

Public Law 95-510
95th Congress

An Act

Oct. 24, 1978

[H.R. 13418]

To amend the Small Business Act by transferring thereto those provisions of the Domestic Volunteer Service Act of 1973 affecting the operation of volunteer programs to assist small business, to increase the maximum allowable compensation and travel expenses for experts and consultants, and for other purposes.

Small Business
Act,
amendment.
Volunteer
programs,
establishment
and operation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. Section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)) is amended by striking subparagraph (1)(B) and inserting in lieu thereof the following subparagraphs:

“(B) To establish, conduct, and publicize, and to recruit, select, and train volunteers for (and to enter into contracts, grants, or cooperative agreements therefor), volunteer programs, including a Service Corps of Retired Executives (SCORE) and an Active Corps of Executive (ACE) for the purposes of section 8(b)(1)(A) of this Act; and to facilitate the implementation of such volunteer programs the Administration may maintain at its headquarters and pay the expenses of a team of volunteers subject to such conditions and limitations as the Administration deems appropriate: *Provided*, That any such payments made pursuant to this subparagraph shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

“(C) To allow any individual or group of persons participating with it in furtherance of the purposes of subparagraphs (A) and (B) to use the Administration's office facilities and related material and services as the Administration deems appropriate, including clerical and stenographic services:

“(i) such volunteers, while carrying out activities under section 8(b)(1) of this Act shall be deemed Federal employees for the purposes of the Federal tort claims provisions in title 28, United States Code; and for the purposes of subchapter I of chapter 81 of title 5, United States Code (relative to compensation to Federal employees for work injuries) shall be deemed civil employees of the United States within the meaning of the term ‘employee’ as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except that in computing compensation benefits for disability or death, the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS-11 employee;

“(ii) the Administrator is authorized to reimburse such volunteers for all necessary out-of-pocket expenses incident to their provision of services under this Act, or in connection with attendance at meetings sponsored by the Administration, or for the cost of malpractice insurance, as the Administrator shall determine, in accordance with regulations which

5 USC 8101 *et*
seq.

Volunteer
reimbursement.

he or she shall prescribe, and, while they are carrying out such activities away from their homes or regular places of business, for travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for individuals serving without pay; and

“(iii) such volunteers shall in no way provide services to a client of such Administration with a delinquent loan outstanding, except upon a specific request signed by such client for assistance in connection with such matter.

“(D) Notwithstanding any other provision of law, no payment for supportive services or reimbursement of out-of-pocket expenses made to persons serving pursuant to section 8(b)(1) of this Act shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, disability, retirement, public assistance, or similar benefit payments, or minimum wage laws.

15 USC 637.

“(E) Notwithstanding any other provision of law and pursuant to regulations which the Administrator shall prescribe, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial or administrative proceedings arising directly out of the performance of activities pursuant to section 8(b)(1) of this Act, as amended (15 U.S.C. 637(b)(1)) to which volunteers have been made parties.

Defense proceedings, expenses.

“(F) In carrying out its functions under section 8(b)(1) of this Act, the Administration is authorized to accept, in the name of the Administration, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible, or intangible, received by gift, devise, bequest, or otherwise; and, further, to accept gratuitous services and facilities.”

SEC. 102. (a) Title III of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5031 et seq.), is hereby repealed.

Repeals.

(b) Section 503 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5083), is hereby repealed.

SEC. 103. Section 5(c) of the Small Business Act (15 U.S.C. 634(c)), is amended by striking the last sentence and inserting in lieu thereof the following: “Any individual so employed may be compensated at a rate not in excess of the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, including traveltime, and, while such individual is away from his or her home or regular place of business, he or she may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code.”

Experts and consultants, compensation and expenses.

SEC. 104. Section 7(k) (4) of the Small Business Act (15 U.S.C. 636(k) (4)), is amended by striking out "\$100 per diem" and inserting in lieu thereof "the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code".

Effective date.
15 USC 634 note.

SEC. 105. This Act shall be effective October 1, 1979.

Approved October 24, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1375 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Sept. 25, considered and passed House.

Oct. 11, considered and passed Senate.