

REPLY FROM PEACE CORPS

APRIL 20, 1965.

Hon. JOHN E. MOSS,
*Chairman, Foreign Operations and Government Information Subcommittee,
Committee on Government Operations, House of Representatives, Washing-
ton, D.C.*

DEAR MR. CHAIRMAN: This is in response to your February 12, 1965, letter inquiring about the applicability to the Peace Corps of section 3 of the Administrative Procedure Act, 60 Stat. 238 (1946), 5 U.S.C. 1002 (1958). Permit me first to apologize for our delay in making this response.

Question 1. Generally, to what functions of your agency does 5 U.S.C. 1002 apply? Are there any divisions, bureaus, branches, or other constituent units of your agency to which the section does not apply?

Answer. Section 3 of the Administrative Procedure Act (APA) applies generally to all Peace Corps functions and all its constituent units. By its terms, Administrative Procedure Act section 3 is not applicable to functions "requiring secrecy in the public interest" or to "matters relating solely to the internal management" of the Peace Corps. (See answers to questions 9 and 10, below.)

Question 2. In what official or unofficial publication, and at what intervals, does your agency publish: (a) Descriptions of its central and field organization. (See sec. 3(a)(1) of the Administrative Procedure Act.)

Answer. The U.S. Government Organization Manual, published annually as a special edition of the Federal Register, lists the principal Peace Corps officers (pp. 73-74 of the June 1, 1964, edition) and contains a description of the Peace Corps' organization (pp. 92-93 of the June 1, 1964, edition) and an organization chart (p. 617 of the June, 1964, edition).

The following Peace Corps delegations of authority have been published in the Federal Register:

(i) Delegation of authority to the Directors of Contracts, Budget and Finance, and Administrative Services Divisions, as to contracts, leases, and so forth, 26 F.R. No. 52, page 2321 (Mar. 18, 1961).

(ii) Delegation of authority to Peace Corps representatives overseas as to negotiating and signing certain contracts, leases, and so forth, 26 F.R. No. 126, page 5975 (July 1, 1961).

(iii) Delegation of authority to the Associate Director for Peace Corps volunteers and the Director of the Division of Volunteer Support to approve and sign contracts to transport applicants for enrollment as Peace Corps volunteers, 28 F.R. No. 238, page 13372 (Dec. 10, 1963).

Question 2. In what official or unofficial publication, and at what intervals, does your agency publish: (b) Statements of the general course and method by which its functions are channeled and determined? (See sec. 3(a)(2) of statute.)

Answer. The Peace Corps Representatives' Manual (in continuous revision) contains Peace Corps documents as to the general course and method by which Peace Corps functions are channeled and determined. The Peace Corps Handbook also contains statements about such matters. It is primarily intended for distribution to Peace Corps volunteers and trainees. It is revised annually or biannually.

Question 2. In what official or unofficial publication, and at what intervals, does your agency publish: (c) Substantive rules adopted as authorized by law. (See sec. 3(a)(3) of statute.)

Answer. It is not clear that the Peace Corps adopts substantive rules within the meaning of the Administrative Procedure Act section 3(a)(3). Certainly, it is doubtful if the Peace Corps engages in "rulemaking" within the meaning of Administrative Procedure Act sections 4 and 2(c). In any case, Administrative Procedure Act section 4 is inapplicable to foreign affairs functions. Nevertheless, both the Peace Corps Representatives' Manual and the Peace Corps Handbook contain comprehensive statements of general policies.

Question 2. "In what official or unofficial publication, and at what intervals, does your agency publish: (d) Statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public. (See sec. 3(a)(3) of statute.)

Answer. See the answers to the preceding questions. In addition to the "Peace Corps Representatives' Manual" and the "Peace Corps Handbook," Peace Corps policies are also set forth in the Peace Corps' yearly congressional presentation;