

Ronald Reagan Presidential Library
Digital Library Collections

This is a PDF of a folder from our textual
collections.

Collection: Waller, David B.: Files
Folder Title: Anti-Nepotism Statutes
Box: OA 05144

To see more digitized collections
visit: <https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories
visit: <https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

1c - Anti Nephritis Statute

632-~~4632~~ 4632

↔ [no salary
per diem

More an appearance problem than violation
of statute or reg.

Has the man

OPM reg do we go into

recommendational reference ~~to~~ to the Agency
contributors promoting.

do not have violation of statute or reg
because he does not exercise jurisdiction
or control

Would be better if he did nothing
to promote her employment.

Service in Peace Corps, particularly by
young people is viewed as self sacrifice.

Explanatory Notes

In subsection (a), the definitions of "agency" and "appropriation" are added on authority of the Act of Aug. 2, 1946, ch. 744, § 18, 60 Stat. 811.

In subsection (b), the words "the provisions of this title governing appointment in the competitive service" are substituted for "the civil-service laws". The words "chapter 51 and subchapter III of chapter 53 of this title" are substituted for the reference to the classification

laws which originally meant the Classification Act of 1923, as amended. Exception from the Classification Act of 1949 is based on sections 202(27), and 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 956, 972.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Cross References

Community Relations Service, Department of Commerce, authority of Director to procure services as authorized by this section at \$75 per diem limitation, see section 2000g of Title 42, The Public Health and Welfare.

Education professions development grants and contracts, see section 1001f of Title 20, Education.

Employment of experts or consultants by Director of Administrative Office of United States Courts, see note set out under section 602 of Title 28, Judiciary and Judicial Procedure.

General Accounting Office authorized to credit accounts of special disbursing agent of Saint Elizabeths Hospital with certain amounts, notwithstanding this section, see section 168 of Title 24, Hospitals, Asylums, and Cemeteries.

International Health Research Act of 1960, application of section to, see sections 2102, 2103 of Title 22, Foreign Relations and Intercourse; section 2421 of Title 42, The Public Health and Welfare.

Travel expenses of consultants or experts, see section 5703 of this title.

Notes of Decisions

Evidence 2

Temporary legal services 1

1. Temporary legal services

Government agency was vested with authority to secure temporary or intermittent services of attorney by contract or appointment and authorized it to enter into independent contractor relationship with attorney as distinguished from employment status. *Boyle v. U. S.*, 1962, 309 F.2d 399, 150 Ct.Cl. 230.

2. Evidence

In action by temporary appointee against the Secretary of the Army and

others for mandatory injunction commanding reinstatement of temporary appointee to position as astronomer in Army Map Service, evidence established that appointing officer accorded to temporary appointee all procedural prerogatives required to be extended in case of temporary appointees, and that valid regulations of the Civil Service Commission authorized separation of temporary appointee from the service. *Kameny v. Brucker*, 1960, 282 F.2d 823, 106 U.S.App. D.C. 340, certiorari dismissed 81 S.Ct. 802, 385 U.S. 843, 5 L.Ed.2d 809.

§ 3110. Employment of relatives; restrictions

(a) For the purpose of this section—

(1) "agency" means—

(A) an Executive agency;

(B) an office, agency, or other establishment in the legislative branch;

(C) an office, agency, or other establishment in the judicial branch; and

(D) the government of the District of Columbia;

(2) "public official" means an officer (including the President and a Member of Congress), a member of the uniformed service, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement, in connection with employment in an agency; and

does he have such authority?

(3) "relative" means, with respect to a public official, an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

did he do any of these?

(c) An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and money may not be paid from the Treasury as pay to an individual so appointed, employed, promoted, or advanced.

(d) The Civil Service Commission may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

(e) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under section 3317(a) of this title will result in the selection for appointment of an individual who is not a preference eligible.

Added Pub.L. 90-206, Title II, § 221(a), Dec. 16, 1967, 81 Stat. 640.

Historical Note

Effective Date. Section 220(a) (1) of Pub.L. 90-206 provided, except as otherwise expressly provided, that: "This section [which enacted provisions set as a note under section 8704 of this title] and sections 201 [which enacted provisions set out as Short Title note under section 5332 of this title], 207 [which amended section 5332 of this title], 212 [which enacted provisions set out as a note under section 5304 of this title], 218 [which enacted provisions set out as a note under section 5332 of this title], 221 [which enacted this section and provisions set out as a note under this section], 224(a) and (b) [which amended sections 4101 and 8339 of this title], and 225 [which enacted sections 351-381 of Title 2, The Congress] shall become effective on the date of enactment of this title [December 16, 1967]."

Retroactive Effect. Section 221(c) of Pub.L. 90-206 provided that: "The amend-

ments made by this section [enacting this section] do not apply to an appointment, employment, advancement, or promotion made or advocated by a public official of any individual who is a relative of the public official if, prior to the effective date of this section [see Effective Date note under this section], the individual was appointed by the public official, or received an appointment advocated by the public official, and is serving under the appointment on such effective date."

Section 221(c) of Pub.L. 90-206, effective Dec. 16, 1967, see section 220(a) (1) of Pub.L. 90-206, set out as a note under this section.

Legislative History. For legislative history and purpose of Pub.L. 90-206, see 1967 U.S.Code Cong. and Adm.News, p. 2258.

West's Federal Forms

Affidavit of bias or prejudice of judicial officer, etc., see § 5152 and Comment thereunder.

Code of Federal Regulations

Emergency situations, see 5 CFR 310.201 et seq.

Notes of Decisions**1. Constitutionality**

This section, providing in part that a public official may not appoint or promote any individual who is a relative of

his, is not unconstitutionally overbroad. *Lee v. Blount*, D.C.Cal.1972, 345 F.Supp. 585.

for the utilization of the Foreign Service Act of 1980 [section 3901 et seq. of this title], pursuant to Section 7 of the Act (22 U.S.C. 2506) [section 2506 of this title], shall be coordinated with the Secretary of State.

1-112. The Director shall consult and coordinate with the Director of ACTION to assure that the functions delegated to the Director by this Order are carried out consistently with the functions conferred upon the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) [section 4951 et seq. of Title 42, The Public Health and Welfare, ("Volunteer Service Act"), Reorganization Plan No. 1 of 1971 [set out in Title 5, Appendix, Government Organization and Employees] and this Order.

1-2. The Peace Corps Advisory Council.

1-201. In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) [set out in Title 5, Appendix, Government Organization and Employees], there is hereby established the Peace Corps Advisory Council.

1-202. The President shall appoint not more than 30 individuals to serve on the Council and shall designate two members to serve as Co-Chairpersons. Members shall serve at the pleasure of the President.

1-203. The Council shall advise the President and the Director of the Peace Corps on initiatives needed to promote the purposes of the Peace Corps Act [this chapter].

1-204. The Council shall submit annually to the President, through the Director of the Peace Corps, a report on its recommendations and activities.

1-205. The Council may request any agency of the United States Government to furnish it with such information as may be useful for the fulfillment of the Council's functions under this Order. Such agencies will, to the extent permitted by law, honor the Council's request.

1-206. The members of the Council shall receive no compensation for service on the Council. Each member of the Council may receive travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5702 and 5703) [section 5702 and 5703 of Title 5, Government Organization and Employees].

1-207. The functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to the Congress, shall be performed by the Director of the Peace Corps in accordance with guidelines and procedures established by the Administrator of General Services.

1-208. In accord with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) [set out in Title 5, Appendix, Government Organization and Employees], the Council shall terminate on December 31, 1980, unless extended.

1-3. Reservation of Functions to the President.

1-301. There are hereby excluded from the delegations made by Section 1-1 of this Order the following powers and functions of the President:

(a) All authority conferred by Sections 4(b), 4(c)(2), 4(c)(3), 10(d), and 18 of the Act (22 U.S.C. 2503(b), (C)(2), (C)(3), 2509(d), and 2517) [sections 2503(b), (c)(2), (c)(3), 2509(d), and 2517 of this title].

(b) The authority conferred by Section 4(a) of the Act (22 U.S.C. 2503(a)) [section 2503(a) of this title] to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred on the President by Section 5(f)(1)(B) of the Act (22 U.S.C. 2504(f)(1)(B)) [section 2504(f)(1)(B) of this title].

(d) The authority conferred by Section 10(f) of the Act (22 U.S.C. 2509(f)) [section 2509(f) of this title] to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act.

(e) The authority conferred by Section 19 of the Act (22 U.S.C. 2518) [section 2518 of this title] to adopt and alter an official seal or emblem of the Peace Corps.

1-4. Incidental Provisions.

1-401. Persons appointed, employed, or assigned under Section 7(a) of the Act (22 U.S.C. 2506(a)) [section 2506(a) of this title] shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3950) [section 3950 of this title] in cases in which their service under the appointment; employment, or assignment exceeds thirty months.

1-402. Pursuant to Section 10(d) of the Act (22 U.S.C. 2509(d)) [section 2509(d) of this title], it is hereby determined to be in furtherance of the purposes of the Act that functions authorized thereby may be performed without regard to the applicable laws specified in Sections 1 and 2 of Executive Order No. 11223 of May 12, 1965 [set out as a note under section 2393 of this title], and with or without consideration as specified in Section 3 of that Order, but subject to the limitations set forth in that Order.

1-403. As used in this Order, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act.

1-5. National Voluntary Action Program.

1-501. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by Section 1 of Executive Order No. 11470 of May 26, 1969, is continued in ACTION. That program shall supplement corresponding action by private and other non-Federal organizations such as the National Center for Voluntary Action. As used in this Order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and nonprofit, national and local, occupational, and altruistic) and by individual citizens.

1-6. Director of ACTION

1-601. In addition to the functions vested in the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C., Section 4951 et seq.) [section 4951 et seq. of Title 42, The Public Health and Welfare], Reorganization Plan No. 1 of 1971 [set out in Title 5, Appendix, Government Organization and Employees], and Section 1-401 of this Order, the Director of ACTION shall:

(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the de-

velopment or deployment of innovative voluntary action programs directed toward community problems.

1-602. The head of each Federal department and agency, or a designated representative, when so requested by the Director of ACTION or the Director of the Peace Corps, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order, the Domestic Volunteer Service Act of 1973 and Reorganization Plan No. 1 of 1971.

1-603. The head of each Federal department or agency shall, when so requested by the Director of ACTION, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

1-604. The head of each Federal department or agency, or a designated representative, shall keep the Director of ACTION informed of proposed budgets, plans, and programs of that department or agency affecting voluntary action programs.

1-605. Under the direction of the President and subject to the responsibilities of the Secretary of State, the Director of ACTION shall be responsible for the general direction of those ACTION functions, which jointly serve ACTION domestic volunteer components and the Peace Corps, and for advising the Director of the Peace Corps to ensure that the functions delegated under this Order to the Director of the Peace Corps are carried out.

1-7. General Provisions.

1-701. Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certifications, orders, directives, contracts, agreements, and other actions made, issued or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Order shall continue in full force and effect until amended,

§ 2501-1. Independent agency status of

Effective on December 29, 1981, the Peace Agency within the executive branch and in the ACTION Agency or any other department or State.

Pub.L. 87-293, Title I, § 2A, as added Pub. Dec. 29, 1981, 95 Stat. 1540.

References to ACTION Agency or Director of ACTION Agency With Respect to Peace Corps or Director Functions or Activities. Section 601(g) of Pub.L. 97-113 provided that: "References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the ACTION Agency or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively."

Transfer of Functions, Personnel, Etc., to Peace Corps. Section 601(b) and (c) of Pub.L. 97-113 provided that:

"(b) There are transferred to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency on the day before the date of the enactment of this Act.

"(c)(1) All personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, au-

Ronald Reagan Presidential Library
Digital Library Collections

This is the end of a folder from our textual
collections.

Collection: Waller, David B.: Files
Folder Title: Anti-Nepotism Statutes
Box: OA 05144

To see more digitized collections
visit: <https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories
visit: <https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives

Catalogue: <https://catalog.archives.gov/>