God is our trust!" during the war of 1812, our faith in God must remain steadfast through the dark times.

It is fitting that we consider H. Con. Res. 13 today, because on this day in history 234 years ago, Congress similarly considered a resolution recognizing "the superintending providence of Almighty God" in developing our nation.

The First National Proclamation of Thanksgiving, issued by the Continental Congress on November 1, 1777, recommended that President George Washington set aside December 18th the following year as a day for "solemn thanksgiving and praise." The resolution further declared that such a day might:

"please [God] graciously to afford his blessings on the governments of these states respectively, and prosper the public council of the whole; to inspire our commanders both by land and sea, and all under them, with that wisdom and fortitude which may render them fit instruments, under the providence of Almighty God, to secure for these United States the greatest of all blessings, independence and peace and

"that it may please Him to prosper the trade and manufactures of the people and the labor of the husbandman, that our land may yield its increase; to take schools and seminaries of education, so necessary for cultivating the principles of true liberty, virtue and piety, under his nurturing hand, and to prosper the means of religion for the promotion and enlargement of that kingdom which consisteth in righteousness, peace and joy in the Holy Ghost."

Mr. Speaker, just as we did 234 years ago today, let us recognize the undeniable hand of God in cultivating our great nation, and give thanks for the mercies he has bestowed on us throughout our history. Let us also reaffirm today, not just the text of our national motto, but that truly "In God is our trust."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. FORBES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 13.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

WIRELESS TAX FAIRNESS ACT OF 2011

Mr. FRANKS of Arizona. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1002) to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Tax Fairness Act of 2011".

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is appropriate to exercise congressional enforcement authority under section 5 of the 14th Amendment to the Constitution of the United States and Congress' plenary power under article I, section 8, clause 3 of the Constitution of the United States (commonly known as the "commerce clause") in order to ensure that States and political subdivisions thereof do not discriminate against providers and consumers of mobile services by imposing new selective and excessive taxes and other burdens on such providers and consumers.

(2) In light of the history and pattern of discriminatory taxation faced by providers and consumers of mobile services, the prohibitions against and remedies to correct discriminatory State and local taxation in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) provide an appropriate analogy for congressional action, and similar Federal legislative measures are warranted that will prohibit imposing new discriminatory taxes on providers and consumers of mobile services and that will assure an effective, uniform remedy.

SEC. 3. MORATORIUM.

(a) IN GENERAL.—No State or local jurisdiction shall impose a new discriminatory tax on or with respect to mobile services, mobile service providers, or mobile service property, during the 5-year period beginning on the date of enactment of this Act.

(b) DEFINITIONS.—In this Act:

(1) MOBILE SERVICE.—The term "mobile service" means commercial mobile radio service, as such term is defined in section 20.3 of title 47, Code of Federal Regulations, as in effect on the date of enactment of this Act, or any other service that is primarily intended for receipt on, transmission from, or use with a mobile telephone or other mobile device, including but not limited to the receipt of a digital good.

(2) MOBILE SERVICE PROPERTY.—The term "mobile service property" means all property used by a mobile service provider in connection with its business of providing mobile services, whether real, personal, tangible, or intangible (including goodwill, licenses, customer lists, and other similar intangible property associated with such business).

(3) MOBILE SERVICE PROVIDER.—The term "mobile service provider" means any entity that sells or provides mobile services, but only to the extent that such entity sells or provides mobile services.

(4) NEW DISCRIMINATORY TAX.—The term "new discriminatory tax" means a tax imposed by a State or local jurisdiction that is imposed on or with respect to, or is measured by, the charges, receipts, or revenues from or value of—

(A) a mobile service and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by, the charges, receipts, or revenues from other services or transactions involving tangible personal property;

(B) a mobile service provider and is not generally imposed, or is generally imposed at a lower rate, on other persons that are engaged in businesses other than the provision of mobile services; or

(C) a mobile service property and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by the value of, other property that is devoted to a commercial or industrial use and subject to a property tax levy, except public utility property owned by a public utility subject to rate of return regulation by a State or Federal regulatory authority;

unless such tax was imposed and actually enforced on mobile services, mobile service providers, or mobile service property prior to the date of enactment of this Act.

(5) STATE OR LOCAL JURISDICTION.—The term "State or local jurisdiction" means any of the several States, the District of Columbia, any territory or possession of the United States, a political subdivision of any State, territory, or possession, or any governmental entity or person acting on behalf of such State, territory, possession, or subdivision that has the authority to assess, impose, levy, or collect taxes or fees.

(6) TAX.—

(A) IN GENERAL.—The term "tax" means a charge imposed by a governmental entity for the purpose of generating revenues for governmental purposes, and excludes a fee imposed on a particular entity or class of entities for a specific privilege, service, or benefit conferred exclusively on such entity or class of entities.

(B) EXCLUSION.—The term "tax" does not include any fee or charge—

(i) used to preserve and advance Federal universal service or similar State programs authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

(ii) specifically dedicated by a State or local jurisdiction for the support of E–911 communications systems.

(c) RULES OF CONSTRUCTION.—

(1) DETERMINATION.—For purposes of subsection (b)(4), all taxes, tax rates, exemptions, deductions, credits, incentives, exclusions, and other similar factors shall be taken into account in determining whether a tax is a new discriminatory tax.

(2) APPLICATION OF PRINCIPLES.—Except as otherwise provided in this Act, in determining whether a tax on mobile service property is a new discriminatory tax for purposes of subsection (b)(4)(C), principles similar to those set forth in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) shall apply.

(3) EXCLUSIONS.—Notwithstanding any other provision of this Act—

(A) the term "generally imposed" as used in subsection (b)(4) shall not apply to any tax imposed only on—

(i) specific services;

(ii) specific industries or business segments; or

(iii) specific types of property; and

(B) the term "new discriminatory tax" shall not include a new tax or the modification of an existing tax that either—

(i)(I) replaces one or more taxes that had been imposed on mobile services, mobile service providers, or mobile service property; and

(II) is designed so that, based on information available at the time of the enactment of such new tax or such modification, the amount of tax revenues generated thereby with respect to such mobile services, mobile service providers, or mobile service property is reasonably expected to not exceed the amount of tax revenues that would have been generated by the respective replaced tax or taxes with respect to such mobile services, mobile service providers, or mobile service property; or

(ii) is a local jurisdiction tax that may not be imposed without voter approval, provides for at least 90 days' prior notice to mobile service providers, and is required by law to be collected from mobile service customers.

SEC. 4. ENFORCEMENT.

Notwithstanding any provision of section 1341 of title 28, United States Code, or the

constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of this Act.

(1) JURISDICTION.—Such jurisdiction shall not be exclusive of the jurisdiction which any Federal or State court may have in the absence of this section.

(2) BURDEN OF PROOF.—The burden of proof in any proceeding brought under this Act shall be upon the party seeking relief and shall be by a preponderance of the evidence on all issues of fact.

(3) RELIEF.—In granting relief against a tax which is discriminatory or excessive under this Act with respect to tax rate or amount only, the court shall prevent, restrain, or terminate the imposition, levy, or collection of not more than the discriminatory or excessive portion of the tax as determined by the court.

SEC. 5. GAO STUDY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study, throughout the 5-year period beginning on the date of the enactment of this Act, to determine—

(1) how, and the extent to which, taxes imposed by local and State jurisdictions on mobile services, mobile service providers, or mobile property, impact the costs consumers pay for mobile services; and

(2) the extent to which the moratorium on discriminatory mobile services taxes established in this Act has any impact on the costs consumers pay for mobile services.

(b) REPORT.—Not later than 6 years after the date of the enactment of this Act, the Comptroller General shall submit, to the Committee on the Judiciary of the House of Representatives and Committee on the Judiciary of the Senate, a report containing the results of the study required subsection (a) and shall include in such report recommendations for any changes to laws and regulations relating to such results.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FRANKS) and the gentlewoman from California (Ms. CHU) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1002, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Congresswoman LOFGREN and I introduced H.R. 1002 with the broad bipartisan support of 144 original cosponsors. We now have 236 cosponsors, and I want to thank Ms. LOFGREN for her hard work on this issue.

Mr. Speaker, access to wireless networks represents a key component of millions of Americans' livelihoods, providing the efficient communication capabilities, whether by phone, broadband Internet or otherwise, necessary to run a successful business.

The exorbitant discriminatory taxes on wireless customers are not only unfair, they are counterintuitive, adding yet another costly impediment to the success of so many American businesses who are struggling in the midst of a prolonged recession and an already hefty tax burden. Low-income and senior Americans who frequently rely on wireless service as their sole means of telephone and Internet access also bear the brunt of this discriminatory tax's impact.

H.R. 1002, the Wireless Tax Fairness Act, provides a balanced approach that protects the revenue needs of States and localities, while allowing for a 5-year hiatus on new discriminatory wireless taxes, encouraging States and localities to develop a national tax regime that maintains the affordability of a wireless service.

Mr. Speaker, I strongly encourage my colleagues to support this constitutionally sound, pro-consumer bill.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1002, the Wireless Tax Fairness Act of 2011, will impose on States a 5-year moratorium on any new tax on mobile services, mobile service providers, and mobile service property. This will deny States the flexibility to respond to economic downturns during the moratorium and, therefore, undermine the ability of States to pay for essential services such as public health and safety, education and maintenance of State highways.

The legislation is based on faulty information and will benefit the wireless services industry. Further, the legislation contains vague language which will lead to increased litigation for both State and local governments and the wireless industry. Because of these and other concerns presented by the bill, many organizations are opposed, including the League of Cities, National Governors Association, the American Federation of State, County and Municipal Employees, the AFL–CIO, AFT and NEA, amongst others.

Why are they opposed?

Because, first, this bill will force States to cut services and increase taxes on nonwireless taxpayers.

□ 1730

In order for States and local communities to continue to recover from this recession, they need all tools at their disposal to balance their budgets, to preserve and create jobs, and to provide essential services like police, fire, and education.

In fact, demand for many of the essential services, such as unemployment payments and other social programs, has increased during the economic downturn. Yet this bill takes away one of the tools to tax the wireless industry at the expense of other taxpayers and businesses. The moratorium will exclude from possible State taxation millions, if not billions of dollars, in future revenue from wireless service taxes. Thus, to balance their budgets, States will be forced to cut even more services and shift more of the tax burden on to other local taxpayers.

As a former member of the California Board of Equalization, the Nation's duly elected statewide tax board, I understand the unique fiscal challenges facing our Nation today and believe we should leave local taxes in the hands of local officials and residents.

Finally, State legislators and local officials who are elected by their constituents and accountable to them have decided to impose these taxes. By passing this legislation, Congress impedes upon local elections and is telling local governments how to run their budgets.

A second reason for opposition is that this bill is a special interest bill for the wireless industry. It benefits the wireless services industry at the expense of other industries. Despite industry claims, this bill will not lead to more broadband development and competitiveness. Current State and local taxes on wireless services and providers have not diminished adoption rates, nor have they inhibited broadband expansion.

In fact, the wireless industry has not yet presented any data indicating that State and local wireless taxes have had adverse effect on wireless subscribership, revenue, or investment. Instead, the wireless industry continues to grow and profits remain high.

If this bill becomes law, it would set up a dual tax system on telephone services by giving preferential treatment to cell phone customers but continue to allow taxes on traditional wire-line phones. This will put a higher burden on those without cell phones.

Finally, vague definitions within this bill will lead to increased litigation. H.R. 1002 will increase litigation costs for wireless service providers and State and local governments. Courts will have to interpret the many vague terms that are contained within the bill.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina, the chairman of the Courts, Commercial and Administrative Law Subcommittee, Mr. COBLE.

Mr. COBLE. I thank the gentleman from Arizona for yielding.

Mr. Speaker, wireless communications have become a mainstay of modern day Americana. There are now over 290 million wireless subscribers in the United States. As mobile phones become more common and available, they have also become more critical to their users. You don't have to look far in Washington to find someone talking or texting on a mobile device, or, for that matter, in my home in Greensboro, North Carolina. They're everywhere. They are ubiquitous. While

most of this is the result of sheer demand, the Federal Government has taken important steps to ensure that we have quality mobile service that is accessible to everyone.

Unfortunately, some State and local taxing authorities have begun to impose higher taxes on wireless services than on other goods and services. Often times, these taxes are arbitrary and go unnoticed because they're passed on to consumers as another line item at the bottom of their monthly wireless phone bill.

Although States and local governments should not be prohibited from taxing wireless services, they also should not use wireless as a revenue cow. The Wireless Tax Fairness Act would impose a 5-year moratorium on any new discriminatory wireless taxes. Current wireless tax rates, even if higher than taxes on other services, would not be changed or affected by this bill. Thus, State and local revenue projections from wireless taxes will not be affected.

This bill would give States breathing room to reform their wireless tax policies at the State and local level, which they have admitted they need to do.

I'm pleased to support this legislation and again thank the gentleman from Arizona for having yielded.

Ms. CHU. I yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. I thank the gentlelady for yielding and thank the gentleman from Arizona for his kind comments.

Mr. Speaker, I have introduced the Wireless Tax Fairness Act for three successive Congresses, and I am gratified that it is being considered by the full House here today.

Nearly everyone agrees that expanding broadband Internet access and adoption is critical to the economic future of our country. As the FCC put it in the National Broadband Plan, the U.S. must lead the world in broadband innovation and investment and take all appropriate steps to ensure that Americans have access to modern high-performance broadband and the benefits it enables.

I introduced the Wireless Tax Fairness Act because discriminatory taxes on wireless services are not consistent with this top national priority. Cell phone bills are on average taxed at a far higher rate than other goods and services. In many jurisdictions, the taxation of wireless approaches or even exceeds the rates of so-called sin taxes on goods like alcohol and tobacco. These disproportionate taxes discourage investment and adoption of wireless services, including advanced wireless broadband.

Before he was the President's chief economist, Austan Goolsbee, published a peer-reviewed study finding deadweight losses to society of up to $5 for every $1 in taxes on broadband service, including wireless.

Now, these taxes fall particularly hard on working-class and lower-income Americans who are most likely to rely on their cell phone for all of their communications, including access to the Internet. And in fact, the Pew study and the CDC have indicated that usage of cell phones for Internet access among Latinos and African Americans in the United States was far higher than that among other Americans. And so, this regressive tax burden troubles me, especially in these economic times.

Now, for 14 years before I was a Member of Congress, I served on the board of supervisors of Santa Clara County. So I really do understand the need of local governments to balance their budgets every year and to get revenue. But this bill would not affect any existing revenues. In fact, it wouldn't prevent raising taxes on all goods. If you're going to have a half-cent sales tax on everything, include wireless. What this would do is prevent you from singling out wireless services for disproportionate taxation.

Ultimately, the moratorium for 5 years should yield to modernization of State and local telecommunication taxes. Separate higher taxes on wireless services are an outdated legacy of the days when telephone service was a regulated monopoly. A timeout from discriminatory tax increases will encourage States and localities to focus on enacting reforms that work for all stakeholders.

In general, I do believe that State and local governments should have the autonomy to set tax rates as they see fit. And, in fact, during the committee markup we added an amendment that allows voter-approved discriminatory taxes if that's what the voters of a jurisdiction wish to do.

But beyond that there are exceptions when Congress recognizes the need to protect in advance a national imperative. And that's one of these instances. As the national broadband plan said, wireless broadband is poised to become a key platform for innovation in the United States over the next decade.

We should not let discriminatory taxes on wireless service disrupt this potential. Several years ago, we adopted a prohibition on discriminatory taxes on Internet access. At the time, I don't think we fully realized that wireless was going to be the onramp for so many of our citizens to the Internet. And so we did not include it at that time. This is to correct that omission.

I thank the gentleman from Arizona for working with me and all of the 236 cosponsors who are part of this effort.

Mr. FRANKS of Arizona. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. CHU. In conclusion, H.R. 1002 is irresponsible legislation that will restrict State flexibility to raise much-needed revenues, which will force State governments to eliminate essential government programs and services and shift burdens to other taxpayers.

For all of these reasons, I oppose this legislation and urge my colleagues to vote ''no.''

I yield back the balance of my time.

□ 1740

Mr. FRANKS of Arizona. Mr. Speaker, many points have been made about discriminatory taxes and their impact on businesses and individuals. For all the reasons that were so eloquently put forth by the gentlelady from California, we would urge the support of this legislation, and I would again thank the gentlelady for her tremendous effort in this area and on this bill.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, H.R. 1002, the Wireless Tax Fairness Act, which aims to help consumers and cell phone companies, unfortunately ignores the interests of state and local governments. The bill prevents states from determining what and how much to tax certain activities within their borders.

True, increased taxes and fees on wireless services ultimately hurt consumers. Every penny matters and every tax increase can impact consumers' pocketbooks and their choices to spend on other goods and services.

Rather than taking up this bill, we should consider ways how Congress can help our state and local governments, many of which are barely staying afloat financially during the current economic climate.

These states and municipalities must balance their budgets while still providing essential police and fire services, assisting those in need, maintaining our roads and bridges, and ensuring an education for our children. Because of severely reduced revenues, many of our states are cutting their budgets and reducing funding for such essential services as law enforcement and education.

This bill will only reduce more future state and local government revenues. For that reason, state and local governments and employee unions oppose this legislation.

Instead, Congress can and should help our state and local governments. We could pass H.R. 2701, the "Main Street Fairness Act," which I introduced earlier this Congress or similar legislation.

H.R. 2701 would ensure fairness in the marketplace between remote retailers and their brick and mortar counterparts. It would level the playing field for retailers by requiring remote sellers to collect the same sales tax that local retailers have to collect. Thus, mom-and-pop retailers would no longer be at a competitive disadvantage against online retailers. And, it would support our states by providing them the authority to collect very much needed sales taxes which they have not been able to collect from remote sellers.

I cannot support H.R. 1002 because it will prevent states from exercising their authority within their own borders.

Instead, we should support more balanced measures, such as the Main Street Fairness Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 1002, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

KATE PUZEY PEACE CORPS VOLUNTEER PROTECTION ACT OF 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kate Puzey Peace Corps Volunteer Protection Act of 2011''.

SEC. 2. PEACE CORPS VOLUNTEER PROTECTION.

The Peace Corps Act is amended by inserting after section 8 (22 U.S.C. 2507) the following new sections:

''SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING

''SEC. 8A. (a) IN GENERAL.—As part of the training provided to all volunteers under section 8(a), the President shall develop and implement comprehensive sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault field.

''(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

''(c) SUBSEQUENT TRAINING.—Once a volunteer has arrived in his or her country of service, the President shall provide the volunteer with training tailored to the country of service that includes cultural training relating to gender relations, risk-reduction strategies, treatment available in such country (including sexual assault forensic exams, post-exposure prophylaxis (PEP) for HIV exposure, screening for sexually transmitted diseases, and pregnancy testing), MedEvac procedures, and information regarding a victim's right to pursue legal action against a perpetrator.

''(d) INFORMATION REGARDING CRIMES AND RISKS.—Each applicant for enrollment as a volunteer shall be provided with information regarding crimes against and risks to volunteers in the country in which the applicant has been invited to serve, including an overview of past crimes against volunteers in the country.

''(e) CONTACT INFORMATION.—The President shall provide each applicant, before the applicant enrolls as a volunteer, with—

''(1) the contact information of the Inspector General of the Peace Corps for purposes of reporting sexual assault mismanagement or any other mismanagement, misconduct, wrongdoing, or violations of law or policy whenever it involves a Peace Corps employee, volunteer, contractor, or outside party that receives funds from the Peace Corps;

''(2) clear, written guidelines regarding whom to contact, including the direct telephone number for the designated Sexual Assault Response Liaison (SARL) and the Office of Victim Advocacy and what steps to take in the event of a sexual assault or other crime; and

''(3) contact information for a 24-hour sexual assault hotline to be established for the purpose of providing volunteers a mechanism to anonymously—

''(A) report sexual assault;

''(B) receive crisis counseling in the event of a sexual assault; and

''(C) seek information about Peace Corps sexual assault reporting and response procedures.

''(f) DEFINITIONS.—In this section and sections 8B through 8G:

''(1) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' means individually identifying information for or about a volunteer who is a victim of sexual assault, including information likely to disclose the location of such victim, including the following:

''(A) A first and last name.

''(B) A home or other physical address.

''(C) Contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number).

''(D) A social security number.

''(E) Any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with information described in subparagraphs (A) through (D), would serve to identify the victim.

''(2) RESTRICTED REPORTING.—

''(A) IN GENERAL.—The term 'restricted reporting' means a system of reporting that allows a volunteer who is sexually assaulted to confidentially disclose the details of his or her assault to specified individuals and receive the services outlined in section 8B(c) without the dissemination of his or her personally identifying information except as necessary for the provision of such services, and without automatically triggering an official investigative process.

''(B) EXCEPTIONS.—In cases in which volunteers elect restricted reporting, disclosure of their personally identifying information is authorized to the following persons or organizations when disclosure would be for the following reasons:

''(i) Peace Corps staff or law enforcement when authorized by the victim in writing.

''(ii) Peace Corps staff or law enforcement to prevent or lessen a serious or imminent threat to the health or safety of the victim or another person.

''(iii) SARLs, victim advocates or healthcare providers when required for the provision of victim services.

''(iv) State and Federal courts when ordered, or if disclosure is required by Federal or State statute.

''(C) NOTICE OF DISCLOSURE AND PRIVACY PROTECTION.—In cases in which information is disclosed pursuant to subparagraph (B), the President shall—

''(i) make reasonable attempts to provide notice to the volunteer with respect to whom such information is being released; and

''(ii) take such action as is necessary to protect the privacy and safety of the volunteer.

''(3) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

''(4) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(A) fear for his or her safety or the safety of others; or

''(B) suffer substantial emotional distress.

''SEXUAL ASSAULT POLICY

''SEC. 8B. (a) IN GENERAL.—The President shall develop and implement a comprehensive sexual assault policy that—

''(1) includes a system for restricted and unrestricted reporting of sexual assault;

''(2) mandates, for each Peace Corps country program, the designation of a Sexual Assault Response Liaison (SARL), who shall receive comprehensive training on procedures to respond to reports of sexual assault, with duties including ensuring that volunteers who are victims of sexual assault are moved to a safe environment and accompanying victims through the in-country response at the request of the victim;

''(3) requires SARLs to immediately contact a Victim Advocate upon receiving a report of sexual assault in accordance with the restricted and unrestricted reporting guidelines promulgated by the Peace Corps;

''(4) to the extent practicable, conforms to best practices in the sexual assault field;

''(5) is applicable to all posts at which volunteers serve; and

''(6) includes a guarantee that volunteers will not suffer loss of living allowances for reporting a sexual assault.

''(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault policy under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field, including experts with international experience.

''(c) ELEMENTS.—The sexual assault policy developed under subsection (a) shall include, at a minimum, the following services with respect to a volunteer who has been a victim of sexual assault:

''(1) The option of pursuing either restricted or unrestricted reporting of an assault.

''(2) Provision of a SARL and Victim's Advocate to the volunteer.

''(3) At a volunteer's discretion, provision of a sexual assault forensic exam in accordance with applicable host country law.

''(4) If necessary, the provision of emergency health care, including a mechanism for such volunteer to evaluate such provider.

''(5) If necessary, the provision of counseling and psychiatric medication.

''(6) Completion of a safety and treatment plan with the volunteer, if necessary.

''(7) Evacuation of such volunteer for medical treatment, accompanied by a Peace Corps staffer at the request of such volunteer. When evacuated to the United States, such volunteer shall be provided, to the extent practicable, a choice of medical providers including a mechanism for such volunteers to evaluate the provider.

''(8) An explanation to the volunteer of available law enforcement and prosecutorial options, and legal representation.

''(d) TRAINING.—The President shall train all staff outside the United States regarding the sexual assault policy developed under subsection (a).

''OFFICE OF VICTIM ADVOCACY

''SEC. 8C. (a) ESTABLISHMENT OF OFFICE OF VICTIMS ADVOCACY.—

''(1) IN GENERAL.—The President shall establish an Office of Victim Advocacy in Peace Corps headquarters headed by a full-time victim advocate who shall report directly to the Director. The Office of Victim Advocacy may deploy personnel abroad when necessary to help assist victims.

''(2) PROHIBITION.—Peace Corps Medical Officers, Safety and Security Officers, and program staff may not serve as victim advocates. The victim advocate referred to in paragraph (1) may not have any other duties in the Peace Corps that are not reasonably connected to victim advocacy.