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UNITED STATES GOVERNMENT

Memorandum

JAG:131R:FH:cck
DATE: 27 January 1975

TO : Code 10

FROM : Code 13

SUBJECT: Technical Agreement Regarding United States Land Acquisitions in the Northern Mariana Islands

- Ref : (a) Code 10 memo JAG:104:RWG:srw of 21 Jan 1975
 (b) SECNAVINST 06322.1 of 16 Jul 1960, Subj: Provision of medical treatment for foreign nationals (U)
 (c) NAVMATINST 11320.10 of 25 Sep 1969, Subj: Mutual Aid Fire Fighting Assistance Agreements
 (d) BUPERSINST 1710.11 of 11 Mar 1974, Subj: Special Services Manual

1. Reference (a) requested comment on paragraphs 5, 6, and 7 of Part III of subject proposed agreement.

2. Paragraph 5.

a. 1st sentence: To ensure that the strict guidelines of applicable statutes are followed, it is recommended that the first clause of this sentence be reworded as follows:

In accordance with 10 U.S.C. §§ 34 and 35 and applicable regulations, emergency care. . . .

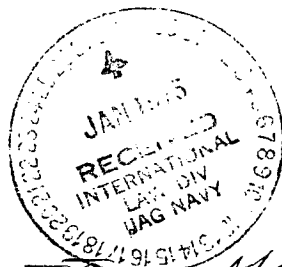
b. 2nd sentence: 10 U.S.C. § 34 precludes furnishing medical care on a non-emergency basis outside CONUS to foreign nationals, regardless of availability or cost considerations. Despite the fact that internal regulations apparently provide to the contrary [see par. 5 of reference (b)], it is considered that the statute is controlling. Accordingly, it is recommended that the second sentence be deleted.

3. Paragraph 6. The language used falls fairly within the parameters of 42 U.S.C. § 1856, et seq., and reference (c), and is legally unobjectionable.

4. Paragraph 7. The language used falls fairly within the regulatory parameters of paragraph 108.1.f of reference (d) and is legally unobjectionable.

Respectfully,

Larry G. Parks
LARRY G. PARKS



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Technical Agreement Regarding United States Land Acquisitions in the Northern Mariana Islands

Encl: Subject draft agreement

1. The enclosure is under review generally by the Office of General Counsel, Department of Defense. There are certain provisions, however, about which we would appreciate your opinion.
2. Paragraphs 5, 6 and 7 under Part III may cause problems under existing regulations. I request your review of these paragraphs to determine if (a) there can be compliance with those paragraphs under existing regulations, (b) would compliance with those paragraphs require changes to existing regulations, and, if so, what changes, and (c), would compliance with those paragraphs conflict with any applicable statutes of Congress.
3. This Technical Agreement is scheduled for signature on 3 February 1975. Any necessary revision of it must be accomplished in negotiations with the Marianas prior to that date. Consequently, your response would be appreciated as soon as possible.

Very respectfully,

RICHARD L. FRUCHTERMAN, Jr.
Captain, JAGC, U. S. Navy

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2D343 79161
21 Jan 75/srw

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