

tional Service Trust established under section 12601 of this title, the Corporation shall establish a reserve account.

(B) Contents

To ensure the availability of adequate funds to support the awards of approved national service positions, approved summer of service positions, and approved silver scholar positions, for each fiscal year, the Corporation shall place in the account—

(i) during fiscal year 2010, a portion of the funds that were appropriated for fiscal year 2010 or a previous fiscal year under section 12681 of this title or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out division C, D, or E of this subchapter, section 12653b or 12653c(a) of this title, subtitle A¹ of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 12563(c)(8) of this title, and remain available; and

(ii) during fiscal year 2011 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 12681 of this title or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out division C, D, or E of this subchapter, section 12653b or 12653c(a) of this title, subtitle A¹ of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 12563(c)(8) of this title, and remain available.

(2) Obligation

The Corporation shall not obligate the funds in the reserve account until the Corporation—

(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions, summer of service educational awards associated with previously approved summer of service positions, and silver scholar educational awards associated with previously approved silver scholar positions; or

(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions, summer of service educational awards for such previously approved summer of service positions, or silver scholar educational awards for such previously approved silver scholar positions, as applicable.

(c) Audits

The accounts of the Corporation relating to the appropriated funds for approved national service positions, approved summer of service positions, and approved silver scholar positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent li-

censed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

(d) Availability of amounts

Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 12601(a) of this title shall be available for payments of national service educational awards, summer of service educational awards, or silver scholar educational awards under section 12604 of this title.

(Pub. L. 101-610, title I, §149, as added Pub. L. 111-13, title I, §1406(a), Apr. 21, 2009, 123 Stat. 1519.)

REFERENCES IN TEXT

The Domestic Volunteer Service Act of 1973, referred to in subsecs. (a)(1)(A)(i) and (b)(1)(B)(i), (ii), is Pub. L. 93-113, Oct. 1, 1973, 87 Stat. 394. Title I of the Act is classified generally to subchapter I (§4951 et seq.) of chapter 66 of this title. Reference to subtitle A of title I of the Act probably means part A of title I of the Act, which is classified generally to part A (§4951 et seq.) of subchapter I of chapter 66 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

PRIOR PROVISIONS

A prior section 149 of Pub. L. 101-610 was classified to section 12579 of this title prior to the general amendment of subtitle D of title I of Pub. L. 101-610 (former part D of this subchapter) by Pub. L. 103-82, §102(a).

EFFECTIVE DATE

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

Division E—National Civilian Community Corps

CODIFICATION

Subtitle E of title I of Pub. L. 101-610, comprising this division, was formerly classified to part H (§12653 et seq.) of this subchapter prior to amendment by Pub. L. 103-82, §104(b).

Pub. L. 111-13, title I, §1517, Apr. 21, 2009, 123 Stat. 1529, inserted division heading and struck out former heading.

PRIOR PROVISIONS

This division is comprised of subtitle E, §§151-165, of title I of Pub. L. 101-610. A prior part E (§12591 et seq.), comprised of subtitle E, §§155-167, of title I of Pub. L. 101-610, related to innovative and demonstration programs and projects, prior to repeal by Pub. L. 103-82, §104(a).

§ 12611. Purpose

It is the purpose of this division to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. The needs to be met under such programs include those needs related to—

(1) natural and other disasters;

¹ See References in Text note below.

- (2) infrastructure improvement;
- (3) environmental stewardship and conservation;
- (4) energy conservation; and
- (5) urban and rural development.

(Pub. L. 101-610, title I, §151, formerly §195, as added Pub. L. 102-484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2522; renumbered §151, Pub. L. 103-82, title I, §104(b), Sept. 21, 1993, 107 Stat. 840; amended Pub. L. 111-13, title I, §1501, Apr. 21, 2009, 123 Stat. 1521.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 12611, Pub. L. 101-610, title I, §160, Nov. 16, 1990, 104 Stat. 3157, authorized Commission to make grants to Directors of Peace Corps and ACTION to carry out training and educational benefits demonstration programs, prior to repeal by Pub. L. 103-82, §104(a).

AMENDMENTS

2009—Pub. L. 111-13 amended section generally. Prior to amendment, section provided that the purpose of this division was to authorize the establishment of a Civilian Community Corps to provide a basis for certain determinations.

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.

§ 12612. Establishment of National Civilian Community Corps Program

(a) In general

The Corporation may establish the National Civilian Community Corps Program to carry out the purpose of this division.

(b) Program components

Under the National Civilian Community Corps Program authorized by subsection (a), the members of a National Civilian Community Corps shall receive training and perform service in at least one of the following two program components:

- (1) A national service program.
- (2) A summer national service program.

(c) Residential components

Both programs referred to in subsection (b) may include a residential component.

(Pub. L. 101-610, title I, §152, formerly §195A, as added Pub. L. 102-484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2523; renumbered §152 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, §1502, Apr. 21, 2009, 123 Stat. 1521.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 12612, Pub. L. 101-610, title I, §161, Nov. 16, 1990, 104 Stat. 3157; Pub. L. 102-384, §7(a), Oct. 5, 1992, 106 Stat. 1456, related to eligibility and selection procedures, prior to repeal by Pub. L. 103-82, §104(a).

AMENDMENTS

2009—Pub. L. 111-13, §1502(1), amended section catchline generally.

Subsec. (a). Pub. L. 111-13, §1502(2), substituted “National Civilian Community Corps Program” for “Civilian Community Corps Demonstration Program”.

Subsec. (b). Pub. L. 111-13, §1502(3), in introductory provisions, substituted “National Civilian Community Corps Program” for “Civilian Community Corps Demonstration Program” and “a National Civilian Community Corps” for “a Civilian Community Corps”.

Subsec. (c). Pub. L. 111-13, §1502(4), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “Both program components are residential programs. The members of the Corps in each program shall reside with other members of the Corps in Corps housing during the periods of the members’ agreed service.”

1993—Subsec. (a). 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 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.

REPORT AND STUDY REQUIREMENTS

Pub. L. 102-484, div. A, title X, §1092(b), Oct. 23, 1992, 106 Stat. 2534, as amended by Pub. L. 103-82, title I, §104(e)(1)(B), (C), title IV, §402(a)(1), Sept. 21, 1993, 107 Stat. 846, 918, related to a progress report to be submitted to the appropriate committees of Congress assessing the activities undertaken in establishing and administering Civilian Community Corps camps and analyzing the level of coordination of Corps activities with activities of other departments or agencies of the Federal Government and a report to be submitted to the appropriate committees of Congress concerning the desirability and feasibility of establishing the Civilian Community Corps as an independent agency of the Federal Government.

COORDINATION OF PROGRAMS

Pub. L. 102-484, div. A, title X, §1093, Oct. 23, 1992, 106 Stat. 2534, as amended by Pub. L. 103-82, title I, §104(e)(1)(B), title IV, §402(a)(2), Sept. 21, 1993, 107 Stat. 846, 918, provided that:

“(a) COORDINATED ADMINISTRATION.—To the maximum extent practicable, the Chief of the National Guard Bureau, the Board of Directors and Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Civilian Community Corps shall coordinate the National Guard Youth Opportunities Program established pursuant to section 1091 [of Pub. L. 102-484, 32 U.S.C. 501 note] and the Civilian Community Corps Demonstration Program established pursuant to the authorization contained in section 152 of the National and Community Service Act of 1990 [42 U.S.C. 12612] (as added by section 1092(a)).

“(b) OBJECTIVES.—The officials referred to in subsection (a) shall ensure that—

“(1) the programs referred to in subsection (a) are conducted in such a manner in relationship to each other that the public benefit of those programs is maximized;

“(2) to the maximum extent appropriate to meet the needs of program participants, persons who complete participation in the National Guard Youth Opportunities Program and are eligible and apply to participate in the Civilian Community Corps under the Civilian Community Corps Demonstration Program are accepted for participation in that Program; and

“(3) the programs referred to in subsection (a) are conducted simultaneously in competition with each other in the same immediate area of the United States only when the population of eligible participants in that area is sufficient to justify the simultaneous conduct of such programs in that area.”

§ 12613. National service program

(a) In general

Under the national service program component of the National Civilian Community Corps Program authorized by section 12612(a) of this title, eligible young people shall work in teams on National Civilian Community Corps projects.

(b) Eligible participants

A person shall be eligible for selection for the national service program if the person—

(1) is, or will be, at least 18 years of age on or before December 31 of the calendar year in which the individual enrolls in the program, but is not more than 24 years of age as of the date the individual begins participating in the program; and

(2) is a high school graduate or has not received a high school diploma or its equivalent.

(c) Diverse backgrounds of participants

In selecting persons for the national service program, the Director shall endeavor to ensure that participants are from economically, geographically, and ethnically diverse backgrounds. The Director shall take appropriate steps, including through outreach and recruitment activities, to increase the percentage of participants in the program who are disadvantaged youth to 50 percent of all participants by year 2012. The Director shall report to the authorizing committees biennially on such steps, any challenges faced, and the annual participation rates of disadvantaged youth in the program.

(d) Period of participation

Persons desiring to participate in the national service program shall enter into an agreement with the Director to participate in the Corps for a period of not less than nine months and not more than one year, as specified by the Director, and may renew the agreement for not more than one additional such period.

(Pub. L. 101-610, title I, § 153, formerly § 195B, as added Pub. L. 102-484, div. A, title X, § 1092(a)(1), Oct. 23, 1992, 106 Stat. 2523; renumbered § 153 and amended Pub. L. 103-82, title I, § 104(b), (e)(2)(A), Sept. 21, 1993, 107 Stat. 840, 846; Pub. L. 111-13, title I, § 1503, Apr. 21, 2009, 123 Stat. 1521.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 12613, Pub. L. 101-610, title I, § 162, Nov. 16, 1990, 104 Stat. 3158, related to training program in skills to be employed in Peace Corps or VISTA, prior to repeal by Pub. L. 103-82, § 104(a).

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-13, § 1503(1), substituted “National Civilian Community Corps Program” for “Civilian Community Corps Demonstration Program” and “on National Civilian Community Corps” for “on Civilian Community Corps”.

Subsec. (b)(1). Pub. L. 111-13, § 1503(2), added par. (1) and struck out former par. (1) which read as follows: “is at least 16 and not more than 24 years of age; and”.

Subsec. (c). Pub. L. 111-13, § 1503(3), substituted “backgrounds” for “backrounds” in heading and inserted at end “The Director shall take appropriate steps, including through outreach and recruitment activities, to increase the percentage of participants in the program who are disadvantaged youth to 50 percent of all participants by year 2012. The Director shall report to the authorizing committees biennially on such steps, any challenges faced, and the annual participation rates of disadvantaged youth in the program.”

Subsecs. (d), (e). Pub. L. 111-13, § 1503(4), (5), redesignated subsec. (e) as (d) and struck out former subsec. (d). Text of former subsec. (d) read as follows: “To the extent practicable, at least 50 percent of the participants in the national service program shall be economically disadvantaged youths.”

1993—Subsec. (a). Pub. L. 103-82, § 104(e)(2)(A), substituted “section 12612(a)” for “section 12653a(a)”.

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.

§ 12614. Summer national service program

(a) In general

Under the summer national service program of the National Civilian Community Corps Program authorized by section 12612(a) of this title, a diverse group of youth aged 14 through 18 years who are from urban or rural areas shall work in teams on National Civilian Community Corps projects.

(b) Necessary participants

To the extent practicable, at least 50 percent of the participants in the summer national service program shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.

(c) Seasonal program

The training and service of Corps members under the summer national service program in each year shall be conducted after April 30 and before October 1 of that year.

(Pub. L. 101-610, title I, § 154, formerly § 195C, as added Pub. L. 102-484, div. A, title X, § 1092(a)(1), Oct. 23, 1992, 106 Stat. 2524; renumbered § 154 and amended Pub. L. 103-82, title I, § 104(b), (e)(2)(B), Sept. 21, 1993, 107 Stat. 840, 847; Pub. L. 111-13, title I, § 1504, Apr. 21, 2009, 123 Stat. 1522.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 12614, Pub. L. 101-610, title I, § 163, Nov. 16, 1990, 104 Stat. 3158; Pub. L. 102-384, § 7(b), Oct. 5, 1992, 106 Stat. 1456, related to higher education benefits for those selected for Peace Corps or VISTA demonstration programs, prior to repeal by Pub. L. 103-82, § 104(a).

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-13, § 1504(1), substituted “National Civilian Community Corps Program” for

“Civilian Community Corps Demonstration Program” and “on National Civilian Community Corps” for “on Civilian Community Corps”.

Subsec. (b). Pub. L. 111-13, § 1504(2), substituted “shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.” for “shall be economically disadvantaged youths.”

1993—Subsec. (a). Pub. L. 103-82, § 104(e)(2)(B), substituted “section 12612(a)” for “section 12653a(a)”.

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.

§ 12615. National Civilian Community Corps

(a) Director

Upon the establishment of the National Civilian Community Corps Program, the National Civilian Community Corps shall be under the direction of the Director appointed pursuant to section 12619(c)(1) of this title.

(b) Membership in National Civilian Community Corps

(1) Participants to be members

Persons selected to participate in the national service program or the summer national service program components of the Program shall become members of the National Civilian Community Corps.

(2) Selection of members

The Director or the Director's designee shall select individuals for membership in the Corps.

(3) Application for membership

To be selected to become a Corps member an individual shall submit an application to the Director or to any other office as the Director may designate, at such time, in such manner, and containing such information as the Director shall require. At a minimum, the application shall contain information about the work experience of the applicant and sufficient information to enable the Director, or the campus director of the appropriate campus, to determine whether selection of the applicant for membership in the Corps is appropriate.

(4) Team leaders

(A) In general

The Director may select individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps, to perform service that includes leading and supervising teams of Corps members. Each team leader shall be selected without regard to the age limitation under section 12613(b) of this title.

(B) Rights and benefits

A team leader shall be provided the same rights and benefits applicable to other Corps members, except that the Director may increase the limitation on the amount of the

living allowance under section 12618(b) of this title by not more than 10 percent for a team leader.

(c) Organization of Corps into units

(1) Units

The Corps shall be divided into permanent units. Each Corps member shall be assigned to a unit.

(2) Unit leaders

The leader of each unit shall be selected from among persons in the permanent cadre established pursuant to section 12619(c)(2) of this title. The designated leader shall accompany the unit throughout the period of agreed service of the members of the unit.

(d) Campuses

(1) Units to be assigned to campuses

The units of the Corps shall be grouped together as appropriate in campuses for operational, support, and boarding purposes. The Corps campus for a unit shall be in a facility or central location established as the operational headquarters and boarding place for the unit. Corps members may be housed in the campuses.

(2) Campus director

There shall be a campus director for each campus. The campus director is the head of the campus.

(3) Eligible site for campus

A campus shall be cost effective and may, upon the completion of a feasibility study, be located in a facility referred to in section 12622(c) of this title.

(e) Distribution of units and campuses

The Director shall ensure that the Corps units and campuses are cost effective and are distributed in urban areas and rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.

(f) Standards of conduct

(1) In general

The campus director of each campus shall establish and enforce standards of conduct to promote proper moral and disciplinary conditions in the campus.

(2) Sanctions

Under procedures prescribed by the Director, the campus director of a campus may—

(A) transfer a member of the Corps in that campus to another unit or campus if the campus director determines that the retention of the member in the member's unit or in the campus director's campus will jeopardize the enforcement of the standards or diminish the opportunities of other Corps members in that unit or campus, as the case may be; or

(B) dismiss a member of the Corps from the Corps if the campus director determines that retention of the member in the Corps will jeopardize the enforcement of the standards or diminish the opportunities of other Corps members.

(3) Appeals

Under procedures prescribed by the Director, a member of the Corps may appeal to the Director a determination of a campus director to transfer or dismiss the member. The Director shall provide for expeditious disposition of appeals under this paragraph.

(Pub. L. 101-610, title I, § 155, formerly § 195D, as added Pub. L. 102-484, div. A, title X, § 1092(a)(1), Oct. 23, 1992, 106 Stat. 2524; renumbered § 155 and amended Pub. L. 103-82, title I, § 104(b), (e)(2)(C), title IV, § 403(b), Sept. 21, 1993, 107 Stat. 840, 847, 920; Pub. L. 103-304, § 3(b)(5)(A), Aug. 23, 1994, 108 Stat. 1567; Pub. L. 111-13, title I, § 1505, Apr. 21, 2009, 123 Stat. 1522.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 12615, Pub. L. 101-610, title I, § 164, Nov. 16, 1990, 104 Stat. 3159; Pub. L. 102-384, § 4, Oct. 5, 1992, 106 Stat. 1455, related to evaluation reports on Peace Corps and VISTA demonstration programs, prior to repeal by Pub. L. 103-82, § 104(a).

A prior section 155 of Pub. L. 101-610 was classified to section 12591 of this title prior to repeal by Pub. L. 103-82.

AMENDMENTS

2009—Pub. L. 111-13, § 1505(1), amended section catchline generally.

Subsec. (a). Pub. L. 111-13, § 1505(2), substituted “National Civilian Community Corps Program” for “Civilian Community Corps Demonstration Program” and “the National Civilian Community Corps shall” for “the Civilian Community Corps shall”.

Subsec. (b). Pub. L. 111-13, § 1505(3)(A), amended heading generally.

Subsec. (b)(1). Pub. L. 111-13, § 1505(3)(B), inserted “National” before “Civilian Community Corps”.

Subsec. (b)(3). Pub. L. 111-13, § 1505(3)(C), substituted “campus director of the appropriate campus” for “superintendent of the appropriate camp”.

Subsec. (b)(4). Pub. L. 111-13, § 1505(3)(D), added par. (4).

Subsec. (d). Pub. L. 111-13, § 1505(4)(A), amended heading generally.

Subsec. (d)(1). Pub. L. 111-13, § 1505(4)(B), amended heading generally and substituted “in campuses” for “in camps”, “Corps campus” for “Corps camp”, and “in the campuses” for “in the camps”.

Subsec. (d)(2), (3). Pub. L. 111-13, § 1505(4)(C), amended pars. (2) and (3) generally. Prior to amendment, pars. (2) and (3) related to camp superintendents and eligible sites for camps, respectively.

Subsec. (e). Pub. L. 111-13, § 1505(5), amended heading generally and substituted “campuses are cost effective and are distributed” for “camps are distributed” and “rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.” for “rural areas in various regions throughout the United States.”

Subsec. (f)(1). Pub. L. 111-13, § 1505(6)(A), substituted “campus director” for “superintendent” and, in two places, substituted “campus” for “camp”.

Subsec. (f)(2). Pub. L. 111-13, § 1505(6)(B)(i), substituted “campus director of a campus” for “superintendent of a camp” in introductory provisions.

Subsec. (f)(2)(A). Pub. L. 111-13, § 1505(6)(B)(ii), substituted “campus to another unit or campus” for “camp to another unit or camp”, “campus director” for “superintendent”, “campus director’s campus” for “superintendent’s camp”, and “that unit or campus” for “that unit or camp”.

Subsec. (f)(2)(B). Pub. L. 111-13, § 1505(6)(B)(iii), substituted “campus director” for “superintendent”.

Subsec. (f)(3). Pub. L. 111-13, § 1505(6)(C), substituted “campus director” for “camp superintendent”.

1994—Subsec. (e). Pub. L. 103-304 substituted “camps” for “Corps” in heading.

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

Pub. L. 103-82, § 104(e)(2)(C)(i), substituted “section 12619(c)(1)” for “section 12653h(c)(1)”.

Subsec. (c)(2). Pub. L. 103-82, § 104(e)(2)(C)(ii), substituted “section 12619(c)(2)” for “section 12653h(c)(2)”.

Subsec. (d)(3). Pub. L. 103-82, § 104(e)(2)(C)(iii), 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 section 104(b), (e)(2)(C) 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.

§ 12616. Training

(a) Common curriculum

Each member of the National Civilian Community Corps shall be provided with between three and six weeks of training that includes a comprehensive service-learning curriculum designed to promote team building, discipline, leadership, work, training, citizenship, and physical conditioning. The Director shall ensure that, to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.

(b) Advanced service training

(1) National service program

Members of the Corps participating in the national service program shall receive advanced training in basic, project-specific skills that the members will use in performing their community service projects, including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs, as appropriate.

(2) Summer national service program

Members of the Corps participating in the summer national service program shall not receive advanced training referred to in paragraph (1) but, to the extent practicable, may receive other training.

(c) Training personnel

(1) In general

Members of the cadre appointed under section 12619(c)(2) of this title shall provide the training for the members of the Corps, including, as appropriate, advanced service training and ongoing training throughout the members’ periods of agreed service.

(2) Coordination with other entities

Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordina-

tion with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skills described in such subsection.

(d) Facilities

The training may be provided at installations and other facilities of the Department of Defense, and at National Guard facilities, identified under section 12622(c) of this title.

(Pub. L. 101-610, title I, § 156, formerly § 195E, as added Pub. L. 102-484, div. A, title X, § 1092(a)(1), Oct. 23, 1992, 106 Stat. 2525; renumbered § 156 and amended Pub. L. 103-82, title I, § 104(b), (e)(2)(D), Sept. 21, 1993, 107 Stat. 840, 847; Pub. L. 111-13, title I, § 1506, Apr. 21, 2009, 123 Stat. 1524.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 156 of Pub. L. 101-610 was classified to section 12601 of this title prior to repeal by Pub. L. 103-82, § 104(a).

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-13, § 1506(1), inserted “National” before “Civilian Community Corps” and inserted at end “The Director shall ensure that, to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.”

Subsec. (b)(1). Pub. L. 111-13, § 1506(2), inserted before period at end “, including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs, as appropriate”.

Subsec. (c)(2). Pub. L. 111-13, § 1506(3), amended par. (2) generally. Prior to amendment, text read as follows: “Members of the cadre may provide the advanced service training referred to in subsection (b)(1) of this section in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, or other qualified individuals.”

Subsec. (d). Pub. L. 111-13, § 1506(4), substituted “section 12622(c)” for “section 12622(a)(3)”.

1993—Subsec. (c)(1). Pub. L. 103-82, § 104(e)(2)(D)(i), substituted “section 12619(c)(2)” for “section 12653h(c)(2)”.

Subsec. (d). Pub. L. 103-82, § 104(e)(2)(D)(ii), 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.

§ 12617. Service projects

(a) Project requirements

The service projects carried out by the National Civilian Community Corps shall—

(1) meet an identifiable public need, with specific emphasis on projects in support of in-

frastructure improvement, energy conservation, and urban and rural development;

(2) emphasize the performance of community service activities that provide meaningful community benefits and opportunities for service-learning and skills development;

(3) to the maximum extent practicable, encourage work to be accomplished in teams of diverse individuals working together; and

(4) include continued education and training in various technical fields.

(b) Project proposals

(1) Development of proposals

(A) Specific executive departments

Upon the establishment of the Program, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the Forest Service shall develop proposals for Corps projects pursuant to guidance which the Director shall prescribe.

(B) Other sources

Other public and private organizations and agencies, including community-based entities and representatives of local communities in the vicinity of a Corps campus, may develop proposals for projects for a Corps campus. Corps members shall also be encouraged to identify projects for the Corps.

(2) Consultation requirements

The process for developing project proposals under paragraph (1) shall include consultation with the Corporation, representatives of local communities, State Commissions, and persons involved in other youth service programs.

(c) Project selection, organization, and performance

(1) Selection

The campus director of a Corps campus shall select the projects to be performed by the members of the Corps assigned to the units in that campus. The campus director shall select projects from among the projects proposed or identified pursuant to subsection (b).

(2) Innovative local arrangements for project performance

The Director shall encourage campus directors to negotiate with representatives of local communities, to the extent practicable, innovative arrangements for the performance of projects. The arrangements may provide for cost-sharing and the provision by the communities of in-kind support and other support.

(Pub. L. 101-610, title I, § 157, formerly § 195F, as added Pub. L. 102-484, div. A, title X, § 1092(a)(1), Oct. 23, 1992, 106 Stat. 2526; renumbered § 157 and amended Pub. L. 103-82, title I, § 104(b), title IV, §§ 402(b)(2), 403(b), Sept. 21, 1993, 107 Stat. 840, 919, 920; Pub. L. 111-13, title I, § 1507, Apr. 21, 2009, 123 Stat. 1524.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 157 of Pub. L. 101-610 was classified to section 12602 of this title prior to repeal by Pub. L. 103-82, §104(a).

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-13, §1507(1)(A), inserted “National” before “Civilian Community Corps” in introductory provisions.

Subsec. (a)(1). Pub. L. 111-13, §1507(1)(B), inserted “, with specific emphasis on projects in support of infrastructure improvement, energy conservation, and urban and rural development” before semicolon at end.

Subsec. (a)(2). Pub. L. 111-13, §1507(1)(C), substituted “service-learning” for “service learning”.

Subsec. (b)(1)(A). Pub. L. 111-13, §1507(2)(A)(i), substituted “the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the Forest Service” for “and the Secretary of Housing and Urban Development”.

Subsec. (b)(1)(B). Pub. L. 111-13, §1507(2)(A)(ii), inserted “community-based entities and” before “representatives of local communities” and substituted “campus” for “camp” in two places.

Subsec. (b)(2). Pub. L. 111-13, §1507(2)(B), inserted “State Commissions,” before “and persons involved in other youth service programs.”

Subsec. (c)(1). Pub. L. 111-13, §1507(3)(A), substituted “campus director of a Corps campus” for “superintendent of a Corps camp” and “campus. The campus director” for “camp. The superintendent”.

Subsec. (c)(2). Pub. L. 111-13, §1507(3)(B), substituted “campus directors” for “camp superintendents”.

1993—Subsec. (b)(1)(A). Pub. L. 103-82, §403(b), substituted “Director” for “Director of the Civilian Community Corps”.

Subsec. (b)(2). 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 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.

§ 12618. Authorized benefits for Corps members**(a) In general**

The Director shall provide for members of the National Civilian Community Corps to receive benefits authorized by this section.

(b) Living allowance

The Director shall provide a living allowance to members of the Corps for the period during which such members are engaged in training or any activity on a Corps project. The Director shall establish the amount of the allowance at any amount not in excess of the amount equal to 100 percent of the poverty line that is applicable to a family of two (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of this title.¹

(c) Other authorized benefits

While receiving training or engaging in service projects as members of the National Civilian

Community Corps, members may be provided the following benefits, as the Director determines appropriate:

- (1) Allowances for travel expenses, personal expenses, and other expenses.
- (2) Quarters.
- (3) Subsistence.
- (4) Transportation.
- (5) Equipment.
- (6) Uniforms.
- (7) Supplies.
- (8) Other services determined by the Director to be consistent with the purposes of the Program.

(d) Supportive services

As the Director determines appropriate, the Director may provide each member of the Corps with health care services, child care services, counseling services, and other supportive services.

(e) Post-service benefits

Upon completion of the agreed period of service with the Corps, a member shall elect to receive the educational assistance under subsection (f) or the cash benefit under subsection (g).

(f) National service educational awards

A Corps member who successfully completes a period of agreed service in the Corps may receive the national service educational award described in division D if the Corps member—

- (1) serves in an approved national service position; and
- (2) satisfies the eligibility requirements specified in section 12602 of this title with respect to service in that approved national service position.

(g) Alternative benefit

If a Corps member who successfully completes a period of agreed service in the Corps is ineligible for the national service educational award described in division D, the Director may provide for the provision of a suitable alternative benefit for the Corps member.

(Pub. L. 101-610, title I, §158, formerly §195G, as added Pub. L. 102-484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2526; renumbered §158 and amended Pub. L. 103-82, title I, §104(b), (g), title IV, §403(b), Sept. 21, 1993, 107 Stat. 840, 847, 920; 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”.

¹ So in original. A closing parenthesis probably should precede the period.

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)¹ of this title and is entitled to

¹ So in original. Probably should be preceded by "section".

retired or retainer pay, section 5532² 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 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. 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

² See References in Text note below.

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”.

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)(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.

§ 12625. Repealed. Pub. L. 111–13, title I, § 1515, Apr. 21, 2009, 123 Stat. 1528

Section, Pub. L. 101–610, title I, § 165, formerly § 195N, as added Pub. L. 102–484, div. A, title X, § 1092(a)(1), Oct. 23, 1992, 106 Stat. 2532; renumbered § 165 and amended Pub. L. 103–82, title I, § 104(b), title IV, § 402(b)(1), Sept. 21, 1993, 107 Stat. 840, 918, directed the Corporation to ensure that no amounts appropriated under section 12681 of this title be utilized to carry out this division.

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

EFFECTIVE DATE OF REPEAL

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

§ 12626. Definitions

In this division:

(1) Board

The term “Board” means the Board of Directors of the Corporation.

(2) Campus director

The term “campus director”, with respect to a Corps campus, means the head of the campus under section 12615(d) of this title.

(3) Corps

The term “Corps” means the National Civilian Community Corps required under section 12615 of this title as part of the National Civilian Community Corps Program.

(4) Corps campus

The term “Corps campus” means the facility or central location established as the operational headquarters and boarding place for particular Corps units.

(5) Corps members

The term “Corps members” means persons receiving training and participating in projects under the National Civilian Community Corps Program.

(6) Director

The term “Director” means the Director of the National Civilian Community Corps.

(7) Institution of higher education

The term “institution of higher education” has the meaning given that term in section 1001 of title 20.

(8) Program

The term “Program” means the National Civilian Community Corps Program established pursuant to section 12612 of this title.

(9) Service-learning

The term “service-learning”, with respect to Corps members, means a method—

(A) under which Corps members learn and develop through active participation in thoughtfully organized service experiences that meet actual community needs;

(B) that provides structured time for a Corps member to think, talk, or write about what the Corps member did and saw during an actual service activity;

(C) that provides Corps members with opportunities to use newly acquired skills and knowledge in real life situations in their own communities; and

(D) that helps to foster the development of a sense of caring for others, good citizenship, and civic responsibility.

(10) Unit

The term “unit” means a unit of the Corps referred to in section 12615(c) of this title.

(Pub. L. 101–610, title I, § 165, formerly § 195O, as added Pub. L. 102–484, div. A, title X, § 1092(a)(1), Oct. 23, 1992, 106 Stat. 2532; renumbered § 166 and amended Pub. L. 103–82, title I, § 104(b), (e)(2)(H), title IV, §§ 402(b)(2), 403(a)(4), Sept. 21, 1993, 107 Stat. 840, 847, 919; Pub. L. 105–244, title I, § 102(a)(13)(L), Oct. 7, 1998, 112 Stat. 1621; renumbered § 165 and amended Pub. L. 111–13, title I, § 1516, Apr. 21, 2009, 123 Stat. 1528.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 165 of Pub. L. 101–610 was classified to section 12625 of this title prior to repeal by Pub. L. 111–13, title I, § 1515, Apr. 21, 2009, 123 Stat. 1528, effective Oct. 1, 2009.

Another prior section 165 of Pub. L. 101–610 was classified to section 12621 of this title prior to repeal by Pub. L. 103–82, § 104(a).

AMENDMENTS

2009—Pars. (2) to (4). Pub. L. 111–13, § 1516(2)(A), (C), added pars. (2) to (4) and struck out former pars. (2) and (3) which read as follows:

“(2) CORPS.—The terms ‘Civilian Community Corps’ and ‘Corps’ mean the Civilian Community Corps required under section 12615 of this title as part of the Civilian Community Corps Demonstration Program.

“(3) CORPS CAMP.—The term ‘Corps camp’ means the facility or central location established as the operational headquarters and boarding place for particular Corps units.”

Former par. (4) redesignated (5).

Par. (5). Pub. L. 111–13, § 1516(2)(B), (D), redesignated par. (4) as (5) and substituted “National Civilian Community Corps Program” for “Civilian Community Corps Demonstration Program”. Former par. (5) redesignated (6).

Par. (6). Pub. L. 111–13, § 1516(2)(B), (E), redesignated par. (5) as (6) and inserted “National” before “Civilian Community Corps”. Former par. (6) redesignated (7).

Par. (7). Pub. L. 111–13, § 1516(2)(B), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Par. (8). Pub. L. 111–13, § 1516(2)(F), which directed substitution of “The term ‘Program’ means the National Civilian Community Corps Program” for “‘The terms’ and all that follows through ‘Demonstration Program’”, was executed by making the substitution for “The terms ‘Civilian Community Corps Demonstration Program’ and ‘Program’ mean the Civilian Community Corps Demonstration Program” to reflect the probable intent of Congress.

Pub. L. 111-13, § 1516(2)(B), redesignated par. (7) as (8). Former par. (8) redesignated (9).

Par. (9). Pub. L. 111-13, § 1516(2)(G), substituted “Service-learning” for “Service learning” in heading and “service-learning” for “service learning” in introductory provisions.

Pub. L. 111-13, § 1516(2)(A), (B), redesignated par. (8) as (9) and struck out former par. (9). Text read as follows: “The term ‘superintendent’, with respect to a Corps camp, means the head of the camp under section 12615(d) of this title.”

1998—Par. (6). Pub. L. 105-244 substituted “section 1001” for “section 1141(a)”.

1993—Par. (1). Pub. L. 103-82, § 402(b)(2), substituted “Corporation” for “Commission on National and Community Service”.

Par. (2). Pub. L. 103-82, § 104(e)(2)(H)(i), substituted “section 12615” for “section 12653d”.

Par. (6). Pub. L. 103-82, § 403(a)(4), which directed amendment of par. (6) of this section by striking par. (6) and redesignating par. (7) of this section as (6) was executed by redesignating par. (7) of this section as (6) and striking out former par. (6) which defined “Executive Director” as Executive Director of Commission on National and Community Service, to reflect the probable intent of Congress.

Par. (7). Pub. L. 103-82, § 403(a)(4)(B), which directed amendment of par. (6) of this section by redesignating par. (8) as (7) was executed by redesignating par. (8) of this section as (7), to reflect the probable intent of Congress. Former par. (7) redesignated (6).

Par. (8). Pub. L. 103-82, § 403(a)(4)(B), which directed amendment of par. (6) of this section by redesignating par. (9) as (8) was executed by redesignating par. (9) of this section as (8), to reflect the probable intent of Congress. Former par. (8) redesignated (7).

Pub. L. 103-82, § 104(e)(2)(H)(ii), substituted “section 12612” for “section 12653a”.

Par. (9). Pub. L. 103-82, § 403(a)(4)(B), which directed amendment of par. (6) of this section by redesignating par. (10) as (9) was executed by redesignating par. (10) of this section as (9), to reflect the probable intent of Congress. Former par. (9) redesignated (8).

Par. (10). Pub. L. 103-82, § 403(a)(4)(B), which directed amendment of par. (6) of this section by redesignating par. (11) as (10) was executed by redesignating par. (11) of this section as (10), to reflect the probable intent of Congress. Former par. (10) redesignated (9).

Pub. L. 103-82, § 104(e)(2)(H)(iii), substituted “section 12615(d)” for “section 12653d(d)”.

Par. (11). Pub. L. 103-82, § 403(a)(4)(B), which directed amendment of par. (6) of this section by redesignating par. (11) as (10) was executed by redesignating par. (11) of this section as (10), to reflect the probable intent of Congress.

Pub. L. 103-82, § 104(e)(2)(H)(iv), substituted “section 12615(c)” for “section 12653d(c)”.

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 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 104(b), (e)(2)(H) 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.

Division F—Administrative Provisions

§ 12631. Family and medical leave

(a) Participants in private, State, and local projects

For purposes of title I of the Family and Medical Leave Act of 1993 [29 U.S.C. 2611 et seq.], if—

(1) a participant has provided service for the period required by section 101(2)(A)(i) (29 U.S.C. 2611(2)(A)(i)), and has met the hours of service requirement of section 101(2)(A)(ii), of such Act with respect to a project authorized under the national service laws; and

(2) the service sponsor of the project is an employer described in section 101(4) of such Act (other than an employing agency within the meaning of subchapter V of chapter 63 of title 5),

the participant shall be considered to be an eligible employee of the service sponsor.

(b) Participants in Federal projects

For purposes of subchapter V of chapter 63 of title 5, if—

(1) a participant has provided service for the period required by section 6381(1)(B) of such title with respect to a project; and

(2) the service sponsor of the project is an employing agency within the meaning of such subchapter,

the participant shall be considered to be an employee of the service sponsor.

(c) Treatment of absence

The period of any absence of a participant from a service position pursuant to title I of the Family and Medical Leave Act of 1993 [29 U.S.C. 2611 et seq.] or subchapter V of chapter 63 of title 5 shall not be counted toward the completion of the term of service of the participant under section 12593 of this title.

(Pub. L. 101-610, title I, § 171, Nov. 16, 1990, 104 Stat. 3159; Pub. L. 103-82, title I, § 113(a), Sept. 21, 1993, 107 Stat. 861; Pub. L. 111-13, title I, § 1601, Apr. 21, 2009, 123 Stat. 1529.)

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsecs. (a) and (c), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6. Title I of the Act is classified generally to subchapter I (§ 2611 et seq.) of chapter 28 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

AMENDMENTS

2009—Subsec. (a)(1). Pub. L. 111-13 substituted “with respect to a project authorized under the national service laws” for “with respect to a project”.

1993—Pub. L. 103-82 amended section generally, substituting provisions relating to family and medical leave for provisions relating to limitation on number of grants under this subchapter.

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.