



# ACTION Memorandum

WASHINGTON, D.C. 20525

TO : Russell C. Lynch, GC *ml*

DATE: August 15, 1975

FROM : Gary D. Simms, GC *GS*

SUBJECT: Effect of Mariana Political Status Change

Your query as to when the Peace Corps must cease operations in the Northern Marianas, and when VISTA (and other domestic programs) must begin operations is not susceptible of a precise answer, since there is no legal prohibition on the continuation of Peace Corps operations in the new Commonwealth. It is more accurately a problem of over-lapping jurisdiction between the Peace Corps and VISTA, with no clear mandate in terms of exclusivity of operations.

The Domestic Volunteer Service Act of 1973 defines "United States" in Section 421 to include the several states, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, and American Samoa. The Trust Territories (including Northern Mariana Islands prior to their assumption of Commonwealth status) are part of the United States only for purposes of Title II of the Act, relating to programs for Older Americans. Sections 502, 703, and 1003 (b) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America together require the United States to make available to the new Commonwealth the full range of Federal programs now available to the United States Territories within 180 days of final approval of the Covenant. Since VISTA services are available to the Territories, it is clear that the Covenant envisions the availability of VISTA to the Northern Mariana Islands upon final approval of the Covenant.

The Covenant, and the proposed legislation approving it, are silent on the question of when programs presently authorized in the Trust Territory, but not within the United States and its territories, must cease. The Peace Corps Act defines the term "United States" to include only the several states and the District of Columbia. The "Territories" are not included in the Peace Corps



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definition, and hence are technically eligible for Peace Corps service. In fact, the Peace Corps Act had, at one time, included "territories" in the definition of "United States", but his language was stricken from the Act by P.L. 89-572. The legislative history of this law indicates that the phrase was removed in order to permit Peace Corps Volunteers and Trainees to enjoy certain benefits relating to sickness and disability compensation associated with service "abroad" during training in Peace Corps camps in the Virgin Islands and in Guam. This, taken together with the history of Peace Corps operations, is some evidence that Congress did not intend that Volunteers be assigned to U.S. territories. However, Peace Corps does have technical legal authority to operate in territories, including the Northern Mariana Islands once they have achieved Commonwealth status. There is thus no legal imperative requiring the cessation of Peace Corps activity upon final ratification of the Covenant.

The question is not, therefore, a matter of when the Peace Corps must cease operations, but more a question of which mode of activity (Peace Corps or VISTA) is better adapted, under all of the field conditions and circumstances existing in the Northern Marianas, to fulfill the needs for volunteer programming in the area. It is also a question of where ACTION wishes to draw the line between VISTA and Peace Corps. Peace Corps has not, in the past, provided Volunteers to areas which are an integral part of the United States, although it has done so in the Trust Territories, which are under the political jurisdiction of the United States.

There is essentially a policy determination, which may be controlled in part by the following factors:

1. Needs for training of volunteers in the Marianas' environment, including cultural knowledge and adaptation, language ability, etc.
2. Distance from the United States mainland.
3. Length of tours of duty of Peace Corps and VISTA volunteers.

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4. Needs for coordination of activities between the Northern Marianas and the rest of Micronesia (the latter still strictly within the jurisdiction of the Peace Corps).
5. Means available to provide supervision and staff support to volunteers.

As a final suggestion, Congressional input might be requested on the choice to be made. There is no readily apparent legislative intent as to the course of action to be taken, and Congressional advice might be beneficial.

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Russell C. Lynch, GC

August 15, 1975

Gary D. Simms, GC

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cc: GC subj  
GC read  
GS chron

Clearance:  
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GC:GSimms:dm:8/15/75

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