

108TH CONGRESS
2D SESSION

S. 2454

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

IN THE SENATE OF THE UNITED STATES

MAY 20, 2004

Mr. DEWINE (for himself and Mr. DURBIN) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Peace Corps Act to establish an Ombudsman of the Peace Corps and an Office of Safety and Security of the Peace Corps, to establish an independent Inspector General 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 “Peace Corps Volun-
5 teers Health, Safety, and Security Act of 2004”.

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

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

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

6 “(a) ESTABLISHMENT.—There is established in the
7 Peace Corps the Office of the Ombudsman of the Peace
8 Corps (in this section referred to as the ‘Office’). The Of-
9 fice shall be headed by the Ombudsman of the Peace
10 Corps (in this section referred to as the ‘Ombudsman’),
11 who shall be appointed by and report directly to the Direc-
12 tor of the Peace Corps.

13 “(b) VOLUNTEER COMPLAINTS AND OTHER MAT-
14 TERS.—The Ombudsman shall receive and, as appro-
15 priate, inquire into complaints, questions, or concerns sub-
16 mitted by current or former volunteers regarding services
17 or support provided by the Peace Corps to its volunteers,
18 including matters pertaining to—

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

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

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

24 “(4) medical or other health-related assistance;

25 and

1 “(5) access to files and records of current or
2 former volunteers.

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

8 “(d) ADDITIONAL DUTIES.—The Ombudsman
9 shall—

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

12 “(2) make recommendations for legislative, ad-
13 ministrative, or regulatory adjustments to address
14 recurring problems or other difficulties of the Peace
15 Corps;

16 “(3) identify systemic issues relating to the
17 practices, policies, and administrative procedures of
18 the Peace Corps that affect volunteers and employ-
19 ees; and

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

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

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

3 “(2) consistent with the revised Standards for
4 the Establishment and Operation of Ombudsman
5 Offices (August 2003) as endorsed by the American
6 Bar Association.

7 “(f) INVOLVEMENT IN MATTERS SUBJECT TO ONGO-
8 ING ADJUDICATION, LITIGATION, OR INVESTIGATION.—
9 The Ombudsman shall refrain from any involvement in the
10 merits of individual matters that are the subject of ongo-
11 ing adjudication or litigation, or investigations related to
12 such adjudication or litigation.

13 “(g) REPORTS.—

14 “(1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this section, and
16 semiannually thereafter, the Ombudsman shall sub-
17 mit to the Director of the Peace Corps, the Chair of
18 the Peace Corps National Advisory Council, and
19 Congress a report containing a summary of—

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

22 “(B) the inquiries completed by the Om-
23 budsman;

1 “(C) recommendations for action with re-
 2 spect to such complaints, questions, concerns,
 3 or inquiries; and

4 “(D) any other matters that the Ombuds-
 5 man considers relevant.

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

10 “(h) EMPLOYEE DEFINED.—In this section, the term
 11 ‘employee’ means an employee of the Peace Corps, an em-
 12 ployee of the Office of Inspector General of the Peace
 13 Corps, an individual appointed or assigned under the For-
 14 eign Service Act of 1980 (22 U.S.C. 3901 et seq.) to carry
 15 out functions under this Act, or an individual subject to
 16 a personal services contract with the Peace Corps.”.

17 **SEC. 3. OFFICE OF SAFETY AND SECURITY OF THE PEACE**
 18 **CORPS.**

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

22 **“SEC. 4B. OFFICE OF SAFETY AND SECURITY OF THE**
 23 **PEACE CORPS.**

24 “(a) ESTABLISHMENT.—There is established in the
 25 Peace Corps the Office of Safety and Security of the Peace

1 Corps (in this section referred to as the ‘Office’). The Of-
2 fice shall be headed by the Associate Director of the Peace
3 Corps for Safety and Security, who shall be appointed by
4 and report directly to the Director of the Peace Corps.

5 “(b) RESPONSIBILITIES.—The Office established
6 under subsection (a) shall be responsible for all safety and
7 security activities of the Peace Corps, including back-
8 ground checks of volunteers and staff, the safety and secu-
9 rity of volunteers and staff (including training), the safety
10 and security of facilities, the security of information tech-
11 nology, and other responsibilities as required by the Direc-
12 tor.

13 “(c) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 “(1) the Associate Director of Safety and Secu-
16 rity of the Peace Corps, as appointed pursuant to
17 subsection (a) of this section, should assign a Peace
18 Corps country security coordinator for each country
19 where the Peace Corps has a program of volunteer
20 service for the purposes of carrying out the field re-
21 sponsibilities of the Office; and

22 “(2) each country security coordinator—

23 “(A) should be a United States citizen;

1 “(B) should be under the supervision of
2 the Peace Corps country director in such coun-
3 try;

4 “(C) should report directly to the Associate
5 Director of the Peace Corps for Safety and Se-
6 curity on all matters of importance that the
7 country security coordinator considers nec-
8 essary;

9 “(D) should be responsible for coordinating
10 security activities with the regional security of-
11 ficer of the Peace Corps responsible for the
12 country to which such country security officer is
13 assigned; and

14 “(E) should have access to information, in-
15 cluding classified information, relating to pos-
16 sible threats against Peace Corps volunteers.”.

17 **SEC. 4. INSPECTOR GENERAL OF THE PEACE CORPS.**

18 (a) ESTABLISHMENT OF INDEPENDENT INSPECTOR
19 GENERAL.—

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

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

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

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

4 (C) in section 11—

5 (i) in paragraph (1), by striking “or
6 the Office of Personnel Management” and
7 inserting “the Office of Personnel Manage-
8 ment, or the Peace Corps”; and

9 (ii) in paragraph (2), by inserting “,
10 the Peace Corps” after “the Office of Per-
11 sonnel Management”.

12 (2) TECHNICAL AMENDMENT.—Section
13 9(a)(1)(U) of the Inspector General Act of 1978 (5
14 U.S.C. App.) is amended by striking “and” at the
15 end.

16 (b) TEMPORARY APPOINTMENT.—The Director of
17 the Peace Corps may appoint an individual to assume the
18 powers and duties of the Inspector General of the Peace
19 Corps under the Inspector General Act of 1978 (5 U.S.C.
20 App.) on an interim basis until such time as a person is
21 appointed by the President, by and with the advice and
22 consent of the Senate, pursuant to the amendments made
23 in this section.

24 (c) EXEMPTION FROM EMPLOYMENT TERM LIMITS
25 UNDER THE PEACE CORPS ACT.—

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

3 (A) by redesignating subsection (c) as sub-
4 section (b); and

5 (B) by adding at the end the following new
6 subsection:

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

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

11 “(2) officers of the Office of the Inspector Gen-
12 eral of the Peace Corps;

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

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

18 “(5) any health care professional within the of-
19 fice responsible for medical services of the Peace
20 Corps.”.

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

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

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

9 **SEC. 5. OFFICE OF MEDICAL SERVICES OF THE PEACE**
10 **CORPS.**

11 (a) REPORT ON MEDICAL SCREENING AND PLACE-
12 MENT COORDINATION.—Not later than 120 days after the
13 date of the enactment of this Act, the Director of the
14 Peace Corps shall submit to the appropriate congressional
15 committees a report that—

16 (1) describes the medical screening procedures
17 and guidelines used by the office responsible for
18 medical services of the Peace Corps to determine
19 whether an applicant for Peace Corps service has
20 worldwide clearance, limited clearance, a deferral pe-
21 riod, or is not medically, including psychologically,
22 qualified to serve in the Peace Corps as a volunteer;

23 (2) describes the procedures and guidelines
24 used by the Peace Corps to ensure that applicants
25 for Peace Corps service are matched with a host

1 country where the applicant can, with reasonable ac-
2 commodations, complete at least two years of volun-
3 teer service without interruption due to foreseeable
4 medical conditions; and

5 (3) with respect to each of fiscal years 2000
6 through 2003 and the first six months of fiscal year
7 2004, states the number of—

8 (A) medical screenings of applicants con-
9 ducted;

10 (B) applicants who have received world-
11 wide clearance, limited clearance, deferral peri-
12 ods, and medical disqualifications to serve;

13 (C) appeals to the Medical Screening Re-
14 view Board of the Peace Corps and the number
15 of times that an initial screening decision was
16 upheld;

17 (D) requests that have been made to the
18 head of the office responsible for medical serv-
19 ices of the Peace Corps for reconsideration of a
20 decision of the Medical Screening Review Board
21 and the number of times that such decisions
22 were upheld by the head of such office;

23 (E) Peace Corps volunteers who became
24 medically qualified to serve because of a deci-
25 sion of the Medical Screening Review Board

1 and who were later evacuated or terminated
2 their service early due to medical reasons;

3 (F) Peace Corps volunteers who became
4 medically qualified to serve because of a deci-
5 sion of the head of the office responsible for
6 medical services of the Peace Corps and who
7 were later evacuated or terminated their service
8 early due to medical reasons;

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

12 (H) Peace Corps volunteers who have ter-
13 minated their service early due to medical, in-
14 cluding psychological, reasons.

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

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

1 **SEC. 6. REPORTS ON THE “FIVE YEAR RULE” AND ON WORK**
2 **ASSIGNMENTS OF VOLUNTEERS OF THE**
3 **PEACE CORPS.**

4 (a) REPORT BY THE COMPTROLLER GENERAL.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of enactment of this Act, the Comp-
7 troller General shall submit to the appropriate con-
8 gressional committees a report on the effects on the
9 ability of the Peace Corps to effectively manage
10 Peace Corps operations of the limitations on the du-
11 ration of employment, appointment, or assignment
12 of officers and employees of the Peace Corps under
13 section 7 of the Peace Corps Act (22 U.S.C. 2506).

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

16 (A) a description of such limitations;

17 (B) a description of the history of such
18 limitations and the purposes for which it was
19 enacted and amended;

20 (C) an analysis of the impact of such limi-
21 tations on the ability of the Peace Corps to re-
22 cruit capable volunteers, establish productive
23 and worthwhile assignments for volunteers, pro-
24 vide for the health, safety, and security of vol-
25 unteers, and, as declared in section 2(a) of the
26 Peace Corps Act (22 U.S.C. 2501(a)), “pro-

1 mote a better understanding of the American
 2 people on the part of the peoples served and a
 3 better understanding of other peoples on the
 4 part of the American people”;

5 (D) an assessment of whether the applica-
 6 tion of such limitations have accomplished the
 7 objectives for which they were intended; and

8 (E) recommendations, if any, for legisla-
 9 tion to amend provisions of the Peace Corps
 10 Act that relate to such limitations.

11 (b) REPORT ON WORK ASSIGNMENTS OF VOLUN-
 12 TEERS.—

13 (1) IN GENERAL.—Not later than 180 days
 14 after the date of the enactment of this Act, the Di-
 15 rector of the Peace Corps shall submit to the appro-
 16 priate congressional committees a report on the ex-
 17 tent to which the work assignments of Peace Corps
 18 volunteers fulfill the commitment of the Peace Corps
 19 to ensuring that—

20 (A) such assignments are well developed,
 21 with clear roles and expectations; and

22 (B) volunteers are well-suited for their as-
 23 signments.

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

1 (A) an assessment of the extent to which
2 agreements between the Peace Corps and host
3 countries delineate clear roles for volunteers in
4 assisting host governments to advance their na-
5 tional development strategies;

6 (B) an assessment of the extent to which
7 the Peace Corps—

8 (i) recruits volunteers who have skills
9 that correlate with the expectations cited
10 in the country agreements; and

11 (ii) assigns such volunteers to such
12 posts;

13 (C) a description of the procedures in place
14 for determining volunteer work assignments
15 and minimum standards for such assignments;

16 (D) the results of a survey of volunteers on
17 health, safety, and security issues and of satis-
18 faction surveys, which are to be conducted after
19 the date of the enactment of this Act; and

20 (E) an assessment of the plan of the Peace
21 Corps to increase the number of volunteers who
22 are assigned to projects in sub-Saharan Africa,
23 Asia, and the Western Hemisphere, particularly
24 among communities of African descent within
25 countries in the Western Hemisphere, that help

1 combat HIV/AIDS and other global infectious
2 diseases.

3 **SEC. 7. DEFINITION OF APPROPRIATE CONGRESSIONAL**
4 **COMMITTEES.**

5 In this Act, the term “appropriate congressional com-
6 mittees” means the Committee on Foreign Relations of
7 the Senate and the Committee on International Relations
8 of the House of Representatives.

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