

88TH CONGRESS
1ST SESSION

H. R. 5635

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 1963

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide for a National Service Corps to strengthen community service programs in the United States.

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

SHORT TITLE

SECTION 1. This Act may be cited as the "National Service Corps Act".

SEC. 2. In the United States there remain critical human needs in this time of general prosperity. In this Nation of great human resources, many more of our citizens should be encouraged to serve in their local communities to help meet these needs.

The purposes of this Act are to open new opportunities

1 for full-time service working with those Americans in greatest
2 need; to illuminate those needs so as to expand the attack on
3 deprivation in the United States; to motivate many more
4 citizens to volunteer their services in their own communities,
5 thus encouraging communities to help themselves; and to
6 inspire more people to choose professions that serve their
7 fellow citizens.

8 The Congress of the United States declares that it is the
9 policy of the United States to carry out the purposes of this
10 Act through a National Service Corps which will be com-
11 posed of carefully selected men and women of all ages who
12 shall be made available—upon local invitation and in co-
13 operation with interested governmental and nongovern-
14 mental agencies—to serve for a limited time in projects
15 directed toward the critical human needs of our countrymen.
16 These projects may include projects designed to make corps-
17 men available for work with persons in institutions for the
18 mentally ill and mentally retarded and during their return
19 to normal living; in meeting the health and education needs
20 of migratory workers and their families, Indians living on
21 and off reservations, and residents of depressed areas and
22 rural and urban slums; in care and rehabilitation of the
23 elderly, the disabled, the delinquent young, and dependent
24 children; in improving standards of educational opportunity;
25 and in other projects directed toward critical human needs.

1 To the extent possible each project carried out under this Act
2 shall provide for contributions by the cooperating agencies.

3 AUTHORIZATION

4 SEC. 3. (a) The President is authorized to carry out
5 projects in furtherance of the purposes of this Act, on such
6 terms and conditions as he may determine.

7 (b) Before undertaking a project, the President shall
8 assure himself that it will not displace regular workers or
9 duplicate or replace an existing service in the same locality.

10 (c) There are hereby authorized to be appropriated to
11 the President for the fiscal year commencing July 1, 1963,
12 not to exceed \$5,000,000, and for each succeeding fiscal
13 year such amounts as the Congress may determine to be
14 necessary to carry out the purposes of this Act.

15 DIRECTOR OF THE NATIONAL SERVICE CORPS AND

16 DELEGATION OF FUNCTIONS

17 SEC. 4. (a) The President may appoint, by and with
18 the advice and consent of the Senate, a Director of the Na-
19 tional Service Corps, whose compensation shall be fixed
20 by the President at a rate not in excess of \$20,000 per an-
21 num. The President may appoint a Deputy Director of the
22 National Service Corps, whose compensation shall be fixed
23 by the President at a rate not in excess of \$20,000 per annum.
24 The President may appoint a Deputy Director of the Na-

1 tional Service Corps, whose compensation shall be fixed by
2 the President at a rate not in excess of \$19,500 per annum.

3 (b) The President may exercise any functions vested
4 in him by this Act through such agency or officer of the
5 United States Government as he shall direct. The head of
6 any such agency or any such officer may promulgate such
7 rules and regulations as he may deem necessary or appro-
8 priate to carry out such functions, and may delegate to any
9 of his subordinates authority to perform any of such functions.

10 NATIONAL SERVICE CORPS CORPSMEN

11 SEC. 5. (a) The President may enroll in the National
12 Service Corps for service in the United States qualified citi-
13 zens and nationals of the United States (referred to in this
14 Act as "corpsmen"). The terms and conditions of the enroll-
15 ment, training, compensation, hours of work, benefits, leave,
16 termination, and all other terms and conditions of the service
17 of corpsmen shall be exclusively those set forth in this Act
18 and those consistent therewith which the President may pre-
19 scribe; and, except as provided in this Act, corpsmen shall
20 not be deemed officers or employees or otherwise in the serv-
21 ice or employment of, or holding office under, the United
22 States for any purpose.

23 (b) Whenever the President determines that it is in
24 the national interest, he may, under such terms and condi-

1 tions as he may deem appropriate, enroll qualified foreign
2 nationals in the Corps for service in the United States.

3 (c) Corpsmen shall be provided with such living, travel,
4 and leave allowances, and such housing, transportation, sup-
5 plies, equipment, subsistence, and clothing as the President
6 may determine to be necessary for their maintenance and
7 to insure their health and their capacity to serve effectively.
8 Transportation and travel allowances may also be provided,
9 in such circumstances as the President may determine, for
10 applicants for enrollment to or from places of training and
11 places of enrollment, and for former corpsmen from places
12 of termination to their homes in the United States.

13 (d) Corpsmen shall be entitled to receive an adjust-
14 ment allowance at a rate not to exceed \$75 for each month
15 of satisfactory service as determined by the President. The
16 adjustment allowance of each corpsman shall be payable at
17 the termination of his service, or may be paid during the
18 course of his service to the corpsman, to members of his
19 family or to others, under such circumstances as the Presi-
20 dent may determine. In the event of the corpsman's death
21 during the period of his service, the amount of any unpaid
22 adjustment allowance shall be paid in accordance with the
23 provisions of section 1 of the Act of August 3, 1950 (5
24 U.S.C. 61f).

1 (e) Corpsman leaders may be designated from among
2 the corpsmen under this Act and assigned supervisory or
3 other special duties or responsibilities.

4 (f) Corpsmen shall, for the purpose of the administra-
5 tion of the Federal Employees' Compensation Act (39 Stat.
6 742, as amended), be deemed to be civil employees of the
7 United States within the meaning of the term "employee" as
8 defined in section 40 of such Act and the provisions thereof
9 shall apply except as hereinafter provided.

10 (1) In computing compensation benefits for disability
11 or death under the Federal Employees' Compensation Act,
12 the monthly pay of the corpsman shall be deemed to be at
13 the lowest rate provided for grade 7 of the general schedule
14 established by the Classification Act of 1949, as amended.

15 (2) Entitlement to disability compensation payments
16 and other benefits under the Federal Employees' Compensa-
17 tion Act shall commence on the day after the date of
18 termination of service.

19 (3) In any case in which the injured corpsman, or
20 his dependents in case of death, receives from the entity
21 to which the corpsman was detailed or assigned or made
22 available pursuant to section 5 (j) of this Act any payment
23 (including any allowance, gratuity, payment under an
24 insurance policy for which the premium is wholly paid
25 by that organization, or other benefit of any kind), on

1 account of the same injury or death, the amount of such
2 payments shall be credited against any benefits payable
3 under the Federal Employees' Compensation Act as follows:

4 (A) payments on account of injury or disability
5 shall be credited against disability compensation pay-
6 able to the injured corpsman; and

7 (B) payments on account of death shall be credited
8 against death compensation payable to dependents of
9 the deceased corpsman.

10 (g) Corpsmen shall be deemed to be employees of the
11 United States for purposes of the Internal Revenue Code
12 of 1954 and of title II of the Social Security Act, and any
13 service performed by an individual as a corpsman shall be
14 deemed for such purposes to be performed in the employ
15 of the United States.

16 (h) Corpsmen shall receive such health care during
17 their service, and such health examinations and immuniza-
18 tion preparatory to their service, as the President may deem
19 necessary or appropriate. Subject to such conditions as the
20 President may prescribe, such health care, examinations, and
21 immunization may be provided for corpsmen in any facility
22 of any agency of the United States Government, and in such
23 cases the appropriation for maintaining and operating such
24 facility shall be reimbursed from appropriations available
25 under this Act.

1 (i) (1) Any period of satisfactory service of a corps-
2 man under this Act shall be credited in connection with sub-
3 sequent employment in the same manner as a like period
4 of civilian employment by the United States Government—

5 (A) for the purposes of the Civil Service Retire-
6 ment Act, as amended (5 U.S.C. 2251, et seq.), sec-
7 tion 852 (a) (1) of the Foreign Service Act of 1946,
8 as amended (22 U.S.C. 1092 (a) (1)), and every other
9 Act establishing a retirement system for civilian em-
10 ployees of any United States Government agency; and

11 (B) except as otherwise determined by the Presi-
12 dent, for the purposes of determining seniority, reduction
13 in force, and layoff rights, leave entitlement, and other
14 rights and privileges based upon length of service under
15 the laws administered by the Civil Service Commission,
16 the Foreign Service Act of 1946, and every other Act
17 establishing or governing terms and conditions of serv-
18 ice of civilian employees of the United States Govern-
19 ment: *Provided*, That service of a corpsman shall not be
20 credited toward completion of any probationary or trial
21 period or completion of any service requirement for
22 career appointment.

23 (2) For the purposes of paragraph (1) (A) of this
24 subsection, corpsmen shall be deemed to be receiving com-

1 pension during their service at the rate of adjustment
2 allowances payable under section 5 (c) of this Act.

3 (j) The President may detail or assign corpsmen or
4 otherwise make them available to any entity referred to in
5 paragraph (1) of section 7 (a) on such terms and condi-
6 tions as he may determine: *Provided, however,* That any
7 corpsman so detailed or assigned shall continue to be en-
8 titled to the allowances, benefits, and privileges of corpsmen
9 authorized under or pursuant to this Act.

10 (k) Corpsmen shall be deemed employees of the United
11 States Government for the purposes of the Federal Tort
12 Claims Act and any other Federal tort liability statute and
13 for the purposes of section 595 of title 18 of the United
14 States Code, and for the purposes of section 9 of the Act
15 of August 2, 1939, as amended (5 U.S.C. 118i).

16 (l) The service of a corpsman may be terminated at
17 any time at the pleasure of the President.

18 (m) Upon enrollment in the National Service Corps,
19 every corpsman shall take the oath prescribed for persons
20 appointed to any office of honor or profit by section 1757
21 of the Revised Statutes of the United States, as amended
22 (5 U.S.C. 16).

23 (n) The President shall make provision for such train-

1 ing as he deems appropriate for each applicant for enroll-
2 ment as a corpsman and each enrolled corpsman. All the
3 provisions of this Act applicable to corpsmen shall be ap-
4 plicable to applicants for enrollment as such during any
5 period of training occurring prior to enrollment, and the
6 term "corpsmen" shall include such applicants during any
7 such period of training.

8 (o) The number of corpsmen enrolled under this Act
9 shall not exceed one thousand at any given time during the
10 fiscal year commencing July 1, 1963, and shall not exceed
11 five thousand at any time thereafter, unless otherwise author-
12 ized by the Congress.

13 NATIONAL SERVICE CORPS EMPLOYEES

14 SEC. 6. The President may employ such persons as he
15 deems necessary to carry out the provisions and purposes of
16 this Act. Except as otherwise provided in this Act, such
17 persons (hereinafter sometimes referred to as "employees")
18 shall be employed in accordance with and shall be subject to
19 the laws applicable to personnel employed by the United
20 States Government.

21 GENERAL POWERS AND AUTHORITIES

22 SEC. 7. (a) In furtherance of the purposes of this Act,
23 the President may—

24 (1) enter into, perform, and modify contracts and
25 agreements and otherwise cooperate with any agency

1 of the United States Government or of any State or
2 any subdivision thereof, other governments of places
3 subject to the jurisdiction of the United States and de-
4 partments and agencies thereof, and educational institu-
5 tions, nonprofit health, welfare, and rehabilitation agen-
6 cies, farm organizations, labor unions, and other orga-
7 nizations, individuals, and firms;

8 (2) accept in the name of the National Service
9 Corps and employ in furtherance of the purposes of
10 this Act—

11 (A) voluntary services notwithstanding the
12 provisions of 31 U.S.C. 665 (b) ; and

13 (B) any money or property (real, personal or
14 mixed, tangible or intangible) received by gift,
15 devise, bequest, or otherwise, and dispose of such
16 property in furtherance of the purposes of this
17 Act.

18 (b) Subject to any future action of the Congress, a
19 contract or agreement for services of corpsmen which en-
20 tails commitments for the expenditure of funds available for
21 the purposes of this Act, including commitments for pur-
22 poses of paying or providing for allowances and other bene-
23 fits of corpsmen authorized by section 5 of this Act, may
24 extend at any time for not more than twenty-four months.

25 (c) The President may allocate or transfer to any

1 agency of the United States Government any funds available
2 for carrying out the purposes of this Act including any ad-
3 vance received by the United States from any State, local,
4 or other organization under authority of this Act. Such
5 funds shall be available for obligation and expenditure for
6 the purposes of this Act in accordance with authority granted
7 in this Act or under authority governing the activities of the
8 agencies of the United States Government to which such
9 funds are allocated or transferred.

10 (d) Any officer of the United States Government carry-
11 ing out functions under this Act may utilize the services and
12 facilities of, or procure commodities from, any agency of the
13 United States Government as the President shall direct, or
14 with the consent of the head of such agency, and funds allo-
15 cated pursuant to this subsection to any such agency shall be
16 established in separate appropriation accounts on the books
17 of the Treasury.

18 (e) In the case of any commodity, service, or facility
19 procured from any agency of the United States Government
20 under this Act, reimbursement of payment shall be made
21 to such agency from funds available under this Act. Such
22 reimbursement or payment shall be at replacement cost, or,
23 if required by law at actual cost, or at any other price
24 authorized by law and agreed to by the owning or disposing
25 agency. The amount of any such reimbursement or pay-

1 ment shall be credited to current applicable appropriations,
2 funds, or accounts from which there may be procured re-
3 placements of similar commodities, services, or facilities,
4 except that where such appropriations, funds, or accounts
5 are not reimbursable except by reason of this subsection,
6 and when the owning or disposing agency determines that
7 such replacement is not necessary, any funds received in
8 payment therefor shall be covered into the Treasury as
9 miscellaneous receipts.

10 NATIONAL SERVICE CORPS ADVISORY COUNCIL

11 SEC. 8. (a) The President may appoint to membership
12 in a board to be known as the National Service Corps Ad-
13 visory Council twenty-five persons who are broadly repre-
14 sentative of health, welfare, and rehabilitation agencies, of
15 education institutions, and of business, farm, labor, and other
16 public and private organizations and groups, as well as
17 individuals interested in the programs and objectives of the
18 National Service Corps, to advise and consult with the
19 President with regard to policies and programs designed to
20 further the purposes of this Act.

21 (b) Members of the Council shall serve at the pleasure
22 of the President and meet at his call. Members who are not
23 officers or employees of the United States Government shall
24 each be entitled to receive out of funds made available for the
25 purpose of this Act compensation at a rate to be fixed by

1 the President, but not exceeding \$75 for each day, not to
2 exceed twenty days in any fiscal year in the case of any such
3 member, spent away from his home or regular place of busi-
4 ness for the purpose of attendance at meetings or conferences
5 and in necessary travel, and while so engaged may be paid
6 actual travel expenses, including per diem in lieu of sub-
7 sistence, as authorized by law (5 U.S.C. 73b-2) for persons
8 in the Government service employed intermittently. Not-
9 withstanding the foregoing or any other provision of law,
10 the President may accept the services of appointed members
11 under this section without payment of compensation therefor
12 (and with or without payment of travel expenses or per diem
13 in lieu of subsistence).

14 EXPERTS AND CONSULTANTS

15 SEC. 9. (a) Experts and consultants or organizations
16 thereof may, as authorized by section 15 of the Act of August
17 2, 1946, as amended (5 U.S.C. 55a), be employed by the
18 President for the performance of functions under this Act,
19 and individuals so employed may be compensated at rates
20 not in excess of \$75 per diem, and while away from their
21 homes or regular places of business, they may be paid travel
22 expenses, including per diem in lieu of subsistence, in accord-
23 ance with the provisions of section 5 of said Act (5 U.S.C.
24 73b-2), while so employed: *Provided*, That contracts for
25 such employment may be renewed annually.

1 (b) Service of an individual as a member of the Coun-
2 cil or a committee authorized to be established by section
3 8 of this Act or as an expert or consultant under subsection
4 (a) of this section shall not be considered as service or
5 employment bringing such individual within the provisions
6 of section 13 of the Civil Service Retirement Act, as
7 amended (5 U.S.C. 2263), section 212 of the Act of June
8 30, 1932, as amended (5 U.S.C. 59a), section 872 of the
9 Foreign Service Act of 1946, as amended, or any other
10 law limiting the reemployment of retired officers or em-
11 ployees or governing the simultaneous receipt of compen-
12 sation and retired pay or annuities.

13 UTILIZATION OF FUNDS

14 SEC. 10. Funds available for the purposes of this Act
15 shall be available for the exercise of any authority granted
16 by this Act, including, but not limited to—

17 (1) rent of buildings and space in buildings in the
18 United States, and for repair, alteration, and improve-
19 ment of such leased properties;

20 (2) expenses of printing and binding without re-
21 gard to the provisions of section 11 of the Act of March
22 1, 1919 (44 U.S.C. 111) ;

23 (3) expenses of attendance at meetings concerned
24 with the purposes of this Act, including (notwithstand-
25 ing the provisions of section 9 of the Public Law 60-

1 328 (31 U.S.C. 673)) expenses in connection with
2 meetings of persons whose employment is authorized by
3 section 10 (a) of this Act;

4 (4) expenses of preparing and transporting to their
5 former homes or places of burial, and of care and dis-
6 position of the remains of corpsmen who may die while
7 such persons are away from their homes participating
8 in activities under this Act.

9 **REPORTS**

10 **SEC. 11.** The President shall transmit to the Congress,
11 at least once in each fiscal year, a report on operations under
12 this Act.

13 **SECURITY INVESTIGATIONS**

14 **SEC. 12.** All persons employed or assigned to duties
15 and all corpsmen enrolled under this Act shall be investi-
16 gated to insure that the employment, assignment, or enroll-
17 ment is consistent with the national interest in accordance
18 with standards and procedures established by the President.

19 **SEAL**

20 **SEC. 13.** The President may adopt, alter, and use an
21 official seal or emblem of the National Service Corps of
22 such design as he shall determine, which shall be judicially
23 noticed.

1 MORATORIUM ON STUDENT LOANS

2 SEC. 14. Section 205 of the National Defense Education
3 Act of 1958 (20 U.S.C. 425) is amended by deleting the
4 word "or" immediately preceding clause (iii) of section
5 205 (b) (2) (A) and by adding immediately after that
6 clause the following: "or (iv) not in excess of three years
7 during which the borrower is in service as a corpsman under
8 the National Service Corps Act: *Provided*, That this clause
9 shall apply to any loan outstanding on the effective date
10 of the National Service Corps Act only with the consent
11 of the then obligee institution."

12 AMENDMENT TO CIVIL SERVICE RETIREMENT ACT

13 SEC. 15. Subsection (j) of section 3 of the Civil Service
14 Retirement Act, as amended (5 U.S.C. 2253), is amended
15 to read as follows:

16 "(j) Notwithstanding any other provision of this sec-
17 tion or section 5 (f) of the Peace Corps Act or the National
18 Service Corps Act, any military service (other than military
19 service covered by military leave with pay from a civilian
20 position) performed by an individual after December 1956
21 and any period of service by an individual as a volunteer
22 under the Peace Corps Act, or as a corpsman under the
23 National Service Corps Act, shall be excluded in determining

1 the aggregate period of service upon which an annuity pay-
2 able under this chapter to such individual or to his widow or
3 child is to be based, if such individual or widow or child is
4 entitled (or would upon proper application be entitled) at
5 the time of such determination, to monthly old-age or sur-
6 vivors benefits under section 202 of the Social Security Act,
7 as amended (42 U.S.C. 402), based on such individual's
8 wages and self-employment income. If in the case of the
9 individual or widow such military service or service under
10 the Peace Corps Act or the National Service Corps Act is
11 not excluded under the preceding sentence, but upon attain-
12 ing age sixty-two, he or she becomes entitled (or would upon
13 proper application be entitled) to such benefits, the Com-
14 mission shall redetermine the aggregate period of service
15 upon which such annuity is based, effective as of the first day
16 of the month in which he or she attains such age, so as to
17 exclude such service. The Secretary of Health, Education,
18 and Welfare shall, upon the request of the Commission,
19 inform the Commission whether or not any such individual
20 or widow or child is entitled at any specified time to such
21 benefits."

22 DEFINITIONS

23 SEC. 16. (a) The term "United States" as used in this
24 Act in a territorial sense, includes the Commonwealth of

1 Puerto Rico, Guam, American Samoa, the Virgin Islands,
2 and all other places, continental or insular, including the
3 Trust Territory of the Pacific Islands, subject to the jurisdic-
4 tion of the United States.

5 (b) The term "health care" includes all appropriate ex-
6 aminations, preventive, curative, and restorative health, medi-
7 cal and dental care, and supplementary services when neces-
8 sary.

9 (c) For the purposes of this or any other Act, the period
10 of any individual's service as a corpsman under this Act shall
11 include—

12 (1) except for the purposes of section 5 (h) of this
13 Act, any period of training under section 5 (m) prior
14 to enrollment as a corpsman under this Act; and

15 (2) the period between enrollment as a corpsman
16 and the termination of service as such corpsman by the
17 President or by death or resignation.

18 (d) The term "United States Government agency" in-
19 cludes any department, board, wholly or partly owned cor-
20 poration, or instrumentality, commission, or establishment
21 of the United States Government.

22 CONSTRUCTION

23 SEC. 17. If any provision of this Act or the application
24 of any provision to any circumstances or persons shall be

1 held invalid, the validity of the remainder of this Act and
2 the applicability of such provision to other circumstances or
3 persons shall not be affected thereby.

4 EFFECTIVE DATE

5 SEC. 18. This Act shall take effect on the date of its
6 enactment.

1 for full-time service working with those Americans in greatest
2 need; to illuminate those needs so as to expand the attack on
3 deprivation in the United States; to motivate many more
4 persons to volunteer their services in their own communities,
5 thus encouraging communities to help themselves; and to
6 inspire more people to choose professions that serve their
7 fellow citizens.

88TH CONGRESS
1ST SESSION

H. R. 5635

A BILL

To provide for a National Service Corps to strengthen community service programs in the United States.

By Mr. FOGARTY

APRIL 11, 1963

Referred to the Committee on Education and Labor

The Congress of the United States do hereby enact into law that it is the policy of the United States to—
10 An through a National Service Corps to
11 passed as carefully as possible
12 shall be made available to
13 operation with interested
14 mental agencies—to serve
15 directed toward the critical
16 These projects may use
17 also available for work with
18 mentally ill and mentally
19 to normal living; in meeting
20 of migratory workers and the
21 and of reservation and residents of
22 rural and urban slums; in care and
23 elderly, the disabled, the delinquent young, and dependent
24 children; in improving standards of educational opportunity;
25 and in other projects directed toward critical human needs.