

Pub. L. 111-13, title I, §1508, Apr. 21, 2009, 123 Stat. 1525.)

#### CODIFICATION

Section was formerly classified to section 12653g of this title prior to renumbering by Pub. L. 103-82, §104(b).

#### AMENDMENTS

2009—Subsec. (a). Pub. L. 111-13, §1508(1), inserted “National” before “Civilian Community Corps”.

Subsec. (c). Pub. L. 111-13, §1508(2)(A), in introductory provisions, inserted “National” before “Civilian Community Corps” and “, as the Director determines appropriate” before colon.

Subsec. (c)(6). Pub. L. 111-13, §1508(2)(B), substituted “Uniforms” for “Clothing”.

Subsec. (c)(7). Pub. L. 111-13, §1508(2)(C), substituted “Supplies” for “Recreational services and supplies”.

1993—Subsec. (a). Pub. L. 103-82, §403(b), substituted “Director” for “Director of the Civilian Community Corps”.

Subsecs. (f) to (h). Pub. L. 103-82, §104(g), added subsecs. (f) and (g) and struck out former subsecs. (f) to (h) which related to monetary educational assistance, cash benefit election for Corps members, and other post-service benefits, respectively.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111-13, set out as a note under section 4950 of this title.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 104(b), (g) of Pub. L. 103-82 effective Oct. 1, 1993, see section 123 of Pub. L. 103-82, set out as a note under section 1701 of Title 16, Conservation.

### § 12619. Administrative provisions

#### (a) Supervision

The Chief Executive Officer shall monitor and supervise the administration of the National Civilian Community Corps Program authorized to be established under section 12612 of this title. In carrying out this section, the Chief Executive Officer shall—

(1) approve such guidelines, including those recommended by the Board, for the design, selection of members, and operation of the National Civilian Community Corps as the Chief Executive Officer considers appropriate;

(2) evaluate the progress of the Corps in providing a basis for determining the matters set forth in section 12611 of this title; and

(3) carry out any other activities determined appropriate by the Board.

#### (b) Monitoring and coordination

The Chief Executive Officer shall—

(1) monitor the overall operation of the National Civilian Community Corps;

(2) coordinate the activities of the Corps with other youth service programs administered by the Corporation; and

(3) carry out any other activities determined appropriate by the Board.

#### (c) Staff

##### (1) Director

##### (A) Appointment

Upon the establishment of the Program, the Chief Executive Officer shall appoint a

Director. The Director may be selected from among retired commissioned officers of the Armed Forces of the United States.

##### (B) Duties

The Director shall—

(i) design, develop, and administer the National Civilian Community Corps programs;

(ii) be responsible for managing the daily operations of the Corps; and

(iii) report to the Chief Executive Officer.

##### (C) Authority to employ staff

The Director may employ such staff as is necessary to carry out this division. The Director shall, to the maximum extent practicable, utilize in staff positions personnel who are detailed from departments and agencies of the Federal Government and, to the extent the Director considers appropriate, shall request and accept detail of personnel from such departments and agencies in order to do so.

#### (2) Permanent cadre

##### (A) Establishment

The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed supervisors and training instructors for National Civilian Community Corps programs.

##### (B) Appointment

The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members of the permanent cadre.

##### (C) Employment considerations

In appointing individuals to cadre positions, the Chief Executive Officer shall—

(i) give consideration to retired, discharged, and other inactive members and former members of the Armed Forces recommended under section 12622(b) of this title;

(ii) give consideration to former VISTA, Peace Corps, and youth service program personnel;

(iii) ensure that the cadre is comprised of males and females of diverse ethnic, economic, professional, and geographic backgrounds;

(iv) give consideration to retired and other former law enforcement, fire, rescue, and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and

(v) consider applicants' experience in other youth service programs.

##### (D) Community service credit

Service as a member of the cadre shall be considered as a community service opportunity for purposes of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 and as employment with a public service or community service organization for purposes of section 4464 of that Act.

##### (E) Training

The Director shall provide to other members of the permanent cadre appropriate

training in youth development techniques, including techniques for working with and enhancing the development of disadvantaged youth, and the principles of service-learning. All members of the permanent cadre shall be required to participate in the training.

**(3) Inapplicability of certain civil service laws**

The Director, other members of the permanent cadre, and the other staff personnel shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service. The rates of pay of such persons may be established without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. In the case of a member of the permanent cadre who was recommended for appointment in accordance with 12622(b)(1)<sup>1</sup> of this title and is entitled to retired or retainer pay, section 5532<sup>2</sup> of title 5 shall not apply to reduce the member's retired or retainer pay by reason of the member being paid as a member of the cadre.

**(4) Voluntary services**

Notwithstanding any other provision of law, the Director may accept the voluntary services of individuals. While away from their homes or regular places of business on the business of the Corps, such individuals may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5 for persons employed intermittently in Federal Government service.

(Pub. L. 101-610, title I, § 159, formerly § 195H, as added Pub. L. 102-484, div. A, title X, § 1092(a)(1), Oct. 23, 1992, 106 Stat. 2528; renumbered § 159 and amended Pub. L. 103-82, title I, § 104(b), (e)(2)(E), title IV, §§ 402(b)(1), 403(a)(1)-(3), (b), Sept. 21, 1993, 107 Stat. 840, 847, 918-920; Pub. L. 103-304, § 3(b)(5)(B), Aug. 23, 1994, 108 Stat. 1567; Pub. L. 103-337, div. A, title VI, § 640, Oct. 5, 1994, 108 Stat. 2791; Pub. L. 111-13, title I, § 1509, Apr. 21, 2009, 123 Stat. 1525.)

REFERENCES IN TEXT

Section 4403 of the National Defense Authorization Act for Fiscal Year 1993, referred to in subsec. (c)(2)(D), is section 4403 of Pub. L. 102-484 which is set out as a note under section 1293 of Title 10, Armed Forces.

Section 4464 of that Act, referred to in subsec. (c)(2)(D), is section 4464 of Pub. L. 102-484 which is set out as a note under section 1143a of Title 10.

Section 5532 of title 5, referred to in subsec. (c)(3), was repealed by Pub. L. 106-65, div. A, title VI, § 651(a)(1), Oct. 5, 1999, 113 Stat. 664.

CODIFICATION

Section was formerly classified to section 12653h of this title prior to renumbering by Pub. L. 103-82, § 104(b).

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-13, § 1509(1)(A), substituted “National Civilian Community Corps Program” for “Civilian Community Corps Demonstration Program” in introductory provisions.

Subsec. (a)(1). Pub. L. 111-13, § 1509(1)(B), inserted “including those” before “recommended” and “National” before “Civilian Community Corps”.

Subsec. (b)(1). Pub. L. 111-13, § 1509(2), inserted “National” before “Civilian Community Corps”.

Subsec. (c)(1)(B)(i). Pub. L. 111-13, § 1509(3)(A), inserted “National” before “Civilian Community Corps”.

Subsec. (c)(2)(A). Pub. L. 111-13, § 1509(3)(B)(i), substituted “The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed” for “The Director shall establish a permanent cadre of” and inserted “National” before “Civilian Community Corps”.

Subsec. (c)(2)(B). Pub. L. 111-13, § 1509(3)(B)(ii), substituted “The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members” for “The Director shall appoint the members”.

Subsec. (c)(2)(C). Pub. L. 111-13, § 1509(3)(B)(iii)(I), substituted “the Chief Executive Officer” for “the Director” in introductory provisions.

Subsec. (c)(2)(C)(i). Pub. L. 111-13, § 1509(3)(B)(iii)(II), substituted “section 12622(b)” for “section 12622(a)(2)”.

Subsec. (c)(2)(C)(iv), (v). Pub. L. 111-13, § 1509(3)(B)(iii)(III)-(V), added cl. (iv) and redesignated former cl. (iv) as (v).

Subsec. (c)(2)(E). Pub. L. 111-13, § 1509(3)(B)(iv), substituted “to other members” for “to members”, inserted “, including techniques for working with and enhancing the development of disadvantaged youth,” after “techniques”, and substituted “service-learning” for “service learning”.

Subsec. (c)(3). Pub. L. 111-13, § 1509(3)(C), substituted “other members” for “the members” and “12622(b)(1)” for “section 12622(a)(2)(A)”.

1994—Subsec. (c)(2)(C)(i). Pub. L. 103-304 substituted “section 12622(a)(2)” for “section section 12622(a)(2)”.

Subsec. (c)(3). Pub. L. 103-337 inserted at end “In the case of a member of the permanent cadre who was recommended for appointment in accordance with section 12622(a)(2)(A) of this title and is entitled to retired or retainer pay, section 5532 of title 5 shall not apply to reduce the member's retired or retainer pay by reason of the member being paid as a member of the cadre.”

1993—Subsec. (a). Pub. L. 103-82, § 403(a)(1)(A), (B), substituted “Supervision” for “Board” in heading and “The Chief Executive Officer shall monitor” for “The Board shall monitor” and “the Chief Executive Officer shall—” for “the Board shall—” in introductory provisions.

Pub. L. 103-82, § 104(e)(2)(E)(i)(I), substituted “section 12612” for “section 12653a” in introductory provisions.

Subsec. (a)(1). Pub. L. 103-82, § 403(a)(1)(B), (C), substituted “by the Board” for “by the Director” and “as the Chief Executive Officer” for “as the Board”.

Subsec. (a)(2). Pub. L. 103-82, § 104(e)(2)(E)(i)(II), substituted “section 12611” for “section 12653”.

Subsec. (b). Pub. L. 103-82, § 403(a)(2), substituted “Monitoring and coordination” for “Executive Director” in heading and “The Chief Executive Officer shall” for “The Executive Director of the Commission on National and Community Service shall” in introductory provisions.

Subsec. (b)(2). Pub. L. 103-82, § 402(b)(1), substituted “by the Corporation” for “by the Commission”.

Subsec. (c)(1)(A). Pub. L. 103-82, § 403(a)(3)(A), (b), substituted “the Chief Executive Officer shall appoint a Director” for “the Board, in consultation with the Executive Director, shall appoint a Director of the Civilian Community Corps”.

Subsec. (c)(1)(B)(iii). Pub. L. 103-82, § 403(a)(3)(B), substituted “the Chief Executive Officer” for “the Board through the Executive Director”.

Subsec. (c)(2)(C)(i). Pub. L. 103-82, § 104(e)(2)(E)(ii), substituted “section 12622(a)(2)” for “12653k(a)(2)”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111-13, set out as a note under section 4950 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 104(b), (e)(2)(E) of Pub. L. 103-82 effective Oct. 1, 1993, see section 123 of Pub. L.

<sup>1</sup> So in original. Probably should be preceded by “section”.

<sup>2</sup> See References in Text note below.

103–82, set out as a note under section 1701 of Title 16, Conservation.

Amendment by section 402(b)(1) of Pub. L. 103–82 effective Oct. 1, 1993, see section 406(a) of Pub. L. 103–82, set out as a note under section 5061 of this title.

### § 12620. Status of Corps members and Corps personnel under Federal law

#### (a) In general

Except as otherwise provided in this section, members of the National Civilian Community Corps shall not, by reason of their status as such members, be considered Federal employees or be subject to the provisions of law relating to Federal employment.

#### (b) Work-related injuries

##### (1) In general

For purposes of subchapter I of chapter 81 of title 5 relating to the compensation of Federal employees for work injuries, members of the Corps shall be considered as employees of the United States within the meaning of the term “employee”, as defined in section 8101 of such title.

##### (2) Special rule

In the application of the provisions of subchapter I of chapter 81 of title 5 to a person referred to in paragraph (1), the person shall not be considered to be in the performance of duty while absent from the person’s assigned post of duty unless the absence is authorized in accordance with procedures prescribed by the Director.

#### (c) Tort claims procedure

A member of the Corps shall be considered an employee of the United States for purposes of chapter 171 of title 28 relating to tort claims liability and procedure.

(Pub. L. 101–610, title I, §160, formerly §195I, as added Pub. L. 102–484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2530; renumbered §160, Pub. L. 103–82, title I, §104(b), Sept. 21, 1993, 107 Stat. 840; amended Pub. L. 111–13, title I, §1510, Apr. 21, 2009, 123 Stat. 1526.)

#### CODIFICATION

Section was formerly classified to section 12653i of this title prior to renumbering by Pub. L. 103–82, §104(b).

#### PRIOR PROVISIONS

A prior section 160 of Pub. L. 101–610 was classified to section 12611 of this title prior to repeal by Pub. L. 103–82, §104(a).

#### AMENDMENTS

2009—Subsec. (a). Pub. L. 111–13 inserted “National” before “Civilian Community Corps”.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as a note under section 4950 of this title.

### § 12621. Contract and grant authority

#### (a) Programs

The Director may, by contract or grant, provide for any public or private organization to carry out the National Civilian Community Corps program.

### (b) Equipment and facilities

#### (1) Federal and National Guard property

The Director shall enter into agreements, as necessary, with the Secretary of Defense, the Governor of a State, territory or commonwealth, or the commanding general of the District of Columbia National Guard, as the case may be, to utilize—

(A) equipment of the Department of Defense and equipment of the National Guard; and

(B) Department of Defense facilities and National Guard facilities identified pursuant to section 12622(c) of this title.

#### (2) Other property

The Director may enter into contracts or agreements for the use of other equipment or facilities to the extent practicable to train and house members of the National Civilian Community Corps and leaders of Corps units.

(Pub. L. 101–610, title I, §161, formerly §195J, as added Pub. L. 102–484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2530; renumbered §161 and amended Pub. L. 103–82, title I, §104(b), (e)(2)(F), Sept. 21, 1993, 107 Stat. 840, 847; Pub. L. 111–13, title I, §1511, Apr. 21, 2009, 123 Stat. 1526.)

#### CODIFICATION

Section was formerly classified to section 12653j of this title prior to renumbering by Pub. L. 103–82, §104(b).

#### PRIOR PROVISIONS

A prior section 12621, Pub. L. 101–610, title I, §165, Nov. 16, 1990, 104 Stat. 3159, related to rural youth service demonstration project, prior to repeal by Pub. L. 103–82, §104(a).

A prior section 161 of Pub. L. 101–610 was classified to section 12612 of this title prior to repeal by Pub. L. 103–82.

#### AMENDMENTS

2009—Subsec. (a). Pub. L. 111–13, §1511(1), substituted “carry out the National Civilian Community Corps program” for “perform any program function under this division”.

Subsec. (b)(1)(B). Pub. L. 111–13, §1511(2)(A), substituted “section 12622(c)” for “section 12622(a)(3)”.

Subsec. (b)(2). Pub. L. 111–13, §1511(2)(B), inserted “National” before “Civilian Community Corps”.

1993—Subsec. (b)(1)(B). Pub. L. 103–82, §104(e)(2)(F), substituted “section 12622(a)(3)” for “section 12653k(a)(3)”.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as a note under section 4950 of this title.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as a note under section 1701 of Title 16, Conservation.

### § 12622. Responsibilities of Department of Defense

#### (a) Liaison office

##### (1) Establishment

Upon the establishment of the Program, the Secretary of Defense shall establish an office to provide for liaison between the Secretary and the National Civilian Community Corps.