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106TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 106–18

TO AMEND THE PEACE CORPS ACT TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEARS 2000 THROUGH 2003 TO CARRY OUT THAT ACT

FEBRUARY 16, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GILMAN, from the Committee on International Relations, submitted the following

REPORT

[To accompany H.R. 669]

[Including cost estimate of the Congressional Budget Office]

The Committee on International Relations, to whom was referred the bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

COMMITTEE ACTION

INTRODUCTION AND CONSIDERATION OF THE BILL

H.R. 669, to reauthorize appropriations for the Peace Corps, was introduced on February 10, 1999, by Mr. Campbell, Mr. Gilman and Mr. Gejdenson along with 32 additional original cosponsors and referred to the Committee on International Relations. It was considered by the Committee on February 11, 1999, and, a quorum being present, was ordered reported to the House by voice vote with the recommendation that the bill do pass.

RECORD VOTES ON AMENDMENTS AND MOTION TO REPORT

Clause (3)(b) of rule XIII of the Rules of the House of Representatives requires that the results of each record vote on an amendment or motion to report, together with the names of those voting for or against, be printed in the committee report. No record votes were taken during the consideration of H.R. 669.

69–006

BACKGROUND AND PURPOSE

The main purpose of the bill is to authorize the expansion of the Peace Corps to President Reagan's original goal of 10,000 volunteers. Under the bill, the 10,000 volunteer target would be reached by Fiscal Year 2003. The bill also updates several outdated provisions of the Peace Corps Act.

PEACE CORPS LEGACY

The Peace Corps was established by an Executive Order of President Kennedy on March 1, 1961 and later affirmed by an Act of Congress on September 22, 1962 (P.L. 87–293). Since that time, 153,000 Americans have served in 134 countries through the Peace Corps. These volunteers have learned 180 languages and dialects. Five current Members of the House (Messrs. Farr, Hall, Petri, Shays, and Walsh) and one current Senator (Sen. Dodd) served in the Peace Corps as well as one member of the Cabinet (the Secretary of Health and Human Services, Donna Shalala) and seven current U.S. Ambassadors (Algeria, Armenia, Guyana, Malawi, Nigeria, Togo, and Senegal).

In 1985, President Reagan set a policy for the Peace Corps to expand to 10,000 volunteers. This goal was later set into law by the International Security and Development Cooperation Act of 1985 (P.L. 99–83). Despite this target set by both the President and Congress, the Peace Corps has not yet reached its goal.

After the establishment of the Peace Corps, volunteer numbers peaked at 15,556 in 1966. In adjusted 1992 dollars, Congress appropriated $470 million for the operation of the Corps. Since 1966, the numbers of volunteers declined to a low of 4,219 volunteers at the end of Fiscal Year 1987. Since then, Peace Corps volunteer numbers expanded to last year's total of 6,700 volunteers and a Fiscal Year 1999 appropriation of $241 million.

The Peace Corps has been rated as an effective foreign assistance program by many U.S. ambassadors serving in the field. For example:

> Ambassador Littrel reported that Tunisia became the first Arab nation to welcome the Peace Corps in 1962. 2,382 Americans served the Corps in Tunisia as that country became a key player in the Middle East peace process. During their service, Volunteers planned two major towns, taught 50,000 students, coached the national basketball team and built dozens of water, sanitation and health projects.
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> Ambassador Walker reported that the Peace Corps was "in many respects, the face of this embassy, and of America, to countless small Czech communities." When the Peace Corps left the Czech Republic, the government established the "Bohemia Corps" to begin Czech overseas volunteer work in the image of the Peace Corps.
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> Ambassador Bosworth reported that despite the Peace Corps' departure 18 years ago from South Korea, "there are a great many Koreans, many in key positions, who vividly and positively remember their experiences working with, or being taught by, Peace Corps volunteers." Like the Czech Republic,

Korea established its own international volunteer corps in the image of the Peace Corps.

Ambassador Frank reported from Nepal that "I know firsthand what a difference the Peace Corps has made to Nepal and even if I did not know it, I would be reminded by every Nepali I meet, from the King and the Prime Minister to ordinary Nepalis at the village level."

EXPANSION TO 10,000 VOLUNTEERS

President Clinton renewed President Reagan's call for increasing the size of the Peace Corps last year. Originally, the Administration planned to expand the Corps to "10,000 by 2000." The Committee held a hearing on this goal on March 18, 1998. Given the funding restraints of the appropriations bill, this plan was amended this year to expand the Corps more slowly—reaching 10,000 volunteers three years later than originally planned, in Fiscal Year 2003. Last year, Congress increased funding for the Corps from $222 million to $241 million. In the President's budget request for Fiscal Year 2000, he requested $270 million for the Peace Corps.

The President's Fiscal Year 2000 request would allow the Corps to expand to 8,000 volunteers, expanding in South Africa, Jordan, China, Bangladesh and Mozambique. Primary growth areas will be the Caucasus, Central Asia and Africa. Additional volunteers will be sent for hurricane relief missions in Central America. Programs in North Africa, the Middle East, Asia Central and Eastern Europe, South America and the Pacific will receive smaller increases. The Corps will also expand the work of the "Crisis Corps," a cadre of experienced Peace Corps volunteers who have the language skills and background to make major contributions to very difficult emergencies such as in Central America or West Africa.

The growth of the Corps has been moderated by management, income and safety concerns. Since Fiscal Year 1992, the Corps closed 15 missions (Cook Islands, Nigeria, Seychelles, Comoros, Marshall Islands, Sao Tome and Principe, Tunisia, Czech Republic, Hungary, Swaziland, Uruguay, Chile, Botswana, Fiji and Tuvalu). Safety concerns also mandated the closure of missions in seven countries including the Central African Republic, Albania, the Republic of Congo, Sri Lanka, Eritrea, Chad and Guinea-Bissau. The Corps has also established new safety and security protocols for volunteers and retained a new Coordinator for Volunteer Safety and Overseas Security.

The Peace Corps has also reduced headquarters staffing by 13% since 1993, and closed five of sixteen domestic recruiting offices. Support costs per volunteer in constant dollars have dropped 14% from FY93 to FY98.

In sum, the bill would authorize the appropriation of $270 million in Fiscal Year 2000 (the President's request) and amounts through Fiscal Year 2003 to reach the 10,000 volunteer goal by the end of FY03. These amounts would remain subject to appropriation and would therefore fall under the budget caps and subcommittee allocations of the budget and appropriations process.

OTHER MATTERS

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM FINDINGS

Clause 3(c)(4) of rule XIII of the Rules of the House of Representatives requires each committee report to contain a summary of the oversight findings and recommendations made by the Government Reform Committee pursuant to clause 4(c)(2) of rule X of those Rules. The Committee on International Relations has received no such findings or recommendations from the Committee on Government Reform.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

CONSTITUTIONAL AUTHORITY STATEMENT

In compliance with clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee cites the following specific powers granted to the Congress in the Constitution as authority for enactment of H.R. 669 as reported by the Committee: Article I, section 8, clause 1 (relating to providing for the common defense and general welfare of the United States); Article I, section 8, clause 3 (relating to the regulation of commerce with foreign nations); and Article I, section 8, clause 18 (relating to making all laws necessary and proper for carrying into execution powers vested by the Constitution in the government of the United States).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any committee on a bill or joint resolution to include a committee statement on the extent to which the bill or joint resolution is intended to preempt state or local law. The Committee states that H.R. 669 is not intended to preempt any state or local law.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES, CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, AND FEDERAL MANDATES STATEMENTS

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives requires each committee report that accompanies a measure providing new budget authority, new spending authority, or new credit authority or changing revenues or tax expenditures to contain a cost estimate, as required by section 308(a)(1) of the Congressional Budget Act of 1974, as amended, and, when practicable with respect to estimates of new budget authority, a comparison of the estimated funding level for the relevant program (or programs) to the appropriate levels under current law.

Clause 3(d) of rule XIII of the Rules of the House of Representatives requires committees to include their own cost estimates in certain committee reports, which include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) with the appropriate levels under current law.

Clause 3(c)(3) of rule XIII of the Rules of the House of Representatives requires the report of any committee on a measure which has been approved by the Committee to include a cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974, if the cost estimate is timely submitted.

Section 423 of the Congressional Budget Act requires the report of any committee on a bill or joint resolution that includes any Federal mandate to include specific information about such mandates. The Committee states that H.R. 669 does not include any Federal mandate.

The Committee adopts the cost estimate of the Congressional Budget Office as its own submission of any new required information with respect to H.R. 669 on new budget authority, new spending authority, new credit authority, or an increase or decrease in the national debt. It also adopts the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. The estimate and report which has been received is set out below.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 16, 1999.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has prepared the enclosed cost estimate for H.R. 669, a bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that act, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehall.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 669—A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that act, and for other purposes

Summary: H.R. 669 would authorize appropriations for the Peace Corps for fiscal years 2000 through 2003. CBO estimates that appropriation of the authorized amounts would result in additional outlays of $1.23 billion over the next five years.

Because H.R. 669 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 669 is shown in the table below. The costs of this legislation fall within budget function 150 (international affairs).

Basis of estimate: The estimate assumes enactment of the bill and subsequent appropriation of the authorized amounts by the beginning of fiscal year 2000. CBO used historical spending rates to estimate outlays.

	by fiscal year, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority [1]	240	0	0	0	0	0
Estimated outlays	235	49	6	1	0	0
Proposed changes:						
Authorization level	0	270	298	327	365	0
Estimated outlays	0	211	281	314	351	73
Spending under H.R. 669:						
Authorization level [1]	240	270	298	327	365	0
Estimated outlays	235	260	287	315	351	73

[1] The 1999 level is the amount appropriated for that year.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: The bill contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Joseph C. Whitehall. Impact on State, Local, and Tribal Governments: Leo Lex. Impact on the Private Sector: Leslie Frymier.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

SECTION-BY-SECTION ANALYSIS

SEC. 1. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2000 THROUGH 2003 TO CARRY OUT THE PEACE CORPS ACT

This section amends the Peace Corps Act to provide the following authorizations of appropriations: Fiscal Year 2000—$270 million, Fiscal Year 2001—$298 million, Fiscal Year 2002—$327 million, Fiscal Year 2003—$365 million. The Committee understands that

these amounts are consistent with Office of Management & Budget and Peace Corps estimates of amounts required to meet the 10,000 volunteer target by the end of Fiscal Year 2003. The Committee also understands that these amounts are already part of the Administration's outyear projections for Fiscal Years 2001–2003.

SEC. 2. MISCELLANEOUS AMENDMENTS TO THE PEACE CORPS ACT

Section 2(a) adds a new paragraph (13) to subsection 15(d).[1] The new paragraph would exempt the Peace Corps from 49 U.S.C. 40118 with respect to flights between two points abroad to the same extent other foreign service agencies are exempt from that section.

Under 49 U.S.C. subsection 40118(d), the Department of State and the Agency for International Development (AID) are exempt from the requirements of 49 U.S.C. 40118 for travel between two places outside the United States by employees and their dependents. Determining which carriers overseas are U.S. certified or have agreements with the U.S. that qualify them under section 40118 is a complex undertaking. Posts and individuals must make decisions in this area at the risk of having their travel costs disallowed. The Committee believes that administrative provisions affecting foreign service agencies should be as consistent as possible. For instance, a Peace Corps employee who is flying with an AID employee to attend a meeting should be able to fly on the same plane without fear of being penalized under section 40118. This provision would extend to Peace Corps employees and Volunteers the same treatment now available to other foreign service agency employees.

Section 2(b) makes technical changes to sections 5, 10 and 15 of the Peace Corps Act (hereinafter the Act) to reflect changes in statutory citations that have occurred since enactment of the Act.

Section 2(b)(1) strikes out "Civil Service Commission" in section 5(f)(1)(B) and inserts in lieu thereof "Office of Personnel Management." The Civil Service Commission was replaced by the Office of Personnel Management in 1966.

Section 2(b)(2) amends section 5(h) of the Act (22 U.S.C. 2504(h)) in several respects. It strikes out references to the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.), the Act of June 4, 1954, chapter 264, section 4 (5 U.S.C. 73b–5, the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a) and inserts references to 5 U.S.C. 5732 and 31 U.S.C. 3342. The Federal Voting Assistance Act has been repealed and replaced by a provision (42 U.S.C. 1973cc et seq.) which is available to all American citizens overseas. It is unnecessary, therefore, to consider Volunteers federal employees to provide them with the benefits of the Act; therefore, the reference to voter assistance in this provision can be deleted. The replacement of references to sections of titles 5 and 31 with references to 5 U.S.C. 5732 and 31 U.S.C. 3342 reflect recodification of provisions relating to reimbursement for the cost of transportation of baggage and effects, and check cashing privileges in those titles. No substantive change is involved.

[1] 22 U.S.C. subsection 2214(d).

Section 2(b)(3) replaces the reference to "section 1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16)" with "section 3331 of title 5, United States Code," reflecting the codification of the statutory oath for employees in 1966.

Section 2(b)(4) replaces the reference to 31 U.S.C. 665(b) with "31 U.S.C. 1342," reflecting the 1982 revision of title 31.

Section 2(b)(5) amends section 15(c)[2] by striking out "Public Law 84–918 (7 U.S.C. 1881 et seq.)" and inserting in lieu thereof "subchapter VI of chapter 33, title 5, United States Code (5 U.S.C. 3371 et seq.)." Section 15(c) of the Peace Corps Act authorizes training for employees at private and public agencies. The statutory provisions relating to employee training were transferred from title 7 to title 5 in 1970.

Section 2(b)(6) amends paragraph 15(d)(2)[3] by striking out "section 9 of Public Law 60–328 (31 U.S.C. 673)" and inserts in lieu thereof "31 U.S.C. 1346." This section of the Peace Corps Act authorizes the payment of expenses to attend meetings related to the Peace Corps Act. No substantive change is intended. It is another change required by the 1982 revision of title 31.

Section 2(b)(7) strikes out "without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)". This statute, which contained a restriction on currency exchanges, has been repealed and apparently was not replaced.

Section 2(b)(8) strikes out "Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserts in lieu thereof: "Foreign Service Act of 1980, as amended (22 U.S.C. 3901 et seq.)". The Foreign Service Act was rewritten and renamed in 1980.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PEACE CORPS ACT

TITLE I—THE PEACE CORPS

* * * * * * *

AUTHORIZATION

SEC. 3. (a) * * *

[(b) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this Act $218,146,000 for fiscal year 1993, which are authorized to remain available until September 30, 1994.]

(b)(1) There are authorized to be appropriated to carry out the purposes of this Act $270,000,000 for fiscal year 2000, $298,000,000 for fiscal year 2001, $327,000,000 for fiscal year 2002, and $365,000,000 for fiscal year 2003.

[2] 22 U.S.C. subsection 2514(c).
[3] 22 U.S.C. subsection 2514(d)(2).

(2) Amounts authorized to be appropriated under paragraph (1) for a fiscal year are authorized to remain available for that fiscal year and the subsequent fiscal year.

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PEACE CORPS VOLUNTEERS

SEC. 5. (a) * * *

* * * * * * *

(f)(1) Any period of satisfactory service of a volunteer under this Act shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(A) * * *

(B) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the [Civil Service Commission] *Office of Personnel Management*, the Foreign Service Act of 1980, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided,* That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

* * * * * * *

(h) Volunteers shall be deemed employees of the United States Government for the purposes of the Federal Tort Claims Act and any other Federal tort liability statute, [the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.), the Act of June 4, 1954, chapter 264, section 4 (5 U.S.C. 73b–75), the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a),] *section 3342 of title 31, United States Code, section 5732 and* section 5584 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section, and section 1 of the Act of June 4, 1920 (41 Stat. 750), as amended (22 U.S.C. 214).

* * * * * * *

(j) Upon enrollment in the Peace Corps, every volunteer shall take the oath prescribed for persons appointed to any office of honor or profit by [section 1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16) and shall swear (or affirm) that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.] *section 3331 of title 5, United States Code.*

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GENERAL POWERS AND AUTHORITIES

SEC. 10. (a) In the furtherance of the purposes of this Act, the President may—

(1) * * *

* * * * * * *

(4) accept in the name of the Peace Corps and employ or transfer in furtherance of the purposes of this Act (A) voluntary services notwithstanding the provisions of [31 U.S.C. 665(b)] *section 1342 of title 31, United States Code*, and (B) any money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise; and

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UTILIZATION OF FUNDS

SEC. 15. (a) * * *

* * * * * * *

(c) Funds available under this Act may be used to pay costs of training employees employed or assigned pursuant to section 7(a)(2) of this Act (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firms; and the provisions of [Public Law 84–918 (7 U.S.C. 1881 et seq.)] *subchapter VI of chapter 33 of title 5, United States Code* may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in that Act. Any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however,* That any such payments to an employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(d) Funds available for the purposes of this Act shall be available for—

(1) * * *

(2) expenses of attendence at meetings concerned with the purposes of this Act, including (notwithstanding the provisions of [section 9 of Public Law 60–328 (31 U.S.C. 673)] *section 1346 of title 31, United States Code*) expenses in connection with meetings of persons whose employment is authorized by section 13(a) of this Act;

* * * * * * *

(6) exchange of funds [without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)] and loss by exchange;

* * * * * * *

(11) use in accordance with authorities of the [Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)] *Foreign*

Service Act of 1980 (22 U.S.C. 3901 et seq.) not otherwise provided for; **[**and**]**

(12) ice and drinking water for use abroad**[**.**]***; and*

(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of such employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between two places outside the United States without regard to section 40118 of title 49, United States Code.

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