Schedule and be paid basic compensation at rates lower than those for class 9, except that such rates may be no less than the then applicable minimum wage rate specified in section 206(a)(1) of title 29.

(3) The President may specify what additional allowance authorized by section 5941 of title 5 and which of the allowances and differentials authorized by sections 5923 through 5925 of such title 5, may be granted to any person employed, appointed, or assigned under this subsection, or contracted with for personal services under section 2509(a)(5) of this title, and may determine the rates thereof not to exceed the rates otherwise granted to employees under the sections of title 5 referred to in this paragraph.

(4) An individual who has received an appointment or assignment in the Foreign Service under this subsection may, not later than September 30, 1982, or three years after separation from such appointment or assignment, whichever is later, be appointed to a position in any United States department, agency, or establishment—

(A) in the competitive service under title 5 without competitive examination and in accordance with such regulations and conditions consistent with this subsection as may be prescribed by the Director of the Office of Personnel Management, or

(B) in an established merit system in the excepted service,

if such individual (i) served satisfactorily under the authority of this subsection, as certified by the President, for not less than thirty-six months on a continuous basis without a break in service of more than three days, and (ii) is qualified for the position in question.

(5) Except as provided in paragraph (6), the Director of the Peace Corps may make appointments or assignments of United States citizens under paragraph (2) for periods of more than five years only in the case of individuals whose performance as employees of the Peace Corps has been exceptional and only in order to achieve one or more of the following purposes:

(A) To permit individuals who have served at least two and one-half years of such an appointment or assignment abroad to serve in the United States thereafter.

(B) To permit individuals who have served at least two and one-half years of such an appointment or assignment in the United States to serve abroad thereafter.

(C) To permit individuals who have served at least two and one-half years of such an appointment or assignment in a recruitment, selection, or training activity to be reassigned to an activity other than the one in which they have most recently so served.

(D) To promote the continuity of functions in administering the Peace Corps.

At no time may the number of appointments or assignments of United States citizens in effect under paragraph (2) for periods in excess of five