

108TH CONGRESS  
2D SESSION

# H. R. 4060

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IN THE SENATE OF THE UNITED STATES

JUNE 2, 2004

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health, Safety, and  
3 Security of Peace Corps Volunteers Act of 2004”.

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

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

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

9 “(a) ESTABLISHMENT.—There is established in the  
10 Peace Corps the Office of the Ombudsman of the Peace  
11 Corps (hereinafter in this section referred to as the ‘Of-  
12 fice’). The Office shall be headed by the Ombudsman of  
13 the Peace Corps (hereinafter in this section referred to  
14 as the ‘Ombudsman’), who shall be appointed by and re-  
15 port directly to the Director of the Peace Corps.

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

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

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

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

1           “(4) medical or other health-related assistance;  
2       and

3           “(5) access to files and records of current or  
4       former volunteers.

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

10       “(d) ADDITIONAL DUTIES.—The Ombudsman  
11       shall—

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

14           “(2) make recommendations for administrative  
15       or regulatory adjustments to address recurring prob-  
16       lems or other difficulties of the Peace Corps;

17           “(3) identify systemic issues that relate to the  
18       practices, policies, and administrative procedures of  
19       the Peace Corps affecting volunteers and employees;  
20       and

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

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

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

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

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

13       “(g) REPORTS.—

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

20           “(A) the complaints, questions, and concerns  
21       considered by the Ombudsman;

22           “(B) the inquiries completed by the Ombudsman;  
23

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

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

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

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

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

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

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

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

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

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

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

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

23 “(2) each country security coordinator—

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

4           “(B) should report directly to the Asso-  
5           ciate Director of Safety and Security of the  
6           Peace Corps, as appointed pursuant to sub-  
7           section (a) of this section, on all matters of im-  
8           portance as the country security coordinator  
9           considers necessary;

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

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

18 **SEC. 4. OFFICE OF MEDICAL SERVICES OF THE PEACE**  
19 **CORPS.**

20          (a) **REPORT ON MEDICAL SCREENING AND PLACE-**  
21 **MENT COORDINATION.**—Not later than 120 days after the  
22 date of the enactment of this Act, the Director of the  
23 Peace Corps shall submit to the appropriate congressional  
24 committees a report that—

1           (1) describes the medical screening procedures  
2           and guidelines used by the office responsible for  
3           medical services of the Peace Corps to determine  
4           whether an applicant for Peace Corps service has  
5           worldwide clearance, limited clearance, a deferral pe-  
6           riod, or is not medically, including psychologically,  
7           qualified to serve in the Peace Corps as a volunteer;

8           (2) describes the procedures and guidelines  
9           used by the Peace Corps to ensure that applicants  
10          for Peace Corps service are matched with a host  
11          country where the applicant, reasonable accommoda-  
12          tions notwithstanding, can complete at least two  
13          years of volunteer service without interruption due  
14          to foreseeable medical conditions; and

15          (3) with respect to each of the fiscal years 2000  
16          through 2003 and the first six months of fiscal year  
17          2004, states the number of—

18                (A) medical screenings of applicants con-  
19                ducted;

20                (B) applicants who have received world-  
21                wide clearance, limited clearance, deferral peri-  
22                ods, and medical disqualifications to serve;

23                (C) appeals to the Medical Screening Re-  
24                view Board of the Peace Corps and the number



1 of times that an initial screening decision was  
2 upheld;

3 (D) requests to the head of the office re-  
4 sponsible for medical services of the Peace  
5 Corps for reconsideration of a decision of the  
6 Medical Screening Review Board and the num-  
7 ber of times that the decision of the Medical  
8 Screening Review Board was upheld by the  
9 head of such office;

10 (E) Peace Corps volunteers who became  
11 medically qualified to serve because of a deci-  
12 sion of the Medical Screening Review Board  
13 and who were later evacuated or terminated  
14 their service early due to medical reasons;

15 (F) Peace Corps volunteers who became  
16 medically qualified to serve because of a deci-  
17 sion of the head of the office responsible for  
18 medical services of the Peace Corps and who  
19 were later evacuated or terminated their service  
20 early due to medical reasons;

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

1 (H) Peace Corps volunteers who have ter-  
 2 minated their service early due to medical, in-  
 3 cluding psychological, reasons.

4 (b) DEFINITION.—In subsection (a), the term “ap-  
 5 propriate congressional committees” means the Com-  
 6 mittee on International Relations of the House of Rep-  
 7 resentatives and the Committee on Foreign Relations of  
 8 the Senate.

9 (c) FULL TIME DIRECTOR OF MEDICAL SERVICES.—  
 10 Section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c))  
 11 is amended by adding at the end the following new para-  
 12 graph:

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

17 **SEC. 5. REPORTS ON THE “FIVE YEAR RULE” AND ON WORK**  
 18 **ASSIGNMENTS OF VOLUNTEERS OF THE**  
 19 **PEACE CORPS.**

20 (a) REPORT BY THE COMPTROLLER GENERAL.—

21 (1) IN GENERAL.—Not later than one year  
 22 after the date of enactment of this Act, the Comp-  
 23 troller General shall submit to the appropriate con-  
 24 gressional committees a report on the effects of the  
 25 limitation on the duration of employment, appoint-

1       ment, or assignment of officers and employees of the  
2       Peace Corps under section 7 of the Peace Corps Act  
3       (22 U.S.C. 2506) on the ability of the Peace Corps  
4       to effectively manage Peace Corps operations.

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

7                       (A) a description of such limitation;

8                       (B) a description of the history of such  
9       limitation and the purposes for which it was en-  
10      acted and amended;

11                      (C) an analysis of the impact of such limi-  
12      tation on the ability of the Peace Corps to re-  
13      cruit capable volunteers, establish productive  
14      and worthwhile assignments for volunteers, pro-  
15      vide for the health, safety, and security of vol-  
16      unteers, and, as declared in section 2(a) of the  
17      Peace Corps Act (22 U.S.C. 2501(a)), “pro-  
18      mote a better understanding of the American  
19      people on the part of the peoples served and a  
20      better understanding of other peoples on the  
21      part of the American people”;

22                      (D) an assessment of whether the applica-  
23      tion of such limitation has accomplished the ob-  
24      jectives for which it was intended; and

1 (E) recommendations, if any, for legisla-  
2 tion to amend provisions of the Peace Corps  
3 Act relating to such limitation.

4 (b) REPORT ON WORK ASSIGNMENTS OF VOLUN-  
5 TEERS.—

6 (1) IN GENERAL.—Not later than 180 days  
7 after the date of the enactment of this Act, the Di-  
8 rector of the Peace Corps shall submit to the appro-  
9 priate congressional committees a report on the ex-  
10 tent to which the work assignments of Peace Corps  
11 volunteers fulfill the commitment of the Peace Corps  
12 to ensuring that such assignments are well devel-  
13 oped, with clear roles and expectations, and that vol-  
14 unteers are well-suited for their assignments.

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

17 (A) an assessment of the extent to which  
18 agreements between the Peace Corps and host  
19 countries delineate clear roles for volunteers in  
20 assisting host governments to advance their na-  
21 tional development strategies;

22 (B) an assessment of the extent to which  
23 the Peace Corps recruits volunteers who have  
24 skills that correlate with the expectations cited

1 in the country agreements and assigns such vol-  
2 unteers to such posts;

3 (C) a description of procedures for deter-  
4 mining volunteer work assignments and min-  
5 imum standards for such assignments;

6 (D) a volunteer survey on health, safety,  
7 and security issues as well as satisfaction sur-  
8 veys which will have been conducted after the  
9 date of the enactment of this Act; and

10 (E) an assessment of the plan of the Peace  
11 Corps to increase the number of volunteers who  
12 are assigned to projects in sub-Saharan Africa,  
13 Asia, and the Western Hemisphere, particularly  
14 among communities of African descent within  
15 countries in the Western Hemisphere, which  
16 help combat HIV/AIDS and other global infec-  
17 tious diseases.

18 (c) DEFINITION.—In this section, the term “appro-  
19 priate congressional committees” means the Committee on  
20 International Relations of the House of Representatives  
21 and the Committee on Foreign Relations of the Senate.

22 **SEC. 6. INSPECTOR GENERAL OF THE PEACE CORPS.**

23 (a) ESTABLISHMENT OF INDEPENDENT INSPECTOR  
24 GENERAL.—

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

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

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

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

10          (C) in section 11—

11           (i) in paragraph (1), by striking “or  
12 the Office of Personnel Management” and  
13 inserting “the Office of Personnel Manage-  
14 ment, or the Peace Corps”; and

15           (ii) in paragraph (2), by inserting “,  
16 the Peace Corps” after “the Office of Per-  
17 sonnel Management”.

18          (2) TECHNICAL AMENDMENT.—Section  
19 9(a)(1)(U) of the Inspector General Act of 1978 (5  
20 U.S.C. App.) is amended by striking “and” at the  
21 end.

22          (b) TEMPORARY APPOINTMENT.—The Director of  
23 the Peace Corps may appoint an individual to assume the  
24 powers and duties of the Inspector General of the Peace  
25 Corps under the Inspector General Act of 1978 (5 U.S.C.

1 App.) on an interim basis until such time as a person is  
2 appointed by the President, by and with the advice and  
3 consent of the Senate, pursuant to the amendments made  
4 in this section.

5 (c) EXEMPTION FROM EMPLOYMENT TERM LIMITS  
6 UNDER THE PEACE CORPS ACT.—

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

9 (A) by redesignating subsection (c) as sub-  
10 section (b); and

11 (B) by adding at the end the following new  
12 subsection:

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

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

17 “(2) officers of the Office of the Inspector Gen-  
18 eral of the Peace Corps;

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

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

1           “(5) any health care professional within the of-  
2       fice responsible for medical services of the Peace  
3       Corps.”.

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

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

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

Passed the House of Representatives June 1, 2004.

Attest:

JEFF TRANDAHL,

*Clerk.*