



# ACTION

WASHINGTON, D.C. 20525

August 3, 1976

MEMORANDUM FOR DICK KASDEN, GC

FROM : Dana Rodgers, Executive Officer, DO

SUBJECT: Implications of Northern Marianas Covenant  
for Federal Programs

REF : Attached Material

The referenced material is attached for your information and review. Would your office please share with Domestic Operations the GC view as to how the Solicitor's clarifications relate to ACTION domestic volunteer programs? Thank you.

Attachment

cc: Sandy Wojahn, IO/NANEAP (w/copy of Solicitor Ruling)



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22-430735

UNITED STATES GOVERNMENT

# Memorandum

*Country Trust Terr*

TO : FILES

DATE: 12-31-75

FROM : *A. R. Kasdan*, GC

SUBJECT: Meeting on ACTION Joint Programming for Northern Marianas

Messrs. Dellenbeck, Gerevas, Searles, Doyle, Burgess, Wojahn and Kasdan met to discuss how to proceed on IO/DO joint programming for the Northern Marianas and the United Nations Trust Territory of the Pacific Islands. The Northern Marianas will become a commonwealth associated with the United States as soon as Congress completes ratification of the Convention. As a result of the meeting the following actions will be taken:

1. GC will brief Jack Burgess, Peace Corps Director/Micronesia, as to what can be the extent of his involvement in DO programming and planning since he is an FSR. I indicated at the meeting that he cannot be involved in direct DO program development or planning in either the Northern Marianas or the Trust Territory with respect to Title II OAVP programs. But, I saw no legal problem in his preparing as part of Peace Corps phase out in the Northern Marianas and as part of his observations of Trust Territory volunteer program needs, a report suggesting possible areas of ACTION DO program involvement. In preparing such a report, he could gather information, but not have any definitive discussions or make any inquiries on behalf of DO staff.
2. I agreed to review again whether some kind of arrangement could be worked out by which one ACTION staff person could serve as both PCD/Micronesia and DO representative for the Northern Marianas. I stated that it would be extremely difficult for statutory, appropriation and personnel reasons to treat one person as DO several hours a day and as GS the balance of the time. Section 404(f) of the Domestic Volunteer Service Act limits the Director of ACTION to assign or delegate any substantial program responsibility under the Act to persons employed under Section 402(1) and (2) thereof. Under the Peace Corps Act

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the Director may employ abroad persons who are serving in other Federal agencies or pursuant to certain personnel authorities contained in the Foreign Service Act. Only such persons would be eligible to serve as Country Directors (Section 7(c)). The Peace Corps Act says nothing about employing an ACTION GS employee as such to serve abroad as a GS employee.

3. If the problem discussed in 2. continues, the sense of the meeting was to get Congress' approval (oversite committees for IO and DO programs) to permit an ACTION GS or FS employee to serve in such a dual capacity. I mentioned that I thought it would require a legislative change, particularly if such an arrangement was to continue permanently.
4. DO and IO will work out joint plans for FY '77 in the Northern Marianas for full-time DO volunteers and remaining Peace Corps volunteers who will end their service in the summer of 1977. Jack Burgess has recommended that no further Peace Corps volunteers be placed in these Islands. Congress would be informed of this experiment. If successful it could lead to joint programming for Trust Territory (IO) and the Northern Marianas (DO).

cc: Ronald Gerevas, DO  
John Dellenback, IO/D  
Terence Doyle, IO/NANEAP  
David Searles, IO/D  
Sandra Wojahn, IO/NANEAP  
Jack Burgess, PCD/Micronesia  
William Prendergast, CA  
Russell Lynch, GC

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