

ABOLITION OF IMMIGRATION AND NATURALIZATION
SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

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.

§ 2509. Presidential powers and authorities

(a) Contract authority; assignment of volunteers; acceptance of voluntary services and gifts and transfers of property; personal service contracts

In furtherance of the purposes of this chapter, the President may—

(1) enter into, perform, and modify contracts and agreements and otherwise cooperate with any agency of the United States Government or of any State or any subdivision thereof, other governments and departments and agencies thereof, and educational institutions, voluntary agencies, farm organizations, labor unions, and other organizations, individuals and firms;

(2) assign volunteers in special cases to temporary duty with international organizations and agencies when the Secretary of State determines that such assignment would serve the purposes of this chapter;

(3) assign volunteers to duty or otherwise make them available to any entity referred to in paragraph (1), in order to assist such organizations and agencies in providing development or other relief assistance to displaced persons and refugees in any country, if the government of the country agrees to such assignment;

(4) accept in the name of the Peace Corps and employ or transfer in furtherance of the purposes of this chapter (A) voluntary services notwithstanding the provisions of section 1342 of title 31, and (B) any money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise; and

(5) contract with individuals for personal services abroad, and with aliens (abroad or within the United States) for personal services within the United States: *Provided*, That no such person shall be deemed an officer or employee or otherwise in the service or employment of the United States Government for the purposes of any law administered by the Office of Personnel Management (except that the President may determine the applicability to such individuals of provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)).

(b) Claim settlements

Notwithstanding any other provision of law, whenever the President determines that it will further the purposes of this chapter, the President, under such regulations as he may prescribe, may settle and pay, in an amount not exceeding \$20,000, any claim against the United States, for loss of or damage to real or personal

property (including loss of occupancy or use thereof) belonging to, or for personal injury or death of, any person not a citizen or resident of the United States, where such claim arises abroad out of the act or omission of any Peace Corps employee or out of the act or omission of any volunteer, but only if such claim is presented in writing within one year after it accrues. Any amount paid in settlement of any claim under this subsection shall be accepted by the claimant in full satisfaction thereof and shall bar any further action or proceeding thereon.

(c) Five-year contract authority

Subject to any future action of the Congress, a contract or agreement which entails commitments for the expenditure of funds available for the purposes of this chapter, including commitments for the purpose of paying or providing for allowances and other benefits of volunteers authorized by sections 2504 and 2505 of this title, may extend at any time for not more than five years.

(d) Waiver of certain Federal laws

Whenever the President determines it to be in furtherance of the purposes of this chapter, functions authorized by this chapter may be performed without regard to such provisions of law (other than sections 3101(a) and (c), 3104, 3106, 3301(b)(2), and 6101 of title 41, and the Renegotiation Act of 1951, as amended) regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

(e) Allocation of funds

The President may allocate or transfer to any agency of the United States Government any funds available for carrying out the purposes of this chapter including any advance received by the United States from any country or international organization under authority of this chapter, but not to exceed 20 per centum in the aggregate of such funds may be allocated or transferred to agencies other than the Peace Corps. Such funds shall be available for obligation and expenditure for the purposes of this chapter in accordance with authority granted in this chapter or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(f) Utilization of other Government agency services and facilities

Any officer of the United States Government carrying out functions under this chapter may utilize the services and facilities of, or procure commodities from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(g) Reimbursement for commodities, services, and facilities

In the case of any commodity, service, or facility procured from any agency of the United States Government under this chapter, reim-

bursement or payment shall be made to such agency from funds available under this chapter. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be covered into the Treasury as miscellaneous receipts.

(h) Hospitalization and medical treatment for Foreign Service local employees

The President may provide hospitalization and medical treatment to Foreign Service local employees who are within the United States for training related to their employment under this chapter, for illnesses, injuries, or conditions other than those arising out of and in the course of employment, which, in the judgment of the President, began during such employee's travel related to such training or so near to the beginning of such travel that the onset of the illness, injury, or condition could not have been known, and for which immediate medical treatment or hospitalization is reasonably required.

(i) Procurement of legal services

The Director of the Peace Corps shall have the same authority as is available to the Secretary of State under section 2698(a) of this title. For purposes of this subsection, the reference in such section 2698(a) of this title to a principal officer of the Foreign Service shall be deemed to be a reference to a Peace Corps representative and the reference in such section to a member of the Foreign Service shall be deemed to be a reference to a person employed, appointed, or assigned under this chapter.

(j) Malpractice protection

The provisions of section 2702 of this title shall apply to volunteers and persons employed, appointed, or assigned under this chapter, and to individuals employed under personal services contracts to furnish medical services abroad pursuant to subsection (a)(5) of this section.¹ For purposes of this subsection, references to the Secretary in subsection (b) of such section shall be deemed to be references to the Director of the Peace Corps, references to the Secretary in subsection (f) of such section shall be deemed to be references to the President, and the reference in subsection (g) of such section to a principal representative of the United States shall be deemed to be a reference to a Peace Corps representative.

(Pub. L. 87-293, title I, § 10, Sept. 22, 1961, 75 Stat. 617; Pub. L. 88-200, § 5, Dec. 13, 1963, 77 Stat. 360; Pub. L. 89-134, § 6, Aug. 24, 1965, 79 Stat. 551; Pub. L. 89-572, § 6, Sept. 13, 1966, 80 Stat. 765; Pub. L.

93-49, § 2, June 25, 1973, 87 Stat. 99; Pub. L. 95-331, § 5(a), (c), Aug. 2, 1978, 92 Stat. 414, 415; Pub. L. 97-113, title VI, § 604(a), Dec. 29, 1981, 95 Stat. 1543; Pub. L. 103-236, title VI, § 602, Apr. 30, 1994, 108 Stat. 491; Pub. L. 106-30, § 2(b)(4), May 21, 1999, 113 Stat. 56; Pub. L. 112-57, § 5(2), 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)(5), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, 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 Renegotiation Act of 1951, as amended, referred to in subsec. (d), is act Mar. 23, 1951, ch. 15, 65 Stat. 7, as amended, which was classified principally to section 1211 et seq. of the former Appendix to Title 50, War and National Defense, prior to its omission from the Code.

CODIFICATION

In subsec. (d), "sections 3101(a) and (c), 3104, 3106, 3301(b)(2), and 6101 of title 41" substituted for "section 3709 of the Revised Statutes of the United States, as amended, section 302 of the Federal Property and Administrative Services Act of 1949," on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2011—Subsec. (a)(5). Pub. L. 112-57 substituted "the purposes of any law administered by the Office of Personnel Management (except that the President may determine the applicability to such individuals of provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.))" for "any purpose".

1999—Subsec. (a)(4). Pub. L. 106-30 substituted "section 1342 of title 31" for "31 U.S.C. 665(b)".

1994—Subsec. (c). Pub. L. 103-236, § 602(a), which directed amendment of subsec. (c) by substituting "five years" for "thirty six months", was executed by making the substitution for "thirty-six months" to reflect the probable intent of Congress.

Subsec. (j). Pub. L. 103-236, § 602(b), inserted before period at end of first sentence " , and to individuals employed under personal services contracts to furnish medical services abroad pursuant to subsection (a)(5) of this section."

1981—Subsecs. (i), (j). Pub. L. 97-113 added subsecs. (i) and (j).

1978—Subsec. (a)(2). Pub. L. 95-331, § 5(a)(1), struck out proviso limiting to no more than 125 Peace Corps volunteers or volunteer leaders the number assignable to the described organizations.

Subsec. (a)(3) to (5). Pub. L. 95-331, § 5(c), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

Subsec. (b). Pub. L. 95-331, § 5(a)(2), substituted "\$20,000" for "\$10,000".

Subsec. (h). Pub. L. 95-331, § 5(a)(3), added subsec. (h). 1973—Subsec. (d). Pub. L. 93-49 excepted from waiver of Federal laws the application of sections 5 and 252 of title 41.

1966—Subsec. (a)(3). Pub. L. 89-572 inserted "or transfer" after "and employ" and struck out " , and transfer such money or property to the government or other entities of the country or area with which the volunteers are serving, when such transfers would further the general purposes of the chapter".

1965—Subsec. (a)(3). Pub. L. 89-134 inserted "money or" after "and transfer such".

¹ So in original.

1963—Subsec. (a)(3). Pub. L. 88-200 inserted provision for transfer of property.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-331, §5(b), Aug. 2, 1978, 92 Stat. 415, provided that: "The amendment made by paragraph (2) of subsection (a) [amending this section] shall apply to claims made after the date of the enactment of this Act [Aug. 2, 1978]."

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Funds available to President under this chapter allocated to and functions of President under this section, except subsec. (d) and those functions under subsec. (f) relating to directing agencies to provide services, facilities, and commodities to officers carrying out functions under this chapter, were delegated to Director of Peace Corps by sections 1-103 and 1-301(a), (d) of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29203, eff. May 16, 1979, set out as a note under section 2501 of this title.

PROHIBITION AGAINST USE OF FUNDS APPROPRIATED AFTER FEBRUARY 15, 1981, AND BEFORE DECEMBER 29, 1981, FOR LEGAL SERVICES OR MALPRACTICE PROTECTION

Pub. L. 97-113, title VI, §604(c), Dec. 29, 1981, 95 Stat. 1543, provided: "To the extent that the authorities provided by the amendments made by subsection (a) [enacting subsecs. (i) and (j) of this section] are authorities which are not applicable with respect to the Peace Corps immediately before the enactment of this Act [Dec. 29, 1981] and which require the expenditure of funds, those authorities may not be exercised using any funds appropriated after February 15, 1981, and before the date of the enactment of this Act."

WAIVER OF CERTAIN LAWS BY PRESIDENT UNDER SUBSEC. (d)

For determination under subsec. (d) of this section that it is in the furtherance of the purposes of this chapter and that the functions under this chapter may be performed without regard to the applicable laws specified in section 1 and 2 of Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out as a note under section 2393 of this title, with certain limitations see section 1-402 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29203, set out as a note under section 2501 of this title.

§ 2510. Omitted

CODIFICATION

Section, Pub. L. 87-293, title I, §11, Sept. 22, 1961, 75 Stat. 619; Pub. L. 95-331, §6, Aug. 2, 1978, 92 Stat. 415; Pub. L. 99-83, title XI, §1102(b), Aug. 8, 1985, 99 Stat. 272, which required the President to transmit to Congress, at least once in each fiscal year, a report on operations under this chapter, 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 26 of House Document No. 103-7.

§ 2511. Peace Corps National Advisory Council

(a) Establishment

A Peace Corps National Advisory Council (hereinafter in this section referred to as the "Council") shall be established in accordance with the provisions of this section.

(b) Functions

(1) The Council shall advise and consult with the President and the Director of the Peace Corps with regard to policies and programs designed to further the purposes of this chapter and shall, as the Council considers appropriate, periodically report to the Congress with regard to the Peace Corps.

(2) Members of the Council shall (subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Peace Corps in the United States and in other countries in order to—

(A) evaluate the accomplishments of the Peace Corps;

(B) assess the potential capabilities and the future role of the Peace Corps;

(C) make recommendations to the President, the Director of the Peace Corps, and, as the Council considers appropriate, the Congress, for the purpose of guiding the future direction of the Peace Corps and of helping to ensure that the purposes and programs of the Peace Corps are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law; and

(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.

(3) The Council may provide for public participation in its activities.

(c) Membership

(1) Persons appointed as members of the Council shall be broadly representative of the general public, including educational institutions, private volunteer agencies, private industry, farm organizations, labor unions, different regions of the United States, different educational, economic, racial, and national backgrounds and age groupings, and both sexes.

(2)(A) The Council shall consist of fifteen voting members who shall be appointed by the President, by and with the advice and consent of the Senate. At least seven of such members shall be former Peace Corps volunteers, and not more than eight of such members shall be members of the same political party.

(B) The first appointments of members of the Council under this paragraph shall be made not more than sixty days after August 8, 1985, and, solely for purposes of determining the expiration of their terms, shall be deemed to take effect on the sixtieth day after August 8, 1985.

(C) No member appointed under this paragraph may be an officer or employee of the United States Government.

(D) Of the members initially appointed under this paragraph, eight shall be appointed to 1-year terms and seven shall be appointed to 2-year terms. Thereafter, all appointed members shall be appointed to 2-year terms.

(E) A member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(F) No member of the Council may serve for more than two consecutive 2-year terms.

(G) Members of the Council shall serve at the pleasure of the President.

(H) An appointed member of the Council may be removed by a vote of nine members for malfeasance in office, for persistent neglect of or inability to discharge duties, or for offenses involving moral turpitude, and for no other cause.

(I) Within thirty days after any vacancy occurs in the office of an appointed member of the