

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

12443

plm-1
Mr. Kirkpatrick

FILE: B-195822 *ABC 10350* DATE: January 3, 1980

MATTER OF: Peace Corps - Personal Service Contracts
Performed Abroad *[Compensation Under]*

DIGEST: Although 22 U.S.C. § 2509(a)(4) expressly limits personal services contracts for the Peace Corps to those performed abroad unless aliens are employed, contract personnel may be paid for their essential instruction and debriefing in the United States incident to their performance abroad.

DLG 03571

Mr. Thomas Friedkin, Deputy Assistant Director, Office of Administration and Finance, Action, asks whether under contracts for personal services abroad the Peace Corps may compensate contract personnel for several days instruction at Washington, D.C., before their assignment overseas, and for days they are debriefed at Washington upon their return to the United States from abroad.

The question is presented because 22 U.S.C. § 2509(a)(4) permits the President to carry out the objectives of the Peace Corps by entering into contracts with:

"* * * individuals for personal services abroad, and with aliens (abroad, or within the United States) for personal services within the United States * * *."

The issue is whether the express limitation to "personal services abroad" by individuals other than aliens prohibits compensating contract personnel for periods of instruction and debriefing within the United States.

As enacted by Section 10(a)(4) of the Peace Corps Act, Pub. L. 87-293, September 22, 1961, 75 Stat. 617, 22 U.S.C. § 2509(a)(4) was intended to enable the Peace Corps "to secure custodial and other personal services without having to put on the Government's rolls all persons who perform such services." House Report No. 1115, September 5, 1961. It authorizes the performance of personal services by contract rather than by Federal employees.

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We are advised that the Peace Corps considers it necessary for individuals serving in selected countries abroad under personal services contracts to undergo instruction and debriefing within the United States. In effect, the Peace Corps has determined that the time spent by contract personnel in the United States for these limited objectives is a necessary incident to their performance of personal services abroad. Mr. Friedkin points out that in certain regards a personal services contract is analogous to the employment of agency personnel. He states:

"Just as agency personnel are paid for time spent in receiving work assignments, instruction and supervision, so [personal services contractors] could receive such instruction and briefing. Since the personnel who can logically give this information to them are in Washington, it makes sense to use two or three days of paid time there so that services can be performed in-country."

We agree with the Peace Corps' suggestion that to the extent instructions and debriefing in Washington are essential to performance under a specific personal service contract performed overseas, ^{that} the language of ~~the~~ ^{applicable legislation} 22 U.S.C. § 2509(a)(4) does not preclude payment under the contract for those necessary incidents to performance abroad. Accordingly, under the authority of ^{existing legislation} 22 U.S.C. § 2509(a)(4) ~~contract~~ personnel may be paid for their necessary instruction and debriefing in the United States incident to their performance of a particular personal service contract abroad.



For The Comptroller General
of the United States