

# HEALTH JUSTICE FOR PEACE CORPS VOLUNTEERS



**Legislative Update  
June 8, 2018**

**Nancy E. Tongue, Sara T. Thompson, Jennifer Mamola**

Both the House and the Senate legislation have been written, reviewed and revised by Congress and we expect that both will go to the House of Representatives for a final vote by the Chamber in the very near future. We will make an announcement when that occurs.

Sadly, neither the House nor the Senate pending legislation has included what we have fought so hard for. Many may see the legislation as a step forward, regardless. However, those of us who have invested our lives in obtaining appropriate legislation for those who return sick and injured are crushed that the key reforms that we at Health Justice for Peace Corps Volunteers, and all Volunteers, desperately need have been eliminated or not included.

We recognize that gaining any legislation in this political climate is an accomplishment. We thank all Returned Peace Corps Volunteers (RPCVs) for the numerous submissions of stories articulating pain and suffering and for petitioning Congress for justice. We know how much trauma is exacerbated through the retelling of personal stories in recent months—trauma and PTSD originally caused by health issues or assault, and later, and sometimes more damaging, institutional trauma caused by the Peace Corps and the Department of Labor (DOL) through the years. We are grateful for the work of all of you have done.

We have been heard by some. Now, more healthy RPCVs and others are no longer in denial about how much we have endured. But, until all speak out on our behalf, those of us who are sick and injured will remain with inadequate care, invisible to the people and press of America - a society unwilling to admit that Kennedy's perfect and impenetrable agency might be marred and in need of improvement. The silence that continues to protect that image is deafening. We responded to Kennedy's call asking what we could do for our country. Now we ask what our country can do for us.

## **I. Pending Legislation Overview:**

The following issues were not included or have been eliminated from proposed legislation bills:

- An increase in the disability payment.
- Oversight of all healthcare related to Peace Corps during and post-service by an outside committee.
- Reporting requirements of Peace Corps with metrics analyzing number of persons seeing general healthcare benefits, in addition to accessing FECA benefits and number of persons denied or dropped from FECA.
- Reform in the way the Department of Labor (DOL) manages our cases.
- Improvements in the Post Service Unit of Peace Corps to communicate with the DOL on our behalf.
- True antimalarial prophylaxis mefloquine/Larium drug reform.
- A hearing on the floor of Congress so that our stories might be told.
- Whistleblower protection.

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**S U P P O R T I N G   T H O S E   W H O   S E R V E D**

**WEB** [healthjusticeforPeaceCorpsVolunteers.org](http://healthjusticeforPeaceCorpsVolunteers.org)

**EMAIL** [healthjusticepeacecorpsvol@gmail.com](mailto:healthjusticepeacecorpsvol@gmail.com)

*When we deny the story, it defines us. When we own the story, we can write a brave new ending (Brene Brown)*

The following issues are included in the proposed legislation bills:

- Improved and extended provisions under the Sexual Assault Advisory Committee.
- Access to a list of health risks and crimes in locations to which Volunteers are applying.
- A provision to allow Returned Peace Corps Volunteers (RPCVs) to access healthcare in the US for the first four months upon return. Yet there is no description of how this will be managed, who will provide oversight, or how the bill pay unit will operate.

The Peace Corps provides no treatment post-service. All persons must seek care through the DOL, which adjudicates health claims, although the Peace Corps pays them dollar for dollar for all medical care. Although not proven, Peace Corps' lack of coordination with the DOL on our behalf appears to us a way to preserve Peace Corps funds and deny care. The short-term secondary insurance that is offered by Peace Corps hasn't met the minimum requirement under the ACA. There are a negligible number of appropriate authorized providers nationwide under either the DOL or under Peace Corps insurance. Because of these issues, it remains to be seen how many will benefit from this four-month provision.

1. **The House Bill:** [HR 2259 - The Sam Farr and Nick Castle Peace Corps Reform Act](#)

On May 17, 2018 the House Foreign Affairs Committee (HFAC), led by Chairman Ed Royce, unanimously approved the latest version of their legislation, H.R. 2259. The bipartisan legislation was introduced by Congressman Ted Poe (R-TX) and RPCV Congressman Joe Kennedy (D-MA). We have worked intimately with Judge Poe and his staff and know that he was on board with much of the needed reform. In the end, Chairman Royce vetoed some key improvements including the disability pay increase.

With some opposition among other House members, due to costs related to the workers' compensation provision, Congressman Poe expressed his disappointment in the removal of that portion of the bill stating:

*I fought long and hard to increase the disability payment provided to disabled returned volunteers so they can make ends meet. I hope that this provision will one day become law. Peace Corps volunteers selflessly sacrifice years of their lives to help people they have never even met... Their service to our country should not turn into a nightmare that ruins, or even ends their lives. As a former judge, I can tell you that it is our duty to do everything within our power to protect our angels abroad. It's time to stand up and take action for our volunteers... I look forward to this bill passing through this committee and going to the floor.*

2. **The Senate Bill:**

On March 17, 2018 the Senate (under Senator Corker, (R-TN) who will be departing after this term) unanimously presented bill [S. 2286 - The Nick Castle Peace Corps Reform Act of 2018](#). This was named after a Peace Corps Volunteer serving in China died from medical negligence during service in 2013. A 2014 Peace Corps Inspector General report found that a misdiagnosis of early symptoms and "cascading failures and delays in treatment" contributed to his death. Nick's parents, Sue and Dave Castle, have been working for improved conditions in the field.

Corker Stated "I am encouraged by continued progress in our efforts to strengthen the Peace Corps and honor Nick Castle's memory." Yet, this bill is so diluted from our original proposal with Senator Corker's office that improvements are unremarkable for RPCVs.

II. **The Issues:**

1. Our Work To Increase Disability Pay and Reform for Sick/Injured Volunteers:

- a. When Health Justice was officially founded in 2012, we scoured legal documents, analyzed the original Peace Corps Act and amendments, reviewed medical testimonies that RPCVs shared with us, as well as determinations made by the DOL about their claims. We met with Peace Corps' General Counsel, conducted analyses that the Peace Corps asked us to do "to help them help us," and communicated through a series of teleconferences.

- b. Nancy Tongue, who has been working for reform for 34 years, presented our proposal to a gathering of the Deputy Secretary of Labor, the national heads of the federal Office of Workers' Compensation (OWCP) and the Federal Employment Compensation Act (FECA), the former Director of Peace Corps and their senior advisors. All agreed that Returned Volunteers' disability pay should be increased from a GS-7 to a GS-11 level (an annual disability income from the low 20,000s to the low 30,000s). In addition, all RPCVs must purchase their own health insurance if they wish temporary coverage for issues unrelated to service. Many related medical bills must be paid out-of-pocket when bills are sent to collection agencies, despite being pre-authorized by the DOL. Too many are never reimbursed at all. Before the ACA we were denied health insurance in the US due to our Peace Corps pre-existing health issues. The disability income put us just above eligibility for Medicaid and food stamps, so we remained uninsured for years or decades. Additionally, we encouraged the Peace Corps to create a Health Task Force to which we submitted multiple proposals and attended meetings guiding them in ways to address gaps in the current system and processes. Yet, we have seen no results from them and have no idea whether they still exist.
- c. We sought and obtained a Government Accountability Office investigation to assess moving healthcare and disability management from the DOL to the Defense Base Act insurance, which covers employees with the US Agency for International Development and would be more aligned with our work and issues. The proper research was not conducted and the investigation went nowhere.
- d. We at Health Justice for Peace Corps Volunteers continue to hear on a daily basis from recently returned Volunteers, as well as from those who returned a while ago who can't access healthcare, can't get medical bills reimbursed, or can't live on the limited disability they receive. Figuring out how to initiate and commit the time and resources to maintain a claim with the DOL is essentially a part-time job. We personally know that dealing with the system is exhausting, emotionally draining, demeaning and unworkable. Even trying to volunteer a little to stay sane while sick is deemed a felony. "If you can volunteer, you can work," says the Department of Labor. Returned Volunteers live desperate, isolated lives trying to heal.

2. Peace Corps Perspective on Disability Increase:

Former Peace Corps Director Carrie Hessler-Radelet went on record stating that she would ensure that the disability income would be increased and that she'd carve it out of the budget. Our understanding is that the new PC Director, Jody Olsen, indicated that she had been following the legislation closely - providing no clear indication of support for disability pay increase and reform. The cost of the increase amounts to \$2M (at most) per year. Because the Peace Corps received a budget increase of \$14M - up from \$396M to \$410M this year, it is hard to accept that money cannot be allocated for the disability increase. Director Olsen served as Acting Director when [Kate Puzey](#), a Peace Corps Volunteer in Benin was raped and murdered for blowing the whistle on a staff member who was sexually abusing students. Her death was poorly handled under Olsen's watch, leading to [The Kate Puzey Volunteer Protection Act of 2011](#). To use money to expand Peace Corps programs and number of Volunteers without helping those who return sick and injured is unconscionable.

3. Congressional Perspective on Disability Increases:

Despite high level bipartisan Congressional support, Chairman Ed Royce's office of the House Foreign Affairs Committee still denied the disability pay increase and Chairwoman Virginia Foxx's office (R-NC) singlehandedly removed the provision with no accompanying rationale. Several other key Congressional representatives who have been directly involved in drafting and passing the legislation did not support the disability pay increase and have not supported additional Department of Labor reform - the very Congressional representatives that not only have direct jurisdiction of the issues, but who also represent severely disabled Volunteers who currently reside in their states. Congress spends billions of dollars on defense each year to support American national security. Volunteers are on the front line each day of their service and work towards preventing terrorism through working directly with communities and villages at risk. Each year, there are hundreds to thousands of Volunteers who return from service sick, injured, and at

times, permanently disabled, and they are forgotten, sometimes living homeless. Volunteers, like vets, selflessly serve the country. For the American public and Congress to dismiss us is akin to not honoring a military vet.

#### 4. Other Federal Investigations:

Government Accountability Office investigations ([GAOs](#)) from present back to [1991](#) found that 10-30% of the 225,000 Peace Corps Volunteers who have served have developed health issues. Some of us were interviewed for these reports. The GAO, on each occasion, requested improvements in the brokering of healthcare between Peace Corps and the DOL, to no avail. Our survey through the National Peace Corps Association of over 7,000 RPCVs suspects the number is low. Many have fallen through the fissures, receive no benefits and don't even know they could have filed. The metrics on such people are entirely missing.

#### 5. Malarial Prophylaxis (Larium/Mefloquine) Struggle:

- a. Sara Thompson, co-leader of our group, sued Peace Corps in 2014 about the misuse of the antimalarial and potentially neurotoxic prophylaxis drug, mefloquine, but the judge tossed out the lawsuit because the claim originated overseas (one of the key reasons the suit was filed). She collected affidavits from other Volunteers and [Dr. Remington Nevin](#), and filed a whistleblower claim. The Office of Special Counsel rejected the claim, as she was not an official former federal employees. Volunteers are considered former federal employees to access FECA benefits only. The lack of former federal employee status prevents them from filing lawsuits and obtaining other benefits.
- b. Additionally, Thompson mounted a 4-year dialog with Daniel Zwerdling, producer and journalist at National Public Radio (NPR) to publish a story surrounding Peace Corps' use of mefloquine and the deleterious effects it has had on currently serving and returned Peace Corps Volunteers. The story was completed and set to air late November 2017. Unfortunately, due to allegations of sexual assault one week before the story was to air, Zwerdling "retired." It wasn't until [this article](#) came out that we understood what had happened.
- c. In response to the decision of NPR not to publish the story, Dr. Nevin, Health Justice for Peace Corps Volunteers, and a few other groups (NPCA and RPCV/W, another affiliated group) wrote to NPR to appeal to the Editor to air the story. The forfeiture of this multi-part article is an incredible loss to not only the Volunteers, but also to the general public health regarding the many issues surrounding the use of mefloquine. We have received no response.

### **III. Most Recent Advocacy Efforts:**

To conclude, working tirelessly for the past three years, Thompson and Jennifer Mamola have had over 200 meetings on the Hill to advocate for hundreds to thousands of sick/injured Returned Volunteers - with little to no luck. Thompson drafted legislation, amendments, an official letter to DOL to request information, and even added some of the key provisions to be included in HR 2259, which would mandate that Peace Corps report to Congress how many Volunteers were contacting them to access healthcare benefits upon return from service to access FECA; all were removed by the Education and Workforce Committee, which has House jurisdiction over Labor. The number of teleconferences, phone calls and emails we all have made with members of many agencies are too numerous to count.

The pending legislation does nothing for the thousands of Volunteers who are already sick and injured and continue to battle health issues stemming from service. No external oversight of the general healthcare in the field is being mandated, as it has for Peace Corps victims of sexual harassment through the required Sexual Assault Advisory Council.

#### **IV. The Future:**

Assuming that these two bills become a unified piece of legislation, as we believe they will, many of you will want to continue to build on these first steps and petition our lawmakers for more reform, as the [National Peace Corps Association](#) has assured us it will do. We have become weary and hope others will step forward to encourage more legislation in the future.

In the meantime, we encourage all to share this document or any part of with local press, nonprofits, and social media. Voting is important to choose better lawmakers who will be more sympathetic to our cause and will advocate for us and our issues on the Hill. This material can be shared with them in 2019 to push for amendments to the pending bill.

Because of Peace Corps', Department of Labor's, and Congress' continued failures, sick and disabled Volunteers will continue to suffer losing careers, life hopes and housing because of serving in the Peace Corps and not obtaining the benefits we have needed.

We are grateful for the wonderful community we have all created - friends we have made, sadnesses, struggles and hopes we have shared. We hope that at least the connections we have all made will continue.