

MS 723 Use of the Peace Corps' Extraordinary Authorities

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Responsible Office: OGC

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1.0 Purpose

This manual section sets forth the policy and procedures for the use of the Agency's extraordinary authorities in Sections 15(a) and 15(d)(7) of the Peace Corps Act; 22 U.S.C. 2514(a) and (d)(7), respectively.

2.0 Background

MS 723 establishes procedures for use of the Peace Corps' extraordinary authorities in sections 15(a) and 15(d)(7) of the Peace Corps Act. However, this manual section establishes no specific cases for use of these authorities; to do so would diminish the case-by-case approach to their use, flexibility, extraordinary nature, and usefulness. These authorities have been used sparingly in the past in extraordinary circumstances.

3.0 Authorities

Under Section 15(a) of the Peace Corps Act (the Act), funds made available for the purposes of the Act may be used for, among other things:

" . . . expenditures outside the United States for procurement of supplies and services and for other administrative and operating purposes (other than compensation of employees) without regard to such laws and regulations governing the obligation and expenditure of government funds as may be necessary to accomplish the purposes of this Act."

Under Section 15(d)(7) of the Act, funds made available for the purposes of the Act may be used for:

"expenditures (not to exceed \$20,000 in any fiscal year except as may be otherwise provided in an appropriation or other Act), not otherwise authorized by law to meet unforeseen emergencies or contingencies arising in the Peace Corps: *Provided*, that a certificate of the amount only of each such expenditure and that such expenditure was necessary to meet an unforeseen emergency or contingency, made by the Director of the Peace Corps or his designee, shall be deemed a sufficient voucher for the amount therein specified."

4.0 Applicability

4.1 Section 15(a) will be utilized in relation to matters outside the United States and to further more economical, efficient, or expedient functions under the Peace Corps Act; to obviate or mitigate hardship occurring with respect to employees administering functions under the Peace Corps Act (and in certain circumstances hardships of employees' family members); or to settle tort claims arising overseas against a Peace Corps employee acting within the scope of his employment overseas.

4.2 Section 15(d)(7) will be utilized for expenditures in unforeseen emergencies or contingencies arising in the Peace Corps which are not otherwise provided for by law, where such expenditures have a direct link to Peace Corps programs and operations and the totality of circumstances establish a justification for such expenditure, including a clear benefit to the Agency.

5.0 Procedures

5.1 Any request for the use of either of the extraordinary authorities shall be submitted to the General Counsel. A request requiring the use of Section 15(d)(7) shall be forwarded by the General Counsel to the Chief Financial Officer (CFO) for funds control purposes because there is a cap on the annual amount under Section 15(d)(7). The CFO shall promptly inform the General Counsel of the availability of funds. All requests shall include the written recommendation of the applicable Associate Director, a statement of detailed facts, and an analysis in support of the request. As necessary, the General Counsel may require the requestor to investigate further and/or provide additional information. The General Counsel shall then prepare for the Director a memorandum, with a copy to the Chief Financial Officer in cases involving Section 15(d)(7), providing advice on whether to approve the request in full or in part. The advice shall be based

on the applicability of the authorities and the disposition of similar past cases. The Director will then make the final decision.

5.2 All payments under the extraordinary authorities shall be charged to the requesting office unless the Director approves otherwise.

6.0 Delegation of Authority

The specific duties and responsibilities assigned to named officials in this manual section may not be re-delegated.

7.0 Effective Date

This manual section shall take effect on the date of issuance.