

112TH CONGRESS
1ST SESSION

H. R. 2337

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 HOUSE OF REPRESENTATIVES

JUNE 23, 2011

Mr. POE of Texas (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. COSTA, Mr. FARR, Ms. TSONGAS, Mr. ROHRABACHER, Mr. CONNOLLY of Virginia, Mr. FALEOMAVAEGA, Ms. BUERKLE, Ms. WILSON of Florida, Mr. DOGGETT, Mr. CAPUANO, and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Foreign Affairs

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.

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. PEACE CORPS VOLUNTEER PROTECTION.**

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

4 “SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE
5 TRAINING

6 “SEC. 8A. (a) IN GENERAL.—As part of the training
7 provided to all volunteers under section 8(a), the Director
8 of the Peace Corps shall develop and implement com-
9 prehensive sexual assault risk-reduction and response
10 training that conforms to best practices in the sexual as-
11 sault field as appropriate for first responders and other
12 staff.

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

19 “(c) SUBSEQUENT TRAINING.—Once a trainee has
20 arrived in such trainee’s country of service, the Director
21 of the Peace Corps shall provide such trainee with training
22 tailored to such country, including cultural training relat-
23 ing to gender relations, risk-reduction strategies, a safety
24 plan in the event of an assault, treatment available in such
25 country (such as forensic rape exams, PEP for HIV expo-
26 sure, STD screening, and pregnancy testing), MedEvac

1 procedures, and information regarding the legal process
2 for pressing charges against an attacker.

3 “(d) HISTORICAL ANALYSIS.—The Director of the
4 Peace Corps shall provide each applicant for enrollment
5 with a historical analysis of crimes and risks against vol-
6 unteers in the country in which the applicant has been
7 invited to serve.

8 “(e) CONTACT INFORMATION.—The Director of the
9 Peace Corps shall provide each trainee, before each such
10 trainee enrolls as a volunteer, with—

11 “(1) the contact information of the Inspector
12 General of the Peace Corps for purposes of reporting
13 violations of the sexual assault protocol under sec-
14 tion 8B or any other criminal or administrative
15 wrongdoing by volunteers, personnel (including ex-
16 perts and consultants), or other individuals (includ-
17 ing contractors) who do business with the Peace
18 Corps; and

19 “(2) clear, written guidelines regarding whom
20 to contact, including the direct telephone number for
21 a victim advocate and what steps to take in the
22 event of a sexual assault.

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

25 “(1) ASSAULT.—

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

3 “(i) creates an apprehension in an in-
4 dividual of an imminent, harmful, or offen-
5 sive contact; or

6 “(ii) is a harmful or offensive touch-
7 ing.

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

10 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
11 sault’ means any conduct described in chapter 109A
12 of title 18, United States Code, relating to aggra-
13 vated sexual abuse, sexual abuse, and sexual contact,
14 whether or not the conduct occurs in the special
15 maritime and territorial jurisdiction of the United
16 States, and includes both assaults committed by of-
17 fenders who are strangers to the victim and assaults
18 committed by offenders who are known or related by
19 blood or marriage to the victim.

20 “(3) STALKING.—The term ‘stalking’ means
21 engaging in a course of conduct directed at a spe-
22 cific person that would cause a reasonable person
23 to—

24 “(A) fear for his or her safety or the safety
25 of others; or

1 “(B) suffer substantial emotional distress.

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

4 “SEXUAL ASSAULT PROTOCOL AND GUIDELINES

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

8 “(1) conform to best practices in the sexual assault
9 field; and

10 “(2) are applicable to all posts at which volunteers
11 serve.

12 “(b) DEVELOPMENT AND CONSULTATION WITH EX-
13 PERTS.—In developing the sexual assault policy under
14 subsection (a), the Director of the Peace Corps shall con-
15 sult with and incorporate, as appropriate, the rec-
16 ommendations and views of experts in the sexual assault
17 field.

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

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

23 “(2) Provision of a victim’s advocate to such volun-
24 teer.

25 “(3) Provision of a sexual assault forensic evidence
26 kit to such volunteer upon request.

1 “(4) Provision of emergency health care to such vol-
2 unteer, including, to the greatest extent practicable, a
3 choice of medical providers and a mechanism for such vol-
4 unteer to evaluate such provider.

5 “(5) Provision of counseling and psychiatric medica-
6 tion.

7 “(6) Completion of a safety and treatment plan with
8 such volunteer.

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

11 “(8) An explanation to such volunteer of available law
12 enforcement, prosecutorial options, and legal representa-
13 tion.

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

18 “(e) REMOVAL AND ASSESSMENT AND EVALUA-
19 TION.—

20 “(1) IN GENERAL.—If a volunteer feels at risk of im-
21 minent bodily harm and requests removal from the site
22 in which such volunteer is serving, the Director of the
23 Peace Corps shall, as expeditiously as practical after re-
24 ceiving such request, remove such volunteer from such
25 site. If the Director of the Peace Corps receives such a

1 request, the Director of the Peace Corps shall assess and
2 evaluate the safety of such site and may not assign an-
3 other volunteer to such site until such time as such assess-
4 ment and evaluation is complete and such site has been
5 determined to be safe.

6 “(2) DETERMINATION OF SITE AS UNSAFE.—Volun-
7 teers may remain at a site during an assessment and eval-
8 uation under paragraph (1). If the Director the Peace
9 Corps determines that a site is unsafe, the Director of the
10 Peace Corps shall, as expeditiously as practical, remove
11 all volunteers from such site.

12 “(f) SEXUAL ASSAULT RESPONSE TEAMS.—The Di-
13 rector of the Peace Corps shall establish sexual assault
14 response teams, including Safety and Security Officers,
15 medical staff, and a victim advocate, that can respond to
16 reports of sexual assault against a volunteer.

17 “(g) CASE REVIEW.—The Director of the Peace
18 Corps shall conduct case reviews of a statistically signifi-
19 cant number of cases on a quarterly basis to determine
20 if proper procedures were followed in accordance with the
21 sexual assault protocols and guidelines developed under
22 subsection (a) and including the elements specified in sub-
23 section (c).

24 “(h) TRACKING AND RECORDING.—The Director of
25 the Peace Corps shall establish a global tracking and re-

1 cording system to track and record incidents of assault
2 against volunteers.

3 “(i) PROHIBITION ON COMBINING INCIDENTS.—The
4 Director of the Peace Corps may not combine into one
5 incident for purposes of tracking and recording under sub-
6 section (h) reports by different volunteers of assault
7 against such volunteers even if such assaults were com-
8 mitted by one individual against such volunteers at any
9 one time.

10 “(j) ALTERNATIVE SYSTEMS.—The Director of the
11 Peace Corps shall establish an alternative reporting sys-
12 tem and hotline access system through which volunteers
13 who are victims of assault can report and receive support
14 on an anonymous basis. Such alternative systems shall be
15 published in the Volunteer Handbook.

16 “VICTIMS ADVOCATES

17 “SEC. 8C. (a) VICTIMS ADVOCATES.—

18 “(1) IN GENERAL.—The Director of the Peace Corps
19 shall assign a certified victims advocate in Peace Corps
20 headquarters who shall report directly to the Director. The
21 Director of the Peace Corps shall assign not fewer than
22 three additional certified victims advocates to assist such
23 victims advocate. Such additional victims advocates shall
24 have regional expertise and may be posted abroad if such
25 victims advocate determines that such is necessary.

1 “(2) PROHIBITION.—Peace Corps Medical Officers,
2 Safety and Security Officers, and program staff may not
3 serve as victims advocates. The victims advocate and addi-
4 tional victims advocates may not have any other duties
5 in the Peace Corps.

6 “(3) EXEMPTION.—The victims advocate and addi-
7 tional victims advocates shall be exempt from the five year
8 rule on appointments and assignments under section 7.

9 “(b) RESPONSIBILITIES.—The victims advocate and
10 additional victims advocates shall help develop and imple-
11 ment the sexual assault risk-reduction and response train-
12 ing described in section 8A and the sexual assault protocol
13 and guidelines described in section 8B and ensure such
14 training and such protocol and guidelines are being prop-
15 erly updated and followed. The victims advocate and addi-
16 tional victims advocates shall assist volunteers who are vic-
17 tims of assault by making such victims aware of the serv-
18 ices specified in section 8B(c) available to them and facili-
19 tating their access to such services.

20 “(c) STATUS UPDATES.—The victims advocate and
21 additional victims advocates shall provide to volunteers
22 who are victims of assault regular updates on the status
23 of their cases if such volunteers have opted to pursue pros-
24 ecution.

1 “(d) TRANSITION.—A victims advocate who is work-
2 ing with a volunteer who is a victim of assault and who
3 relocates back to the United States shall assist such volun-
4 teer to receive the services specified in section 8B(c) re-
5 quired by such volunteer, including through the duration
6 of the claim with the Department of Labor, even after
7 such volunteer is medically separated.

8 “ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY
9 COUNCIL

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

13 “(b) MEMBERSHIP.—The Council shall be composed
14 of individuals selected by the Director of the Peace Corps
15 who are returned volunteers (including volunteers who
16 were victims of sexual assault and volunteers who were
17 not victims of sexual assault) and governmental and non-
18 governmental experts and professionals in the sexual as-
19 sault field.

20 “(c) FUNCTIONS; MEETINGS.—The Council shall
21 meet not less often than annually to review the sexual as-
22 sault risk-reduction and response training developed under
23 section 8A, sexual assault policy developed under section
24 8B, and the confidentiality policy developed under section
25 8F to ensure that such training and policies conform to
26 best practices in the sexual assault field.

1 “(d) REPORTS.—The Council shall annually submit
2 to the Director of the Peace Corps and the Committee
3 on Foreign Affairs and the Committee on Appropriations
4 of the House of Representatives and Committee on For-
5 eign Relations and the Committee on Appropriations of
6 the Senate a report on its findings based on the reviews
7 conducted pursuant to subsection (c).

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

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

15 “VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

16 “SEC. 8E. (a) MONITORING AND EVALUATION.—Not
17 later than one year after the date of the enactment of this
18 section, the Director of the Peace Corps shall establish
19 goals, metrics, and monitoring and evaluation plans for
20 all Peace Corps programs and Country Directors. Moni-
21 toring and evaluation plans shall incorporate best prac-
22 tices from monitoring and evaluation studies and analyses.

23 “(b) ANNUAL VOLUNTEER SURVEYS.—The Director
24 of the Peace Corps shall annually conduct a confidential
25 survey of volunteers regarding the effectiveness of Peace
26 Corps programs and staff and the safety of volunteers.

1 “(c) PEACE CORPS INSPECTOR GENERAL.—The In-
2 spector General of the Peace Corps shall submit to the
3 Committee on Foreign Affairs and the Committee on Ap-
4 propriations of the House of Representatives and Com-
5 mittee on Foreign Relations and the Committee on Appro-
6 priations of the Senate the following:

7 “(1) A biennial report on reports received from
8 volunteers relating to misconduct, mismanagement,
9 or policy violations of Peace Corps staff, any
10 breaches of the confidentiality of volunteers, and any
11 actions taken to assure the safety of volunteers who
12 provide such reports.

13 “(2) A report, not later than two years after
14 the date of the enactment of this section and every
15 five years thereafter, evaluating the effectiveness and
16 implementation of the assault risk-reduction and re-
17 sponse training developed under section 8A and the
18 sexual assault protocol and guidelines developed
19 under section 8B.

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

23 “(4) A report, not later than two years after
24 the date of the enactment of this section, describing
25 how Country Directors are hired, how Country Di-

1 rectors are terminated, and how Country Directors
2 hire staff.

3 “(d) EVALUATION DEFINED.—For purposes of this
4 section, the term ‘evaluation’ means the systematic collec-
5 tion and analysis of information about the characteristics
6 and outcomes of programs and projects as a basis for
7 judgments, to improve effectiveness, or inform decisions
8 about current and future programming.

9 “NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE
10 INFORMATION

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

21 “(b) GUIDANCE.—The Director of the Peace Corps
22 shall provide guidance to officers and employees of the
23 Peace Corps who have access to the information reported
24 by volunteers under subsection (a) in order to protect
25 against the inappropriate disclosure of such information
26 and ensure the safety of such volunteers.

1 “(c) NONDISCLOSURE.—

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

5 “(A) disclose any personally identifying in-
6 formation or personal information of a volun-
7 teer who is a victim of assault collected in con-
8 nection with services requested, utilized, or de-
9 nied through Peace Corps programs; or

10 “(B) reveal such information without the
11 informed, purpose-limited, and reasonably time-
12 limited consent of such volunteer about whom
13 such information is sought.

14 “(2) RELEASE.—If the release of information
15 described in paragraph (1) is authorized by statute
16 or compelled by court order, the Director of the
17 Peace Corps shall—

18 “(A) make reasonable attempts to provide
19 notice to the volunteer with respect to whom
20 such information is being released; and

21 “(B) take such action as is necessary to
22 protect the privacy and safety of such volunteer.

23 “(3) INFORMATION SHARING.—The Director of
24 the Peace Corps may share—

1 “(A) nonpersonally identifying information
2 in the aggregate regarding services to volun-
3 teers and nonpersonally identifying demo-
4 graphic information in order to comply with re-
5 porting, evaluation, or data collection require-
6 ments;

7 “(B) nonpersonally indentifying informa-
8 tion that would protect the safety of volunteers;

9 “(C) court-generated information and law-
10 enforcement generated information contained in
11 secure, governmental registries for protection
12 order enforcement purposes; and

13 “(D) law enforcement- and prosecution-
14 generated information necessary for law en-
15 forcement and prosecution purposes.

16 “(d) DEFINITION.—In this section, the terms ‘per-
17 sonally identifying information’ and ‘personal information’
18 mean information for or about a volunteer who is a victim
19 of assault, including information likely to disclose the loca-
20 tion of such victim, including the following:

21 “(1) A first and last name.

22 “(2) A home or other physical address.

23 “(3) Contact information (including a postal,
24 email, or Internet protocol address, or telephone or
25 facsimile number).

1 “(4) A social security number.

2 “(5) Any other information, including date of
3 birth, racial or ethnic background, or religious affili-
4 ation, that, in combination with paragraphs (1)
5 through (4), would serve to identify such victim.

6 “REPORTING REQUIREMENTS

7 “SEC. 8G. (a) IN GENERAL.—The Director of the
8 Peace Corps shall annually submit to the Committee on
9 Foreign Affairs and the Committee on Appropriations of
10 the House of Representatives and the Committee on For-
11 eign Relations and the Committee on Appropriations of
12 the Senate a report summarizing information on—

13 “(1) sexual assault against volunteers;

14 “(2) assault against volunteers; and

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

18 “(b) GAO.—Not later than one year after the date
19 of the enactment of this section, the Comptroller General
20 of the United States shall submit to the Committee on
21 Foreign Affairs and the Committee on Appropriations of
22 the House of Representatives and the Committee on For-
23 eign Relations and the Committee on Appropriations of
24 the Senate a report evaluating the quality and accessibility
25 of health care provided through the Department of Labor

1 to returned volunteers upon their separation from the
2 Peace Corps.

3 “(c) ACCESS TO COMMUNICATIONS.—

4 “(1) IN GENERAL.—The Director of the Peace
5 Corps, in coordination with all Country Directors, shall
6 determine the level of access to communication, including
7 cellular and Internet access, of each volunteer.

8 “(2) REPORT.—Not later than six months after the
9 date of the enactment of this section, the Director of the
10 Peace Corps shall submit to the Committee on Foreign
11 Affairs and the Committee on Appropriations of the
12 House of Representatives and the Committee on Foreign
13 Relations and the Committee on Appropriations of the
14 Senate a report on the costs of providing all volunteers
15 with access to adequate communication, including cellular
16 service and Internet access.

17 “(d) REPORT ON MONITORING AND EVALUATION.—

18 Not later than one year after the date of the enactment
19 of this section and annually thereafter, the Director of the
20 Peace Corps shall submit to the Committee on Foreign
21 Affairs and the Committee on Appropriations of the
22 House of Representatives and the Committee on Foreign
23 Relations and the Committee on Appropriations of the
24 Senate a report on the monitoring and evaluation of Peace

1 Corps programs and Country Directors, including infor-
2 mation on the following:

3 “(1) A description of the monitoring and evaluation
4 activities conducted in the preceding year.

5 “(2) A forecast of the monitoring and evaluation ac-
6 tivities planned for the subsequent year.

7 “(3) A description of the ways in which the results
8 of the monitoring and evaluation activities have informed
9 the design and operation of development policies and pro-
10 grams during the preceding year.”.

11 **SEC. 3. CONFORMING AMENDMENTS.**

12 (a) INCLUSION OF SEXUAL ASSAULT RISK-REDUC-
13 TION AND RESPONSE TRAINING.—The Peace Corps Act
14 is amended—

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

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

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

1 (1) by inserting “(including, if necessary, for
2 such volunteers and for trainees, services under sec-
3 tion 8C)” after “health care”; and

4 (2) by inserting “including services provided in
5 accordance with section 8C (except that the six-
6 month limitation shall not apply in the case of such
7 services)” before “as the President”.

○