

Trust Territory
Programs (pol.)
5/5/69

Michael Agar, OD Section 7 amends section 25(b) of the May 5, 1969
defines the term 'United States' in the geographic
sense, to eliminate U.S. territories from that defini-

N. Michael Agar, OD Order to provide training in an environment
that approximates that of Latin American countries,
the Peace Corps since 1961 has trained volunteers at

Possible Effect of Change in Political Status of Trust Territory of
Pacific Islands Upon Legal Authority of Peace Corps to Continue its
Program There the several States and territories and the District
of Columbia. Because Puerto Rico is a U.S. Common-
wealth, it is not within the United States in the
geographic sense for purposes of the act. Hence,

I. Background authorities available abroad appear there,
including particularly the section 25(b) program.

You have requested our opinion concerning the possible effect which
a change in the political status of the Trust Territory of the Pacific
Islands ("the Trust Territory") might have upon the Peace Corps' legal
authority to continue its program there.

In 1965, the Peace Corps established a con-
tinuous training center in an isolated area of St. John, U.S. Virgin Islands. It offers an environ-

II. Legal Authority for Peace Corps' Program in Trust Territory
as Presently Constituted on volunteers are assigned. Also in

1967, the Peace Corps trained in Guam volunteers who
attended are copies of the opinions of this office (dated
January 19, 1966, and May 6, 1966, respectively) concerning in by the
Solicitor of the Department of the Interior, to the effect that the
Peace Corps was legally authorized to send volunteers to the Trust
Territory. In so concluding that certain laws concerning the pro-
vision of assistance and funds to the Trust Territory would not bar a
Peace Corps program there, the Solicitor stated that the Trust Terri-
tory was not a "territory of the United States." It was especially
important that in 1966 the Trust Territory not be a
"territory of the United States," because the Peace Corps was
authorized only to send volunteers "abroad," which was then defined
(by section 25(a) and (b) of the Peace Corps Act) as any area outside
of "the several States and territories and the District of Columbia."
(Underlining added.) On the other hand, although administered by

the United States, the Trust Territory of the Pacific
In 1966 the term "and territories" was stricken at the Peace
Corps' request, by Congress from the definition of "abroad." The
reason for the Peace Corps' request, and the intended effect of the
removal of "and territories" were stated as follows:
"Long. Comm. Print 1966).

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In reporting favorably on this proposed amendment to the Peace Corps Act, the House Foreign Affairs Committee adopted the above rationale virtually verbatim. H.R. Rep. No. 1778, 89th Cong., 2d Sess. 5-6 (1966).

B. Effect for Peace Corps of Change in Political Status of Trust Territory

Of course, assuming a change were to occur in the Trust Territory's political status, we cannot tell at this time what its new status would be. If, at the request of the Micronesian people through a plebiscite, what is now the Trust Territory were to become more closely associated with the United States (e.g., by becoming a "territory of the United States," as that phrase is commonly and legally understood), with the United States exercising complete or partial sovereignty over it in its own right rather than as administering trustee, the legal justification for the Peace Corps' presence there--service and mutual understanding with peoples of a foreign country or area--would arguably disappear. However, such a determination would have to await the call and holding of a plebiscite, and any United Nations' actions in connection therewith. In the final analysis it is probable that the legal nature of any change in the Trust Territory's relationship with the United States will be for decision by the Attorney General of the United States in cooperation with the Legal Advisor to the Secretary of State.

cc: GC subj
GC read
DLG chron
MMS chron

GC: smn 5/5/69

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