

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

years exceed fifteen percent of the total of all appointments and assignments of United States citizens then in effect under paragraph (2).

(6) Notwithstanding the limitation set forth in paragraph (2)(A) on the length of an appointment or assignment under paragraph (2) and notwithstanding the limitations set forth in paragraph (5) on the circumstances under which such an appointment or assignment may exceed five years, the Director of the Peace Corps, under special circumstances, may personally approve an extension of an appointment or assignment under paragraph (2) for not more than one year on an individual basis.

(7) The limitations specified in subparagraphs (A) and (B) of paragraph (2) and in paragraph (5) shall not apply to—

(A) the Inspector General of the Peace Corps; and

(B) officers and employees of the Office of the Inspector General of the Peace Corps.

(b) Repealed. Pub. L. 96-465, title II, § 2205(9), Oct. 17, 1980, 94 Stat. 2160

(c) Peace Corps representatives; terms and conditions of service; removal

In each country or area in which volunteers serve abroad, the President may appoint an employee or a volunteer as a Peace Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this chapter in such country or area. Unless a representative is a volunteer, the compensation, allowances and benefits, and other terms and conditions of service of each such representative, shall be the same as those of a person appointed, or assigned pursuant to paragraph (1) or (2) of subsection (a) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion.

(Pub. L. 87-293, title I, § 7, Sept. 22, 1961, 75 Stat. 615; Pub. L. 87-793, § 1001(7), Oct. 11, 1962, 76 Stat. 865; Pub. L. 88-200, § 4, Dec. 13, 1963, 77 Stat. 360; Pub. L. 89-134, § 4, Aug. 24, 1965, 79 Stat. 549; Pub. L. 91-352, § 5, July 24, 1970, 84 Stat. 465; Pub. L. 96-53, title III, § 302, Aug. 14, 1979, 93 Stat. 371; Pub. L. 96-465, title II, §§ 2202(b), 2205(9), Oct. 17, 1980, 94 Stat. 2157, 2160; Pub. L. 98-473, title I, § 101(1) [title V, § 541(a)], Oct. 12, 1984, 98 Stat. 1884, 1903; Pub. L. 99-83, title XI, § 1103(a), Aug. 8, 1985, 99 Stat. 272; Pub. L. 112-57, §§ 5(1), 6, Nov. 21, 2011, 125 Stat. 744.)

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.

The Foreign Service Act of 1980, referred to in subsec. (a)(1), (2), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

The effective date of this paragraph, referred to in subsec. (a)(4), probably means the effective date of Pub. L. 96-53, Aug. 14, 1979, 93 Stat. 359, section 302 of which added subsec. (a)(4) and which became effective Oct. 1, 1979, see Effective Date of 1979 Amendment note below.

CODIFICATION

Amendment by Pub. L. 98-473 is based on section 703 of H.R. 5119, Ninety-eighth Congress, as passed by the House of Representatives May 10, 1984, which was enacted into permanent law by Pub. L. 98-473.

AMENDMENTS

2011—Subsec. (a)(3). Pub. L. 112-57, § 5(1), inserted “, or contracted with for personal services under section 2509(a)(5) of this title,” after “employed, appointed, or assigned under this subsection”.

Subsec. (a)(7). Pub. L. 112-57, § 6, added par. (7).

1985—Subsec. (a)(2)(A). Pub. L. 99-83, § 1103(a)(1), substituted “seven and one-half” for “five”, substituted “, subject to paragraph (5) and except as provided in paragraph (6)” for “unless the Director of the Peace Corps, under special circumstances, personally approves an extension of not more than one year on an individual basis”, and inserted reference to section 309 of the Foreign Service Act of 1980.

Subsec. (a)(5), (6). Pub. L. 99-83, § 1103(a)(2), added pars. (5) and (6).

1984—Subsec. (a)(2). Pub. L. 98-473 inserted provision that subparagraphs (A) and (B) do not apply with respect to foreign national employees.

1980—Subsec. (a)(1). Pub. L. 96-465, § 2202(b)(1)(A), substituted “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” for “, who shall receive compensation at any of the rates provided for persons appointed to the Foreign Service Reserve and Staff under the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)” and “section 310” for “section 528” and struck out reference to the applicability of section 1005 of the Foreign Service Act of 1946.

Subsec. (a)(2). Pub. L. 96-465, § 2202(b)(1)(B), among other changes, substituted references to the Foreign Service Act of 1980 for references to the Foreign Service Act of 1946 and references to class 9 for class 10, and inserted provision relating to section 206(a)(1) of title 29.

Subsec. (a)(4). Pub. L. 96-465, § 2202(b)(2), among other changes, struck out provisions relating to the time Congress enacts Foreign Service personnel reform legislation, inserted reference to September 30, 1982, and substituted “such individual” for “such person” and “continuous basis without a break in service of more than three days” for “substantially continuous basis”.

Subsec. (b). Pub. L. 96-465, § 2205(9), struck out subsec. (b) which related to criteria for performance of foreign employment, separation, and severance benefits. See sections 3922 and 4007 of this title.

1979—Subsec. (a)(4). Pub. L. 96-53 added par. (4).

1970—Subsec. (a)(3). Pub. L. 91-352 substantially reenacted provisions and substituted references to section 5941 of title 5, and sections 5923 through 5925 of such title 5, for references to section 118h of title 5 and title II of the Overseas Differentials and Allowances Act.

1965—Subsec. (a). Pub. L. 89-134, § 4(a), (b), redesignated subsec. (c) as (a), incorporated into par. (1) material formerly set out as introductory material, spelled out the authority of the President to utilize his authority to appoint and assign persons under the Foreign Service Act of 1946 by making specific reference to his authority as it related to Foreign Service Reserve Officers, Foreign Service Staff officers and employees, alien clerks and employees and other Government officers and employees apart from the Foreign Service, limited to five-year duration all Foreign Service Reserve or Staff appointments and assignments unless the Director of the Peace Corps personally approved one-year extensions on an individual basis, prohibited reappointment or reassignment under this par. before expiration of a period of time equal to the length of the appointee’s preceding tour of duty, inserted proviso in par. (2) allowing appointment of an unenumerated class of Foreign Service staff officers and employees ranking below class 10 to be paid basic compensation at rates

lower than those of class 10 to perform duties of a more routine nature than are usually performed by Foreign Service staff officers and employees of class 10, and, in par. (3), inserted reference to section 118h of title 5 and substituted reference to subsec. (a) for reference to subsec. (c). Former subsec. (a), relating to domestic employment, was repealed.

Subsec. (b). Pub. L. 89-134, §4(c), redesignated subsec. (d) as (b), inserted “for the purpose of performing functions under this chapter outside the United States” after “or assigned”, and substituted reference to subsec. (a)(2) for reference to subsec. (c)(2). Former subsec. (b), relating to compensation for domestic employment, was repealed.

Subsec. (c). Pub. L. 89-134, §4(d), redesignated subsec. (e) as (c) and substituted reference to subsec. (a) of this section for reference to subsec. (c) of this section. Former subsec. (c) redesignated (a).

Subsecs. (d), (e). Pub. L. 89-134, §4(c), (d), redesignated subsecs. (d) and (e) as (b) and (c), respectively.

1963—Subsec. (b). Pub. L. 88-200 struck out “so” before “employed”.

1962—Subsec. (b). Pub. L. 87-793 substituted “but not in excess of the highest grade 18 of such general schedule” for “and of these not to exceed two may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of \$19,000 per year”.

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 OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Section 5(a) of Pub. L. 89-134 provided that: “Section 4 of this Act [amending this section] shall not become effective until the first day of the fourth pay period which begins after the date this Act becomes law. [Aug. 24, 1965].”

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on first day of first pay period which begins on or after Oct. 11, 1962, see section 1008 of Pub. L. 87-793.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Director of Peace Corps by section 1-103 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.

COORDINATION OF CHANGES IN POLICY WITH SECRETARY OF STATE

Any substantial changes in policies in effect on May 16, 1979, for the utilization of the Foreign Service Act of 1980 (§3901 et seq. of this title) pursuant to this section are to be coordinated with the Secretary of State, see section 1-111 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, set out as a note under section 2501 of this title.

PEACE CORPS APPOINTMENTS OR ASSIGNMENTS

Pub. L. 108-199, div. D, title II, Jan. 23, 2004, 118 Stat. 156, provided in part: “That during fiscal year 2004 and any subsequent fiscal year, the Director of the Peace Corps may make appointments or assignments, or ex-

tend current appointments or assignments, to permit United States citizens to serve for periods in excess of 5 years in the case of individuals whose appointment or assignment, such as regional safety security officers and employees within the Office of the Inspector General, involves the safety of Peace Corps volunteers: *Provided further*, That the Director of the Peace Corps may make such appointments or assignments notwithstanding the provisions of section 7 of the Peace Corps Act [this section] limiting the length of an appointment or assignment, the circumstances under which such an appointment or assignment may exceed 5 years, and the percentage of appointments or assignments that can be made in excess of 5 years.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 108-7, div. E, title II, Feb. 20, 2003, 117 Stat. 171.

REPORTS TO CONGRESS

Section 1103(b) of Pub. L. 99-83, which required the Director of the Peace Corps to submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives reports on the exercise of certain appointment authority granted under section 1103(a) of Pub. L. 99-83 (amending subsec. (a) of this section), terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 189 of House Document No. 103-7.

BENEFITS FOR PERSONS APPOINTED OR ASSIGNED UNDER SUBSEC. (a)

Persons appointed, employed, or assigned under subsec. (a) of this section are not, unless otherwise agreed by the agency in which such benefits may be exercised, entitled to the benefits provided by section 928 of this title in cases in which their service under the appointment, employment, or assignment exceeds thirty months, see section 1-401 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, set out as a note under section 2501 of this title.

TRANSFER OF WASHINGTON HEADQUARTERS PERSONNEL FROM CIVIL SERVICE TO FOREIGN SERVICE APPOINTMENTS

Section 5(b) of Pub. L. 89-134 provided that: “Under such regulations as the President may prescribe, each person employed under authorities repealed by section 4(a) of this Act [which repealed former subsecs. (a) and (b) of this section providing for employment of Washington headquarters personnel in accordance with standard civil service laws] immediately prior to the effective date of that section [see Effective Date of 1965 Amendment note above] shall effective on that date be appointed a Foreign Service Reserve officer or Foreign Service staff officer or employee under the authority of section 7(a)(2) of the Peace Corps Act [subsec. (a)(2) of this section], as amended, and appointed or assigned to an appropriate class thereof; except that—

“(1) no person who holds a career or career-conditional appointment immediately prior to the effective date of section 4(a) of this Act [see effective date of 1965 Amendment note above] shall, without his consent, be so appointed until three years after such effective date; and

“(2) each person so appointed who, immediately prior to the effective date of section 4(a) of this Act [see effective date of 1965 Amendment note above], held a career or career-conditional appointment at grade 8 or below of the General Schedule established by the Classification Act of 1949, as amended [see §5101 et seq. of Title 5, Government Organization and Employees], shall receive an appointment for the duration of operations under the Peace Corps Act, as amended [see Short Title note set out under section 2501 of this title].

Each person appointed under this subsection shall receive basic compensation at the rate of his class deter-

mined by the President to be appropriate, but the rate of basic compensation received by such person immediately prior to the effective date of his appointment under this subsection shall not be reduced by the provisions of this subsection.”

[Functions of the President conferred by section 5(b) of Pub. L. 89-134, set out above, to prescribe regulations and make determinations (relating to appointment of Peace Corps Employees in the Foreign Service System) were delegated to the Director of the Peace Corps, by section 1-105 of Ex. Ord. No. 12137, May 16, 1976, 44 F.R. 29023, set out as a note under section 2501 of this title. Such functions were previously transferred from the President to the Director of ACTION [now Corporation for National and Community Service] by section 102(c) of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title, which was superseded by section 1-707 of Ex. Ord. No. 12137.]

§ 2507. Training program

(a) Applicants for enrollment and enrolled volunteers

The President shall make provision for such training, including training under section 2507a of this title, as he deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. All of the provisions of this chapter applicable respectively to volunteers and volunteer leaders shall be applicable to applicants for enrollment as such during any period of training occurring prior to enrollment, and the respective terms “volunteers” and “volunteer leaders” shall include such applicants during any such period of training.

(b) Citizen trainees for voluntary programs; foreign nationals as trainees; advances of funds or reimbursement basis; use of credits

The President may also make provision, on the basis of advances of funds or reimbursement to the United States, for training for citizens of the United States, other than those referred to in subsection (a) of this section, who have been selected for service abroad in programs not carried out under authority of this chapter which are similar to those authorized by this chapter. The provisions of section 2508 of this title shall apply, on a similar advance of funds or a reimbursement basis, with respect to persons while within the United States for training under authority of this subsection. Advances or reimbursements received under this subsection may be credited to the current applicable appropriation, fund, or account and shall be available for the purposes for which such appropriation, fund, or account is authorized to be used.

(Pub. L. 87-293, title I, § 8, Sept. 22, 1961, 75 Stat. 616; Pub. L. 102-511, title IX, § 904, Oct. 24, 1992, 106 Stat. 3356; Pub. L. 112-57, § 8(a)(2), Nov. 21, 2011, 125 Stat. 745.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), 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

2011—Subsec. (a). Pub. L. 112-57 inserted “, including training under section 2507a of this title,” after “for such training”.

1992—Subsec. (c). Pub. L. 102-511 struck out subsec. (c) which read as follows: “Training hereinabove provided for shall include instruction in the philosophy, strategy, tactics, and menace of communism.”

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Director of Peace Corps by section 1-103 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.

§ 2507a. Sexual assault risk-reduction and response training

(a) In general

As part of the training provided to all volunteers under section 2507(a) of this title, the President shall develop and implement comprehensive sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault field.

(b) Development and consultation with experts

In developing the sexual assault risk-reduction and response training under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

(c) Subsequent training

Once a volunteer has arrived in his or her country of service, the President shall provide the volunteer with training tailored to the country of service that includes cultural training relating to gender relations, risk-reduction strategies, treatment available in such country (including sexual assault forensic exams, post-exposure prophylaxis (PEP) for HIV exposure, screening for sexually transmitted diseases, and pregnancy testing), MedEvac procedures, and information regarding a victim’s right to pursue legal action against a perpetrator.

(d) Information regarding crimes and risks

Each applicant for enrollment as a volunteer shall be provided with information regarding crimes against and risks to volunteers in the country in which the applicant has been invited to serve, including an overview of past crimes against volunteers in the country.

(e) Contact information

The President shall provide each applicant, before the applicant enrolls as a volunteer, with—

(1) the contact information of the Inspector General of the Peace Corps for purposes of reporting sexual assault mismanagement or any other mismanagement, misconduct, wrongdoing, or violations of law or policy whenever it involves a Peace Corps employee, volunteer, contractor, or outside party that receives funds from the Peace Corps;

(2) clear, written guidelines regarding whom to contact, including the direct telephone number for the designated Sexual Assault Response Liaison (SARL) and the Office of Victim Advocacy and what steps to take in the event of a sexual assault or other crime; and

(3) contact information for a 24-hour sexual assault hotline to be established for the purpose of providing volunteers a mechanism to anonymously—

(A) report sexual assault;