

August 30, 1971

MEMORANDUM

TO: William Inglis, D

THROUGH: Marc E. Leland, GC

FROM: A. R. Kasdan, GC

SUBJECT: The geographical extent of Peace Corps and VISTA authority to operate programs in certain Pacific and Caribbean Islands.

Hillary Whittaker said you had ask me to prepare a memorandum defining the geographical scope of Peace Corps and VISTA authority for certain Pacific and Caribbean Islands. This is to supplement a memo, dated August 10, 1971, I prepared for Kevin O'Donnell and Chris Mould on the "Ability of Peace Corps to Assign Volunteers to American Territories."

The Pacific Islands which are discussed here include: the U.S. Trust Territories of the Pacific Islands (referred to in PC as Micronesia), the Fiji Islands, the Tonga Islands, Western Samoa, the British Soloman Islands, New Caledonia, America Samoa and Guam. The Caribbean Islands discussed in this memo are Puerto Rico and the U.S. Virgin Islands.

(1) The Pacific Islands. Both Peace Corps and VISTA, have ^{810(a)(1)} authority to assign volunteers to Micronesia. Section 603(a)(2) of Title of the Economic Opportunity Act of 1964, as amended, specifically provides that VISTA may operate programs in the Trust Territories of the Pacific Islands. (42 U.S.C. 2992) In a memorandum dated May 6, 1966, the Peace Corps General Counsel's office determined that nothing in the OEO legislation establishing VISTA contained a Congressional intent to exclude Peace Corps from Micronesia.*

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*See memorandum from A. F. Essaye, GC, to Ross Pritchard, P.E. entitled "Authority to assign volunteers to the Trust Territories of the Pacific Islands," dated May 6, 1966.

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The Fiji and Tonga Islands and Western Samoa are each independent countries and therefore for the purposes of the Peace Corps Act are "countries and areas" in which qualified U.S. citizens or nationals can serve "abroad." (See Section 2 of the Peace Corps Act, 22 U.S.C. 2601). Both the British Solomon Islands and New Caledonia are under the jurisdiction of respectively Great Britain and France. They also are "areas" where PC volunteers serve "abroad." As none of these foreign countries or areas are within the legal jurisdiction of the United States as are U.S. territories, ~~the~~ United Nation Trust Territory, and other areas, such as Puerto Rico, the VISTA Act has not been made applicable to these islands. The remaining Pacific Islands discussed, American Samoa and Guam come within the geographical scope of the VISTA program (See 42 U.S.C. 2992). In my memorandum dated August 10, I pointed out that the Executive Branch has on several occasions stated to the Congress that the "Peace Corps does not intend to assign volunteers to American territories to meet their training manpower needs because they are not 'foreign countries and areas'" (p. 1). Both American Samoa and Guam are American territories.

(2) Certain Caribbean Islands - The VISTA Act specifically provides that VISTA programs can operate in Puerto Rico. A literal reading of the Peace Corps Act would permit Peace Corps to operate programs in Puerto Rico. Until now PC has not operated any volunteer programs within this free island state in association with the U.S. But, PC has had training camps for prospective volunteers within this island. Although PC may legally operate programs in Puerto Rico, it appears to have been understood as a matter of Peace Corps policy that Puerto Rico is really part of the U.S. and not a foreign country or area. Apparently the only justification for excluding Puerto Rico from the definition of the U.S. for the purpose of the Peace Corps Act is to permit the Act's authorities available abroad to apply to training camps in Puerto Rico.

The U.S. Virgin Islands is self governing U.S. territory similar to Guam. Thus, the previously mentioned Executive Branch statements to the Congress would presently preclude the assignment of volunteers to this territory.

cc: Kevin O'Donnell, IO
Chris Mould, DO
Hillary Whittaker, DO
GC Subj & Read
ARK Chron

Clearances:
GC:MELeLand (draft)

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