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Codification of Presidential Proclamations and Executive Orders

action of the President to the Director or to such subordinate officer as the Director may designate. The Director or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditures thereby consistent with applicable law.

1-109. Nothing in this Order shall be deemed to impair or limit the powers or functions vested in the Secretary of State by the Act.

1-110. The negotiation, conclusion, and termination of international agreements pursuant to the Act shall be under the direction of the Secretary of State.

1-111. Any substantial change in policies in effect on the date of this Order for the utilization of the Foreign Service Act of 1946, as amended, pursuant to Section 7 of the Act (22 U.S.C. 2506), shall be coordinated with the Secretary of State.

1-112. The Director shall consult and coordinate with the Director of ACTION to assure that the functions delegated to the Director by this Order are carried out consistently with the functions conferred upon the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*), ("Volunteer Service Act"), Reorganization Plan No. 1 of 1971 and this Order.

1-2. *The Peace Corps Advisory Council.*

1-201. In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), there is hereby established the Peace Corps Advisory Council.

1-202. The President shall appoint not more than 30 individuals to serve on the Council and shall designate two members to serve as Co-Chairpersons. Members shall serve at the pleasure of the President.

[Sec. 1-202 amended by EO 12245 of Oct. 6, 1980, 45 FR 66769, 3 CFR, 1980 Comp., p. 286]

1-203. The Council shall advise the President and the Director of the Peace Corps on initiatives needed to promote the purposes of the Peace Corps Act.

1-204. The Council shall submit annually to the President, through the Director of the Peace Corps, a report on its recommendations and activities.

1-205. The Council may request any agency of the United States Government to furnish it with such information as may be useful for the fulfillment of the Council's functions under this Order. Such agencies will, to the extent permitted by law, honor the Council's request.

1-206. The members of the Council shall receive no compensation for service on the Council. Each member of the Council may receive travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5702 and 5703).

1-207. The functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to the Congress, shall be performed by the Director of the Peace Corps in accordance with guidelines and procedures established by the Administrator of General Services.

1-208. In accord with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), the Council shall terminate on December 31, 1980, unless extended.

1-3. *Reservation of Functions to the President.*

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Codification of Presidential Proclamations and Executive Orders

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1-3. *Reservation of Functions to the President.*

Chapter 22—Foreign Relations

1-301. There are hereby excluded from the delegations made by Section 1-1 of this Order the following powers and functions of the President:

(a) All authority conferred by Sections 4(b), 4(c)(2), 4(c)(3), 10(a), and 18 of the Act (22 U.S.C. 2503(b), (C)(2), (C)(3), 2509(d), and 2509(f)).

(b) The authority conferred by Section 4(a) of the Act (22 U.S.C. 2503(a)) to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred on the President by Section 5(f)(1)(B) of the Act (22 U.S.C. 2504(f)(1)(B)).

(d) The authority conferred by Section 10(f) of the Act (22 U.S.C. 2509(f)) to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act.

(e) The authority conferred by Section 19 of the Act (22 U.S.C. 2518) to adopt and alter an official seal or emblem of the Peace Corps.

1-4. *Incidental Provisions.*

1-401. Persons appointed, employed, or assigned under Section 7(a) of the Act (22 U.S.C. 2506(a)) shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by Section 528 of the Foreign Service Act of 1946 (22 U.S.C. 928) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1-402. Pursuant to Section 10(d) of the Act (22 U.S.C. 2509(d)), it is hereby determined to be in furtherance of the purposes of the Act that functions authorized thereby may be performed without regard to the applicable laws specified in Section 1 and 2 of Executive Order No. 11223 of May 12, 1965, and with or without consideration as specified in Section 3 of that Order, but subject to the limitations set forth in that Order.

1-403. As used in this Order, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act.

1-5. *National Voluntary Action Program.*

1-501. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by Section 1 of Executive Order No. 11470 of May 26, 1969, is continued in ACTION. That program shall supplement corresponding action by private and other non-Federal organizations such as the National Center for Voluntary Action. As used in this Order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and non-profit, national and local, occupational, and altruistic) and by individual citizens.

1-6. *Director of ACTION.*

1-601. In addition to the functions vested in the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C., Section 4951 *et seq.*), Reorganization Plan No. 1 of 1971, and Section 1-401 of this Order, the Director of ACTION shall:

Codification of Presidential Proclamations and Executive Orders

(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative voluntary action programs directed toward community problems.

1-602. The head of each Federal department and agency, or a designated representative, when so requested by the Director of ACTION or the Director of the Peace Corps, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order, the Domestic Volunteer Service Act of 1973 and Reorganization Plan No. 1 of 1971.

1-603. The head of each Federal department or agency shall, when so requested by the Director of ACTION, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

1-604. The head of each Federal department or agency, or a designated representative, shall keep the Director of ACTION informed of proposed budgets, plans, and programs of that department or agency affecting voluntary action programs.

1-605. Under the direction of the President and subject to the responsibilities of the Secretary of State, the Director of ACTION shall be responsible for the general direction of those ACTION functions, which jointly serve ACTION domestic volunteer components and the Peace Corps, and for advising the Director of the Peace Corps to ensure that the functions delegated under this Order to the Director of the Peace Corps are carried out.

1-7. General Provisions.

1-701. Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certifications, orders, directives, contracts, agreements, and other actions made, issued or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-702. Except as otherwise expressly provided herein, nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the Executive Branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other agency or head or as abrogating, modifying, or restricting any such function in any manner.

1-703. So much of the personnel, property, records, and unexpended balances or appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions assigned to the Director of the Peace Corps or to the Director of

Chapter 22—Foreign Relations

ACTION by this Order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Director of the Peace Corps or the Director of ACTION at such time or times as the Director of the Office of Management and Budget shall direct.

1-704. To the extent permitted by law, such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the provisions of this Order shall be carried out by such agencies as the Director of the Office of Management and Budget shall specify.

1-705. The authority conferred by Sections 1-703 and 1-704 of this Order shall supplement, not limit, the provisions of Section 1-108 of this Order.

1-706. Executive Order Nos. 11041, 11250, 11470 and 11603 are hereby superseded.

1-707. This Order shall become effective May 16, 1979.

EDITORIAL NOTE: The Peace Corps Advisory Council was continued until Dec. 31, 1982, by Executive Order 12258 of Dec. 31, 1980, 46 FR 1251, 3 CFR, 1980 Comp., p. 305. Executive Order 12258 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to Congress, shall be performed by the Director of the Peace Corps in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12145—Foreign Service Retirement and Disability System

SOURCE: The provisions of Executive Order 12145 of July 18, 1979, appear at 44 FR 42653, 3 CFR, 1979 Comp., p. 405, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 805 of the Foreign Service Act of 1946, as added by Section 503 of Public Law 94-350 (90 Stat. 835; 22 U.S.C. 1065), in order to conform the Foreign Service Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

1-101. (a) The enactment (after January 1, 1974) of certain laws has affected a number of provisions of general applicability in the Civil Service Retirement and Disability System (subchapter III, Chapter 83 of Title 5 of the United States Code) or otherwise affected current or former participants, annuitants, or survivors under that System which, immediately prior to the enactment of such laws, had been substantially identical to corresponding provisions of law affecting participants, former participants, annuitants or survivors under the Foreign Service Retirement and Disability System. Those laws are set forth at Annex I, attached hereto and made a part hereof.

(b) The provisions of the laws referred to in subsection (a) above are extended, as provided by Section 805 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1065), to the Foreign Service Retirement and Disability System in accordance with the provisions of this Order, which provisions shall modify, supersede, or render inapplicable all inconsistent prior provisions of law.

1-102. In accord with Section 1 of Public Law 93-260, Section 804(2) of the Foreign Service Act of 1946, as amended (22 U.S.C.

PEACE CORPS

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 5, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Withdrawal of Delegation of Authority
to Peace Corps Director to Appoint
Peace Corps Country Directors

Chris Hicks, Associate Director of the Office of Presidential Personnel, has asked whether the President may withdraw his delegation of authority to the Director of the Peace Corps to appoint Peace Corps Country Directors. The Peace Corps Act provides that "[i]n each country or area in which volunteers serve abroad, the President may appoint an employee or a volunteer as a Peace Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this chapter in such country or area." 22 U.S.C. § 2506(c). The power of appointment is thus expressly given to the President by statute. The President delegated all functions conferred upon him by the Peace Corps Act (unless explicitly excepted) to the Director of the Peace Corps in Executive Order 12137 (May 16, 1979).

As a general principle, delegations of authority are completely revocable. The Executive Order was expressly based on 3 U.S.C. § 301 and the Peace Corps Act. The former statute generally permits the President to designate other officials to perform functions vested in him by law, and explicitly provides that such designations "shall be revocable at any time by the President in whole or in part." The Peace Corps Act contains a more specific authorization of delegation. At the time the Executive Order was promulgated, 22 U.S.C. § 2503(b) provided: "The President may exercise any functions vested in him by this chapter through such agency or officer of the United States Government as he shall direct" (emphasis supplied). The delegation in the Executive Order, based in part on this provision, was thus clearly permissive, and in no sense irrevocable.

The conclusion that the President may revoke his delegation of authority to the Peace Corps Director is not affected by Title VI of the International Security and Development

Cooperation Act of 1981, Pub. L. No. 97-113, 95 Stat. 1519, which established the Peace Corps as an "independent" agency within the Executive Branch. Nothing in that legislation purported to address the power of the President in 22 U.S.C. § 2506(c) to appoint Country Directors. That Act did change the above-cited 22 U.S.C. § 2503(b), to read "The President may exercise any functions vested in him by this chapter through the Director of the Peace Corps," as opposed to "through such agency or officer of the United States Government as he shall direct." This simply narrowed the permissible delegation, and did not alter its revocable character.

Arguing that the delegation of authority in the Executive Order became permanent and could not be changed except by legislation would be tantamount to amending a statute (22 U.S.C. § 2506(c), authorizing the President to appoint Country Directors) by Executive Order, a plainly absurd result.

I recommend that you advise the Office of Presidential Personnel that the President may revoke his delegation of authority to the Director of the Peace Corps to appoint Peace Corps Country Directors, by appropriately amending Executive Order 12137. I have attached a proposed memorandum to that effect.

Attachment

THE WHITE HOUSE

WASHINGTON

January 5, 1982

MEMORANDUM FOR HELENE VON DAMM
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Appointment of Peace Corps Country Directors

This responds to your inquiry concerning the authority of the President to withdraw his delegation of authority to the Director of the Peace Corps to appoint Peace Corps Country Directors, by amending Executive Order 12137. This office has reviewed that question and we conclude that the President may, by appropriately amending Executive Order 12137, withdraw his delegation of authority to the Director of the Peace Corps to appoint Peace Corps Country Directors.

The President is given authority to appoint Peace Corps Country Directors by 22 U.S.C. § 2506(c). While that authority was delegated to the Director of the Peace Corps by Executive Order 12137, such delegations of authority are revocable at any time. See 3 U.S.C. § 301. Title VI of the International Security and Development Cooperation Act of 1981, Pub. L. No. 97-113, 95 Stat 1519, establishing the Peace Corps as an "independent agency within the executive branch," did not alter the President's authority to appoint Country Directors pursuant to 22 U.S.C. § 2506(c), nor in any way affect the revocable nature of the delegation of authority in Executive Order 12137.

FFF:JGR:aw 1/5/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

January 5, 1982

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Chron

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

F6380

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Christopher Hecker

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Appointment of Peace Corps Country Directors

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CW Holland</u>	<u>ORIGINATOR</u>	<u>8212130</u>			<u>1/1</u>
<u>CW AT18</u>	<u>Referral Note:</u>	<u>D 40 8212130</u>			<u>58310110</u>
	<u>Referral Note:</u>	<u>1/1</u>			<u>1/1</u>
	<u>Referral Note:</u>	<u>1/1</u>			<u>1/1</u>
	<u>Referral Note:</u>	<u>1/1</u>			<u>1/1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
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THE WHITE HOUSE

WASHINGTON

DEC 28 1982

JR

December 28, 1982

116683 *CU*

MEMORANDUM FOR FRED FIELDING

THROUGH: HELENE VON DAMM *Rec for HUD*
FROM: CHRISTOPHER HICKS *CU*
SUBJECT: Appointment of Peace Corps Country Directors

BACKGROUND

Peace Corps Country Directors are currently appointed by the Director of the Peace Corps. This authority to appoint appears to have been conferred on the President by the Peace Corps Act of 1961, and to have been delegated from the President to the Director by Executive Order 12137.

QUESTION PRESENTED

Can the President, by amending Executive Order 12137, withdraw his delegation of authority to appoint Peace Corps Country Directors from the Director of the Peace Corps, or must such a change in the appointive process be effected by legislation?

DISCUSSION

The Peace Corps Act of 1961, Pub. L. No. 87-293, 75 Stat. 612, is codified at 22 U.S.C. 2501 et. seq. Section 2506(c) of the Act gives the President the authority to appoint "in each country or area in which volunteers serve abroad . . . an employee or volunteer as a Peace Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this Act in such country or area." Such "Peace Corps representatives" are commonly referred to as Peace Corps "Country Directors". By Section 1-103 of Executive Order 12137 of May 16, 1979, the functions conferred upon the President by the Peace Corps Act, including, it would appear, those conferred in Section 2506(c), were delegated to the Director of the Peace Corps. Previous Executive Orders had delegated these functions to the Secretary of State (E.O. 11041), and later the Director of ACTION (E.O. 11603), before finally being delegated to the Director of the Peace Corps pursuant to Executive Order 12137. (The Executive Clerk confirms that the President has never directly exercised his power of appointment under 22 U.S.C. Section 2506(c)). The same Executive Orders had variously established the Peace Corps as an agency within the

Department of State, a component of ACTION, and as an agency within ACTION. Pursuant to Title VI of the International Security and Development Cooperation Act of 1981, Pub. L. No. 97-113, 95 Stat. 1519, the Peace Corps was finally established as an "independent agency within the executive branch."

Although I have not researched this in detail, it would appear that the power of appointment granted in Section 2506(c) of the Peace Corps Act was among the functions delegated to the Director in Executive Order 12137. Further, it would appear that the 2506(c) power of appointment remains a power vested in the President and delegated to the Director, notwithstanding the recent Act that establishes the Peace Corps as an independent agency. If so, the President should be able to withdraw his delegation from the Director by amending Executive Order 12137. We would appreciate your opinion as to whether or not this may be done.

Please be advised that this office has not yet discussed this matter with Peace Corps officials. Before we do, we would appreciate whatever legal advice you may have.

HISTORY; ANCILLARY LAWS AND DIRECTIVES**References in text:**

"This Act", referred to in this section, is Act Sept. 22, 1961, P. L. 87-293, 75 Stat. 612, popularly known as the Peace Corps Act, and appears generally as 22 USCS § 2501 et seq. For full classification of this Act, consult USCS Tables volumes.

Effective date of section:

Act Sept. 22, 1961, P. L. 87-293, Title I, § 27, 75 Stat. 625, which appears as an Other provisions note to 22 USCS § 2501, provides that this section shall take effect upon enactment on Sept. 22, 1961.

Amendments:

1963. Act Dec. 13, 1963, in cl. (1), substituted "a readjustment allowance" for "termination payments".

1965. Act Aug. 24, 1965, in cl. (3), inserted ", and a married volunteer's child if born during the volunteer's service,".

1970. Act July 24, 1970, in cl. (3), deleted ", and a married volunteer's child if born during the volunteer's service," following "accompanying them".

Transfer of functions:

Functions of the President under this section were delegated to the Director of the Peace Corps with the functions relating to providing health care in government facilities under clause (3) of this section to be exercised in consultation with the head of the agency responsible for the facility by sections 1-103 and 1-106 of Ex. Or. No. 12137 of May 16, 1979, 44 Fed. Reg. 29023, effective May 16, 1979, as provided by § 1-707 of such Order, which appears as 22 USCS § 2501 note.

CROSS REFERENCES

This section is referred to in 5 USCS §§ 8142, 8331, 8332; 22 USCS §§ 2504, 2509, 2522; 26 USCS §§ 912, 3401; 42 USCS § 409.

§ 2506. Peace Corps employees

- (a) **Foreign employment; compensation, allowances, and benefits; utilization of Presidential authority respecting Foreign Service; additional compensation and differentials; additional governmental employment by person receiving Foreign Service Reserve or staff appointment or assignment.**
- (1) For the purpose of performing functions under this Act outside the United States, the President may employ or assign persons, or authorize the employment or assignment of officers or employees of agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system, who shall receive compensation at any of the rates established under section 402 or 403 of the Foreign Service Act of 1980 [22 USCS §§ 3962 or 3963], together with allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in

cases in which the period of the employment or assignment exceeds thirty months, to the same benefits as are provided by Section 310 of that Act [22 USCS § 3950] for persons appointed to the Foreign Service.

(2) The President may utilize such authority contained in the Foreign Service Act of 1980 relating to members of the Foreign Service and other United States Government officers and employees as the President deems necessary to carry out functions under this Act, except that—

(A) no Foreign Service appointment or assignment under this paragraph shall be for a period of more than five years unless the Director of the Peace Corps, under special circumstances, personally approves an extension of not more than one year on an individual basis; and

(B) no individual whose Foreign Service appointment or assignment under this paragraph has been terminated shall be reappointed or reassigned under this paragraph before the expiration of a period of time equal to the preceding tour of duty of that individual.

Such provisions of the Foreign Service Act of 1980 as the President deems appropriate shall apply to individuals appointed or assigned under this paragraph, including in all cases, the provisions of section 310 of that Act [22 USCS § 3950], except that (i) the President may by regulation make exceptions to the application of section 310 [22 USCS § 3950] in cases in which the period of the appointment or assignment exceeds thirty months, (ii) members of the Foreign Service appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe, and (iii) under such regulations as the President may prescribe, individuals who are to perform duties of a more routine nature than are generally performed by members of the Foreign Service assigned to class 9 in the Foreign Service Schedule may be appointed to an unenumerated class ranking below class 9 in the Foreign Service Schedule and be paid basic compensation at rates lower than those for class 9, except that such rates may be no less than the then applicable minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) [29 USCS § 206(a)(1)].

(3) The President may specify what additional allowance authorized by section 5941 of title 5 [5 USCS § 5941], United States Code, and which of the allowances and differentials authorized by sections 5923 through 5925 of such title 5 [5 USCS §§ 5923–5925], may be granted to any person employed, appointed, or assigned under this subsection and may determine the rates thereof not to exceed the rates otherwise granted to employees under the sections of title 5, United States Code [5 USCS §§ 5923–5925, 5991], referred to in this paragraph.

(4) An individual who has received an appointment or assignment in the Foreign Service under this subsection may, not later than September 30, 1982, or three years after separation from such appointment or assignment, whichever is later, be appointed to a position in any United States department, agency, or establishment—

(A) in the competitive service under title 5, United States Code [5 USCS §§ 101 et seq.], without competitive examination and in accordance with such regulations and conditions consistent with this subsection as may be prescribed by the Director of the Office of Personnel Management, or

(B) in an established merit system in the excepted service, if such individual (i) served satisfactorily under the authority of this subsection, as certified by the President, for not less than thirty-six months on a continuous basis without a break in service of more than three days, and (ii) is qualified for the position in question.

(b) [Repealed]

(c) **Peace Corps representatives; terms and conditions of service; removal.**

~~Whoever, in the course of his official duties, appoints, assigns, or directs the activities of a volunteer to serve abroad, the President shall, in the case of a volunteer, have the authority to have direction of other employees of the Peace Corps abroad and to~~

Unless a representative is a volunteer, the compensation, allowances and benefits, and other terms and conditions of service of each such representative, shall be the same as those of a person appointed or assigned pursuant to paragraph (1) or (2) of subsection (a) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion.

(Sept. 22, 1961, P. L. 87-293, Title I, § 7, 75 Stat. 615; Oct. 11, 1962, P. L. 87-793, Part II, Title VI, § 1001(1), 76 Stat. 865; Dec. 13, 1963, P. L. 88-200, § 4, 77 Stat. 360; Aug. 24, 1965, P. L. 89-134, § 4, 79 Stat. 549; July 24, 1970, P. L. 91-352, § 5, 84 Stat. 465; Aug. 14, 1979, P. L. 96-53, Title III, § 302, 93 Stat. 371; Oct. 17, 1980, P. L. 96-465, Title II, Ch 2, §§ 2202(b), 2205(9), 94 Stat. 2157, 2160.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"This Act", referred to in this section, is Act Sept. 22, 1961, P. L. 87-293, 75 Stat. 612, popularly known as the Peace Corps Act, and appears generally as 22 USCS § 2501 et seq. For full classification of this Act, consult USCS Tables volumes.

"The Foreign Service Act of 1980", referred to in this section, is Act Oct. 17, 1980, P. L. 96-465, 94 Stat. 2071, which appears generally as 22 USCS §§ 3901 et seq. For full classification of such Act, consult USCS Tables volumes.

Effective date of section:

Act Sept. 22, 1961, P. L. 87-293, Title I, § 27, 75 Stat. 625, which appears as an Other provisions note to 22 USCS § 2501, provides that this section shall take effect upon enactment on Sept. 22, 1961.

Chapter 22—Foreign Relations

standing the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Board, except that of reporting annually to Congress, shall be performed by the Secretary of State in accordance with guidelines and procedures established by the Administrator of General Services.

SOURCE: The provisions of Executive Order 12137 of May 16, 1979, appear at 44 FR 29023, 3 CFR, 1979 Comp., p. 389, unless otherwise noted.

By virtue of the authority vested in me by the Peace Corps Act, as amended (22 U.S.C. 2501-2523) and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

1-1. *Peace Corps.*

1-101. The Peace Corps, which was established as an agency in the Department of State pursuant to Executive Order No. 10924 of March 1, 1961 (26 FR 1789), which was continued in existence in that Department under the Peace Corps Act (the "Act") pursuant to Section 102 of Executive Order No. 11041 of August 6, 1962 (27 FR 7859), and which was transferred to and continued as a component of ACTION by Executive Order No. 11603 of June 30, 1971 (36 FR 12675), shall be an agency within ACTION pursuant to the provisions of this Order.

1-102. All references to the "Director" in Part 1-1 of this Order shall refer to the Director of the Peace Corps for whom provision is made in Section 4(a) of the Act (22 U.S.C. 2503).

1-103. ~~Executive Order No. 11603 of June 30, 1971, is hereby amended to read: "The President hereby delegates to the Director all functions of the Peace Corps which are provided for in Section 2(b) of the Act."~~

1-104. The function of determining the portion of living allowances constituting basic compensation, conferred upon the President by Section 201(a) of Public Law 87-293 (26 U.S.C. 912(3)), is hereby delegated to the Director and shall be performed in consultation with the Secretary of the Treasury.

1-105. The functions of prescribing regulations and making determinations (relating to appointment of Peace Corps employees in the Foreign Service System), conferred upon the President by Section 5 of Public Law 89-135 (79 Stat. 551), are hereby delegated to the Director.

1-106. The functions of prescribing conditions, conferred upon the President by the second sentence of Section 5(e), as amended (22 U.S.C. 2504(e)), and the third proviso of Section 6 of the Act (22 U.S.C. 2505) (relating to providing health care in Government facilities) and hereinabove delegated to the Director, shall be exercised in consultation with the head of the United States Government agency responsible for the facility.

1-107. The reports required by Section 11 of the Act, as amended (22 U.S.C. 2510), shall be prepared by the Director and submitted to the Congress through the President.

1-108. Subject to applicable provisions of law, all funds appropriated or otherwise made available to the President for carrying out the provisions of the Act shall be deemed to be allocated without any further

action of the President to the Director or to such subordinate officer as the Director may designate. The Director or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditures thereby consistent with applicable law.

1-109. Nothing in this Order shall be deemed to impair or limit the powers or functions vested in the Secretary of State by the Act.

1-110. The negotiation, conclusion, and termination of international agreements pursuant to the Act shall be under the direction of the Secretary of State.

1-111. Any substantial change in policies in effect on the date of this Order for the utilization of the Foreign Service Act of 1946, as amended, pursuant to Section 7 of the Act (22 U.S.C. 2506), shall be coordinated with the Secretary of State.

1-112. The Director shall consult and coordinate with the Director of ACTION to assure that the functions delegated to the Director by this Order are carried out consistently with the functions conferred upon the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*), ("Volunteer Service Act"), Reorganization Plan No. 1 of 1971 and this Order.

1-2. *The Peace Corps Advisory Council.*

1-201. In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), there is hereby established the Peace Corps Advisory Council.

1-202. The President shall appoint not more than 30 individuals to serve on the Council and shall designate two members to serve as Co-Chairpersons. Members shall serve at the pleasure of the President.

[Sec. 1-202 amended by EO 12245 of Oct. 6, 1980, 45 FR 66769, 3 CFR, 1980 Comp., p. 286]

1-203. The Council shall advise the President and the Director of the Peace Corps on initiatives needed to promote the purposes of the Peace Corps Act.

1-204. The Council shall submit annually to the President, through the Director of the Peace Corps, a report on its recommendations and activities.

1-205. The Council may request any agency of the United States Government to furnish it with such information as may be useful for the fulfillment of the Council's functions under this Order. Such agencies will, to the extent permitted by law, honor the Council's request.

1-206. The members of the Council shall receive no compensation for service on the Council. Each member of the Council may receive travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5702 and 5703).

1-207. The functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to the Congress, shall be performed by the Director of the Peace Corps in accordance with guidelines and procedures established by the Administrator of General Services.

1-208. In accord with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), the Council shall terminate on December 31, 1980, unless extended.

1-3. *Reservation of Functions to the President.*

Chapter 22—Foreign Relations

1-301. There are hereby excluded from the delegations made by Section 1-1 of this Order the following powers and functions of the President:

(a) All authority conferred by Sections 4(b), 4(c)(2), 4(c)(3), 10(d), and 18 of the Act (22 U.S.C. 2503(b), (C)(2), (C)(3), 2509(d), and 2517).

(b) The authority conferred by Section 4(a) of the Act (22 U.S.C. 2503(a)) to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred on the President by Section 5(f)(1)(B) of the Act (22 U.S.C. 2504(f)(1)(B)).

(d) The authority conferred by Section 10(f) of the Act (22 U.S.C. 2509(f)) to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act.

(e) The authority conferred by Section 19 of the Act (22 U.S.C. 2518) to adopt and alter an official seal or emblem of the Peace Corps.

1-4. *Incidental Provisions.*

1-401. Persons appointed, employed, or assigned under Section 7(a) of the Act (22 U.S.C. 2506(a)) shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by Section 528 of the Foreign Service Act of 1946 (22 U.S.C. 928) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1-402. Pursuant to Section 10(d) of the Act (22 U.S.C. 2509(d)), it is hereby determined to be in furtherance of the purposes of the Act that functions authorized thereby may be performed without regard to the applicable laws specified in Section 1 and 2 of Executive Order No. 11223 of May 12, 1965, and with or without consideration as specified in Section 3 of that Order, but subject to the limitations set forth in that Order.

1-403. As used in this Order, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act.

1-5. *National Voluntary Action Program.*

1-501. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by Section 1 of Executive Order No. 11470 of May 26, 1969, is continued in ACTION. That program shall supplement corresponding action by private and other non-Federal organizations such as the National Center for Voluntary Action. As used in this Order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and non-profit, national and local, occupational, and altruistic) and by individual citizens.

1-6. *Director of ACTION.*

1-601. In addition to the functions vested in the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C., Section 4951 *et seq.*), Reorganization Plan No. 1 of 1971, and Section 1-401 of this Order, the Director of ACTION shall:

(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative voluntary action programs directed toward community problems.

1-602. The head of each Federal department and agency, or a designated representative, when so requested by the Director of ACTION or the Director of the Peace Corps, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order, the Domestic Volunteer Service Act of 1973 and Reorganization Plan No. 1 of 1971.

1-603. The head of each Federal department or agency shall, when so requested by the Director of ACTION, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

1-604. The head of each Federal department or agency, or a designated representative, shall keep the Director of ACTION informed of proposed budgets, plans, and programs of that department or agency affecting voluntary action programs.

1-605. Under the direction of the President and subject to the responsibilities of the Secretary of State, the Director of ACTION shall be responsible for the general direction of those ACTION functions, which jointly serve ACTION domestic volunteer components and the Peace Corps, and for advising the Director of the Peace Corps to ensure that the functions delegated under this Order to the Director of the Peace Corps are carried out.

1-7. General Provisions.

1-701. Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certifications, orders, directives, contracts, agreements, and other actions made, issued or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-702. Except as otherwise expressly provided herein, nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the Executive Branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other agency or head or as abrogating, modifying, or restricting any such function in any manner.

1-703. So much of the personnel, property, records, and unexpended balances or appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions assigned to the Director of the Peace Corps or to the Director of

Chapter 22—Foreign Relations

ACTION by this Order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Director of the Peace Corps or the Director of ACTION at such time or times as the Director of the Office of Management and Budget shall direct.

1-704. To the extent permitted by law, such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the provisions of this Order shall be carried out by such agencies as the Director of the Office of Management and Budget shall specify.

1-705. The authority conferred by Sections 1-703 and 1-704 of this Order shall supplement, not limit, the provisions of Section 1-108 of this Order.

1-706. Executive Order Nos. 11041, 11250, 11470 and 11603 are hereby superseded.

1-707. This Order shall become effective May 16, 1979.

EDITORIAL NOTE: The Peace Corps Advisory Council was continued until Dec. 31, 1982, by Executive Order 12258 of Dec. 31, 1980, 46 FR 1251, 3 CFR, 1980 Comp., p. 305. Executive Order 12258 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to Congress, shall be performed by the Director of the Peace Corps in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12145—Foreign Service Retirement and Disability System

SOURCE: The provisions of Executive Order 12145 of July 18, 1979, appear at 44 FR 42653, 3 CFR, 1979 Comp., p. 405, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 805 of the Foreign Service Act of 1946, as added by Section 503 of Public Law 94-350 (90 Stat. 835; 22 U.S.C. 1065), in order to conform the Foreign Service Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

1-101. (a) The enactment (after January 1, 1974) of certain laws has affected a number of provisions of general applicability in the Civil Service Retirement and Disability System (subchapter III, Chapter 83 of Title 5 of the United States Code) or otherwise affected current or former participants, annuitants, or survivors under that System which, immediately prior to the enactment of such laws, had been substantially identical to corresponding provisions of law affecting participants, former participants, annuitants or survivors under the Foreign Service Retirement and Disability System. Those laws are set forth at Annex I, attached hereto and made a part hereof.

(b) The provisions of the laws referred to in subsection (a) above are extended, as provided by Section 805 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1065), to the Foreign Service Retirement and Disability System in accordance with the provisions of this Order, which provisions shall modify, supersede, or render inapplicable all inconsistent prior provisions of law.

1-102. In accord with Section 1 of Public Law 93-260, Section 804(2) of the Foreign Service Act of 1946, as amended (22 U.S.C.

graph has been terminated shall be reappointed or reassigned under this paragraph before the expiration of a period of time equal to his preceding tour of duty. Such provisions of that Act as the President deems appropriate shall apply to persons appointed or assigned under this paragraph, including in all cases, the provisions of section 528 of that Act: *Provided, however*, That the President may by regulation make exceptions to the application of section 528 of that Act in cases in which the period of the appointment or assignment exceeds thirty months: *Provided further*, That Foreign Service Reserve officers appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe: *Provided further*, That under such regulations as the President may prescribe persons who are to perform duties of a more routine nature than are generally performed by Foreign Service staff officers and employees of class 10 may be appointed to an unenumerated class of Foreign Service staff officers and employees ranking below class 10 and be paid basic compensation at rates lower than those of class 10; and

(3) The President may specify what additional allowance authorized by section 5941 of Title 5, and which of the allowances and differentials authorized by sections 5923 through 5925 of such Title 5, may be granted to any person employed, appointed, or assigned under this subsection and may determine the rates thereof not to exceed the rates otherwise granted to employees under the sections of Title 5 referred to in this paragraph.

**Criteria for performance of foreign employment;
separation; severance benefits**

(b) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for persons appointed or assigned for the purpose of performing functions under this chapter outside the United States pursuant to subsection (a)(2) of this section and section 1787(c)(2) of this title, and may, notwithstanding any other law, separate persons who fail to meet such standards or other criteria, and also may grant such persons severance benefits of one month's salary for each year of service, but not to exceed one year's salary at the then current salary rate of such persons.

Peace Corps representatives; terms and conditions of service; removal

(c) In each country or area in which volunteers serve abroad, the President may appoint an employee or a volunteer as a Peace Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this chapter in such country or area. Unless a representative is a volunteer, the compensation, allowances and benefits, and other terms and conditions of service of each such representative, shall be the same as those of a person appointed or assigned pursuant to paragraph (1)

or (2) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion.

Pub.L. 293, Title I, § 7, Sept. 22, 1961, 75 Stat. 615; Pub.L. 87-793, § 1001(l), Oct. 11, 1962, 76 Stat. 865; Pub.L. 88-200, § 4, Dec. 13, 1963, 77 Stat. 360; Pub.L. 89-134, § 4, Aug. 24, 1965, 79 Stat. 549; Pub.L. 91-352, § 5, July 24, 1970, 84 Stat. 465.

Historical Note

References in Text. This chapter, referred to in subsecs. (a) to (c), was in the original, this Act, meaning Pub.L. 87-203, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

The Foreign Service Act of 1946, as amended, and that Act, referred to in subsec. (a)(1), (2), is Act Aug. 13, 1946, c. 957, Titles I to X, 60 Stat. 909, as amended, which is classified principally to chapter 14 (section 801 et seq.) of this title. Sections 528 and 1005 of that Act, are classified to sections 928 and 807 of this title, respectively. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

Section 1787(c)(2) of this title, referred to in subsec. (b), was repealed by Pub.L. 87-195, Pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460.

1970 Amendment. Subsec. (a) (3). Pub.L. 91-352 substantially reenacted provisions and substituted references to section 5941 of Title 5, and sections 5923 through 5925 of such Title 5, for references to section 118h of Title 5 and title II of the Overseas Differentials and Allowances Act.

1965 Amendment. Subsec. (a). Pub.L. 89-134, § 4(a), (b), redesignated former subsec. (c) as subsec. (a) and, in subsec. (a) as so redesignated, incorporated into par. (1) material formerly set out as introductory material, spelled out the authority of the President to utilize his authority to appoint and assign persons under the Foreign Service Act of 1946 by making specific reference to his authority as it related to Foreign Service Reserve Officers, Foreign Service Staff officers and employees, alien clerks and employees and other Government officers and employees apart from the Foreign Service, limited to five-year duration all Foreign Service Reserve or Staff appointments and assignments unless the Director of the Peace Corps personally

approved one-year extensions on an individual basis, prohibited reappointment or reassignment under this par. before expiration of a period of time equal to the length of the appointee's preceding tour of duty, inserted proviso in par. (2) allowing appointment of an unenumerated class of Foreign Service staff officers and employees ranking below class 10 to be paid basic compensation at rates lower than those of class 10 to perform duties of a more routine nature than are usually performed by Foreign Service staff officers and employees of class 10, and, in par. (3), inserted reference to section 118h of Title 5 and substituted reference to subsec. (a) for reference to subsec. (c). Former subsec. (a), relating to domestic employment, was repealed.

Subsec. (b). Pub.L. 89-134, § 4(c), redesignated as subsec. (b) former subsec. (d) and, in subsec. (b) as so redesignated, inserted "for the purpose of performing functions under this chapter outside the United States" after "or assigned" and substituted reference to subsec. (a)(2) for reference to subsec. (c)(2). Former subsec. (b), relating to compensation for domestic employment, was repealed.

Subsec. (c). Pub.L. 89-134, § 4(d), redesignated former subsec. (e) as subsec. (c) and, in subsec. (c) as so redesignated, substituted reference to subsec. (a) of this section for reference to subsec. (c) of this section. Former subsec. (c) redesignated as subsec. (a).

Subsec. (d). Pub.L. 89-134, § 4(c), redesignated subsec. (d) as subsec. (b). Former subsec. (b) repealed.

Subsec. (e). Pub.L. 89-134, § 4(d), redesignated subsec. (e) as subsec. (c). Former subsec. (c) redesignated as subsec. (a).

1963 Amendment. Subsec. (b). Pub.L. 88-200 deleted "so" preceding "employed".

1962 Amendment. Subsec. (b). Pub.L. 87-793 substituted "but not in excess of the highest grade 18 of such general schedule" for "and of these not to exceed two may be compensated at a rate in

Rush —

THE WHITE HOUSE
WASHINGTON

TO: John Roberts

FROM: T. A. D. THARP

Highly Confidential

Please Call

x 2335

THE WHITE HOUSE

WASHINGTON

April 27, 1983

MEMORANDUM FOR:

LORET RUPPE
DIRECTOR
THE PEACE CORPS

FROM:

HELENE VON DAMM
ASSISTANT TO THE PRESIDENT *Heene*
& DIRECTOR, PRESIDENTIAL PERSONNEL

JOHN HERRINGTON
SPECIAL ASSISTANT TO THE
CHIEF OF STAFF

SUBJECT:

Peace Corps Country Directors

As you know, the President fully recognizes the Peace Corps as an organization which has the potential to carry out many priorities of this Administration abroad. On many occasions, President Reagan has reiterated his desire to strengthen Peace Corps' capabilities in building links between the U.S. and the peoples of developing countries. In remarks made at the World Affairs Council Luncheon in Philadelphia in October, 1981, the President stated: "...U.S. relations with developing countries play a critical role. These countries are important partners in the world economy and in the quest for world peace." By virtue of Peace Corps' ability to carry out these objectives, the program is in essence furthering the foreign policy goals of the Administration. To further bolster Peace Corps efforts and to underline his commitment to these goals, the President has decided to personally appoint Peace Corps Country Directors. This will be the first President who has exercised the authority granted him by 22 U.S.C. §2506 (c). President Reagan is indeed anxious to send a clear message to developing countries regarding his commitment to them to promote greater economic growth and prosperity. In the President's words, "development is human fulfillment, an ability by all men and women to realize freely their full potential to go as far as their God-given talents will take them."

There exists a strong desire by this Administration to further the alliances of the constituences within the private sector to enhance Peace Corps efforts abroad; at the same time, there is a strong desire to bolster even further the stature of Peace Corps in these cooperative efforts. President Reagan is desirous of conferring this added stature on Country Directors so they may have more leeway in carrying out his agenda. And, in furthering the goals of the President's Private Sector Initiative, President Reagan's decision is also meant to bolster the emphasis of this Initiative vis a vis the private sector community. Country Directors, as U.S. officials abroad, are an integral part of the U.S. team in each country in which they are based; the Presidential

*Better
spacing*



appointment authority will confer on them added stature in their respective countries, within the private sector constituencies, and most importantly, within the Peace Corps community here in the U.S. and abroad.

We will be setting up a meeting with you to establish procedures for Country Director selection and appointment.

Hopefully your recent trip was successful in recruiting many new volunteers from the west coast.

I want:

- ① To say it starts now
- ② We'll set procedure — for candidates.

THE WHITE HOUSE

WASHINGTON

May 2, 1983

MEMORANDUM FOR HELENE VON DAMM
JOHN HERRINGTON

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Peace Corps Country Directors

You have asked our office to prepare an executive order implementing the President's decision to elevate the stature of Peace Corps Country Directors by appointing them directly. That order has been drafted and is in the clearance process, which should be completed this afternoon. You also asked that we edit a draft memorandum from you to Peace Corps Director Loret Ruppe, informing her of this action. Our edited version is attached. This memorandum may be sent as soon as the executive order is signed.

Attachments

FFF:JGR:aw 5/2/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

May 2, 1983

MEMORANDUM FOR HELENE VON DAMM
JOHN HERRINGTON

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THE WHITE HOUSE

WASHINGTON

May 2, 1983

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DIRECTOR
THE PEACE CORPS

FROM: HELENE VON DAMM
ASSISTANT TO THE PRESIDENT

JOHN HERRINGTON
SPECIAL ASSISTANT TO THE CHIEF OF STAFF

SUBJECT: Peace Corps Country Directors

On many occasions, President Reagan has reiterated his desire to strengthen the ability of the Peace Corps to improve links between the United States and the peoples of developing countries. In remarks made at the World Affairs Council Luncheon in Philadelphia in October, 1981, the President stated: ". . . U.S. relations with developing countries play a critical role. These countries are important partners in the world economy and in the quest for world peace." By virtue of the Peace Corps' ability to carry out these objectives, the program is in essence furthering our foreign policy goals. President Reagan is anxious to send a clear message to developing countries that he is committed to their greater economic growth and prosperity. To strengthen Peace Corps efforts and to underscore his commitment to these goals, the President has decided to appoint Peace Corps Country Directors directly, pursuant to 22 U.S.C. § 2506(c). The attached executive order, signed today and effective immediately, implements this decision.

There exists a strong desire by this Administration to further the efforts within the private sector to enhance the mission of the Peace Corps abroad; at the same time, there is a strong desire to bolster the stature of the Peace Corps itself in these cooperative efforts. President Reagan will confer the added stature of direct Presidential appointment on future Country Directors so they may be in a better position to carry out the objectives of our government. Country Directors, as U.S. officials abroad, are an integral part of the U.S. team in each country in which they are based. Direct Presidential appointment authority will give them added stature in their respective countries, within the private sector constituencies, and most importantly, within the Peace Corps community here in the U.S. and abroad.

Attachment

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cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

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THE WHITE HOUSE

WASHINGTON

May 2, 1983

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THE PEACE CORPS

FROM: HELENE VON DAMM
ASSISTANT TO THE PRESIDENT

JOHN HERRINGTON
SPECIAL ASSISTANT TO THE CHIEF OF STAFF

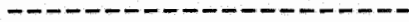
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Attachment

EXECUTIVE ORDER



THE PEACE CORPS

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered that Section 1-301 of Executive Order No. 12137, as amended, is amended by adding a new subsection (f) to read as follows: "The authority conferred by Section 7(c) of the Act (22 U.S.C. 2506(c)) to appoint Peace Corps Country Directors."

THE WHITE HOUSE,

May 2, 1983.

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ending the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Board, except that of reporting annually to Congress, shall be performed by the Secretary of State in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12137—The Peace Corps

SOURCE: The provisions of Executive Order 12137 of May 16, 1979, appear at 44 FR 1023, 3 CFR, 1979 Comp., p. 389, unless otherwise noted.

By virtue of the authority vested in me by the Peace Corps Act, as amended (22 U.S.C. 2501-2523) and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

1-1. *Peace Corps.*

1-101. The Peace Corps, which was established as an agency in the Department of State pursuant to Executive Order No. 10924 of March 1, 1961 (26 FR 1789), which was continued in existence in that Department under the Peace Corps Act (the "Act") pursuant to Section 102 of Executive Order No. 11041 of August 6, 1962 (27 FR 7859), and which was transferred to and continued as a component of ACTION by Executive Order No. 11603 of June 30, 1971 (36 FR 12675), shall be an agency within ACTION pursuant to the provisions of this Order.

1-102. All references to the "Director" in Part 1-1 of this Order shall refer to the Director of the Peace Corps for whom provision is made in Section 4(a) of the Act (22 U.S.C. 2503).

1-103. Exclusive of the functions otherwise delegated by or reserved to the President by this Order, and subject to the provisions of this Order, there are hereby delegated to the Director all functions conferred upon the President by the Act and by Section 2(b) of Reorganization Plan No. 1 of 1971.

1-104. The function of determining the portion of living allowances constituting basic compensation, conferred upon the President by Section 201(a) of Public Law 87-293 (26 U.S.C. 912(3)), is hereby delegated to the Director and shall be performed in consultation with the Secretary of the Treasury.

1-105. The functions of prescribing regulations and making determinations (relating to appointment of Peace Corps employees in the Foreign Service System), conferred upon the President by Section 5 of Public Law 89-135 (79 Stat. 551), are hereby delegated to the Director.

1-106. The functions of prescribing conditions, conferred upon the President by the second sentence of Section 5(e), as amended (22 U.S.C. 2504(e)), and the third proviso of Section 6 of the Act (22 U.S.C. 2505) (relating to providing health care in Government facilities) and hereinabove delegated to the Director, shall be exercised in consultation with the head of the United States Government agency responsible for the facility.

1-107. The reports required by Section 11 of the Act, as amended (22 U.S.C. 2510), shall be prepared by the Director and submitted to the Congress through the President.

1-108. Subject to applicable provisions of law, all funds appropriated or otherwise made available to the President for carrying out the provisions of the Act shall be deemed to be allocated without any further

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action of the President to the Director or to such subordinate officer as the Director may designate. The Director or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditures thereby consistent with applicable law.

1-109. Nothing in this Order shall be deemed to impair or limit the powers or functions vested in the Secretary of State by the Act.

1-110. The negotiation, conclusion, and termination of international agreements pursuant to the Act shall be under the direction of the Secretary of State.

1-111. Any substantial change in policies in effect on the date of this Order for the utilization of the Foreign Service Act of 1946, as amended, pursuant to Section 7 of the Act (22 U.S.C. 2506), shall be coordinated with the Secretary of State.

1-112. The Director shall consult and coordinate with the Director of ACTION to assure that the functions delegated to the Director by this Order are carried out consistently with the functions conferred upon the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*), ("Volunteer Service Act"), Reorganization Plan No. 1 of 1971 and this Order.

1-2. *The Peace Corps Advisory Council.*

1-201. In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), there is hereby established the Peace Corps Advisory Council.

1-202. The President shall appoint not more than 30 individuals to serve on the Council and shall designate two members to serve as Co-Chairpersons. Members shall serve at the pleasure of the President.

[Sec. 1-202 amended by EO 12245 of Oct. 6, 1980, 45 FR 66769, 3 CFR, 1980 Comp., p. 286]

1-203. The Council shall advise the President and the Director of the Peace Corps on initiatives needed to promote the purposes of the Peace Corps Act.

1-204. The Council shall submit annually to the President, through the Director of the Peace Corps, a report on its recommendations and activities.

1-205. The Council may request any agency of the United States Government to furnish it with such information as may be useful for the fulfillment of the Council's functions under this Order. Such agencies will, to the extent permitted by law, honor the Council's request.

1-206. The members of the Council shall receive no compensation for service on the Council. Each member of the Council may receive travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5702 and 5703).

1-207. The functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to the Congress, shall be performed by the Director of the Peace Corps in accordance with guidelines and procedures established by the Administrator of General Services.

1-208. In accord with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), the Council shall terminate on December 31, 1980, unless extended.

1-3. *Reservation of Functions to the President.*

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1-301. There are hereby excluded from the delegations made by Section 1-1 of this Order the following powers and functions of the President:

(a) All authority conferred by Sections 4(b), 4(c)(2), 4(c)(3), 10(d), and 18 of the Act (22 U.S.C. 2503(b), (C)(2), (C)(3), 2509(d), and 2517).

(b) The authority conferred by Section 4(a) of the Act (22 U.S.C. 2503(a)) to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred on the President by Section 5(f)(1)(B) of the Act (22 U.S.C. 2504(f)(1)(B)).

(d) The authority conferred by Section 10(f) of the Act (22 U.S.C. 2509(f)) to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act.

(e) The authority conferred by Section 19 of the Act (22 U.S.C. 2518) to adopt and alter an official seal or emblem of the Peace Corps.

1-4. *Incidental Provisions.*

1-401. Persons appointed, employed, or assigned under Section 7(a) of the Act (22 U.S.C. 2506(a)) shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by Section 528 of the Foreign Service Act of 1946 (22 U.S.C. 928) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1-402. Pursuant to Section 10(d) of the Act (22 U.S.C. 2509(d)), it is hereby determined to be in furtherance of the purposes of the Act that functions authorized thereby may be performed without regard to the applicable laws specified in Section 1 and 2 of Executive Order No. 11223 of May 12, 1965, and with or without consideration as specified in Section 3 of that Order, but subject to the limitations set forth in that Order.

1-403. As used in this Order, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act.

1-5. *National Voluntary Action Program.*

1-501. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by Section 1 of Executive Order No. 11470 of May 26, 1969, is continued in ACTION. That program shall supplement corresponding action by private and other non-Federal organizations such as the National Center for Voluntary Action. As used in this Order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and non-profit, national and local, occupational, and altruistic) and by individual citizens.

1-6. *Director of ACTION.*

1-601. In addition to the functions vested in the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C., Section 4951 *et seq.*), Reorganization Plan No. 1 of 1971, and Section 1-401 of this Order, the Director of ACTION shall:

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(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative voluntary action programs directed toward community problems.

1-602. The head of each Federal department and agency, or a designated representative, when so requested by the Director of ACTION or the Director of the Peace Corps, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order, the Domestic Volunteer Service Act of 1973 and Reorganization Plan No. 1 of 1971.

1-603. The head of each Federal department or agency shall, when so requested by the Director of ACTION, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

1-604. The head of each Federal department or agency, or a designated representative, shall keep the Director of ACTION informed of proposed budgets, plans, and programs of that department or agency affecting voluntary action programs.

1-605. Under the direction of the President and subject to the responsibilities of the Secretary of State, the Director of ACTION shall be responsible for the general direction of those ACTION functions, which jointly serve ACTION domestic volunteer components and the Peace Corps, and for advising the Director of the Peace Corps to ensure that the functions delegated under this Order to the Director of the Peace Corps are carried out.

1-7. General Provisions.

1-701. Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certifications, orders, directives, contracts, agreements, and other actions made, issued or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-702. Except as otherwise expressly provided herein, nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the Executive Branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other agency or head or as abrogating, modifying, or restricting any such function in any manner.

1-703. So much of the personnel, property, records, and unexpended balances or appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions assigned to the Director of the Peace Corps or to the Director of

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ACTION by this Order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Director of the Peace Corps or the Director of ACTION at such time or times as the Director of the Office of Management and Budget shall direct.

1-704. To the extent permitted by law, such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the provisions of this Order shall be carried out by such agencies as the Director of the Office of Management and Budget shall specify.

1-705. The authority conferred by Sections 1-703 and 1-704 of this Order shall supplement, not limit, the provisions of Section 1-108 of this Order.

1-706. Executive Order Nos. 11041, 11250, 11470 and 11603 are hereby superseded.

1-707. This Order shall become effective May 16, 1979.

EDITORIAL NOTE: The Peace Corps Advisory Council was continued until Dec. 31, 1982, by Executive Order 12258 of Dec. 31, 1980, 46 FR 1251, 3 CFR, 1980 Comp., p. 305. Executive Order 12258 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to Congress, shall be performed by the Director of the Peace Corps in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12145—Foreign Service Retirement and Disability System

SOURCE: The provisions of Executive Order 12145 of July 18, 1979, appear at 44 FR 42653, 3 CFR, 1979 Comp., p. 405, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 805 of the Foreign Service Act of 1946, as added by Section 503 of Public Law 94-350 (90 Stat. 835; 22 U.S.C. 1065), in order to conform the Foreign Service Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

1-101. (a) The enactment (after January 1, 1974) of certain laws has affected a number of provisions of general applicability in the Civil Service Retirement and Disability System (subchapter III, Chapter 83 of Title 5 of the United States Code) or otherwise affected current or former participants, annuitants, or survivors under that System which, immediately prior to the enactment of such laws, had been substantially identical to corresponding provisions of law affecting participants, former participants, annuitants or survivors under the Foreign Service Retirement and Disability System. Those laws are set forth at Annex I, attached hereto and made a part hereof.

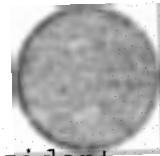
(b) The provisions of the laws referred to in subsection (a) above are extended, as provided by Section 805 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1065), to the Foreign Service Retirement and Disability System in accordance with the provisions of this Order, which provisions shall modify, supersede, or render inapplicable all inconsistent prior provisions of law.

1-102. In accord with Section 1 of Public Law 93-260, Section 804(2) of the Foreign Service Act of 1946, as amended (22 U.S.C.

Peace Corps

THE WHITE HOUSE
WASHINGTON

May 3, 1983



TO: Richard G. Darman
Assistant to the President
FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

FOR YOUR INFORMATION:

Per our conversation.

/Attachment

FFF:JGR 5/3/83

bcc: FFFielding
JGRoberts
Subject
Chron

EXECUTIVE ORDER

THE PEACE CORPS

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Peace Corps Act, as amended (22 U.S.C. 2501 et seq.), it is hereby ordered that Section 1-301 of Executive Order No. 12137, as amended, is further amended by adding the following new subsection:

"(f) The authority conferred by Section 7(c) of the Act (22 U.S.C. 2506(c)) to appoint Peace Corps Country Directors."

THE WHITE HOUSE,