

Calendar No. 308

115TH CONGRESS
2D SESSION

S. 2286

To amend the Peace Corps Act to provide greater protection and services for Peace Corps volunteers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2018

Mr. CORKER (for himself, Mrs. FEINSTEIN, Mr. ISAKSON, Mr. COONS, Mr. RUBIO, Mr. BARRASSO, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

FEBRUARY 12, 2018

Reported by Mr. CORKER, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Peace Corps Act to provide greater protection and services for Peace Corps volunteers, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Nick Castle Peace Corps Reform Act of 2018”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—PEACE CORPS VOLUNTEER SUPPORT

Sec. 101. Peace Corps volunteer medical care reform.
 Sec. 102. Post-service Peace Corps volunteer medical care reform.
 Sec. 103. Peace Corps impact survey.
 Sec. 104. Extension of positions for Peace Corps employees.

TITLE II—PEACE CORPS OVERSIGHT AND ACCOUNTABILITY

Sec. 201. Peace Corps volunteer access to Inspector General.
 Sec. 202. Consultation with Congress required before opening or closing overseas offices and country programs.
 Sec. 203. Publication requirement for volunteer surveys.

TITLE III—CRIME RISK REDUCTION ENHANCEMENTS

Sec. 301. Independent review of volunteer death.
 Sec. 302. Monitoring training records.
 Sec. 303. Additional disclosures to applicants for enrollment as volunteers.
 Sec. 304. Additional protections against sexual misconduct.
 Sec. 305. Immediate victim advocacy notification.
 Sec. 306. Extension of the Office of Victim Advocacy.
 Sec. 307. Reform and extension of the Sexual Assault Advisory Council.
 Sec. 308. Definitions.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 6 TEES.—The term “appropriate congressional com-
 7 mittees” means—

8 (A) the Committee on Foreign Relations of
 9 the Senate;

10 (B) the Committee on Appropriations of
 11 the Senate;

12 (C) the Committee on Foreign Affairs of
 13 the House of Representatives; and

1 (D) the Committee on Appropriations of
2 the House of Representatives.

3 (2) DIRECTOR.—The term “Director” means
4 the Director of the Peace Corps.

5 (3) PEACE CORPS VOLUNTEER.—The term
6 “Peace Corps volunteer” means an individual de-
7 scribed in section 5(a) of the Peace Corps Act (22
8 U.S.C. 2504(a)).

9 **TITLE I—PEACE CORPS** 10 **VOLUNTEER SUPPORT**

11 **SEC. 101. PEACE CORPS VOLUNTEER MEDICAL CARE RE-** 12 **FORM.**

13 (a) IN GENERAL.—The Peace Corps Act (22 U.S.C.
14 2501 et seq.) is amended by inserting after section 5 (22
15 U.S.C. 2504) the following:

16 **“SEC. 5A. HEALTH CARE FOR VOLUNTEERS AT PEACE** 17 **CORPS POSTS.**

18 “(a) HEALTH CARE MEDICAL OFFICERS SELECTION
19 CRITERIA.—In selecting medical officers and support staff
20 for overseas Peace Corps posts, the Director shall strive
21 to hire well-qualified and capable personnel to support the
22 effectiveness of health care for Peace Corps volunteers by
23 evaluating each candidate’s—

24 “(1) medical training, experience, and accredi-
25 tations or other qualifications;

- 1 “(2) record of performance;
2 “(3) administrative capabilities;
3 “(4) understanding of the local language and
4 culture;
5 “(5) ability to work in the English language;
6 “(6) interpersonal skills; and
7 “(7) such other factors that the Director con-
8 siderers to be appropriate.

9 “(b) REVIEW AND EVALUATION.—

10 “(1) IN GENERAL.—The Director, acting
11 through the Associate Director of the Office of
12 Health Services and the country directors, shall re-
13 view and evaluate the performance and health care
14 delivery of all Peace Corps medical staff, including
15 medical officers—

16 “(A) to ensure compliance with all relevant
17 Peace Corps policies, practices, and guidelines;
18 and

19 “(B) to ensure that medical staff complete
20 the necessary continuing medical education to
21 maintain their skills and satisfy licensing and
22 credentialing standards, as designated by the
23 Director.

24 “(2) REPORT TO CONGRESS.—The Director
25 shall include, in the annual Peace Corps congres-

1 sional budget justification, a confirmation that the
2 review and evaluation of all Peace Corps medical
3 staff required under paragraph (1) has been com-
4 pleted.

5 “(c) ANTIMALARIAL DRUGS.—The Director shall
6 consult with experts at the Centers for Disease Control
7 and Prevention regarding recommendations for pre-
8 scribing malaria prophylaxis, in order to provide the best
9 standard of care within the context of the Peace Corps
10 environment.”.

11 (b) IMPLEMENTATION OF RECOMMENDATIONS BY
12 THE INSPECTOR GENERAL OF THE PEACE CORPS.—

13 (1) INSPECTOR GENERAL REPORT.—As prompt-
14 ly as practicable, the Director shall implement the
15 actions outlined in the agency response for all open
16 recommendations of the Inspector General of the
17 Peace Corps set forth in the report entitled “Final
18 Program Evaluation Report: OIG Follow-up Evalua-
19 tion of Issues Identified in the 2010 Peace Corps/
20 Morocco Assessment of Medical Care” (Report No.
21 IG–16–01–E).

22 (2) SEMIANNUAL REPORTS.—

23 (A) INITIAL REPORT.—Not later than 6
24 months after the date of the enactment of this
25 Act, the Director shall submit a report to the

1 appropriate congressional committees that de-
2 scribes the Director's strategy for implementing
3 the recommendations referred to in paragraph
4 (1).

5 (B) SUBSEQUENT REPORTS.—Not later
6 than 6 months after the submission of the re-
7 port required under subparagraph (A), and
8 semiannually thereafter, the Director shall sub-
9 mit a report to the appropriate congressional
10 committees that describes the progress in imple-
11 menting the recommendations referred to in
12 paragraph (1) until all such recommendations
13 have been implemented in accordance with the
14 agency's response to the report referred to in
15 such paragraph.

16 (3) NOTIFICATION.—After the submission of
17 each report required under paragraph (2), the In-
18 spector General of the Peace Corps may notify the
19 appropriate congressional committees of any rec-
20 ommendations from the report referred to in para-
21 graph (1) that the Inspector General determines re-
22 main unresolved.

1 **SEC. 102. POST-SERVICE PEACE CORPS VOLUNTEER MED-**
2 **ICAL CARE REFORM.**

3 Section 8142 of title 5, United States Code, is
4 amended by adding at the end the following:

5 “(d)(1) The Secretary shall authorize the Director of
6 the Peace Corps to furnish medical benefits to a volunteer,
7 who is injured during the volunteer’s period of service, for
8 a period of 120 days following the termination of such
9 service if the Director certifies that the volunteer’s injury
10 probably meets the requirements under subsection (c)(3).
11 The Secretary may then certify vouchers for these ex-
12 penses for such volunteer out of the Employees’ Com-
13 pensation Fund.

14 “(2) The Secretary shall prescribe the form and con-
15 tent of the certification required under paragraph (1).

16 “(3) A certification under paragraph (1) will cease
17 to be effective if the volunteer sustains compensable dis-
18 ability in connection with volunteer service.

19 “(4) Nothing in this subsection may be construed to
20 authorize the furnishing of any medical benefit that the
21 Secretary of Labor is not otherwise authorized to reim-
22 burse for former Peace Corps volunteers who receive treat-
23 ment for injury or disease proximately caused by their
24 service in the Peace Corps in accordance with this chap-
25 ter.”.

1 **SEC. 103. PEACE CORPS IMPACT SURVEY.**

2 (a) IN GENERAL.—Beginning not later than 1 year
3 after the date of the enactment of this Act and once every
4 2 years for the following 6 years, the Director shall con-
5 duct a survey of former Peace Corps volunteers.

6 (b) SCOPE OF SURVEY.—The survey required under
7 subsection (a) shall assess, with respect to each former
8 Peace Corps volunteer completing the survey, the impact
9 of the Peace Corps on the former volunteer, including the
10 volunteer's—

- 11 (1) well-being;
- 12 (2) career;
- 13 (3) civic engagement; and
- 14 (4) commitment to public service.

15 (c) REPORT.—The Director shall submit a report
16 containing the results of the survey conducted under sub-
17 section (a) to—

- 18 (1) the Committee on Foreign Relations of the
19 Senate;
- 20 (2) the Committee on Foreign Affairs of the
21 House of Representatives;
- 22 (3) the Committee on Appropriations of the
23 Senate; and
- 24 (4) the Committee on Appropriations of the
25 House of Representatives.

1 (d) PAPERWORK REDUCTION ACT EXEMPTION.—
 2 Subchapter I of chapter 35 of title 44, United States Code
 3 (commonly known as the “Paperwork Reduction Act of
 4 1980”), shall not apply to the collection of information
 5 through the survey required under this section.

6 **SEC. 104. EXTENSION OF POSITIONS FOR PEACE CORPS EM-**
 7 **PLOYEES.**

8 Section 7(a) of the Peace Corps Act (22 U.S.C.
 9 2506(a)) is amended by adding at the end the following:

10 “(8) DESIGNATION OF CRITICAL POSITIONS.—

11 “(A) IN GENERAL.—The Director of the
 12 Peace Corps may designate Peace Corps posi-
 13 tions as critical management or management
 14 support positions that require specialized tech-
 15 nical or professional skills and knowledge of
 16 Peace Corps operations. Such positions may in-
 17 clude positions in the following fields:

18 “(i) Volunteer health services.

19 “(ii) Financial management.

20 “(iii) Information technology.

21 “(iv) Procurement.

22 “(v) Personnel.

23 “(vi) Legal services.

24 “(vii) Safety and security.

1 “(B) AUTHORITY.—Subject to subpara-
2 graphs (C) and (D), with respect to positions
3 designated pursuant to subparagraph (A), the
4 Director may make or extend renewable ap-
5 pointments or assignments under paragraph (2)
6 notwithstanding limitations under subpara-
7 graphs (A) and (B) of paragraph (2) and para-
8 graph (5).

9 “(C) REQUIREMENTS.—In exercising au-
10 thority under subparagraph (B), the Director
11 shall ensure that all decisions regarding the ap-
12 pointment, assignment, or extension of employ-
13 ees to any such position—

14 “(i) are consistent with Federal law
15 and Peace Corps policy; and

16 “(ii) are based upon operational and
17 programmatic factors.

18 “(D) DURATION OF APPOINTMENTS.—The
19 term of any appointment or assignment to any
20 position designated under subparagraph (A)
21 may not exceed 5 years.”.

1 **TITLE II—PEACE CORPS OVER-**
 2 **SIGHT AND ACCOUNTABILITY**

3 **SEC. 201. PEACE CORPS VOLUNTEER ACCESS TO INSPEC-**
 4 **TOR GENERAL.**

5 Section 8 of the Peace Corps Act (22 U.S.C. 2507)
 6 is amended—

7 (1) in subsection (a), by striking “he” and in-
 8 serting “the President”; and

9 (2) by adding at the end the following:

10 “(c) AVAILABILITY OF THE OFFICE OF INSPECTOR
 11 GENERAL.—

12 “(1) TRAINING REQUIREMENT.—As part of the
 13 training provided to all volunteers under subsection
 14 (a), and in coordination with the Inspector General
 15 of the Peace Corps, the President shall provide all
 16 volunteers with—

17 “(A) information regarding the mandate of
 18 the Inspector General and the availability of the
 19 Inspector General as a resource for volunteers;
 20 and

21 ~~“(B) the contact information of the Inspec-~~
 22 ~~tor General.~~

23 “(B) *the contact information of the Inspec-*
 24 *tor General;*

1 “(C) information regarding the mandate of
 2 the Office of Victim Advocacy and the avail-
 3 ability of the Office of Victim Advocacy as a re-
 4 source for volunteers; and

5 “(D) the contact information of the Office of
 6 Victim Advocacy.

7 “(2) FREQUENCY OF TRAINING.—The Presi-
 8 dent shall ensure that volunteers receive the infor-
 9 mation described in paragraph (1) not less fre-
 10 quently than—

11 “(A) once during pre-enrollment training;
 12 and

13 “(B) once during each significant training
 14 provided by the Peace Corps to volunteers after
 15 enrollment.”.

16 **SEC. 202. CONSULTATION WITH CONGRESS REQUIRED BE-**
 17 **FORE OPENING OR CLOSING OVERSEAS OF-**
 18 **FICES AND COUNTRY PROGRAMS.**

19 The Peace Corps Act (22 U.S.C. 2501 et seq.) is
 20 amended by inserting after section 10 (22 U.S.C. 2509)
 21 the following:

1 **“SEC. 10A. CONSULTATION WITH CONGRESS REQUIRED BE-**
 2 **FORE OPENING OR CLOSING OVERSEAS OF-**
 3 **FICES AND COUNTRY PROGRAMS.**

4 “(a) IN GENERAL.—Except as provided in subsection
 5 (b), the Director of the Peace Corps may not open, close,
 6 significantly reduce, or suspend a domestic or overseas of-
 7 fice or country program unless the Director has notified
 8 and consulted with the Committee on Foreign Relations
 9 of the Senate and the Committee on Foreign Affairs of
 10 the House of Representatives.

11 “(b) WAIVER.—The Director may waive the applica-
 12 tion of subsection (a) if an action described in such sub-
 13 section is necessary to ameliorate a substantial security
 14 risk to Peace Corps volunteers or other Peace Corps per-
 15 sonnel.”.

16 **SEC. 203. PUBLICATION REQUIREMENT FOR VOLUNTEER**
 17 **SURVEYS.**

18 Section 8E of the Peace Corps Act (22 U.S.C. 2507e)
 19 is amended—

20 (1) in subsection (b), by inserting after the first
 21 sentence the following: “The President shall ensure
 22 that each performance plan established under this
 23 subsection for a Peace Corps representative includes
 24 a consideration of the results, with respect to such
 25 representative and the country of service of such

1 representative, of each survey conducted under sub-
 2 section (c).”; and

3 (2) in subsection (c)—

4 (A) in the first sentence, by striking
 5 “2018” and inserting “2023”; and

6 (B) by adding at the end the following:

7 “The President shall publish, on a publicly
 8 available website of the Peace Corps, a report
 9 summarizing the results of each survey related
 10 to volunteer satisfaction in each country in
 11 which volunteers serve, and the early termi-
 12 nation rate of volunteers serving in each such
 13 country. The information published shall be
 14 posted in an easily accessible place near the de-
 15 scription of the appropriate country and shall
 16 be written in an easily understood manner.”.

17 **TITLE III—CRIME RISK** 18 **REDUCTION ENHANCEMENTS**

19 **SEC. 301. INDEPENDENT REVIEW OF VOLUNTEER DEATH.**

20 Section 5 of the Peace Corps Act (22 U.S.C. 2504)
 21 is amended by inserting after subsection (c) the following:

22 “(d)(1) Consistent with the Inspector General Act of
 23 1978 (5 U.S.C. App.), the Inspector General of the Peace
 24 Corps may independently review the facts and cir-
 25 cumstances surrounding the death of a volunteer and the

1 actions taken by the Peace Corps in responding to such
2 incident.

3 “(2) Not later than 10 days after receiving notifica-
4 tion of the death of a volunteer, the President shall pro-
5 vide a briefing to the Inspector General, which shall in-
6 clude—

7 “(A)(i) the available facts and circumstances
8 surrounding the death of the volunteer, including a
9 preliminary timeline of the events immediately pre-
10 ceding the death of the volunteer, subsequent actions
11 taken by the Peace Corps, and any information
12 available to the Peace Corps reflecting on the cause
13 or root cause of the volunteer’s death; and

14 “(ii) a description of any steps the Peace Corps
15 plans to take to inquire further into the cause or
16 root cause of the volunteer’s death, including the an-
17 ticipated date of the completion of such inquiry; or

18 “(B) an explanation of why the Peace Corps
19 has determined that no further inquiry into the
20 cause or root cause of the volunteer’s death is nec-
21 essary, including—

22 “(i) a description of the steps the Peace
23 Corps took to determine further inquiry was not
24 necessary; and

25 “(ii) the basis for such determination.

1 “(3) If the Peace Corps has performed or engaged
2 another entity to perform a root cause analysis or similar
3 report that describes the root cause or proximate cause
4 of a volunteer death, the President shall provide the In-
5 spector General of the Peace Corps with—

6 “(A) a copy of all information provided to such
7 entity at the time such information is provided to
8 such entity or used by the Peace Corps to perform
9 the analysis;

10 “(B) a copy of any report or study received
11 from the entity or used by the Peace Corps to per-
12 form the analysis; and

13 “(C) any supporting documentation upon which
14 the Peace Corps or such entity relied to make its de-
15 termination, including the volunteer’s complete med-
16 ical record, as soon as such information is available
17 to the Peace Corps.

18 “(4) If a volunteer dies, the Peace Corps shall take
19 reasonable measures, in accordance with local laws, to pre-
20 serve any information or material, in any medium or for-
21 mat, that may be relevant to determining the cause or root
22 cause of the volunteer’s death, including personal effects,
23 medication, and other tangible items belonging to the vol-
24 unteer, as long as such measures do not interfere with
25 the legal procedures of the host country if the government

1 of the host country is exercising jurisdiction over the in-
2 vestigation of such death. The Inspector General of the
3 Peace Corps shall be provided an opportunity to inspect
4 such items before their final disposition.

5 “(5) For the purposes of undertaking a review under
6 this section, an officer or employee of the United States
7 or a member of the Armed Forces may be detailed to the
8 Inspector General of the Peace Corps from another de-
9 partment of the United States Government on a nonreim-
10 bursable basis, as jointly agreed to by the Inspector Gen-
11 eral and the detailing department, for a period not to ex-
12 ceed 1 year. This paragraph may not be construed to limit
13 or modify any other source of authority for reimbursable
14 or nonreimbursable details. A nonreimbursable detail
15 made under this section shall not be considered an aug-
16 mentation of the appropriations of the Peace Corps.

17 “(6) Upon request, the Peace Corps may make avail-
18 able necessary funds to the Inspector General of the Peace
19 Corps for reviews conducted by the Inspector General
20 under this section. The request shall be limited to costs
21 relating to hiring, procuring, or otherwise obtaining med-
22 ical-related experts or expert services, and associated trav-
23 el.

24 “(7) The undertaking of a review under this section
25 shall not be considered a transfer of program operating

1 responsibilities to the Inspector General of the Peace
2 Corps.”.

3 **SEC. 302. MONITORING TRAINING RECORDS.**

4 Section 8 of the Peace Corps Act (22 U.S.C. 2507),
5 as amended by section 201, is further amended by adding
6 at the end the following:

7 “(d) **TRAINING RECORDS.**—The President shall im-
8 plement procedures to maintain a written record verifying
9 the attendance of each individual completing the training
10 required under this section and sections 8A, 8B, and 8F.”.

11 **SEC. 303. ADDITIONAL DISCLOSURES TO APPLICANTS FOR**
12 **ENROLLMENT AS VOLUNTEERS.**

13 Section 8A(d) of the Peace Corps Act (22 U.S.C.
14 2507a(d)) is amended to read as follows:

15 “(d) **INFORMATION REGARDING CRIMES AND**
16 **RISKS.**—Each applicant for enrollment as a volunteer
17 shall be provided, with respect to the country in which the
18 applicant has been invited to serve, with information re-
19 garding crimes against and risks to volunteers, includ-
20 ing—

21 “(1) an overview of past crimes against volun-
22 teers in such country;

23 “(2) the current early termination rate of vol-
24 unteers serving in such country;

25 “(3) health risks in such country; and

1 “(4) the level of satisfaction reported by volun-
2 teers serving in such country.”.

3 **SEC. 304. ADDITIONAL PROTECTIONS AGAINST SEXUAL**
4 **MISCONDUCT.**

5 Section 8B(a) of the Peace Corps Act (22 U.S.C.
6 2507b(a)) is amended—

7 (1) in paragraph (5), by striking “and” at the
8 end;

9 (2) in paragraph (6), by striking the period at
10 the end and inserting a semicolon; and

11 (3) by adding at the end the following:

12 ~~“(7) maintains a record of the resignation of~~
13 ~~any employee or volunteer of the Peace Corps who~~
14 ~~resigns before a determination has been made re-~~
15 ~~garding an allegation that such person committed a~~
16 ~~sexual assault or other serious misconduct;~~

17 *“(7) maintains a record documenting the res-*
18 *ignation of any employee or volunteer of the Peace*
19 *Corps who resigns before a determination has been*
20 *made regarding an alleged violation of the sexual*
21 *misconduct policy or other serious policy violations;*

22 “(8) takes into account the record maintained
23 under paragraph (7) before such employee or volun-
24 teer is hired, is enrolled, or otherwise work with the
25 Peace Corps; and

1 ~~“(9) provides orientation to families who host~~
 2 ~~volunteers regarding the awareness and prevention~~
 3 ~~of sexual assault.~~

4 “(9) provides orientation or information regard-
 5 ing the awareness and prevention of sexual assault
 6 to—

7 “(A) Peace Corps-selected host families; and

8 “(B) a designated person of authority at the
 9 volunteer’s initial workplace.”.

10 **SEC. 305. IMMEDIATE VICTIM ADVOCACY NOTIFICATION.**

11 Section 8B(a)(3) of the Peace Corps Act (22 U.S.C.
 12 2507b(a)(3)) is amended by striking “SARLs to imme-
 13 diately contact” and inserting “the Peace Corps to des-
 14 ignate the staff at each post who shall be responsible for
 15 providing the services described in subsection (c) and for
 16 immediately contacting”.

17 **SEC. 306. EXTENSION OF THE OFFICE OF VICTIM ADVOCACY.**
 18

19 Section 8C of the Peace Corps Act (22 U.S.C. 2507c)
 20 is amended—

21 (1) in the heading to subsection (a), by striking
 22 “VICTIMS” and inserting “VICTIM”; and

23 (2) in subsection (e), by striking “2018” and
 24 inserting “2023”.

25 (2) by striking subsection (e).

1 **SEC. 307. REFORM AND EXTENSION OF THE SEXUAL AS-**
 2 **SAULT ADVISORY COUNCIL.**

3 Section 8D of the Peace Corps Act (22 U.S.C.
 4 2507d) is amended—

5 (1) in subsection (b), by striking “not less than
 6 8 individuals selected by the President, not later
 7 than 180 days after the date of the enactment of
 8 this section,” and inserting “not fewer than 8 and
 9 not more than 14 individuals selected by the Presi-
 10 dent”; and

11 (2) in subsection (g), by striking “2018” and
 12 inserting “2023”.

13 **SEC. 308. DEFINITIONS.**

14 Section 26 of the Peace Corps Act (22 U.S.C. 2522)
 15 is amended—

16 (1) by redesignating subsections (a), (b), (c),
 17 (d), (e), (f), and (g) as paragraphs (1), (6), (2), (3),
 18 (8), (7), and (5), respectively, by arranging such re-
 19 designated paragraphs in numerical order, and by
 20 moving such paragraphs 2 ems to the right;

21 (2) in paragraph (1), as redesignated, by strik-
 22 ing “(1)” and inserting the following:

23 “In this Act:

24 “(1); and

25 (3) by inserting after paragraph (3), as redesign-
 26 nated, the following:

1 “(4) The term ‘medical officer’ means a physi-
2 cian, nurse practitioner, physician’s assistant, or
3 registered nurse with the professional qualifications,
4 expertise, and abilities consistent with the needs of
5 the Peace Corps and the post to which he or she is
6 assigned, as determined by the Director of the Peace
7 Corps.”.

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A BILL

To amend the Peace Corps Act to provide greater protection and services for Peace Corps volunteers, and for other purposes.

FEBRUARY 12, 2018

Reported with amendments