

Union Calendar No. 273

108TH CONGRESS
2D SESSION

H. R. 4060

[Report No. 108–481, Part I]

To amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2004

Mr. HYDE (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, and Mr. SMITH of Michigan) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 6, 2004

Additional sponsor: Mr. BLUMENAUER

MAY 6, 2004

Reported from the Committee on International Relations

MAY 6, 2004

Referral to the Committee on Government Reform extended for a period ending not later than May 6, 2004

MAY 6, 2004

Committee on Government Reform discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health, Safety, and
5 Security of Peace Corps Volunteers Act of 2004”.

6 **SEC. 2. OMBUDSMAN OF THE PEACE CORPS.**

7 The Peace Corps Act (22 U.S.C. 2501 et seq.) is
8 amended by inserting after section 4 the following new
9 section:

10 **“SEC. 4A. OMBUDSMAN OF THE PEACE CORPS.**

11 “(a) **ESTABLISHMENT.**—There is established in the
12 Peace Corps the Office of the Ombudsman of the Peace
13 Corps (hereinafter in this section referred to as the ‘Of-
14 fice’). The Office shall be headed by the Ombudsman of
15 the Peace Corps (hereinafter in this section referred to
16 as the ‘Ombudsman’), who shall be appointed by and re-
17 port directly to the Director of the Peace Corps.

18 “(b) **VOLUNTEER COMPLAINTS AND OTHER MAT-**
19 **TERS.**—The Ombudsman shall receive and, as appro-
20 priate, inquire into complaints, questions, or concerns sub-
21 mitted by current or former volunteers regarding services

1 or support provided by the Peace Corps to its volunteers,
2 including matters pertaining to—

3 “(1) the safety and security of volunteers;

4 “(2) due process, including processes relating to
5 separation from the Peace Corps;

6 “(3) benefits and assistance that may be due to
7 current or former volunteers;

8 “(4) medical or other health-related assistance;
9 and

10 “(5) access to files and records of current or
11 former volunteers.

12 “(c) EMPLOYEE COMPLAINTS AND OTHER MAT-
13 TERS.—The Ombudsman shall receive and, as appro-
14 priate, inquire into complaints, questions, or concerns sub-
15 mitted by current or former employees of the Peace Corps
16 on any matters of grievance.

17 “(d) ADDITIONAL DUTIES.—The Ombudsman
18 shall—

19 “(1) recommend responses to individual matters
20 received under subsections (b) and (c);

21 “(2) make recommendations for administrative
22 or regulatory adjustments to address recurring prob-
23 lems or other difficulties of the Peace Corps;

24 “(3) identify systemic issues that relate to the
25 practices, policies, and administrative procedures of

1 the Peace Corps affecting volunteers and employees;
2 and

3 “(4) call attention to problems not yet ade-
4 quately considered by the Peace Corps.

5 “(e) STANDARDS OF OPERATION.—The Ombudsman
6 shall carry out the duties under this section in a manner
7 that is—

8 “(1) independent, impartial in the conduct of
9 inquiries, and confidential; and

10 “(2) consistent with the revised Standards for
11 the Establishment and Operation of Ombudsman
12 Offices (August 2003) as endorsed by the American
13 Bar Association.

14 “(f) INVOLVEMENT IN MATTERS SUBJECT TO ONGO-
15 ING ADJUDICATION, LITIGATION, OR INVESTIGATION.—
16 The Ombudsman shall refrain from any involvement in the
17 merits of individual matters that are the subject of ongo-
18 ing adjudication or litigation, or investigations related to
19 such adjudication or litigation.

20 “(g) REPORTS.—

21 “(1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this section, and
23 semiannually thereafter, the Ombudsman shall sub-
24 mit to the Director of the Peace Corps, the Chair of

1 the Peace Corps National Advisory Council, and
2 Congress a report containing a summary of—

3 “(A) the complaints, questions, and con-
4 cerns considered by the Ombudsman;

5 “(B) the inquiries completed by the Om-
6 budsman;

7 “(C) recommendations for action with re-
8 spect to such complaints, questions, concerns,
9 or inquiries; and

10 “(D) any other matters that the Ombuds-
11 man considers relevant.

12 “(2) CONFIDENTIALITY.—Each report sub-
13 mitted under paragraph (1) shall maintain confiden-
14 tiality on any matter that the Ombudsman considers
15 appropriate in accordance with subsection (e).

16 “(h) DEFINITION.—In this section, the term ‘em-
17 ployee’ means an employee of the Peace Corps, an em-
18 ployee of the Office of Inspector General of the Peace
19 Corps, an individual appointed or assigned under the For-
20 eign Service Act of 1980 (22 U.S.C. 3901 et seq.) to carry
21 out functions under this Act, or an individual subject to
22 a personal services contract with the Peace Corps.”.

1 **SEC. 3. OFFICE OF SAFETY AND SECURITY OF THE PEACE**
2 **CORPS.**

3 The Peace Corps Act (22 U.S.C. 2501 et seq.), as
4 amended by section 2 of this Act, is further amended by
5 inserting after section 4A the following new section:

6 **“SEC. 4B. OFFICE OF SAFETY AND SECURITY OF THE**
7 **PEACE CORPS.**

8 “(a) **ESTABLISHMENT.**—There is established in the
9 Peace Corps the Office of Safety and Security of the Peace
10 Corps (hereinafter in this section referred to as the ‘Of-
11 fice’). The Office shall be headed by the Associate Director
12 of Safety and Security of the Peace Corps, who shall be
13 appointed by and report directly to the Director of the
14 Peace Corps.

15 “(b) **RESPONSIBILITIES.**—The Office established
16 under subsection (a) shall be responsible for all safety and
17 security activities of the Peace Corps, including back-
18 ground checks of volunteers and staff, safety and security
19 of volunteers and staff (including training), safety and se-
20 curity of facilities, security of information technology, and
21 other responsibilities as required by the Director.

22 “(c) **SENSE OF CONGRESS.**—It is the sense of Con-
23 gress that—

24 “(1) the Associate Director of Safety and Secu-
25 rity of the Peace Corps, as appointed pursuant to
26 subsection (a) of this section, should assign a Peace

1 Corps country security coordinator for each country
2 where the Peace Corps has a program of volunteer
3 service for the purposes of carrying out the field re-
4 sponsibilities of the Office established under sub-
5 section (a); and

6 “(2) each country security coordinator—

7 “(A) should be under the supervision of
8 the Peace Corps country director in each such
9 country;

10 “(B) should report directly to the Asso-
11 ciate Director of Safety and Security of the
12 Peace Corps, as appointed pursuant to sub-
13 section (a) of this section, on all matters of im-
14 portance as the country security coordinator
15 considers necessary;

16 “(C) should be responsible for coordinating
17 with the regional security officer of the Peace
18 Corps responsible for the country to which such
19 country security officer is assigned; and

20 “(D) should be a United States citizen who
21 has access to information, including classified
22 information, relating to the possible threats
23 against Peace Corps volunteers.”.

1 **SEC. 4. OFFICE OF MEDICAL SERVICES OF THE PEACE**
2 **CORPS.**

3 (a) REPORT ON MEDICAL SCREENING AND PLACE-
4 MENT COORDINATION.—Not later than 120 days after the
5 date of the enactment of this Act, the Director of the
6 Peace Corps shall submit to the appropriate congressional
7 committees a report that—

8 (1) describes the medical screening procedures
9 and guidelines used by the office responsible for
10 medical services of the Peace Corps to determine
11 whether an applicant for Peace Corps service has
12 worldwide clearance, limited clearance, a deferral pe-
13 riod, or is not medically, including psychologically,
14 qualified to serve in the Peace Corps as a volunteer;

15 (2) describes the procedures and guidelines
16 used by the Peace Corps to ensure that applicants
17 for Peace Corps service are matched with a host
18 country where the applicant, reasonable accommoda-
19 tions notwithstanding, can complete at least two
20 years of volunteer service without interruption due
21 to foreseeable medical conditions; and

22 (3) with respect to each of the fiscal years 2000
23 through 2003 and the first six months of fiscal year
24 2004, states the number of—

25 (A) medical screenings of applicants con-
26 ducted;

1 (B) applicants who have received world-
2 wide clearance, limited clearance, deferral peri-
3 ods, and medical disqualifications to serve;

4 (C) appeals to the Medical Screening Re-
5 view Board of the Peace Corps and the number
6 of times that an initial screening decision was
7 upheld;

8 (D) requests to the head of the office re-
9 sponsible for medical services of the Peace
10 Corps for reconsideration of a decision of the
11 Medical Screening Review Board and the num-
12 ber of times that the decision of the Medical
13 Screening Review Board was upheld by the
14 head of such office;

15 (E) Peace Corps volunteers who became
16 medically qualified to serve because of a deci-
17 sion of the Medical Screening Review Board
18 and who were later evacuated or terminated
19 their service early due to medical reasons;

20 (F) Peace Corps volunteers who became
21 medically qualified to serve because of a deci-
22 sion of the head of the office responsible for
23 medical services of the Peace Corps and who
24 were later evacuated or terminated their service
25 early due to medical reasons;

1 (G) Peace Corps volunteers who the agency
 2 has had to separate from service due to the dis-
 3 covery of undisclosed medical information; and

4 (H) Peace Corps volunteers who have ter-
 5 minated their service early due to medical, in-
 6 cluding psychological, reasons.

7 (b) DEFINITION.—In subsection (a), the term “ap-
 8 propriate congressional committees” means the Com-
 9 mittee on International Relations of the House of Rep-
 10 resentatives and the Committee on Foreign Relations of
 11 the Senate.

12 (c) FULL TIME DIRECTOR OF MEDICAL SERVICES.—
 13 Section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c))
 14 is amended by adding at the end the following new para-
 15 graph:

16 “(5) The Director of the Peace Corps shall ensure
 17 that the head of the office responsible for medical services
 18 of the Peace Corps does not occupy any other position in
 19 the Peace Corps.”.

20 **SEC. 5. REPORTS ON THE “FIVE YEAR RULE” AND ON WORK**
 21 **ASSIGNMENTS OF VOLUNTEERS OF THE**
 22 **PEACE CORPS.**

23 (a) REPORT BY THE COMPTROLLER GENERAL.—

24 (1) IN GENERAL.—Not later than one year
 25 after the date of enactment of this Act, the Comp-

1 troller General shall submit to the appropriate con-
2 gressional committees a report on the effects of the
3 limitation on the duration of employment, appoint-
4 ment, or assignment of officers and employees of the
5 Peace Corps under section 7 of the Peace Corps Act
6 (22 U.S.C. 2506) on the ability of the Peace Corps
7 to effectively manage Peace Corps operations.

8 (2) CONTENTS.—The report described in para-
9 graph (1) shall include—

10 (A) a description of such limitation;

11 (B) a description of the history of such
12 limitation and the purposes for which it was en-
13 acted and amended;

14 (C) an analysis of the impact of such limi-
15 tation on the ability of the Peace Corps to re-
16 cruit capable volunteers, establish productive
17 and worthwhile assignments for volunteers, pro-
18 vide for the health, safety, and security of vol-
19 unteers, and, as declared in section 2(a) of the
20 Peace Corps Act (22 U.S.C. 2501(a)), “pro-
21 mote a better understanding of the American
22 people on the part of the peoples served and a
23 better understanding of other peoples on the
24 part of the American people”;

1 (D) an assessment of whether the applica-
2 tion of such limitation has accomplished the ob-
3 jectives for which it was intended; and

4 (E) recommendations, if any, for legisla-
5 tion to amend provisions of the Peace Corps
6 Act relating to such limitation.

7 (b) REPORT ON WORK ASSIGNMENTS OF VOLUN-
8 TEERS.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the Di-
11 rector of the Peace Corps shall submit to the appro-
12 priate congressional committees a report on the ex-
13 tent to which the work assignments of Peace Corps
14 volunteers fulfill the commitment of the Peace Corps
15 to ensuring that such assignments are well devel-
16 oped, with clear roles and expectations, and that vol-
17 unteers are well-suited for their assignments.

18 (2) CONTENTS.—The report described in para-
19 graph (1) shall include—

20 (A) an assessment of the extent to which
21 agreements between the Peace Corps and host
22 countries delineate clear roles for volunteers in
23 assisting host governments to advance their na-
24 tional development strategies;

1 (B) an assessment of the extent to which
2 the Peace Corps recruits volunteers who have
3 skills that correlate with the expectations cited
4 in the country agreements and assigns such vol-
5 unteers to such posts;

6 (C) a description of procedures for deter-
7 mining volunteer work assignments and min-
8 imum standards for such assignments;

9 (D) a volunteer survey on health, safety,
10 and security issues as well as satisfaction sur-
11 veys which will have been conducted after the
12 date of the enactment of this Act; and

13 (E) an assessment of the plan of the Peace
14 Corps to increase the number of volunteers who
15 are assigned to projects in sub-Saharan Africa,
16 Asia, and the Western Hemisphere, particularly
17 among communities of African descent within
18 countries in the Western Hemisphere, which
19 help combat HIV/AIDS and other global infec-
20 tious diseases.

21 (c) DEFINITION.—In this section, the term “appro-
22 priate congressional committees” means the Committee on
23 International Relations of the House of Representatives
24 and the Committee on Foreign Relations of the Senate.

1 **SEC. 6. INSPECTOR GENERAL OF THE PEACE CORPS.**

2 (a) ESTABLISHMENT OF INDEPENDENT INSPECTOR
3 GENERAL.—

4 (1) IN GENERAL.—The Inspector General Act
5 of 1978 (5 U.S.C. App.) is amended—

6 (A) in section 8G(a)(2), by striking “, the
7 Peace Corps”;

8 (B) in section 9(a)(1), by adding at the
9 end the following new subparagraph:

10 “(X) of the Peace Corps, the office of that
11 agency referred to as the ‘Office of Inspector
12 General’; and”;

13 (C) in section 11—

14 (i) in paragraph (1), by striking “or
15 the Office of Personnel Management” and
16 inserting “the Office of Personnel Manage-
17 ment, or the Peace Corps”; and

18 (ii) in paragraph (2), by inserting “,
19 the Peace Corps” after “the Office of Per-
20 sonnel Management”.

21 (2) TECHNICAL AMENDMENT.—Section
22 9(a)(1)(U) of the Inspector General Act of 1978 (5
23 U.S.C. App.) is amended by striking “and” at the
24 end.

25 (b) TEMPORARY APPOINTMENT.—The Director of
26 the Peace Corps may appoint an individual to assume the

1 powers and duties of the Inspector General of the Peace
2 Corps under the Inspector General Act of 1978 (5 U.S.C.
3 App.) on an interim basis until such time as a person is
4 appointed by the President, by and with the advice and
5 consent of the Senate, pursuant to the amendments made
6 in this section.

7 (c) EXEMPTION FROM EMPLOYMENT TERM LIMITS
8 UNDER THE PEACE CORPS ACT.—

9 (1) IN GENERAL.—Section 7 of the Peace
10 Corps Act (22 U.S.C. 2506) is amended—

11 (A) by redesignating subsection (c) as sub-
12 section (b); and

13 (B) by adding at the end the following new
14 subsection:

15 “(c) The provisions of this section that limit the dura-
16 tion of service, appointment, or assignment of individuals
17 shall not apply to—

18 “(1) the Inspector General of the Peace Corps;

19 “(2) officers of the Office of the Inspector Gen-
20 eral of the Peace Corps;

21 “(3) any individual whose official duties pri-
22 marily include the safety and security of Peace
23 Corps volunteers or employees;

24 “(4) the head of the office responsible for med-
25 ical services of the Peace Corps; or

1 “(5) any health care professional within the of-
2 fice responsible for medical services of the Peace
3 Corps.”.

4 (2) CONFORMING AMENDMENT.—The first pro-
5 viso of section 15(d)(4) of the Peace Corps Act (22
6 U.S.C. 2514(d)(4)) is amended by striking “7(c)”
7 and inserting “7(b)”.

8 (d) COMPENSATION.—Section 7 of the Peace Corps
9 Act (22 U.S.C. 2506), as amended by subsection (c) of
10 this section, is further amended by adding at the end the
11 following new subsection:

12 “(d) The Inspector General of the Peace Corps shall
13 be compensated at the rate provided for level IV of the
14 Executive Schedule under section 5315 of title 5, United
15 States Code.”.

Union Calendar No. 273

108TH CONGRESS
2^D SESSION

H. R. 4060

[Report No. 108-481, Part I]

A BILL

To amend the Peace Corps Act to establish an ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes.

MAY 6, 2004

Reported from the Committee on International Relations

MAY 6, 2004

Referral to the Committee on Government Reform extended for a period ending not later than May 6, 2004

MAY 6, 2004

Committee on Government Reform discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed