

shall continue to exercise all the functions under the Peace Corps Act [this chapter] or any other law or authority which the Director was performing on December 14, 1981.”

§ 2504. Peace Corps volunteers

(a) Persons eligible; terms and conditions of service; Federal employee status; racial, sex, religious, or color discrimination

The President may enroll in the Peace Corps for service abroad qualified citizens and nationals of the United States (referred to in this chapter as “volunteers”). The terms and conditions of the enrollment, training (including training under section 2507a of this title), compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be exclusively those set forth in this chapter and those consistent therewith which the President may prescribe; and, except as provided in this chapter, volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose. In carrying out this subsection, there shall be no discrimination against any person on account of race, sex, creed, or color.

(b) Living allowances, travel, leave and related items; transfers of supplies and equipment

Volunteers shall be provided with such living, travel, and leave allowances, and such housing, transportation, supplies, equipment, subsistence, and clothing as the President may determine to be necessary for their maintenance and to insure their health and their capacity to serve effectively. Supplies or equipment provided volunteers to insure their capacity to serve effectively may be transferred to the government or to other entities of the country or area with which they have been serving, when no longer necessary for such purpose, and when such transfers would further the purposes of this chapter. Transportation and travel allowances may also be provided, in such circumstances as the President may determine, for applicants for enrollment to or from places of training and places of enrollment, and for former volunteers from places of termination to their homes in the United States.

(c) Readjustment allowances

Volunteers 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. The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however*, That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States. In the event of the volunteer’s death during the period of his service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582(b) of title 5. For purposes of the Internal Revenue Code of 1986, a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to

which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this chapter to the fund from which such readjustment allowance is payable.

(d) Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 661

(e) Health care

Volunteers shall receive such health care (including, if necessary, for volunteers and trainees, services under section 2507b of this title) during their service, applicants for enrollment shall receive such health examinations preparatory to their service, applicants for enrollment who have accepted an invitation to begin a period of training under section 2507(a) of this title shall receive such immunization and dental care preparatory to their service, and former volunteers shall receive such health examinations within six months after termination of their service, including services provided in accordance with section 2507b of this title (except that the six-month limitation shall not apply in the case of such services), as the President may deem necessary or appropriate. Subject to such conditions as the President may prescribe, such health care may be provided in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this chapter. Health care may not be provided under this subsection in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997 [42 U.S.C. 14401 et seq.].

(f) Retirement and other credits based upon length of service

(1) Any period of satisfactory service of a volunteer under this chapter shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(A) for the purposes of section 816(a) of the Foreign Service Act of 1980 [22 U.S.C. 4056(a)] and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(B) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Office of Personnel Management, the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

(2) For the purposes of paragraph (1)(A) of this subsection, volunteers and volunteer leaders shall be deemed to be receiving compensation during their service at the respective rates of readjustment allowances payable under subsection (c) and section 2505(1) of this title.

(g) Assignment to other entities

The President may detail or assign volunteers or otherwise make them available to any entity referred to in paragraph (1) of section 2509(a) of this title on such terms and conditions as he may determine: *Provided*, That not to exceed two hundred volunteers may be assigned to carry out secretarial or clerical duties on the staffs of the Peace Corps representatives abroad: *Provided, however*, That any volunteer so detailed or assigned shall continue to be entitled to the allowances, benefits and privileges of volunteers authorized under or pursuant to this chapter.

(h) Tort claims; absentee voting; general average contributions for transportation of baggage; check cashing and currency exchange; claims for overpayment of pay; passport fees

Volunteers shall be deemed employees of the United States Government for the purposes of the Federal Tort Claims Act and any other Federal tort liability statute, section 3342 of title 31, section 5732 and section 5584 of title 5 (and readjustment allowances paid under this chapter shall be considered as pay for purposes of such section), and section 214 of this title.

(i) Termination of service

The service of a volunteer may be terminated at any time at the pleasure of the President.

(j) Oath of office

Upon enrollment in the Peace Corps, every volunteer shall take the oath prescribed for persons appointed to any office of honor or profit by section 3331 of title 5.

(k) Counseling programs for returned volunteers

In order to assure that the skills and experience which former volunteers have derived from their training and their service abroad are best utilized in the national interest, the President may, in cooperation with agencies of the United States, private employers, educational institutions and other entities of the United States, undertake programs under which volunteers would be counseled with respect to opportunities for further education and employment.

(l) Legal expenses of defendant in judicial or administrative proceedings

Notwithstanding any other provision of law, counsel may be employed and counsel fees, court costs, bail, and other expenses incident to the defense of volunteers may be paid in foreign judicial or administrative proceedings to which volunteers have been made parties and counsel may be employed and counsel fees, court costs and other expenses may be paid in the support of volunteers who are parties, complaining witnesses, or otherwise participating in the prosecution of crimes committed against such volunteers.

(m) Allowances and expenses of minor children

The minor children of a volunteer living with the volunteer may receive—

- (1) such living, travel, education, and leave allowances, such housing, transportation, subsistence, and essential special items of clothing as the President may determine;
- (2) such health care, including health care following the volunteer's service for illness or

injury incurred during such service, and health and accident insurance, as the President may determine and upon such terms as he may determine, including health care in any facility referred to in subsection (e) of this section, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in such subsection (e);

(3) such orientation, language, and other training necessary to accomplish the purposes of this chapter as the President may determine; and

(4) the benefits of subsection (l) of this section on the same basis as volunteers.

(n) Moving expenses

The costs of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of a volunteer who has one or more minor children at the time of his entering a period of pre-enrollment training may be paid from the date of his departure from his place of residence to enter training until no later than three months after termination of his service.

(Pub. L. 87-293, title I, §5, Sept. 22, 1961, 75 Stat. 613; Pub. L. 88-200, §2, Dec. 13, 1963, 77 Stat. 359; Pub. L. 89-134, §2, Aug. 24, 1965, 79 Stat. 549; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 661, 662; Pub. L. 89-572, §2(a), Sept. 13, 1966, 80 Stat. 765; Pub. L. 91-99, §2, Oct. 29, 1969, 83 Stat. 166; Pub. L. 91-352, §3, July 24, 1970, 84 Stat. 464; Pub. L. 94-130, §§4, 6, Nov. 14, 1975, 89 Stat. 684; Pub. L. 95-331, §4, Aug. 2, 1978, 92 Stat. 414; Pub. L. 96-465, title II, §2202(a), Oct. 17, 1980, 94 Stat. 2157; Pub. L. 97-113, title VI, §§604(b), 606, Dec. 29, 1981, 95 Stat. 1543; Pub. L. 99-83, title XI, §1105(b), Aug. 8, 1985, 99 Stat. 276; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105-12, §9(j), Apr. 30, 1997, 111 Stat. 27; Pub. L. 106-30, §2(b)(1)-(3), May 21, 1999, 113 Stat. 55; Pub. L. 112-57, §§3, 8(a)(1), (b), Nov. 21, 2011, 125 Stat. 744, 745.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (e) to (h), and (m), 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 Internal Revenue Code of 1986, referred to in subsec. (c), is classified generally to Title 26, Internal Revenue Code.

The Assisted Suicide Funding Restriction Act of 1997, referred to in subsec. (e), is Pub. L. 105-12, Apr. 30, 1997, 111 Stat. 23, which is classified principally to chapter 138 (§14401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 14401 of Title 42 and Tables.

The Foreign Service Act of 1980, referred to in subsec. (f)(1), 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 Federal Tort Claims Act, referred to in subsec. (h), is title IV of act Aug. 2, 1946, ch. 753, 60 Stat. 842, which was classified principally to chapter 20 (§§921, 922, 931-934, 941-946) of former Title 28, Judicial Code and Judiciary. Title IV of act Aug. 2, 1946, was substantially repealed and reenacted as sections 1346(b) and

2671 et seq. of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, 62 Stat. 992, the first section of which enacted Title 28. The Federal Tort Claims Act is also commonly used to refer to chapter 171 of Title 28, Judiciary and Judicial Procedure. For complete classification of title IV to the Code, see Tables. For distribution of former sections of Title 28 into the revised Title 28, see Table at the beginning of Title 28.

AMENDMENTS

2011—Subsec. (a). Pub. L. 112-57, §8(a)(1), inserted “(including training under section 2507a of this title)” after “training”.

Subsec. (e). Pub. L. 112-57, §8(b), in first sentence, inserted “(including, if necessary, for volunteers and trainees, services under section 2507b of this title)” after “health care” and “including services provided in accordance with section 2507b of this title (except that the six-month limitation shall not apply in the case of such services),” before “as the President”.

Subsec. (l). Pub. L. 112-57, §3, inserted “and counsel may be employed and counsel fees, court costs and other expenses may be paid in the support of volunteers who are parties, complaining witnesses, or otherwise participating in the prosecution of crimes committed against such volunteers” before period at end.

1999—Subsec. (f)(1)(B). Pub. L. 106-30, §2(b)(1), substituted “Office of Personnel Management” for “Civil Service Commission”.

Subsec. (h). Pub. L. 106-30, §2(b)(2), substituted “section 3342 of title 31, section 5732 and” for “the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.), the Act of June 4, 1954, chapter 264, section 4 (5 U.S.C. 73b-5), the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a),”.

Subsec. (j). Pub. L. 106-30, §2(b)(3), substituted “section 3331 of title 5.” for “section 1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16), and shall swear (or affirm) that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.”

1997—Subsec. (e). Pub. L. 105-12 inserted at end “Health care may not be provided under this subsection in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997.”

1986—Subsec. (c). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1985—Subsec. (a). Pub. L. 99-83 in amending last sentence generally, struck out provisions prohibiting political tests.

1981—Subsec. (c). Pub. L. 97-113, §606, substituted “not less than \$125” for “not to exceed \$125”.

Subsec. (h). Pub. L. 97-113, §604(b), struck out provision making section 2702 of this title, relating to malpractice protection, applicable to volunteers and vesting the President with the authority reposed in the Secretary of State in section 2702(f) of this title, and deeming a Peace Corps representative to be a principal representative of the United States for purposes of section 2702(g) of this title. See section 2509(i) and (j) of this title.

1980—Subsec. (f)(1)(A). Pub. L. 96-465, §2202(a)(1)(A), substituted “section 816(a) of the Foreign Service Act of 1980” for “section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)).”

Subsec. (f)(1)(B). Pub. L. 96-465, §2202(a)(1)(B), substituted “Foreign Service Act of 1980” for “Foreign Service Act of 1946”.

Subsec. (h). Pub. L. 96-465, §2202(a)(2), substituted “section 2702 of this title” for “section 817 of this title” and “President” for “Director of ACTION”.

1978—Subsec. (c). Pub. L. 95-331, §4(1), struck out provisions relating to allowances for volunteers with minor children at the time of their entering a period of pre-enrollment training.

Subsec. (h). Pub. L. 95-331, §4(2), inserted provisions relating to applicability of malpractice protection.

1975—Subsec. (a). Pub. L. 94-130, §4, prohibited discrimination against any person on account of sex.

Subsec. (c). Pub. L. 94-130, §6, substituted \$125 for \$75 in initial clause of first sentence.

1970—Subsec. (c). Pub. L. 91-352, §3(a), inserted exception that in case of volunteers having one or more children at time of entering a period of pre-enrollment training, one parent would be entitled to receive a readjustment allowance not exceeding \$125 for each month of satisfactory service as determined by the President, and substituted “section 5582(b) of title 5” for “section 61f of title 5”.

Subsecs. (m), (n). Pub. L. 91-352, §3(b), added subsecs. (m) and (n).

1969—Subsec. (h). Pub. L. 91-99 inserted provision that for purposes of section 5584 of title 5 (and readjustment allowances made thereto) volunteers are to be deemed employees of the United States Government.

1966—Subsec. (d). Repealed by Pub. L. 89-554, and now covered by section 8142 of Title 5, Government Organization and Employees.

Subsec. (f). Repealed, as applicable to the Civil Service Retirement Act, as amended, by Pub. L. 89-554, and now covered by section 8332(b) of Title 5.

Subsec. (h). Repealed, as applicable to act June 4, 1954, chapter 264, section 5 (5 U.S.C. 73b-5), by Pub. L. 89-554, and now covered by section 5732 of Title 5.

Subsec. (l). Pub. L. 89-572 added subsec. (l).

1965—Subsec. (c). Pub. L. 89-134, §2(a), provided that, for purposes of the Internal Revenue Code of 1954, a volunteer is deemed to be paid and to receive readjustment allowance to which he is entitled after December 31, 1964, when the amount is transferred from funds made available under this chapter to the fund from which the readjustment allowance is paid.

Subsec. (e). Pub. L. 89-134, §2(b), extended health care provisions to include health examinations for applicants for enrollment preparatory to their service, immunization and dental care for applicants who have accepted an invitation to begin a period of training under section 2507(a) of this title, and health examinations to former volunteers within six months after termination of their service.

Subsec. (g). Pub. L. 89-134, §2(c), authorized an increase from 100 to 200 in the number of volunteer secretaries and clerical workers permitted to serve on the staffs of Peace Corps representatives abroad.

Subsec. (h). Pub. L. 89-134, §2(d), extended check cashing and currency exchange transaction privileges of government employees to Peace Corps volunteers.

1963—Subsec. (b). Pub. L. 88-200, §2(a), inserted provision for transfer of supplies and equipment.

Subsec. (c). Pub. L. 88-200, §2(b), substituted “a readjustment allowance” for “termination payments” in first sentence, the second sentence reading “The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however,* That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States” for “The termination payment of each volunteer shall be payable at the termination of his service, or may be paid during the course of his service to the volunteer, to members of his family or to others, under such circumstances as the President may determine” and “readjustment allowance” for “termination payment” in third sentence.

Subsec. (f)(2). Pub. L. 88-200, §2(c), substituted “readjustment allowances” for “termination payments.”

Subsec. (g). Pub. L. 88-200, §2(d), provided for assignment of volunteers to duties on staffs of Peace Corps representatives abroad.

Subsec. (h). Pub. L. 88-200, §2(e), provided that volunteers shall be deemed employees of the U.S. Government for the purposes of absentee voting assistance and payment of general average contributions for transportation of baggage.

Subsec. (k). Pub. L. 88-200, §2(f), added subsec. (k).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-12 effective Apr. 30, 1997, and applicable to Federal payments made pursuant to obligations incurred after Apr. 30, 1997, for items and services provided on or after such date, subject to also being applicable with respect to contracts entered into, renewed, or extended after Apr. 30, 1997, as well as contracts entered into before Apr. 30, 1997, to the extent permitted under such contracts, see section 11 of Pub. L. 105-12, set out as an Effective Date note under section 14401 of Title 42, The Public Health and Welfare.

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.

DELEGATION OF FUNCTIONS

Functions of President under this section, except those under subsec. (f)(1)(B), delegated to Director of Peace Corps, with function of prescribing conditions in subsec. (e) to be exercised in consultation with head of agency responsible for facility, by sections 1-103, 1-106, and 1-301(c) 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.

EVALUATION OF HEALTH-CARE SERVICES PROVIDED TO PEACE CORPS VOLUNTEERS

Pub. L. 102-565, §3, Oct. 28, 1992, 106 Stat. 4266, provided that:

“(a) IN GENERAL.—The Director of the Peace Corps shall contract with an eligible organization or organizations to conduct before January 1, 1997, a total of three evaluations of the health-care needs of the Peace Corps volunteers and the adequacy of the system through which the Peace Corps provides health-care services in meeting those needs.

“(b) REQUIREMENTS OF THE EVALUATIONS.—Each evaluation shall include an assessment of the adequacy of the Peace Corps health-care system—

“(1) to provide diagnostic, treatment, and referral services to meet the health-care needs of Peace Corps volunteers, and

“(2) to conduct health examinations of applicants for enrollment as Peace Corps volunteers and to provide immunization and dental care preparatory to service of applicants for enrollment who have accepted an invitation to begin a period of training for service as a Peace Corps volunteer.

“(c) REPORTS TO THE PEACE CORPS.—An organization making an evaluation under this section shall submit to the Director of the Peace Corps a report containing its findings and recommendations not later than May 31, 1993, December 31, 1994, and December 31, 1996, as the case may be. Each report shall include recommendations regarding appropriate standards and procedures for ensuring the furnishing of quality medical care and for measuring the quality of care provided to Peace Corps volunteers.

“(d) REPORT TO CONGRESS.—Not later than 90 days after receipt of a report required by subsection (c), the Director of the Peace Corps shall transmit the report, together with the Director’s comments, to the appropriate congressional committees.

“(e) DEFINITIONS.—For purposes of this section—

“(1) the term ‘appropriate congressional committees’ means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

“(2) the term ‘eligible organization’ means an independent health-care accreditation organization or other independent organization with expertise in evaluating health-care systems similar to that of the Peace Corps.”

LEGAL EXPENSES INCURRED PRIOR TO SEPT. 13, 1966

Pub. L. 89-572, §2(b), Sept. 13, 1966, 80 Stat. 765, provided that: “The authority contained in subsection (a) [adding subsec. (l) 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 Employees], 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