

HEALTH, SAFETY, AND SECURITY OF PEACE CORPS
 VOLUNTEERS ACT OF 2004

MAY 6, 2004.—Ordered to be printed

Mr. HYDE, from the Committee on International Relations,
 submitted the following

R E P O R T

[To accompany H.R. 4060]

[Including cost estimate of the Congressional Budget Office]

The Committee on International Relations, to whom was referred the bill (H.R. 4060) 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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of “Health, Safety and Security of Peace Corps Volunteers Act of 2004” (H.R. 4060) is to make several amendments

to the Peace Corps Act (22 U.S.C. 2501 *et. seq.*) to provide better health, safety, and security for Peace Corps Volunteers.

H.R. 4060 addresses safety and security issues in the Peace Corps by establishing a more independent Inspector General of the Peace Corps; establishing an Ombudsman of the Peace Corps; establishing an Office of Safety and Security; requiring a report on medical screening and placement of volunteers; exempting Inspector General, safety and security personnel, and key medical personnel from the “five year rule”; and requiring a GAO report on the impact of the “five year rule” on the effectiveness of the Peace Corps in achieving its mission.

The reforms of H.R. 4060 were prompted by recent reports by the General Accounting Office and by the Committee’s oversight of the Peace Corps, including an important oversight hearing held on March 24, 2004, entitled “Safety and Security of Peace Corps Volunteers.”

BACKGROUND AND NEED FOR THE LEGISLATION

The House of Representatives has demonstrated its support for the Peace Corps, most recently through the passage of H.R. 1950, the “Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Act of 2003,” of which the “Peace Corps Expansion Act” is included as Division B. The “Peace Corps Expansion Act” responds to the President’s call for the doubling of the size of the Peace Corps by 2008, and authorizes Peace Corps programs through that date.

H.R. 4060, the “Health, Safety, and Security of Peace Corps Volunteers Act of 2004” takes into account the changing nature of security of American citizens overseas since the Committee considered last year’s legislation, and promotes a more accountable Peace Corps better able to expand over the next several years.

The Members of the Committee support the Peace Corps and are admirers of the sacrifice of its volunteers and of the important work that they do. The Committee wants to ensure that the Peace Corps has the necessary procedures in place to protect our nation’s citizens who dedicate 2 years of their lives to helping people of the developing world improve their circumstances.

A July 2002 GAO report on Peace Corps safety and security stated that the Peace Corps “is embarking on a major expansion of its volunteer workforce during a time of heightened risk for Americans living abroad. Providing safety and security for its volunteers is the Peace Corps’ highest priority. Our review of the agency’s efforts to ensure compliance with its basic safety and security policies and guidelines shows that there are cases of uneven implementation of key elements of the safety and security framework that could pose risks to volunteers. These include uneven performance in developing safe and secure housing and work sites, responding to volunteer concerns, and planning for emergencies.”

At the hearing on March 24, 2004, Members heard about some of the past problems and current challenges the Peace Corps faces as it expands the number of volunteers around the world, while at the same time taking into account the changed circumstances for American citizens living abroad during the post-September 11th period. The hearing also provided Committee Members with the context for the consideration of H.R. 4060, which was ordered fa-

vorably reported by the Committee at its meeting on March 31, 2004.

The hearing on March 24, 2004, inquired into the adequacy of safety and security practices that govern volunteers' assignments, and provided Members with necessary background information on the problems that have existed in recent years, and, as a case study, examined the specific problems and management failures which are alleged to have led to and followed the disappearance of a volunteer in Bolivia, Walter J. Poirier. The hearing also provided Members with an opportunity to understand the policy and organizational changes made within the Peace Corps over the past 2 years toward the goal of improving safety and security of volunteers.

The Committee heard testimony from the family of Walter Poirier which stated that, in Bolivia in 2001, the Peace Corps did not have in place the necessary management procedures to monitor or account for missing volunteer Walter J. Poirier. The family further stated that they notified the Peace Corps their son was missing. The Committee has been informed by the General Accounting Office that the Peace Corps has taken important steps to remedy some of these problems, but still has room for improvement.

A GAO report dated July 20, 2001, requested by Congressman Martin Meehan following the disappearance of volunteer Walter J. Poirier, stated that [both] "the Country Director and Deputy Country Director for the Peace Corps in Bolivia told [the GAO] that the Associate Director was not keeping close enough contact with Mr. Poirier." The report also stated that the "Associate Director also said that he became so busy supervising the other volunteers that Mr. Poirier 'dropped off my radar screen.' He said he made no further attempt to contact Mr. Poirier." The July 2001 GAO report is summarized in the following statement: "The Peace Corps failed to properly supervise Mr. Poirier and lost track of him."

The Committee believes that the highest priority of the Peace Corps should be volunteer safety and security. Prior to embarking on a major expansion as envisioned by the President, it is imperative that the Peace Corps demonstrate competency in management practices, including safety and security. There appear to have been clear management failures in 2001 in the case of missing volunteer Walter J. Poirier. One such management failure was the inappropriately large "span of control" of Peace Corps staff in Bolivia. According to the GAO, the Peace Corps associate director in Bolivia who was directly responsible for Mr. Poirier was also responsible for "over 40 other volunteers in Bolivia." According to the same GAO report, the associate director was "responsible for helping the volunteers find housing and set up meetings with their Bolivian project supervisors, was also supposed to periodically check on the volunteers' well-being."

The Committee urges the Director of the Peace Corps and the Inspector General of the Peace Corps to review the existing management practices to ensure that Peace Corps staff responsible for the supervision of Peace Corps volunteers have an appropriate "span of control," that volunteers are placed in meaningful assignments, and that the Peace Corps provides an appropriate level of contact and communication with volunteers.

In testimony at the March 24, 2004 hearing, the General Accounting Office provided an update of its July 2002 report, and testified that “[t]he full extent of crime against Peace Corps volunteers is unknown because there is significant underreporting of crime by volunteers. We reported that Peace Corps had initiated efforts to encourage reporting and collect additional data but that there were also other unrealized opportunities for additional examination of data. For example, our analysis showed that newer volunteers may be more likely to become victims of crime than their more experienced colleagues. In response to our findings, in April 2003, Peace Corps hired an analyst to enhance its capacity for gathering and analyzing crime data. The analyst has focused on upgrading the crime data system and shifting the responsibility for data collection and analysis from the medical office to the newly created safety and security office, to place the responsibility for crime data in an office dedicated to safety and security. According to the analyst, additional crime analyses have not yet been conducted, as the focus has been on upgrading the process for collecting and reporting data.”

The Committee remains concerned that the Peace Corps crime data system records and tracks data by criminal “event” rather than by volunteer; those charged with filing reports are instructed to count events involving more than one volunteer only once. The Committee believes that the use of such methodology serves to underreport the true nature of crime against volunteers. The Committee suggests that the Associate Director for Safety and Security should establish improved crime data methodology that tracks incidents of crime against individual volunteers.

The March 24, 2004 testimony by the GAO also reported that the Peace Corps headquarters had developed a safety and security framework, “but that the field’s implementation of the framework had produced varying results.”

The testimony further reported that while volunteers were generally satisfied with the agency’s training programs, “there was mixed performance in key elements of the framework such as in developing safe and secure housing sites, monitoring volunteers, and planning for emergencies. For example, at each of the five posts we visited, we found instances of volunteers who began their service in housing that had not been inspected and had not met Peace Corps’ guidelines. We also found that the frequency of staff contact with volunteers and the quality and comprehensiveness of emergency action plans varied.”

The Committee encourages the Director of the Peace Corps to ensure that the agency institutes policies on a worldwide or country-specific basis concerning frequency of staff contact with volunteers.

The GAO testimony stated further that “recent Inspector General reports indicate that safety and security shortcomings in the field are still occurring. We reported that a number of factors, including staff turnover, informal supervision and oversight mechanisms, and unclear guidance hampered Peace Corps’ efforts to ensure high-quality performance for the agency as a whole.”

The GAO testimony states that “high staff turnover, caused in part by the agency’s statutorily imposed 5-year limit on employment for U.S. direct hire staff, had resulted in a lack of institutional memory, producing a situation in which agency staff are con-

tinually “reinventing the wheel.” This is know as the “five year rule.”

The GAO’s July 2002 report recommended that the Peace Corps develop a strategy to address staff turnover, including an assessment of the “five year rule”—a statutory restriction on the tenure of U.S. direct hire employees of the Peace Corps. In response to the GAO recommendation on staff turnover and the difficulties it created, Congress has granted the Peace Corps authority to exempt safety and security staff from the 5-year rule (P.L. 108–7 and 108–199).

H.R. 4060 is responsive to GAO’s recommendations on the subject of the 5-year rule by establishing that the rule shall not apply to the Inspector General of the Peace Corps; officers of the Office of the Inspector General of the Peace Corps; any individual whose official duties primarily include the safety and security of Peace Corps volunteers or employees; the head of the office responsible for medical services of the Peace Corps; or any health care professional within the office responsible for medical services of the Peace Corps.

The Committee included the exemptions to the 5-year rule for the head of the office which is responsible for medical services of the Peace Corps and any other health care professional within that office due to credible reports which it received about serious failings in the medical services office over the last 2 years. The reports allege, among other things, that for the first time in recent memory the head of the office responsible for medical services, who traditionally has been a civil servant, is now also the Associate Director for Volunteer Safety, a political appointee. As a result, the medical office is suffering from a lack of attention, continuity and direction and may be compromising volunteer health and safety. In large part because of these concerns, the Committee required in H.R. 4060 that the director of medical services and the Associate Director for Volunteer Safety be two different individuals. The Committee urges the Director of the Peace Corps to evaluate the management and procedures within the office of medical services to ensure that volunteers continue to receive the highest standard of care possible.

H.R. 4060 requires the GAO to perform its own independent review of the 5-year rule by requesting that the Comptroller General report on the effects the rule on the ability of the Peace Corps to effectively manage its operations. The report required by H.R. 4060 shall include a description of the 5-year rule; a description of the history of the rule and the purposes for which it was enacted and amended; an analysis of the impact of the rule on the ability of the Peace Corps to recruit capable volunteers, establish productive and worthwhile assignments for volunteers; an assessment of whether the application of the rule has accomplished the objectives for which it was intended; and recommendations, if any, for legislation to amend provisions of the Peace Corps Act relating to the rule.

The Committee recognizes and applauds the recent establishment by the Director of Peace Corps of the Office of Safety and Security within the Peace Corps. H.R. 4060 establishes such an office by law, in amending the Peace Corps Act. This measure, and the enumeration of responsibilities of such office in the Peace Corps

Act, will emphasize the importance of safety and security as the Peace Corps embarks upon its expansion.

The Committee also believes that it is essential that there be Peace Corps security coordinators posted in each Peace Corps country. Such coordinators should function in a manner analogous to the Department of State's "Regional Security Officers," and should have access to threat information through Embassy channels in order to take active steps to provide up-to-date information to enhance the safety and security of Peace Corps volunteers in a changing security environment. Such security coordinators should be United States citizens. The Committee is aware that existing Peace Corps plans provide for foreign nationals to serve in such positions in the majority of countries overseas. The Committee recommends that the Director of the Peace Corps reassess such plans.

At the March 24, 2004 hearing, the Committee heard from Mr. Walter R. Poirier, the father of missing volunteer Walter J. Poirier, who testified that following his son's disappearance, he spoke with the Peace Corps country director for Bolivia, and asked "what safety protocols were in place for volunteers whose assignments were in remote areas such as my son, and what provisions were made to enable them to communicate with Peace Corps Bolivia headquarters." Mr. Poirier testified that the country director replied that there was a radio telephone within two or three kilometers of the younger Poirier's site. Mr. Poirier testified that "The radio telephone was actually several miles upriver. When asked why these young people had no cell phones, satellite phones, or GPS devices, [the country director's] response was 'we've been doing it this way for forty years.' This attitude that the Peace Corps had no need for change is a recurring theme in Peace Corps liturgy."

The Committee is concerned about these assertions and the concerns of other returned volunteers about their level of communication with Peace Corps in-country staff. The Committee urges the Director of the Peace Corps to respond to the questions which were submitted for the record on this topic in a timely manner so the Committee may have the benefit of that information before the House considers the bill. The Committee also urges the Director of the Peace Corps to consider employing appropriate telecommunications technology, such as cellular telephones, satellite telephones, and digital data transmission technology, where available and consistent with budgetary allocations, to improve the ability of Peace Corps volunteers to communicate with country offices. Such improved use of telecommunications technology could assist Peace Corps country offices better manage and supervise volunteers, without sacrificing the unique nature of the Peace Corps experience. Improved lines of communication could also allow volunteers to contact Peace Corps staff or other authorities in the event of an emergency.

The Committee has received numerous communications from current and former volunteers expressing support for the creation of an Ombudsman of the Peace Corps. The Committee notes that this proposal was originally suggested by former Peace Corps volunteer and former Representative Tony Hall of Ohio. The Committee has included a provision in H.R. 4060 that creates the position of Ombudsman in order to serve the community of current and former Peace Corps volunteers and staff.

The Committee has provided in H.R. 4060 that the Ombudsman shall carry out its duties in a manner that is independent, impartial in the conduct of inquiries, confidential, and consistent with the revised Standards for the Establishment and Operation of Ombudsman Offices (August 2003) as endorsed by the American Bar Association.

The Committee believes that work of the Ombudsman can and should complement, but not overlap, with the work of the Inspector General. A well-functioning Office of the Ombudsman will serve as a channel for dispute resolution, while at the same time assisting in areas not appropriate for review by the Inspector General.

The Committee expresses appreciation for the Ombudsperson of the Department of Justice, Ella Wheaton, and the Ombudsman of the National Institutes of Health, Howard Gadlin, who assisted the Committee in the drafting of the provisions of H.R. 4060 that relate to the establishment of the Ombudsman of the Peace Corps.

Members of the Committee heard testimony at the March 24, 2004 oversight hearing by the current Inspector General of the Peace Corps, who testified that “the Peace Corps Act itself invites and even requires intrusion through the [Peace Corps] Director’s discretion into the I.G.’s personnel decisions and his or her own tenure. Both affect the I.G.’s independence. Amending the I.G. Act as proposed would be the most sure resolution of this problem. Amending the Peace Corps Act to lift the 5-year rule from the I.G. and staff would also resolve the most important structural and legal impediment to independence.”

The Committee believes that volunteer safety and security partially depends upon the proper and independent establishment of the Office of Inspector General. The past work of the Office of Inspector General of the Peace Corps with respect to safety and security is known and appreciated by the Committee. However, the Committee believes that by elevating the Peace Corps Inspector General to a position that is nominated by the President and confirmed by the Senate, the Inspector General will have the necessary stature to adequately and independently examine the management practices, including with respect to safety and security of volunteers.

On March 24, 2004, the Committee also heard testimony from Kevin Quigley, the President of the National Peace Corps Association (NPCA). The NPCA, a network of over 30,000 individuals from across the country, is the only national organization for current and former Peace Corps volunteers, staff, family, and friends. Mr. Quigley stated that while the Peace Corps community agrees that safety and security of volunteers should be paramount, the discussion surrounding safety and security issues tends to obscure other concerns. First, Mr. Quigley continued, many in the community question “whether the Peace Corps experience is, relatively speaking, any more risky in terms of homicides assaults than life for a comparable cohort in urban America . . .” The Committee notes that the 2002 FBI Crime Report documents that 42 homicides occurred in 2002 in Dayton, Ohio, with a population of approximately 166,000. In comparison, approximately 170,000 volunteers have served in Peace Corps during its 43-year history in over 130 developing countries and unfortunately 20 volunteers have been killed in incidents which have been ruled to be homicides. Second, Mr.

Quigley testified that the Peace Corps community is concerned that efforts to improve safety and security should not unnecessarily compromise the ability of volunteers “to live and work alongside host country counterparts.” Lastly, Mr. Quigley expressed concern that safety and security measures should not be funded at the expense of programming requirements for volunteers.

The Committee is cognizant of the concerns raised by Mr. Quigley. H.R. 4060 addresses these concerns by requiring that the Director of the Peace Corps evaluate the effectiveness and merit of assignments for volunteers and report to Congress with the director’s findings. The report required of the director also mandates an assessment of the Peace Corps’ plan to increase the number of volunteers assigned to projects, particularly in communities of African descent in the Western Hemisphere, which help combat HIV/AIDS and other global infectious diseases.

The Committee notes that approximately 100 million individuals of African descent live in Latin America and the Caribbean, making this population the largest group of African descendants living outside of Africa. While it is largely known that Afro-descendants constitute the majority of Caribbean populations, Afro-descendants are also present in almost all Latin American countries, including Belize, Brazil, Colombia, and Venezuela. Oftentimes Afro-descendant communities in the region constitute the majority of the poor, have shorter life expectancies, higher rates of infant mortality, higher incidences of HIV/AIDS, and higher rates of illiteracy. As such, the poor social and economic situation of Afro-descendant populations is in many ways comparable to that of indigenous populations living in Latin American countries. However, while a number of efforts have been targeted to address the situations of indigenous persons, relatively few efforts have focused on Afro-descendant communities in Latin America. The Committee is pleased that Peace Corps has engaged in efforts that target Afro-descendant communities in Honduras and encourages the agency to expand those efforts in Honduras and throughout Latin America.

By establishing for a more independent Inspector General, by creating the position of Ombudsman, by establishing the Office of Safety and Security, by exempting certain positions from the 5-year rule, and by calling for further examination of the rule by the Comptroller General, H.R. 4060 will improve accountability for safety and security matters in the Peace Corps, and will provide for the improved safety and security of Peace Corps volunteers by preparing the Peace Corps for expansion in a dangerous world.

THE LEGISLATION

The “Health, Safety and Security of Peace Corps Volunteers Act of 2004” (H.R. 4060) makes a number of important changes to the Peace Corps Act.

The legislation creates the position of Ombudsman to receive and inquire into complaints, questions, or concerns raised by current or former volunteers or employees regarding services or support provided by the Peace Corps.

The legislation statutorily creates an Office of Safety and Security within the Peace Corps, to be headed by an Associate Director for Safety and Security, who shall be responsible for all safety and security activities of the Peace Corps.

This bill requires a report on the medical screening procedures and guidelines used by the Peace Corps to determine whether an applicant is medically and psychologically qualified to serve in the Peace Corps as a volunteer.

The legislation also requires a report by the Comptroller General on the “five year rule,” which was cited by the GAO in previous reports as one of the reasons for an unacceptably high degree of staff turnover and loss of institutional memory, especially on safety and security matters.

The legislation also creates a more independent Inspector General of the Peace Corps, exempting that individual and the staff of the I.G. from the 5-year rule and creating more accountable oversight by this Committee through the increased access to information from the I.G. on all matters relating to the management of the Peace Corps.

This legislation responds to the concerns addressed by our witnesses last week, and also responds to the concerns raised by current and former volunteers who have contacted the Committee to discuss their experience with the Peace Corps.

HEARINGS

The Committee held an oversight hearing entitled “Safety and Security of Peace Corps Volunteers” on March 24, 2004.

COMMITTEE CONSIDERATION

H.R. 4060 was introduced by Chairman Henry J. Hyde on March 30, 2004, co-sponsored by Ranking Democratic Member Tom Lantos, and was referred to the Committee on International Relations. The Committee considered H.R. 4060 at a meeting on March 31, 2004.

VOTES OF THE COMMITTEE

The measure passed by voice vote. There were no recorded votes.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, April 7, 2004.

Hon. HENRY J. HYDE, *Chairman,*
Committee on International Relations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4060, the Health, Safety, and Security of Peace Corps Volunteers Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehill, who can be reached at 226-2840.

Sincerely,

DOUGLAS HOLTZ-EAKIN

Enclosure

cc: Honorable Tom Lantos,
Ranking Member.

H.R. 4060—Health, Safety, and Security of Peace Corps Volunteers Act of 2004

H.R. 4060 would establish within the Peace Corps an Office of the Ombudsman, an Office of Safety and Security, an Office of Medical Services, and an independent Inspector General. In addition, the bill would require semi-annual reports from the Ombudsman, a report on medical screening and placement of volunteers, and reports on work assignments. Out of all these offices established by the bill, only the Office of the Ombudsman would be new—the other offices exist under more general authority. CBO estimates that implementing the bill would require the hiring of an additional four personnel and would cost about \$500,000 each year, assuming the appropriation of the necessary funds. The bill would not affect direct spending or receipts.

Based on information from the Peace Corps, CBO estimates that staffing an Office of the Ombudsman would require three additional staff. H.R. 4060 would also require that the head of the Office of Medical Services not occupy any other position within the Peace Corps. Thus, providing a full-time head for the office would require hiring an additional senior officer. Staffing is currently in place within the Director of the Peace Corps' organization, for an Office of Volunteer Safety and Security and an Office of Medical Services. Under the bill, the Inspector General would be appointed by the President and control his own budget. CBO estimates that the change in status of the Inspector General and the new reporting requirements would not significantly affect spending.

H.R. 4060 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact is Joseph C. Whitehill, who can be reached at 226-2840. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The goals and objectives of this legislation are to improve the health, safety and security of Peace Corps volunteers, administered under the authority of the Peace Corps Act of 1961.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clause 18 of the Constitution (relating to making all laws necessary and proper for carrying into execution powers vested by the Constitution in the Government of the United States).

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title. Section 1 contains a short title, the “Health, Safety, and Security of Peace Corps Volunteers Act of 2004.”

Section 2. Ombudsman of the Peace Corps. Section 2 amends the Peace Corps Act (22 U.S.C. 2501 et seq.) by inserting after section 4 a new section 4A “Ombudsman of the Peace Corps.”

Section 4A is divided into six subsections.

Section 4A(a) establishes in the Peace Corps the Office of the Ombudsman of the Peace Corps, which shall be headed by the Ombudsman of the Peace Corps, who shall be appointed by and report directly to the Director of the Peace Corps.

Section 4A(b) provides that the Ombudsman shall receive and, as appropriate, inquire into complaints, questions, or concerns submitted by current or former volunteers regarding services or support provided by the Peace Corps to its volunteers, including matters pertaining to the safety and security of volunteers; due process, including processes relating to separation from the Peace Corps; benefits and assistance that may be due to current or former volunteers; medical or other health-related assistance; and access to files and records of current or former volunteers.

Section 4A(c) provides that the Ombudsman shall receive and, as appropriate, inquire into complaints, questions, or concerns submitted by current or former employees of the Peace Corps on any matters of grievance.

Section 4A(d) provides that the Ombudsman shall recommend responses to individual matters received under subsections (b) and (c) of section 4A; make recommendations for administrative or regulatory adjustments to address recurring problems or other difficulties of the Peace Corps; identify systemic issues that relate to the practices, policies, and administrative procedures of the Peace Corps affecting volunteers and employees; and call attention to problems not yet adequately considered by the Peace Corps.

Section 4A(e) provides that the Ombudsman shall carry out the duties under this section in a manner that is independent, impartial in the conduct of inquiries, and confidential; and consistent with the revised Standards for the Establishment and Operation of Ombudsman Offices (August 2003) as endorsed by the American Bar Association.

Section 4A(f) provides that the Ombudsman shall refrain from any involvement in the merits of individual matters that are the

subject of ongoing adjudication or litigation, or investigations related to such adjudication or litigation.

Section 4A(g) requires that not later than 180 days after the date of the enactment of section 4A, and semiannually thereafter, the Ombudsman shall submit to the Director of the Peace Corps, the Chair of the Peace Corps National Advisory Council, and Congress a report containing a summary of the complaints, questions, and concerns considered by the Ombudsman; the inquiries completed by the Ombudsman; recommendations for action with respect to such complaints, questions, concerns, or inquiries; and any other matters that the Ombudsman considers relevant. This subsection further requires that each report submitted by the Ombudsman in furtherance of this subsection shall maintain confidentiality on any matter that the Ombudsman considers appropriate in accordance with section 4A(e).

Section 4A(g) provides that in section 4A, the term “employee” means an employee of the Peace Corps, an employee of the Office of Inspector General of the Peace Corps, an individual appointed or assigned under the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) to carry out functions under this act, or an individual subject to a personal services contract with the Peace Corps.’

Section 3. Office of Safety and Security of the Peace Corps. Section 3 amends the Peace Corps Act inserting a new section 4B after the new section 4A as amended by section 2.

Section 4B, “Office of Safety and Security of the Peace Corps”, is divided into three subsections.

Section 4B(a) establishes in the Peace Corps the Office of Safety and Security of the Peace Corps, which shall be headed by the Associate Director of Safety and Security of the Peace Corps, who shall be appointed by and report directly to the Director of the Peace Corps.

Section 4B(b) provides that the office established by section 4B(a) shall be responsible for all safety and security activities of the Peace Corps, including background checks of volunteers and staff, safety and security of volunteers and staff (including training), safety and security of facilities, security of information technology, and other responsibilities as required by the director.

Section 4B(c) includes a sense of Congress that the Associate Director of Safety and Security of the Peace Corps, as appointed pursuant to section 4B(a), should assign a Peace Corps country security coordinator for each country where the Peace Corps has a program of volunteer service for the purposes of carrying out the field responsibilities of the Office established under section 4B(a); and that each country security coordinator should be under the supervision of the Peace Corps country director in each such country; should report directly to the Associate Director of Safety and Security of the Peace Corps on all matters of importance as the country security coordinator considers necessary; should be responsible for coordinating with the regional security officer of the Peace Corps responsible for the country to which such country security officer is assigned; and should be a United States citizen who has access to information, including classified information, relating to the possible threats against Peace Corps volunteers.

Section 4. Office of Medical Services of the Peace Corps. Section 4 is divided into three subsections.

Section 4(a) requires that not later than 120 days after the date of the enactment of this act, the Director of the Peace Corps shall submit to the appropriate congressional committees a report that describes the medical screening procedures and guidelines used by the office responsible for medical services of the Peace Corps to determine whether an applicant for Peace Corps service has worldwide clearance, limited clearance, a deferral period, or is not medically, including psychologically, qualified to serve in the Peace Corps as a volunteer; describes the procedures and guidelines used by the Peace Corps to ensure that applicants for Peace Corps service are matched with a host country where the applicant, reasonable accommodations notwithstanding, can complete at least 2 years of volunteer service without interruption due to foreseeable medical conditions; and with respect to each of the fiscal years 2000 through 2003 and the first 6 months of fiscal year 2004, states the number of medical screenings of applicants conducted; applicants who have received worldwide clearance, limited clearance, deferral periods, and medical disqualifications to serve; appeals to the Medical Screening Review Board of the Peace Corps and the number of times that an initial screening decision was upheld; requests to the head of the office responsible for medical services of the Peace Corps for reconsideration of a decision of the Medical Screening Review Board and the number of times that the decision of the Medical Screening Review Board was upheld by the head of such office; Peace Corps volunteers who became medically qualified to serve because of a decision of the Medical Screening Review Board and who were later evacuated or terminated their service early due to medical reasons; Peace Corps volunteers who became medically qualified to serve because of a decision of the head of the office responsible for medical services of the Peace Corps and who were later evacuated or terminated their service early due to medical reasons; Peace Corps volunteers who the agency has had to separate from service due to the discovery of undisclosed medical information; and Peace Corps volunteers who have terminated their service early due to medical, including psychological, reasons.

Section 4(b) includes a definition of the term “appropriate congressional committees.”

Section 4(c) amends section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)) by adding at the end a new paragraph which requires the Director of the Peace Corps to ensure that the head of the office responsible for medical services of the Peace Corps does not occupy any other position in the Peace Corps.

Section 5. Reports on the “Five Year Rule” and on Work Assignments of Volunteers of the Peace Corps. Section 5 is divided into three subsections.

Section 5(a) requires that not later than 1 year after the date of enactment of this act, the Comptroller General shall submit to the appropriate congressional committees a report on the effects of the limitation on the duration of employment, appointment, or assignment of officers and employees of the Peace Corps under section 7 of the Peace Corps Act (22 U.S.C. 2506) on the ability of the Peace Corps to effectively manage Peace Corps operations. The report shall include a description of such limitation; a description of the history of such limitation and the purposes for which it was en-

acted and amended; an analysis of the impact of such limitation on the ability of the Peace Corps to recruit capable volunteers, establish productive and worthwhile assignments for volunteers, provide for the health, safety, and security of volunteers, and, as declared in section 2(a) of the Peace Corps Act (22 U.S.C. 2501(a)), “promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people”; an assessment of whether the application of such limitation has accomplished the objectives for which it was intended; and recommendations, if any, for legislation to amend provisions of the Peace Corps Act relating to such limitation.

Section 5(b) requires that not later than 180 days after the date of the enactment of this act, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on the extent to which the work assignments of Peace Corps volunteers fulfill the commitment of the Peace Corps to ensuring that such assignments are well developed, with clear roles and expectations, and that volunteers are well-suited for their assignments. The report shall include an assessment of the extent to which agreements between the Peace Corps and host countries delineate clear roles for volunteers in assisting host governments to advance their national development strategies; an assessment of the extent to which the Peace Corps recruits volunteers who have skills that correlate with the expectations cited in the country agreements and assigns such volunteers to such posts; a description of procedures for determining volunteer work assignments and minimum standards for such assignments; a volunteer survey on health, safety, and security issues as well as satisfaction surveys which will have been conducted after the date of the enactment of this act; and an assessment of the plan of the Peace Corps to increase the number of volunteers who are assigned to projects in sub-Saharan Africa, Asia, and the Western Hemisphere, particularly among communities of African descent within countries in the Western Hemisphere, which help combat HIV/AIDS and other global infectious diseases.

Section 5(c) includes a definition of the term “appropriate congressional committees.”

Section 6. Inspector General of the Peace Corps. Section 6 is divided into four subsections.

Section 6(a) amends the Inspector General Act of 1978 (5 U.S.C. App.) in section 8G(a)(2), by striking “, the Peace Corps”; in section 9(a)(1), by adding at the end the following new subparagraph: “(X) of the Peace Corps, the office of that agency referred to as the ‘Office of Inspector General’; and”; and in section 11, in paragraph (1), by striking “or the Office of Personnel Management” and inserting “the Office of Personnel Management, or the Peace Corps”; and in paragraph (2), by inserting “, the Peace Corps” after “the Office of Personnel Management”.

Section 6(b) provides that the Director of the Peace Corps may appoint an individual to assume the powers and duties of the Inspector General of the Peace Corps under the Inspector General Act of 1978 (5 U.S.C. App.) on an interim basis until such time as a person is appointed by the President, by and with the advice and consent of the Senate, pursuant to the amendments made in this section.

Section 6(c) amends section 7 of the Peace Corps Act (22 U.S.C. 2506) is amended by redesignating subsection (c) as subsection (b); and by adding at the end a new subsection which provides that the provisions of such section that limit the duration of service, appointment, or assignment of individuals shall not apply to the Inspector General of the Peace Corps; officers of the Office of the Inspector General of the Peace Corps; any individual whose official duties primarily include the safety and security of Peace Corps volunteers or employees; the head of the office responsible for medical services of the Peace Corps; or any health care professional within the office responsible for medical services of the Peace Corps.

Section 6(d) amends section 7 of the Peace Corps Act (22 U.S.C. 2506), as amended by section 6(c), by adding at the end a new subsection (d) which provides that the Inspector General of the Peace Corps shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

NEW ADVISORY COMMITTEES

H.R. 4060 establishes no new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 4060 does not apply to the legislative branch.

FEDERAL MANDATES

H.R. 4060 imposes no Federal mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

PEACE CORPS ACT

* * * * *

TITLE I—THE PEACE CORPS

* * * * *

DIRECTOR OF THE PEACE CORPS AND DELEGATION OF FUNCTIONS

SEC. 4. (a) * * *

* * * * *

(c)(1) * * *

* * * * *

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

* * * * *

SEC. 4A. OMBUDSMAN OF THE PEACE CORPS.

(a) **ESTABLISHMENT.**—*There is established in the Peace Corps the Office of the Ombudsman of the Peace Corps (hereinafter in this section referred to as the “Office”). The Office shall be headed by the Ombudsman of the Peace Corps (hereinafter in this section referred to as the “Ombudsman”), who shall be appointed by and report directly to the Director of the Peace Corps.*

(b) **VOLUNTEER COMPLAINTS AND OTHER MATTERS.**—*The Ombudsman shall receive and, as appropriate, inquire into complaints, questions, or concerns submitted by current or former volunteers regarding services or support provided by the Peace Corps to its volunteers, including matters pertaining to—*

- (1) the safety and security of volunteers;*
- (2) due process, including processes relating to separation from the Peace Corps;*
- (3) benefits and assistance that may be due to current or former volunteers;*
- (4) medical or other health-related assistance; and*
- (5) access to files and records of current or former volunteers.*

(c) **EMPLOYEE COMPLAINTS AND OTHER MATTERS.**—*The Ombudsman shall receive and, as appropriate, inquire into complaints, questions, or concerns submitted by current or former employees of the Peace Corps on any matters of grievance.*

(d) **ADDITIONAL DUTIES.**—*The Ombudsman shall—*

- (1) recommend responses to individual matters received under subsections (b) and (c);*
- (2) make recommendations for administrative or regulatory adjustments to address recurring problems or other difficulties of the Peace Corps;*
- (3) identify systemic issues that relate to the practices, policies, and administrative procedures of the Peace Corps affecting volunteers and employees; and*
- (4) call attention to problems not yet adequately considered by the Peace Corps.*

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

- (1) independent, impartial in the conduct of inquiries, and confidential; and*
- (2) consistent with the revised Standards for the Establishment and Operation of Ombudsman Offices (August 2003) as endorsed by the American Bar Association.*

(f) **INVOLVEMENT IN MATTERS SUBJECT TO ONGOING ADJUDICATION, LITIGATION, OR INVESTIGATION.**—*The Ombudsman shall refrain from any involvement in the merits of individual matters that are the subject of ongoing adjudication or litigation, or investigations related to such adjudication or litigation.*

(g) **REPORTS.**—

(1) **IN GENERAL.**—*Not later than 180 days after the date of the enactment of this section, and semiannually thereafter, the Ombudsman shall submit to the Director of the Peace Corps, the Chair of the Peace Corps National Advisory Council, and Congress a report containing a summary of—*

- (A) the complaints, questions, and concerns considered by the Ombudsman;*

- (B) the inquiries completed by the Ombudsman;
- (C) recommendations for action with respect to such complaints, questions, concerns, or inquiries; and
- (D) any other matters that the Ombudsman considers relevant.

(2) **CONFIDENTIALITY.**—Each report submitted under paragraph (1) shall maintain confidentiality on any matter that the Ombudsman considers appropriate in accordance with subsection (e).

(h) **DEFINITION.**—In this section, the term “employee” means an employee of the Peace Corps, an employee of the Office of Inspector General of the Peace Corps, an individual appointed or assigned under the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) to carry out functions under this Act, or an individual subject to a personal services contract with the Peace Corps.

SEC. 4B. OFFICE OF SAFETY AND SECURITY OF THE PEACE CORPS.

(a) **ESTABLISHMENT.**—There is established in the Peace Corps the Office of Safety and Security of the Peace Corps (hereinafter in this section referred to as the “Office”). The Office shall be headed by the Associate Director of Safety and Security of the Peace Corps, who shall be appointed by and report directly to the Director of the Peace Corps.

(b) **RESPONSIBILITIES.**—The Office established under subsection (a) shall be responsible for all safety and security activities of the Peace Corps, including background checks of volunteers and staff, safety and security of volunteers and staff (including training), safety and security of facilities, security of information technology, and other responsibilities as required by the Director.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Associate Director of Safety and Security of the Peace Corps, as appointed pursuant to subsection (a) of this section, should assign a Peace Corps country security coordinator for each country where the Peace Corps has a program of volunteer service for the purposes of carrying out the field responsibilities of the Office established under subsection (a); and

(2) each country security coordinator—

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

(B) should report directly to the Associate Director of Safety and Security of the Peace Corps, as appointed pursuant to subsection (a) of this section, on all matters of importance as the country security coordinator considers necessary;

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

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

* * * * *

PEACE CORPS EMPLOYEES

SEC. 7. (a) * * *

[(c)] (b) 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 Act 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 subsection (a) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion.

(c) *The provisions of this section that limit the duration of service, appointment, or assignment of individuals shall not apply to—*

- (1) *the Inspector General of the Peace Corps;*
- (2) *officers of the Office of the Inspector General of the Peace Corps;*
- (3) *any individual whose official duties primarily include the safety and security of Peace Corps volunteers or employees;*
- (4) *the head of the office responsible for medical services of the Peace Corps; or*
- (5) *any health care professional within the office responsible for medical services of the Peace Corps.*

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

* * * * *

UTILIZATION OF FUNDS

SEC. 15. (a) * * *

* * * * *

(d) Funds available for the purposes of this Act shall be available for—

- (1) * * *

(4) purchase and hire of passenger motor vehicles: *Provided*, That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes abroad may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed the applicable cost limitation described in section 636(a)(5) of the Foreign Assistance Act of 1961 in the case of an automobile for any Peace Corps country representative appointed under section [(7(c)] 7(b): *Provided further*, That the provisions of section 1343 of Title 31, United States Code, shall not apply to the purchase of vehicles for the transportation, maintenance, or direct support of volunteers overseas: *Provided further*, That passenger motor vehicles may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

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INSPECTOR GENERAL ACT OF 1978

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REQUIREMENTS FOR FEDERAL ENTITIES AND DESIGNATED FEDERAL ENTITIES

SEC. 8G. (a) Notwithstanding section 11 of this Act, as used in this section—

(1) * * *

(2) the term “designated Federal entity” means Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System, the Board for International Broadcasting, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Election Assistance Commission, the Federal Housing Finance Board, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Trade Commission, the Legal Services Corporation, the National Archives and Records Administration, the National Credit Union Administration, the National Endowment for the Arts, the National Endowment for the Humanities, the National Labor Relations Board, the National Science Foundation, the Panama Canal Commission, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the United States International Trade Commission, and the United States Postal Service;

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TRANSFER OF FUNCTIONS

SEC. 9. (a) There shall be transferred—

(1) to the Office of Inspector General—

(A) * * *

* * * * *

(U) of the Veterans’ Administration, the offices of that agency referred to as the “Office of Audits” and the “Office of Investigations”; [and]

* * * * *

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

* * * * *

DEFINITIONS

SEC. 11. As used in this Act—

(1) the term “head of the establishment” means the Secretary of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, State, Transportation, Homeland Security, or the Treasury; the Attorney General; the Adminis-

trator of the Agency for International Development, Environmental Protection, General Services, National Aeronautics and Space, or Small Business, or Veterans' Affairs; the Director of the Federal Emergency Management Agency, [or the Office of Personnel Management] *the Office of Personnel Management, or the Peace Corps*; the Chairman of the Nuclear Regulatory Commission or the Railroad Retirement Board; the Chairperson of the Thrift Depositor Protection Oversight Board; the Chief Executive Officer of the Corporation for National and Community Service; the Administrator of the Community Development Financial Institutions Fund; the chief executive officer of the Resolution Trust Corporation; the Chairperson of the Federal Deposit Insurance Corporation; the Commissioner of Social Security, Social Security Administration; the Board of Directors of the Tennessee Valley Authority; or the President of the Export-Import Bank; as the case may be;

(2) the term "establishment" means the Department of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Justice, Labor, State, Transportation, Homeland Security, or the Treasury; the Agency for International Development, the Community Development Financial Institutions Fund, the Environmental Protection Agency, the Federal Emergency Management Agency, the General Services Administration, the National Aeronautics and Space Administration, the Nuclear Regulatory Commission, the Office of Personnel Management, *the Peace Corps*, the Railroad Retirement Board, the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, the Small Business Administration, the Corporation for National and Community Service, or the Veterans' Administration, the Social Security Administration, the Tennessee Valley Authority, or the Export-Import Bank, as the case may be;

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