

Calendar No. 176112TH CONGRESS
1ST SESSION**S. 1280****[Report No. 112–82]**

To amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

IN THE SENATE OF THE UNITED STATES**JUNE 27, 2011**

Mr. ISAKSON (for himself, Mrs. BOXER, Mr. DURBIN, Mr. CHAMBLISS, Mr. COONS, Mr. FRANKEN, Mr. BROWN of Massachusetts, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. BARRASSO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. NELSON of Nebraska, Mr. CARDIN, Mr. RUBIO, Mr. UDALL of Colorado, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. BROWN of Ohio, Mr. CASEY, Mrs. GILLIBRAND, Mrs. McCASKILL, Mr. MERKLEY, Mr. BURR, Mr. KIRK, Mr. LAUTENBERG, Mr. WYDEN, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

SEPTEMBER 21, 2011

Reported by Mr. KERRY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment

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

4 This Act may be cited as the “Kate Puzey Peace
5 Corps Volunteer Protection Act of 2011”.

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

10 ~~TRAINING~~

18 “(b) DEVELOPMENT AND CONSULTATION WITH EX-
19 PERTS.—In developing the sexual assault risk-reduction
20 and response training under subsection (a), the Director
21 of the Peace Corps shall consult with and incorporate, as
22 appropriate, the recommendations and views of experts in
23 the sexual assault field.

1 “(c) ~~SUBSEQUENT TRAINING.~~—Once a trainee has
 2 arrived in the trainee’s country of service, the Director of
 3 the Peace Corps shall provide the trainee with training
 4 tailored to the country, including cultural training relating
 5 to gender relations, risk-reduction strategies, a safety plan
 6 in the event of an assault, treatment available in such
 7 country (such as forensic rape exams, PEP for HIV expo-
 8 sure, STD screening, and pregnancy testing), MedEvac
 9 procedures, and information regarding the legal process
 10 for pressing charges against an attacker.

11 “(d) ~~HISTORICAL ANALYSIS.~~—The Director of the
 12 Peace Corps shall provide each applicant for enrollment
 13 with a historical analysis of crimes and risks against vol-
 14 unteers in the country in which the applicant has been
 15 invited to serve.

16 “(e) ~~CONTACT INFORMATION.~~—The Director of the
 17 Peace Corps shall provide each trainee, before each such
 18 trainee enrolls as a volunteer, with—

19 “(1) the contact information of the Inspector
 20 General of the Peace Corps for purposes of reporting
 21 violations of the sexual assault protocol under sec-
 22 tion 8B or any other criminal or administrative
 23 wrongdoing by volunteers, personnel (including ex-
 24 perts and consultants), or other individuals (includ-

1 ing contractors) who do business with the Peace
2 Corps; and

3 “(2) clear, written guidelines regarding whom
4 to contact, including the direct telephone number for
5 a victim advocate and what steps to take in the
6 event of a sexual assault.

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

9 “(1) ASSAULT.—

10 “(A) IN GENERAL.—The term ‘assault’
11 means an act that—

12 “(i) creates an apprehension in an in-
13 dividual of an imminent, harmful, or offen-
14 sive contact; or

15 “(ii) is a harmful or offensive touch-
16 ing.

17 “(B) INCLUSION.—The term ‘assault’ in-
18 cludes stalking and sexual assault.

19 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
20 sault’ means any conduct described in chapter 109A
21 of title 18, United States Code, relating to
22 aggravated sexual abuse, sexual abuse, and sexual
23 conduct, whether or not the conduct occurs in the
24 special maritime and territorial jurisdiction of the
25 United States, and includes both assaults committed

1 by offenders who are strangers to the victim and as-
 2 saults committed by offenders who are known or re-
 3 lated by blood or marriage to the victim.

4 “(3) STALKING.—The term ‘stalking’ means
 5 engaging in a course of conduct directed at a spe-
 6 cific person that would cause a reasonable person
 7 to—

8 “(A) fear for his or her safety or the safety
 9 of others; or

10 “(B) suffer substantial emotional distress.

11 “(4) INCLUSION OF TRAINEES.—The term ‘vol-
 12 unteers’ includes trainees.

13 “SEXUAL ASSAULT PROTOCOL AND GUIDELINES

14 “SEC. 8B. (a) IN GENERAL.—The Director of the
 15 Peace Corps shall develop and implement comprehensive
 16 sexual assault protocol and guidelines that—

17 “(1) conform to best practices in the sexual assault
 18 field; and

19 “(2) are applicable to all posts at which volunteers
 20 serve.

21 “(b) DEVELOPMENT AND CONSULTATION WITH EX-
 22 PERTS.—In developing the sexual assault policy under
 23 subsection (a), the Director of the Peace Corps shall con-
 24 sult with and incorporate, as appropriate, the rec-
 25 ommendations and views of experts in the sexual assault
 26 field.

1 “(c) ELEMENTS.—The sexual assault protocol and
 2 guidelines developed under subsection (a) shall include, at
 3 a minimum, the following services with respect to a volun-
 4 teer who has been a victim of sexual assault:

5 “(1) Protection of such volunteer’s confidentiality.

6 “(2) Provision of a victim’s advocate to the volunteer.

7 “(3) Provision of a sexual assault forensic evidence
 8 kit to the volunteer upon request.

9 “(4) Provision of emergency health care to the volun-
 10 teer, including, to the greatest extent practicable, a choice
 11 of medical providers and a mechanism for such volunteer
 12 to evaluate such provider.

13 “(5) Provision of counseling and psychiatric
 14 medicine.

15 “(6) Completion of a safety and treatment plan with
 16 the volunteer.

17 “(7) Evacuation of the volunteer, accompanied by a
 18 Peace Corps staffer at the request of such volunteer.

19 “(8) An explanation to the volunteer of available law
 20 enforcement, prosecutorial options, and legal representa-
 21 tion.

22 “(d) DISTRIBUTION AND TRAINING.—The Director
 23 of the Peace Corps shall distribute to and train all in-
 24 country staff regarding the sexual assault protocol and
 25 guidelines developed under subsection (a).

1 “(e) REMOVAL AND ASSESSMENT AND EVALUA-
2 TION.—

3 “(1) IN GENERAL.—If a volunteer feels at risk
4 of imminent bodily harm and requests removal from
5 the site in which such volunteer is serving, the Di-
6 rector of the Peace Corps shall, as expeditiously as
7 practical after receiving such request, remove the
8 volunteer from the site. If the Director of the Peace
9 Corps receives such a request, the Director of the
10 Peace Corps shall assess and evaluate the safety of
11 such site and may not assign another volunteer to
12 the site until such time as the assessment and eval-
13 uation is complete and the site has been determined
14 to be safe.

15 “(2) DETERMINATION OF SITE AS UNSAFE.—
16 Volunteers may remain at a site during an assess-
17 ment and evaluation under paragraph (1). If the Di-
18 rector the Peace Corps determines that a site is un-
19 safe, the Director of the Peace Corps shall, as expe-
20 ditiously as practical, remove all volunteers from the
21 site.

22 “(f) SEXUAL ASSAULT RESPONSE TEAMS.—The Di-
23 rector of the Peace Corps shall establish sexual assault
24 response teams, including Safety and Security Officers,

1 medical staff, and a victim advocate, that can respond to
 2 reports of sexual assault against a volunteer.

3 ~~“(g) CASE REVIEW.—The Director of the Peace~~
 4 ~~Corps shall conduct case reviews of a statistically signifi-~~
 5 ~~cant number of cases on a quarterly basis to determine~~
 6 ~~if proper procedures were followed in accordance with the~~
 7 ~~sexual assault protocols and guidelines developed under~~
 8 ~~subsection (a) and including the elements specified in sub-~~
 9 ~~section (c).~~

10 ~~“(h) TRACKING AND RECORDING.—The Director of~~
 11 ~~the Peace Corps shall establish a global tracking and re-~~
 12 ~~cording system to track and record incidents of assault~~
 13 ~~against volunteers.~~

14 ~~“(i) PROHIBITION ON COMBINING INCIDENTS.—The~~
 15 ~~Director of the Peace Corps may not combine into one~~
 16 ~~incident for purposes of tracking and recording under sub-~~
 17 ~~section (h) reports by different volunteers of assault~~
 18 ~~against such volunteers even if such assaults were com-~~
 19 ~~mitted by one individual against such volunteers at any~~
 20 ~~one time.~~

21 ~~“(j) ALTERNATIVE SYSTEMS.—The Director of the~~
 22 ~~Peace Corps shall establish an alternative reporting sys-~~
 23 ~~tem and hotline access system through which volunteers~~
 24 ~~who are victims of assault can report and receive support~~

1 on an anonymous basis. The alternative systems shall be
 2 published in the Volunteer Handbook.

3 ~~“VICTIMS ADVOCATES~~

4 ~~“SEC. 8C. (a) VICTIMS ADVOCATES.—~~

5 ~~“(1) IN GENERAL.—The Director of the Peace~~
 6 ~~Corps shall assign a certified victims advocate in~~
 7 ~~Peace Corps headquarters who shall report directly~~
 8 ~~to the Director. The Director of the Peace Corps~~
 9 ~~shall assign not fewer than three additional certified~~
 10 ~~victims advocates to assist the victims advocate. The~~
 11 ~~additional victims advocates shall have regional ex-~~
 12 ~~pertise and may be posted abroad if the victims ad-~~
 13 ~~vocate determines that it is necessary.~~

14 ~~“(2) PROHIBITION.—Peace Corps Medical Offi-~~
 15 ~~cers, Safety and Security Officers, and program~~
 16 ~~staff may not serve as victims advocates. The vic-~~
 17 ~~tims advocate and additional victims advocates may~~
 18 ~~not have any other duties in the Peace Corps.~~

19 ~~“(3) EXEMPTION.—The victims advocate and~~
 20 ~~additional victims advocates shall be exempt from~~
 21 ~~the five year rule on appointments and assignments~~
 22 ~~under section 7(a)(5).~~

23 ~~“(b) RESPONSIBILITIES.—The victims advocate and~~
 24 ~~additional victims advocates shall help develop and imple-~~
 25 ~~ment the sexual assault risk-reduction and response train-~~
 26 ~~ing described in section 8A and the sexual assault protocol~~

1 and guidelines described in section 8B and ensure such
 2 training and such protocol and guidelines are being prop-
 3 erly updated and followed. The victims advocate and addi-
 4 tional victims advocates shall assist volunteers who are vic-
 5 tims of assault by making such victims aware of the serv-
 6 ices specified in section 8B(e) available to them and facili-
 7 tating their access to such services.

8 “(e) STATUS UPDATES.—The victims advocate and
 9 additional victims advocates shall provide to volunteers
 10 who are victims of assault regular updates on the status
 11 of their cases if such volunteers have opted to pursue pros-
 12 ecution.

13 “(d) TRANSITION.—A victims advocate who is work-
 14 ing with a volunteer who is a victim of assault and who
 15 relocates back to the United States shall assist the volun-
 16 teer to receive the services specified in section 8B(e) re-
 17 quired by such volunteer, including through the duration
 18 of the claim with the Department of Labor, even after the
 19 volunteer is medically separated.

20 “ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY
 21 COUNCIL

22 “SEC. 8D. (a) ESTABLISHMENT.—There is estab-
 23 lished in the Peace Corps a Sexual Assault Advisory Coun-
 24 cil (in this section referred to as the ‘Council’).

25 “(b) MEMBERSHIP.—The Council shall be composed
 26 of individuals selected by the Director of the Peace Corps

1 who are returned volunteers (including volunteers who
2 were victims of sexual assault and volunteers who were
3 not victims of sexual assault) and governmental and non-
4 governmental experts and professionals in the sexual as-
5 sault field.

6 “(e) ~~FUNCTIONS; MEETINGS.~~—The Council shall
7 meet not less often than annually to review the sexual as-
8 sault risk-reduction and response training developed under
9 section 8A; sexual assault policy developed under section
10 8B; and the confidentiality policy developed under section
11 8F to ensure that such training and policies conform to
12 best practices in the sexual assault field.

13 “(d) ~~REPORTS.~~—The Council shall annually submit
14 to the Director of the Peace Corps and the Committee
15 on Foreign Affairs and the Committee on Appropriations
16 of the House of Representatives and the Committee on
17 Foreign Relations and the Committee on Appropriations
18 of the Senate a report on its findings based on the reviews
19 conducted pursuant to subsection (c).

20 “(e) ~~FEDERAL EMPLOYEES.~~—Members of the Coun-
21 cil shall not be considered Federal employees for any pur-
22 pose and shall not receive compensation other than reim-
23 bursement of travel expenses and per diem allowance.

1 “(f) NONAPPLICABILITY OF FACA.—The Federal
 2 Advisory Committee Act (5 U.S.C. App.) shall not apply
 3 to the Council.

4 “VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

5 “SEC. 8E. (a) MONITORING AND EVALUATION.—Not
 6 later than one year after the date of the enactment of this
 7 section, the Director of the Peace Corps shall establish
 8 goals, metrics, and monitoring and evaluation plans for
 9 all Peace Corps programs and Country Directors. Moni-
 10 toring and evaluation plans shall incorporate best prac-
 11 tices from monitoring and evaluation studies and analyses.

12 “(b) ANNUAL VOLUNTEER SURVEYS.—The Director
 13 of the Peace Corps shall annually conduct a confidential
 14 survey of volunteers regarding the effectiveness of Peace
 15 Corps programs and staff and the safety of volunteers.

16 “(c) PEACE CORPS INSPECTOR GENERAL.—The In-
 17 spector General of the Peace Corps shall submit to the
 18 Committee on Foreign Affairs and the Committee on Ap-
 19 propriations of the House of Representatives and the
 20 Committee on Foreign Relations and the Committee on
 21 Appropriations of the Senate the following:

22 “(1) A biennial report on reports received from
 23 volunteers relating to misconduct, mismanagement,
 24 or policy violations of Peace Corps staff, any
 25 breaches of the confidentiality of volunteers, and any

1 actions taken to assure the safety of volunteers who
2 provide such reports.

3 “(2) A report, not later than two years after
4 the date of the enactment of this section and every
5 five years thereafter, evaluating the effectiveness and
6 implementation of the assault risk-reduction and re-
7 sponse training developed under section 8A and the
8 sexual assault protocol and guidelines developed
9 under section 8B.

10 “(3) A trend analysis every three years of the
11 annual volunteer surveys, including actions taken in
12 response to such surveys.

13 “(4) A report, not later than two years after
14 the date of the enactment of this section, describing
15 how Country Directors are hired, how Country Di-
16 rectors are terminated, and how Country Directors
17 hire staff.

18 “(d) EVALUATION DEFINED.—For purposes of this
19 section, the term ‘evaluation’ means the systematic collec-
20 tion and analysis of information about the characteristics
21 and outcomes of programs and projects as a basis for
22 judgments, to improve effectiveness, or inform decisions
23 about current and future programming.

1 “NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE
2 INFORMATION

3 “SEC. 8F. (a) IN GENERAL.—The Director of the
4 Peace Corps shall establish and maintain a process to
5 allow volunteers to report incidents of assault, incidents
6 of misconduct or mismanagement, or violations of any pol-
7 icy, of the Peace Corps in order to protect the confiden-
8 tiality in accordance with subsection (c) and safety of such
9 volunteers and of the information reported, and to ensure
10 that such information is acted on appropriately. The Di-
11 rector of the Peace Corps shall train all volunteers and
12 staff about this process.

13 “(b) **GUIDANCE.**—The Director of the Peace Corps
14 shall provide guidance to officers and employees of the
15 Peace Corps who have access to the information reported
16 by volunteers under subsection (a) in order to protect
17 against the inappropriate disclosure of such information
18 and ensure the safety of such volunteers.

19 ~~“(c) NONDISCLOSURE.—~~

20 “(1) IN GENERAL.—Except as provided in para-
21 graphs (2) and (3), the Director of the Peace Corps
22 may not—

23 “(A) disclose any personally identifying in-
24 formation or personal information of a volun-
25 teer who is a victim of assault collected in con-

1 nection with services requested, utilized, or de-
2 nied through Peace Corps programs; or

3 ~~“(B) reveal such information without the~~
4 ~~informed, purpose-limited, and reasonably time-~~
5 ~~limited consent of the volunteer about whom~~
6 ~~such information is sought.~~

7 ~~“(2) RELEASE.—If the release of information~~
8 ~~described in paragraph (1) is authorized by statute~~
9 ~~or compelled by court order, the Director of the~~
10 ~~Peace Corps shall—~~

11 ~~“(A) make reasonable attempts to provide~~
12 ~~notice to the volunteer with respect to whom~~
13 ~~such information is being released; and~~

14 ~~“(B) take such action as is necessary to~~
15 ~~protect the privacy and safety of the volunteer.~~

16 ~~“(3) INFORMATION SHARING.—The Director of~~
17 ~~the Peace Corps may share—~~

18 ~~“(A) nonpersonally identifying data in the~~
19 ~~aggregate regarding services to volunteers and~~
20 ~~nonpersonally identifying demographic informa-~~
21 ~~tion in order to comply with reporting, evalua-~~
22 ~~tion, or data collection requirements;~~

23 ~~“(B) nonpersonally identifying information~~
24 ~~that would protect the safety of volunteers;~~

1 ~~“(C) court-generated information and law-~~
 2 ~~enforcement generated information contained in~~
 3 ~~secure, governmental registries for protection~~
 4 ~~order enforcement purposes; and~~

5 ~~“(D) law enforcement- and prosecution-~~
 6 ~~generated information necessary for law en-~~
 7 ~~forcement and prosecution purposes.~~

8 ~~“(d) DEFINITION.—In this section, the terms ‘per-~~
 9 ~~sonally identifying information’ and ‘personal information’~~
 10 ~~mean information for or about a volunteer who is a victim~~
 11 ~~of assault, including information likely to disclose the loca-~~
 12 ~~tion of such victim, including the following:~~

13 ~~“(1) A first and last name.~~

14 ~~“(2) A home or other physical address.~~

15 ~~“(3) Contact information (including a postal,~~
 16 ~~email, or Internet protocol address, or telephone or~~
 17 ~~facsimile number).~~

18 ~~“(4) A social security number.~~

19 ~~“(5) Any other information, including date of~~
 20 ~~birth, racial or ethnic background, or religious affili-~~
 21 ~~ation, that, in combination with information de-~~
 22 ~~scribed in paragraphs (1) through (4), would serve~~
 23 ~~to identify the victim.~~

24 ~~“REPORTING REQUIREMENTS~~

25 ~~“SEC. 8G. (a) IN GENERAL.—The Director of the~~
 26 ~~Peace Corps shall annually submit to the Committee on~~

1 Foreign Affairs and the Committee on Appropriations of
 2 the House of Representatives and the Committee on For-
 3 eign Relations and the Committee on Appropriations of
 4 the Senate a report summarizing information on—

5 “(1) sexual assault against volunteers;

6 “(2) assault against volunteers; and

7 “(3) the annual rate of early termination of volun-
 8 teers, including, to the maximum extent practicable, demo-
 9 graphic data associated with such early termination.

10 “(b) GAO.—Not later than one year after the date
 11 of the enactment of this section, the Comptroller General
 12 of the United States shall submit to the Committee on
 13 Foreign Affairs and the Committee on Appropriations of
 14 the House of Representatives and the Committee on For-
 15 eign Relations and the Committee on Appropriations of
 16 the Senate a report evaluating the quality and accessibility
 17 of health care provided through the Department of Labor
 18 to returned volunteers upon their separation from the
 19 Peace Corps.

20 “(c) ACCESS TO COMMUNICATIONS.—

21 “(1) IN GENERAL.—The Director of the Peace
 22 Corps, in coordination with all Country Directors,
 23 shall determine the level of access to communication,
 24 including cellular and Internet access, of each volun-
 25 teer.

1 “(2) REPORT.—Not later than six months after
 2 the date of the enactment of this section, the Direc-
 3 tor of the Peace Corps shall submit to the Com-
 4 mittee on Foreign Affairs and the Committee on Ap-
 5 propriations of the House of Representatives and the
 6 Committee on Foreign Relations and the Committee
 7 on Appropriations of the Senate a report on the
 8 costs of providing all volunteers with access to ade-
 9 quate communication, including cellular service and
 10 Internet access.

11 “(d) REPORT ON MONITORING AND EVALUATION.—
 12 Not later than one year after the date of the enactment
 13 of this section and annually thereafter, the Director of the
 14 Peace Corps shall submit to the Committee on Foreign
 15 Affairs and the Committee on Appropriations of the
 16 House of Representatives and the Committee on Foreign
 17 Relations and the Committee on Appropriations of the
 18 Senate a report on the monitoring and evaluation of Peace
 19 Corps programs and Country Directors, including infor-
 20 mation on the following:

21 “(1) A description of the monitoring and eval-
 22 uation activities conducted in the preceding year.

23 “(2) A forecast of the monitoring and evalua-
 24 tion activities planned for the subsequent year.

1 ~~“(3) A description of the ways in which the re-~~
 2 ~~sults of the monitoring and evaluation activities have~~
 3 ~~informed the design and operation of development~~
 4 ~~policies and programs during the preceding year.”.~~

5 **SEC. 3. CONFORMING AMENDMENTS.**

6 ~~(a) INCLUSION OF SEXUAL ASSAULT RISK REDUC-~~
 7 ~~TION AND RESPONSE TRAINING.—The Peace Corps Act~~
 8 ~~is amended—~~

9 ~~(1) in section 5(a) (22 U.S.C. 2504(a)), in the~~
 10 ~~second sentence, by inserting “(including training~~
 11 ~~under section 8A)” after “training”; and~~

12 ~~(2) in section 8(a) (22 U.S.C. 2507(a)), in the~~
 13 ~~first sentence, by inserting “, including training~~
 14 ~~under section 8A,” after “training”.~~

15 ~~(b) CERTAIN SERVICES.—Section 5(e) of the Peace~~
 16 ~~Corps Act (22 U.S.C. 2504(e)) is amended, in the first~~
 17 ~~sentence—~~

18 ~~(1) by inserting “(including, if necessary, for~~
 19 ~~volunteers and trainees, services under section 8C)”~~
 20 ~~after “health care”; and~~

21 ~~(2) by inserting “including services provided in~~
 22 ~~accordance with section 8C (except that the six-~~
 23 ~~month limitation shall not apply in the case of such~~
 24 ~~services),” before “as the President”.~~

4 SEC. 2. PEACE CORPS VOLUNTEER PROTECTION.

7 “SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE
8 TRAINING

15 “(b) *DEVELOPMENT AND CONSULTATION WITH EX-*
16 *PERTS.*—*In developing the sexual assault risk-reduction*
17 *and response training under subsection (a), the President*
18 *shall consult with and incorporate, as appropriate, the rec-*
19 *ommendations and views of experts in the sexual assault*
20 *field.*

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1 *HIV exposure, screening for sexually transmitted diseases,*
 2 *and pregnancy testing), and MedEvac procedures.*

3 “(d) *INFORMATION REGARDING CRIMES AND RISKS.—*
 4 *Each applicant for enrollment as a volunteer shall be pro-*
 5 *vided with information regarding crimes against and risks*
 6 *to volunteers in the country in which the applicant has been*
 7 *invited to serve.*

8 “(e) *CONTACT INFORMATION.—The President shall*
 9 *provide each applicant, before the applicant enrolls as a*
 10 *volunteer, with—*

11 “(1) *the contact information of the Inspector*
 12 *General of the Peace Corps for purposes of reporting*
 13 *sexual assault mismanagement or any other mis-*
 14 *management, misconduct, wrongdoing, or violations*
 15 *of law or policy whenever it involves a Peace Corps*
 16 *employee, trainee, volunteer, consultant, contractor, or*
 17 *outside party that receives funds from the Peace*
 18 *Corps; and*

19 “(2) *clear, written guidelines regarding whom to*
 20 *contact, including the direct telephone number for the*
 21 *designated SAVSL and the Office of Victims Advocacy*
 22 *and what steps to take in the event of a sexual assault*
 23 *or other crime.*

24 “(f) *DEFINITIONS.—In this section and sections 8B*
 25 *through 8G:*

1 “(1) *SEXUAL ASSAULT.*—The term ‘sexual as-
 2 sault’ means any conduct prescribed by chapter 109A
 3 of title 18, United States Code, whether or not the
 4 conduct occurs in the special maritime and territorial
 5 jurisdiction of the United States, and includes both
 6 assaults committed by offenders who are strangers to
 7 the victim and assaults committed by offenders who
 8 are known or related by blood or marriage to the vic-
 9 tim.

10 “(2) *INCLUSION OF TRAINEES.*—The term ‘volun-
 11 teers’ includes trainees.

12 “*SEXUAL ASSAULT POLICY*”

13 “*SEC. 8B. (a) IN GENERAL.*—The President shall de-
 14 velop and implement a comprehensive sexual assault policy
 15 that—

16 “(1) includes a system for restricted and unre-
 17 stricted reporting of sexual assault;

18 “(2) protects the confidentiality of a volunteer
 19 who is a victim of sexual assault until such time that
 20 he or she elects to pursue unrestricted reporting of the
 21 assault;

22 “(3) mandates, for each Peace Corps country
 23 program, the designation of a Sexual Assault Victim
 24 Support Liaison (SAVSL), who shall receive com-
 25 prehensive training on procedures to respond to re-
 26 ports of sexual assault, with duties including ensur-

1 *ing that volunteers who are victims of sexual assault*
 2 *are moved to a safe environment and receive prompt*
 3 *access to medical care;*

4 *“(4) requires SAVSLs to immediately contact the*
 5 *Office of Victims Advocacy upon receiving a report of*
 6 *sexual assault;*

7 *“(5) is based upon best practices in the sexual*
 8 *assault field; and*

9 *“(6) is applicable to all posts at which volunteers*
 10 *serve.*

11 *“(b) DEVELOPMENT AND CONSULTATION WITH EX-*
 12 *PERTS.—In developing the sexual assault policy under sub-*
 13 *section (a), the President shall consult with and incor-*
 14 *porate, as appropriate, the recommendations and views of*
 15 *experts in the sexual assault field.*

16 *“(c) ELEMENTS.—The sexual assault policy developed*
 17 *under subsection (a) shall include, at a minimum, the fol-*
 18 *lowing with respect to a volunteer who has been a victim*
 19 *of sexual assault:*

20 *“(1) The option of pursuing either restricted or*
 21 *unrestricted reporting of an assault.*

22 *“(2) Provision of a SAVSL and victim’s advo-*
 23 *cate to the volunteer.*

1 “(3) *Provision of a sexual assault forensic evi-*
 2 *dence examination to the volunteer in accordance*
 3 *with applicable law.*

4 “(4) *Provision of emergency health care to the*
 5 *volunteer.*

6 “(5) *Completion of a safety and treatment plan*
 7 *with the volunteer.*

8 “(6) *Evacuation of the volunteer for medical*
 9 *treatment, accompanied by a Peace Corps staffer at*
 10 *the request of such volunteer.*

11 “(7) *An explanation to the volunteer of available*
 12 *law enforcement and prosecutorial options, and legal*
 13 *representation.*

14 “(d) *TRAINING.—The President shall train all in-*
 15 *country staff regarding the sexual assault policy developed*
 16 *under subsection (a).*

17 “(e) *REMOVAL AND ASSESSMENT AND EVALUATION.—*

18 “(1) *IN GENERAL.—If a volunteer feels at risk of*
 19 *imminent bodily harm and requests removal from the*
 20 *site in which such volunteer is serving, the President*
 21 *shall, as expeditiously as practical after receiving*
 22 *such request, remove the volunteer from the site. If the*
 23 *President receives such a request, the President shall*
 24 *assess and evaluate the safety of such site and may*
 25 *not assign another volunteer to the site until such*

1 *time as the assessment and evaluation is complete*
 2 *and the site has been determined to be safe.*

3 “(2) *DETERMINATION OF SITE AS UNSAFE.*—Vol-
 4 *unteers may remain at a site during an assessment*
 5 *and evaluation under paragraph (1). If the President*
 6 *determines that a site is unsafe, the President shall,*
 7 *as expeditiously as practical, remove all volunteers*
 8 *from the site.*

9 “(f) *TRACKING AND RECORDING.*—*The President shall*
 10 *establish a global tracking and recording system to track*
 11 *and record incidents of crimes against volunteers.*

12 “(g) *STALKING.*—

13 “(1) *IN GENERAL.*—*The policies and procedures*
 14 *established by this section shall also apply in in-*
 15 *stances when a volunteer reports stalking.*

16 “(2) *STALKING.*—*In this subsection, the term*
 17 *‘stalking’ means engaging in a course of conduct di-*
 18 *rected at a specific person that would cause a reason-*
 19 *able person to—*

20 “(A) *fear for his or her safety or the safety*
 21 *of others; or*

22 “(B) *suffer substantial emotional distress.*

23 “*OFFICE OF VICTIMS ADVOCACY*

24 “*SEC. 8C. (a) ESTABLISHMENT OF OFFICE OF VICTIMS*
 25 *ADVOCACY.*—

1 “(1) *IN GENERAL.*—*The President shall establish*
 2 *an Office of Victims Advocacy in Peace Corps head-*
 3 *quarters headed by a full-time victims advocate who*
 4 *shall report directly to the Director. The Office of Vic-*
 5 *tims Advocacy may deploy personnel abroad when*
 6 *necessary to help assist victims.*

7 “(2) *PROHIBITION.*—*Peace Corps Medical Offi-*
 8 *cers, Safety and Security Officers, and program staff*
 9 *may not serve as victims advocates. The victims advo-*
 10 *cate referred to in paragraph (1) may not have any*
 11 *other duties in the Peace Corps.*

12 “(3) *EXEMPTION.*—*The victims advocate and*
 13 *any additional victims advocates shall be exempt*
 14 *from the five year rule on appointments and assign-*
 15 *ments under section 7(a)(5).*

16 “(b) *RESPONSIBILITIES.*—*The Office of Victims Advo-*
 17 *cacy shall help develop and update the sexual assault risk-*
 18 *reduction and response training described in section 8A and*
 19 *the sexual assault policy described in section 8B and ensure*
 20 *that volunteers who are victims of crime receive services de-*
 21 *scribed in the sexual assault policy. The Office of Victims*
 22 *Advocacy shall assist volunteers who are victims of crime*
 23 *by making such victims aware of the services available to*
 24 *them and facilitating their access to such services.*

1 “(c) *STATUS UPDATES.*—*The Office of Victims Advocacy shall provide to volunteers who are victims of assault*
 2 *regular updates on the status of their cases if such volun-*
 3 *teers have opted to pursue prosecution.*

5 “(d) *TRANSITION.*—*The Office of Victims Advocacy*
 6 *shall assist volunteers who are victims of crime and whose*
 7 *service has terminated in receiving any benefits to which*
 8 *they are entitled under section 8142 of title 5, United States*
 9 *Code.*

10 “*ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY COUNCIL*

11 “*SEC. 8D. (a) ESTABLISHMENT.*—*There is established*
 12 *a Sexual Assault Advisory Council (in this section referred*
 13 *to as the ‘Council’).*

14 “(b) *MEMBERSHIP.*—*The Council shall be composed of*
 15 *not less than 8 individuals selected by the President who*
 16 *are returned volunteers (including volunteers who were vic-*
 17 *tims of sexual assault and volunteers who were not victims*
 18 *of sexual assault) and governmental and nongovernmental*
 19 *experts and professionals in the sexual assault field. No*
 20 *Peace Corps employee shall be a member of the Council.*
 21 *The number of governmental experts appointed to the Coun-*
 22 *cil shall not exceed the number of nongovernmental experts.*

23 “(c) *FUNCTIONS; MEETINGS.*—*The Council shall meet*
 24 *not less often than annually to review the sexual assault*
 25 *risk-reduction and response training developed under sec-*
 26 *tion 8A, the sexual assault policy developed under section*

1 *8B, and such other matters related to sexual assault the*
 2 *Council views as appropriate, to ensure that such training*
 3 *and policy is based upon best practices in the sexual assault*
 4 *field.*

5 “(d) *REPORTS.*—Not later than one year after the date
 6 of the enactment of this section, annually thereafter for four
 7 years, and every three years thereafter, the Council shall
 8 submit to the President and the Committee on Foreign Re-
 9 lations and the Committee on Appropriations of the Senate
 10 and the Committee on Foreign Affairs and the Committee
 11 on Appropriations of the House of Representatives a report
 12 on its findings based on the reviews conducted pursuant to
 13 subsection (c).

14 “(e) *FEDERAL EMPLOYEES.*—Members of the Council
 15 shall not be considered employees of the United States Gov-
 16 ernment for any purpose and shall not receive compensa-
 17 tion other than reimbursement of travel expenses and per
 18 diem allowance.

19 “(f) *NONAPPLICABILITY OF FACA.*—The Federal Advi-
 20 sory Committee Act (5 U.S.C. App.) shall not apply to the
 21 Council.

22 “VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

23 “SEC. 8E. (a) *MONITORING AND EVALUATION.*—The
 24 President shall establish performance plans with perform-
 25 ance elements and standards for Peace Corps representa-
 26 tives and shall review the performance of Peace Corps rep-

1 *representatives not less than annually to determine whether*
 2 *they have met these performance elements and standards.*
 3 *Nothing in this subsection shall be construed as limiting*
 4 *the discretion of the President to remove a Peace Corps rep-*
 5 *resentative.*

6 “(b) *ANNUAL VOLUNTEER SURVEYS.—The President*
 7 *shall annually conduct a confidential survey of volunteers*
 8 *regarding the effectiveness of Peace Corps programs and*
 9 *staff and the safety of volunteers. The results shall be pro-*
 10 *vided in aggregate form without identifying information to*
 11 *the Committee on Foreign Relations and the Committee on*
 12 *Appropriations of the Senate and the Committee on Foreign*
 13 *Affairs and the Committee on Appropriations of the House*
 14 *of Representatives.*

15 “(c) *PEACE CORPS INSPECTOR GENERAL.—The In-*
 16 *spector General of the Peace Corps shall submit to the Com-*
 17 *mittee on Foreign Relations and the Committee on Appro-*
 18 *priations of the Senate and the Committee on Foreign Af-*
 19 *fairs and the Committee on Appropriations of the House*
 20 *of Representatives the following:*

21 “(1) *A biennial report on reports received from*
 22 *volunteers relating to misconduct, mismanagement, or*
 23 *policy violations of Peace Corps staff, any breaches of*
 24 *the confidentiality of volunteers, and any actions*

“(3) A report, not later than two years after the date of the enactment of this section, describing how Peace Corps representatives are hired, how Peace Corps representatives are terminated, and how Peace Corps representatives hire staff, including an assessment of the implementation of subsection (a).

19 “SEC. 8F. *The President shall establish and maintain*
20 *a process to allow volunteers to report incidents of mis-*
21 *conduct or mismanagement, or violations of any policy, of*
22 *the Peace Corps in order to protect the confidentiality and*
23 *safety of such volunteers and of the information reported,*
24 *and to ensure that such information is acted on appro-*
25 *priately. The President shall train all volunteers and staff*
26 *about this process.*

1 “REPORTING REQUIREMENTS

2 “SEC. 8G. (a) *IN GENERAL.*—*The President shall an-*
 3 *nually submit to the Committee on Foreign Relations and*
 4 *the Committee on Appropriations of the Senate and the*
 5 *Committee on Foreign Affairs and the Committee on Ap-*
 6 *propriations of the House of Representatives a report sum-*
 7 *marizing information on—*

8 “*(1) sexual assault of volunteers;*

9 “*(2) other crimes against volunteers; and*

10 “*(3) the annual rate of early termination of volunteers,*
 11 *including demographic data associated with such early ter-*
 12 *mination.*

13 “*(b) GAO.*—*Not later than one year after the date of*
 14 *the enactment of this section, the Comptroller General of*
 15 *the United States shall submit to the Committee on Foreign*
 16 *Relations and the Committee on Appropriations of the Sen-*
 17 *ate and the Committee on Foreign Affairs and the Com-*
 18 *mittee on Appropriations of the House of Representatives*
 19 *a report evaluating the quality and accessibility of health*
 20 *care provided through the Department of Labor to returned*
 21 *volunteers upon their separation from the Peace Corps.*

22 “*(c) ACCESS TO COMMUNICATIONS.*—

23 “*(1) IN GENERAL.*—*The President shall deter-*
 24 *mine the level of access to communication, including*
 25 *cellular and Internet access, of each volunteer.*

1 “(2) *REPORT.*—Not later than six months after
 2 the date of the enactment of this section, the President
 3 shall submit to the Committee on Foreign Relations
 4 and the Committee on Appropriations of the Senate
 5 and the Committee on Foreign Affairs and the Com-
 6 mittee on Appropriations of the House of Representa-
 7 tives a report on the costs of providing all volunteers
 8 with access to adequate communication, including cel-
 9 lular service and Internet access.”.

10 **SEC. 3. RETENTION OF COUNSEL FOR CRIME VICTIMS.**

11 Section 5(l) of the Peace Corps Act (22 U.S.C. 2504(l))
 12 is amended by inserting before the period at the end the
 13 following: “and counsel may be employed and counsel fees,
 14 court costs and other expenses may be paid in the support
 15 of volunteers who are parties, complaining witnesses, or
 16 otherwise participating in the prosecution of crimes com-
 17 mitted against such volunteers”.

18 **SEC. 4. SENSE OF CONGRESS ON STAFFING OF OFFICE OF**
 19 **VICTIMS ADVOCACY.**

20 It is the sense of Congress that the Office of Victims
 21 Advocacy established under section 8C of the Peace Corps
 22 Act, as added by section 2, should maintain a staffing level
 23 sufficient to ensure the provision of timely and comprehen-
 24 sive services to Peace Corps volunteers.

1 **SEC. 5. PERSONAL SERVICE CONTRACTS.**

2 Section 10(a)(5) of the Peace Corps Act (22 U.S.C.
3 2509(a)(5)) is amended by deleting “any purpose” and in-
4 serting “the purposes of any law administered by the Office
5 of Personnel Management”.

6 **SEC. 6. INDEPENDENCE OF THE INSPECTOR GENERAL OF**
7 **THE PEACE CORPS.**

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 new paragraph:

11 “(7) The limitations specified in subparagraphs
12 (A) and (B) of paragraph (2) and in paragraph (5)
13 shall not apply to—

14 “(A) the Inspector General of the Peace
15 Corps; and

16 “(B) officers and employees of the Office of
17 the Inspector General of the Peace Corps.”.

18 **SEC. 7. CONFORMING AMENDMENTS.**

19 (a) **INCLUSION OF SEXUAL ASSAULT RISK-REDUCTION**
20 **AND RESPONSE TRAINING.**—The Peace Corps Act is amend-
21 ed—

22 (1) in section 5(a) (22 U.S.C. 2504(a)), in the
23 second sentence, by inserting “(including training
24 under section 8A)” after “training”; and

1 (2) in section 8(a) (22 U.S.C. 2507(a)), in the
 2 first sentence, by inserting “, including training
 3 under section 8A,” after “training”.

4 (b) *CERTAIN SERVICES*.—Section 5(e) of the Peace
 5 Corps Act (22 U.S.C. 2504(e)) is amended, in the first sen-
 6 tence—

7 (1) by inserting “(including, if necessary, for
 8 volunteers and trainees, services under section 8B)”
 9 after “health care”; and

10 (2) by inserting “including services provided in
 11 accordance with section 8B (except that the six-month
 12 limitation shall not apply in the case of such serv-
 13 ices),” before “as the President”.

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112TH CONGRESS
1ST Session

S. 1280

[Report No. 112-82]

A BILL

To amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

SEPTEMBER 21, 2011

Reported with an amendment