

Congress of the United States
Washington, DC 20510

April 23, 2014

VIA ELECTRONIC TRANSMISSION

Carolyn Hessler-Radelet
Acting Director
Peace Corps
1111 20th Street, N.W.
Washington, D.C. 20526

Dear Acting Director Hessler-Radelet:

Congress enacted the Kate Puzey Peace Corps Volunteer Protection Act of 2011 to better protect Peace Corps volunteers from sexual assault and to better respond to Peace Corps volunteers who report sexual assault.¹ Specifically, Congress designed the Kate Puzey Act to address systemic gaps and deficiencies in the way Peace Corps responded to reports of sexual assault. These systemic gaps caused multiple, yet preventable, tragedies for courageous volunteers – like Kate Puzey – who reported sexual assault.²

In March 2009, Kate Puzey was murdered in her host country of Benin after she reported sexual assault to her country director. Specifically, Puzey asked for the dismissal of a Peace Corps contractor – Constant Bio – who reportedly molested students at the school where Puzey taught.³ Bio's brother was employed as a manager in the Peace Corps office to which Puzey submitted her report, so she requested that her report be kept confidential.⁴ Yet, the day after Constant Bio was terminated, Puzey was found dead with her throat slit.⁵ When interviewed about this tragedy, Puzey's family blamed her death partly on Peace Corps' failure to maintain Puzey's confidentiality.⁶

¹ Pub. L. No. 112-57.

² Sheryl Gay Stolberg, "Peace Corps Volunteers Speak Out on Rape," *New York Times*, May 10, 2011, available at <http://www.nytimes.com/2011/05/11/us/11corps.html?pagewanted=1&hp&r&r=1&>.

³ Mark Schone and Anna Schechter, "Peace Corps Director Apologizes To Family Of Murder Victim After ABC News Report," *abcnews*, January 18, 2011, available at <http://abcnews.go.com/Blotter/peace-corps-director-apologizes-family-murder-victim-kate/story?id=12637939>.

⁴ Angela M. Hill and Randy Kreider, "Obama Signs Kate Puzey Peace Corps Volunteer Protection Act," *abcnews*, November 21, 2011, available at <http://abcnews.go.com/Blotter/obama-sign-kate-puzey-peace-corps-volunteer-protection/story?id=14998236>.

⁵ Rhonda Cook, "Forsyth family gets apology from Peace Corps in wake of daughter's murder," *Atlanta Journal-Constitution*, February 1, 2011, available at <http://www.ajc.com/news/news/local/forsyth-family-gets-apology-from-peace-corps-in-wa/nQqC4/>.

⁶ Schone and Schechter.

So, to protect Peace Corps volunteers from members of Peace Corps' own staff who may similarly breach confidentiality or mismanage reports of sexual assault, the Kate Puzey Act directs the Peace Corps Inspector General to conduct independent oversight of Peace Corps staff and to notify Congress of:

[M]isconduct, mismanagement, or policy violations of Peace Corps staff, any breaches of the confidentiality of volunteers, and any actions taken to assure the safety of volunteers who provide such reports.⁷

Similarly, to protect Peace Corps volunteers from members of Peace Corps' own staff who may have proclivities similar to those alleged of Constant Bio, the Kate Puzey Act requires the Inspector General to report to Congress regarding "how Peace Corps representatives are hired . . . [and] terminated, and how Peace Corps representatives hire staff" ⁸

In addition, to ensure that all other protections required by the Kate Puzey Act are actually brought to bear on behalf of volunteers who report sexual assault, Congress charged the Peace Corps Inspector General to independently oversee and report on:

[T]he effectiveness and implementation of the sexual assault risk-reduction and response training developed under section 8A and the sexual assault policy developed under section 8B, *including a case review of a statistically significant number of cases . . .* ⁹

Significantly, Congress mandated the Inspector General to review not just training-programs and sexual assault policies in the abstract—but whether and how these programs and policies prove effective *when applied to specific and individual cases*. This mandate explicitly requires the Inspector General to investigate the particular facts and circumstances of individual cases of sexual assault that are reported by volunteers. This statutory mandate cannot be fulfilled unless the Inspector General has complete and timely access to information regarding these individual cases.

At a Congressional hearing on January 15, 2014, however, Peace Corps Inspector General Kathy Buller detailed difficulties she has encountered in accessing records which she deemed were directly relevant to her review of Peace Corps' implementation of the Kate Puzey Act.¹⁰ Records were withheld based on reasoning that directly contravenes the reporting-requirements referenced above.¹¹

⁷ 22 U.S.C. § 2507e (d)(1)(A); *see also* 22 U.S.C. § 2506 (a)(7).

⁸ 22 U.S.C. § 2507e (d)(1)(C).

⁹ 22 U.S.C. § 2507e (d)(1)(B) (emphasis added).

¹⁰ U.S. House of Representatives, Committee on Oversight and Government Reform, *Strengthening Agency Oversight: Empowering the Inspectors General Community* (January 15, 2014); available at <http://oversight.house.gov/hearing/strengthening-agency-oversight-empowering-inspectors-general-community/>.

¹¹ *Id.*

The enactment of these reporting-requirements is evidence of Congress' lack of confidence in Peace Corps' ability to implement the Act without independent oversight. In other words, Peace Corps' proven failure to provide the protections now required by Kate Puzey Act is a serious and imminent threat to volunteers' safety, which Congress sought to remedy in 2011 by enacting the Act. This failure is precisely why Congress did not trust Peace Corps to implement the Act on its own. Rather, the law directed the Inspector General to police implementation by conducting "case review[s] of a statistically significant number of cases" in order to evaluate the effectiveness of the reforms in actual cases.¹²

In the Inspector General's independent judgment, she cannot fulfill her statutory mandate without the information being withheld by Peace Corps. Unfortunately, the agency's General Counsel appears to be determined to substitute his judgment on that question for hers. That is unacceptable. The law gives Inspectors General a statutory right of access to agency records precisely to avoid such interference with their independence.

Accordingly, we respectfully request that you provide written direction to the General Counsel that the advice he provides to agency personnel must acknowledge and respect the Inspector General's legal right to access agency records in order to fulfill her duty to evaluate compliance with the Kate Puzey Act. Please provide a written reply no later than May 7, 2014, including a copy of your direction to the General Counsel or an explanation as to why you have declined to issue any such direction.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Kelly Ayotte
U.S. Senator



Lisa Murkowski
U.S. Senator



Joe Manchin III
U.S. Senator

¹² 22 U.S.C. § 2507e (d)(1)(B).



Diane Black
U.S. Representative



Tom Petri
U.S. Representative



Timothy H. Bishop
U.S. Representative