

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.

(2) Duties

The office shall—

(A) in order to assist in the recruitment of personnel for appointment in the permanent cadre, make available to the Director information in the registry established by section 1143a of title 10; and

(B) provide other assistance in the coordination of Department of Defense activities with the Corps.

(b) Corps cadre

(1) List of recommended personnel

Upon the establishment of the Program, the Secretary of Defense, in consultation with the liaison office established under subsection (a) shall develop a list of individuals from which

individuals may be selected for appointment by the Director in the permanent cadre of Corps personnel. Such personnel shall be selected from among members and former members of the Armed Forces referred to in section 12611(3)¹ of this title who are commissioned officers, noncommissioned officers, former commissioned officers, or former noncommissioned officers.

(2) Recommendations regarding grade and pay

The Secretary of Defense shall recommend to the Director an appropriate rate of pay for each person recommended for the cadre pursuant to this subsection.

(3) Contribution for retired member's pay

If a listed individual receiving retired or retainer pay is appointed to a position in the cadre and the rate of pay for that individual is established at the amount equal to the difference between the active duty pay and allowances which that individual would receive if ordered to active duty and the amount of the individual's retired or retainer pay, the Secretary of Defense shall pay, by transfer to the Corporation from amounts available for pay of active duty members of the Armed Forces, the amount equal to 50 percent of that individual's rate of pay for service in the cadre.

(c) Facilities

Upon the establishment of the Program, the Secretary of Defense shall identify military installations and other facilities of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by the National Civilian Community Corps for training or housing Corps members. The Secretary of Defense shall carry out this subsection in consultation with the liaison office established under subsection (a).

(d) Information regarding Corps

The Secretary of Defense may permit Armed Forces recruiters to inform potential applicants for the Corps regarding service in the Corps as an alternative to service in the Armed Forces.

(Pub. L. 101-610, title I, § 162, formerly § 195K, as added Pub. L. 102-484, div. A, title X, § 1092(a)(1), Oct. 23, 1992, 106 Stat. 2531; renumbered § 162 and amended Pub. L. 103-82, title I, § 104(b), (e)(2)(G), title IV, § 402(b)(2), Sept. 21, 1993, 107 Stat. 840, 847, 919; Pub. L. 103-304, § 3(b)(5)(C), Aug. 23, 1994, 108 Stat. 1567; Pub. L. 111-13, title I, § 1512, Apr. 21, 2009, 123 Stat. 1526.)

REFERENCES IN TEXT

Section 12611 of this title, referred to in subsec. (b)(1), was amended generally by Pub. L. 111-13, title I, § 1501, Apr. 21, 2009, 123 Stat. 1521, and section 12611(3) no longer relates to members and former members of the Armed Forces.

CODIFICATION

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

¹ See References in Text note below.

PRIOR PROVISIONS

A prior section 12622, Pub. L. 101-610, title I, § 166, Nov. 16, 1990, 104 Stat. 3159; Pub. L. 102-384, § 8, Oct. 5, 1992, 106 Stat. 1456, related to assistance for Head Start programs, prior to repeal by Pub. L. 103-82, § 104(a).

A prior section 162 of Pub. L. 101-610 was classified to section 12613 of this title prior to repeal by Pub. L. 103-82.

AMENDMENTS

2009—Pub. L. 111-13, § 1512(b)(2)-(5)(A), substituted “Liaison office” for “Secretary of Defense” as subsec. (a) heading, struck out par. (1) heading “Liaison office” after subsec. (a) heading, redesignated subpars. (A) and (B) of former subsec. (a)(1) as pars. (1) and (2), respectively, of subsec. (a), redesignated cls. (i) and (ii) of former subsec. (a)(1)(B) as subpars. (A) and (B), respectively, of subsec. (a)(2), redesignated former pars. (2) to (4) of subsec. (a) as subsecs. (b) to (d), respectively, redesignated former subpars. (A) to (C) of former subsec. (a)(2) as pars. (1) to (3), respectively, of subsec. (b), and realigned margins.

Pub. L. 111-13, § 1512(b)(1), substituted “Department of Defense” for “other departments” in section catchline.

Subsec. (a)(1). Pub. L. 111-13, § 1512(a)(1)(A), inserted “National” before “Civilian Community Corps” in subpar. (A) and substituted “the registry established by section 1143a of title 10;” for “the registry established by section 4462 of the National Defense Authorization Act for Fiscal Year 1993;” in subpar. (B)(i).

Subsec. (a)(2)(A). Pub. L. 111-13, § 1512(a)(1)(B), substituted “from which individuals may be selected for appointment by the Director” for “to be recommended for appointment”.

Subsec. (a)(3). Pub. L. 111-13, § 1512(a)(1)(C), inserted “National” before “Civilian Community Corps”.

Subsec. (b). Pub. L. 111-13, § 1512(a)(2), struck out subsec. (b). Text read as follows: “Upon the establishment of the Program, the Secretary of Labor shall identify and assist in establishing a system for the recruitment of persons to serve as members of the Civilian Community Corps. In carrying out this subsection, the Secretary of Labor may utilize the Employment Service Agency or the Office of Job Training.”

Subsec. (b)(1). Pub. L. 111-13, § 1512(b)(5)(B), substituted “subsection (a)” for “paragraph (1)”.

Subsec. (b)(2). Pub. L. 111-13, § 1512(b)(5)(C), substituted “subsection” for “paragraph”.

Subsec. (c). Pub. L. 111-13, § 1512(b)(6), substituted “this subsection” for “this paragraph” and “subsection (a)” for “paragraph (1)”.

1994—Subsec. (a)(1)(B)(ii). Pub. L. 103-304, which directed the substitution of “section 1143a of title 10” for “section 4462 of the National Defense Authorization Act for Fiscal Year 1993”, could not be executed because “section 4462 of the National Defense Authorization Act for Fiscal Year 1993” did not appear in cl. (ii).

1993—Subsec. (a)(2)(A). Pub. L. 103-82, § 104(e)(2)(G), substituted “section 12611(3)” for “section 12653(3)”.

Subsec. (a)(2)(C). Pub. L. 103-82, § 402(b)(2), substituted “Corporation” for “Commission on National and Community Service”.

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)(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.

Amendment by section 402(b)(2) 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.

§ 12623. Advisory Board**(a) Establishment and purpose**

There shall be established a National Civilian Community Corps Advisory Board to advise the Director concerning the administration of this division and to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. The Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.

(b) Membership

The Advisory Board shall be composed of the following members:

- (1) The Secretary of Labor.
- (2) The Secretary of Defense.
- (3) The Secretary of the Interior.
- (4) The Secretary of Agriculture.
- (5) The Secretary of Education.
- (6) The Secretary of Housing and Urban Development.
- (7) The Chief of the National Guard Bureau.
- (8) The Administrator of the Federal Emergency Management Agency.
- (9) The Secretary of Transportation.
- (10) The Chief of the Forest Service.
- (11) The Administrator of the Environmental Protection Agency.
- (12) The Secretary of Energy.
- (13) Individuals appointed by the Director from among persons who are broadly representative of educational institutions, voluntary organizations, public and private organizations, youth, and labor unions.
- (14) The Chief Executive Officer.

(c) Inapplicability of termination requirement

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

(Pub. L. 101-610, title I, §163, formerly §195L, as added Pub. L. 102-484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2532; renumbered §163 and amended Pub. L. 103-82, title I, §104(b), title IV, §§402(b)(3), 403(b), Sept. 21, 1993, 107 Stat. 840, 919, 920; Pub. L. 111-13, title I, §1513, Apr. 21, 2009, 123 Stat. 1527.)

REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (c), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified to section 12653f of this title prior to renumbering by Pub. L. 103-82.

PRIOR PROVISIONS

A prior section 12623, Pub. L. 101-610, title I, §167, Nov. 16, 1990, 104 Stat. 3159, related to employer-based retiree volunteer programs, prior to repeal by Pub. L. 103-82, title I, §104(a), Sept. 21, 1993, 107 Stat. 840.

A prior section 163 of Pub. L. 101-610 was classified to section 12614 of this title prior to repeal by Pub. L. 103-82.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-13, §1513(1), substituted “There shall be” for “Upon the establishment of the

Program, there shall also be”, inserted “National” before “Civilian Community Corps Advisory Board”, and substituted “to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. The Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.” for “to assist in the development and administration of the Corps.”

Subsec. (b)(8) to (12). Pub. L. 111-13, §1513(2)(B), added pars. (8) to (12). Former pars. (8) and (9) redesignated (13) and (14), respectively.

Subsec. (b)(13). Pub. L. 111-13, §1513(2)(A), (C), redesignated par. (8) as (13) and substituted “public and private organizations,” for “industry.”

Subsec. (b)(14). Pub. L. 111-13, §1513(2)(A), redesignated par. (9) as (14).

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

Subsec. (b)(9). Pub. L. 103-82, §402(b)(3), substituted “Chief Executive Officer” for “Chair of the Commission on National and Community Service”.

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 402(b)(3) 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.

§ 12624. Evaluations

Pursuant to the provisions for evaluations conducted under section 12639 of this title, and in particular subsection (g) of such section, the Corporation shall conduct periodic evaluations of the National Civilian Community Corps Program authorized under this division. Upon completing each such evaluation, the Corporation shall transmit to the authorizing committees a report on the evaluation.

(Pub. L. 101-610, title I, §164, formerly §195M, as added Pub. L. 102-484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2532; renumbered §164 and amended Pub. L. 103-82, title I, §104(b), title IV, §402(b)(2), Sept. 21, 1993, 107 Stat. 840, 919; Pub. L. 111-13, title I, §1514, Apr. 21, 2009, 123 Stat. 1528.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 164 of Pub. L. 101-610 was classified to section 12615 of this title prior to repeal by Pub. L. 103-82, §104(a).

AMENDMENTS

2009—Pub. L. 111-13 in section catchline substituted “Evaluations” for “Annual evaluation” and in text substituted “periodic evaluations” for “an annual evaluation” and “National Civilian Community Corps Program” for “Civilian Community Corps programs” and inserted at end “Upon completing each such evaluation, the Corporation shall transmit to the authorizing committees a report on the evaluation.”

1993—Pub. L. 103-82, §402(b)(2), substituted “Corporation” for “Commission on National and Community Service”.