

§ 8142. Peace Corps volunteers

(a) For the purpose of this section, "volunteer" means—

(1) a volunteer enrolled in the Peace Corps under section 2504 of title 22;

(2) a volunteer leader enrolled in the Peace Corps under section 2505 of title 22; and

(3) an applicant for enrollment as a volunteer or volunteer leader during a period of training under section 2507(a) of title 22 before enrollment.

(b) Subject to the provisions of this section, this subchapter applies to a volunteer, except that entitlement to disability compensation payments does not commence until the day after the date of termination of his service as a volunteer.

(c) For the purpose of this subchapter—

(1) a volunteer is deemed receiving monthly pay at the minimum rate for GS-7;

(2) a volunteer leader referred to by section 2505 of title 22, or a volunteer with one or more minor children as defined in section 2504 of title 22, is deemed receiving monthly pay at the minimum rate for GS-11;

(3) an injury suffered by a volunteer when he is outside the several States and the District of Columbia is deemed proximately caused by his employment, unless the injury or disease is—

(A) caused by willful misconduct of the volunteer;

(B) caused by the volunteer's intention to bring about the injury or death of himself or of another; or

(C) proximately caused by the intoxication of the injured volunteer; and

(4) the period of service of an individual as a volunteer includes—

(A) any period of training under section 2507(a) of title 22 before enrollment as a volunteer; and

(B) the period between enrollment as a volunteer and the termination of service as a volunteer by the President or by death or resignation.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 552; Pub. L. 90-83, §1(64), Sept. 11, 1967, 81 Stat. 212; Pub. L. 93-416, §23(b), Sept. 7, 1974, 88 Stat. 1150.)

HISTORICAL AND REVISION NOTES
1966 ACT

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 22 U.S.C. 2504(d), Sept. 22, 1961, Pub. L. 87-293, §5(d), 75 Stat. 613.

Subsection (a) is based on sections 2504(a), 2505, and 2507(a) of title 22.

In subsection (b), the words "Subject to the provisions of this section" are added for clarity and to conform to the style of sections 8140 and 8141. The words "of the United States Government" are omitted as unnecessary in view of the definition of "employee" in section 8101(1).

In subsection (c), the words "outside the several States, territories and possessions of the United States, and the District of Columbia" are substituted for "abroad" on authority of section 2522(a), (b) of title 22. References to "the general schedule established by the Classification Act of 1949, as amended" are omitted as unnecessary.

Subsection (c)(4) is added on authority of section 2522(e) of title 22.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

Section 8142 of title 5 was derived from section 2504(d) of title 22. This amendment reflects changes, effected by the act of Sept. 13, 1966, Public Law 89-572, section 4, 80 Stat. 765, in the definitions applicable to section 2504(d) by virtue of section 2522(a), (b) of title 22.

AMENDMENTS

1974—Subsec. (c)(2). Pub. L. 93-416 inserted provision relating to a volunteer with one or more minor children.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 effective on Sept. 7, 1974, and applicable to any injury or death occurring on or after such effective date, see section 23(a) of Pub. L. 93-416, set out as a note under section 8101 of this title.

§ 8143. Job Corps enrollees; volunteers in service to America

(a) Subject to the provisions of this subsection, this subchapter applies to an enrollee in the Job Corps, except that compensation for disability does not begin to accrue until the day after the date on which the injured enrollee is terminated. In administering this subchapter for an enrollee covered by this subsection—

(1) the monthly pay of an enrollee is deemed that received at the minimum rate for GS-2;

(2) section 8113(a) of this title applies to an enrollee; and

(3) "performance of duty" does not include an act of an enrollee while absent from his assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from the post of duty) authorized by or under the direction and supervision of the Job Corps.

(b) This subchapter applies to a volunteer in service to America who receives either a living allowance or a stipend under part A of subchapter VIII of chapter 34 of title 42, with respect to that service and training, to the same extent as enrollees of the Job Corps under subsection (a) of this section. However, for the purpose of the computation described in subsection (a)(1) of this section, the monthly pay of a volunteer is deemed that received at the minimum rate for GS-5 of the General Schedule under section 5332 of title 5, United States Code.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 553; Pub. L. 90-83, §1(65), Sept. 11, 1967, 81 Stat. 212; Pub. L. 90-623, §1(19), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 93-416, §8(b), Sept. 7, 1974, 88 Stat. 1145; Pub. L. 103-82, title III, §384, Sept. 21, 1993, 107 Stat. 915.)

HISTORICAL AND REVISION NOTES
1966 ACT

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 42 U.S.C. 2716(c), Aug. 20, 1964, Pub. L. 88-452, §106(c), 78 Stat. 510. Row 2: 42 U.S.C. 2943(d), Aug. 20, 1964, Pub. L. 88-452, §603(d) (words after 6th comma, as applicable to §106(c)), 78 Stat. 531.

In subsection (a)(1), reference to “the Classification Act of 1949 (5 U.S.C. 1071 et seq.)” is omitted as unnecessary. In subsection (a)(3)(B), the word “his” is substituted for “his or her” on authority of 1 U.S.C. 1.

In subsection (b), the words “in service to America” are inserted after “volunteer” for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

Table with 3 columns: Section of title 5, Source (U.S. Code), Source (Statutes at Large). Rows include 8143(a)(1), 8143(a)(3), and 8143(b).

In subsection (a)(3), the words “in the Federal Employees’ Compensation Act” are omitted as unnecessary since that act is codified in that subchapter of title 5, United States Code, in which section 8143 is a part. The word “his” is substituted for “his or hers” on authority of 1 U.S.C. 1. The words “Job Corps” are substituted for “Corps” on authority of 42 U.S.C. 2712.

In subsection (b), the words “in service to America” are inserted after “volunteer” in two places for clarity. The words “subsection (a)(2) of this section” are substituted for “paragraph (2)(B) of section 106(c)” to reflect the codification of that paragraph in title 5. The words “at the minimum rate for GS-7” are substituted for “under the entrance salary for GS-7 of the General Schedule for section 5332, title 5, United States Code” to conform to the style of title 5.

REFERENCES IN TEXT

Part A of subchapter VIII of chapter 34 of title 42, referred to in subsec. (b), is part A of title VIII of Pub. L. 88-452, Aug. 20, 1964, 73 Stat. 508, as amended, known as the Economic Opportunity Act of 1964. Part A of title VIII of that Act, as added by Pub. L. 90-222, title I, §110, Dec. 23, 1967, 81 Stat. 722, was classified generally to part A (§2992 et seq.) of subchapter VIII of chapter 34 of Title 42, The Public Health and Welfare, prior to its repeal by Pub. L. 93-113, title VI, §603, Oct. 1, 1973, 87 Stat. 417. See sections 4951 et seq. and 5055 of Title 42.

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-82 substituted “GS-5 of the General Schedule under section 5332 of title 5, United States Code” for “GS-7”.

1974—Pub. L. 93-416 struck out “, (b)” after “section 8113(a)”.

1968—Pub. L. 90-623 reenacted section in its entirety making minor changes in phraseology.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 392 of Pub. L. 103-82, set out as a note under section 4951 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 applicable to case where injury or death occurred prior to Sept. 7, 1974, but only to a period beginning on or after Sept. 7, 1974, see section 28(a) of Pub. L. 93-416, set out as a note under section 8101 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

§ 8143a. Members of the National Teacher Corps

Subject to the provisions of this section, this subchapter applies to a member of the National Teacher Corps. In administering this subchapter for a member covered by this section—

(1) “performance of duty” does not include an act of a member while—

(A) on authorized leave; or

(B) absent from his assigned post of duty, except while participating in an activity authorized by or under the direction or supervision of the Commissioner of Education; and

(2) in computing compensation for disability or death, the monthly pay of a member is deemed his actual pay or that received at the minimum rate for GS-6, whichever is greater.

(Added Pub. L. 90-83, §1(66)(A), Sept. 11, 1967, 81 Stat. 212.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Section of title 5, Source (U.S. Code), Source (Statutes at Large). Row includes 8143a.

The words “a member of the National Teacher Corps” are substituted for “such members” on authority of 20 U.S.C. 1102, 1105(a). In paragraph (1)(B), the words “Commissioner of Education” are substituted for “Commissioner” on authority of 20 U.S.C. 1141(f). In paragraph (2), the words “at the minimum rate for GS-6” are substituted for “under the entrance salary for grade 6,” and the reference to the General Schedule of the Classification Act of 1949 is omitted as unnecessary.

TRANSFER OF FUNCTIONS

Functions of Commissioner of Education of Department of Health, Education, and Welfare transferred to Secretary of Education by section 3441(a)(1) of Title 20, Education.

§ 8144. Student-employees

A student-employee as defined by section 5351 of this title who suffers disability or death as a result of personal injury arising out of and in the course of training, or incurred in the performance of duties in connection with that training, is considered for the purpose of this subchapter an employee who incurred the injury in the performance of duty.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 553.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row includes 5 U.S.C. 1053.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 8145. Administration

The Secretary of Labor shall administer, and decide all questions arising under, this subchapter. He may—

(1) appoint employees to administer this subchapter; and