

108TH CONGRESS
2^D SESSION

H. R. 4061

AN ACT

To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries.

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 “Assistance for Orphans
3 and Other Vulnerable Children in Developing Countries
4 Act of 2004”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1)(A) According to estimates by the United
8 Nations Children’s Fund (UNICEF), there are more
9 than 132,000,000 children in the world under the
10 age of three.

11 (B) Of these children, 4,000,000 will die in
12 their first month of life and another 7,000,000 will
13 die each year before reaching the age of five. Thus
14 an average of 30,000 children under the age of three
15 die each day.

16 (2) According to a report developed by the
17 United Nations Joint Programme on HIV/AIDS
18 (UNAIDS), UNICEF, and the United States Agen-
19 cy for International Development, in 2001 there
20 were more than 110,000,000 orphans living in sub-
21 Saharan Africa, Asia, Latin America, and the Carib-
22 bean.

23 (3) Assessments carried out by the Inter-
24 national Labor Organization (ILO) to investigate
25 the situation of children who are working found that
26 orphans are much more likely than non-orphans to

1 be working in commercial agriculture, the domestic
2 service industry, prostitution, as street vendors, or
3 in industries that violate internationally recognized
4 rights of children.

5 (4) Infants who are poor and malnourished are
6 more likely to contract respiratory infections, diar-
7 rhea, measles, and other preventable diseases, and
8 are less likely to receive needed health care.

9 (5) According to UNAIDS and UNICEF, by
10 the end of 2001 there were an estimated 14,000,000
11 children under the age of 15 who had lost one or
12 both parents to AIDS.

13 (6) As the number of HIV cases increases in
14 sub-Saharan Africa and the Caribbean, as well as in
15 Eastern Europe and Asia, the death rate from AIDS
16 among adults in those regions is expected to in-
17 crease. By 2010 the total number of children in
18 those regions who will lose one or both parents to
19 AIDS is expected to be approximately 30,000,000.

20 (7) One-third of children born from an HIV-in-
21 fected mother develop HIV/AIDS. Few of these chil-
22 dren have access to HIV/AIDS medications.

23 (8) Globally, more than 11,800,000 young peo-
24 ple ages 15 to 24 were living with HIV/AIDS in
25 2001, and each day another 6,000 young people be-

1 came infected with HIV. New estimates indicate that
2 more than 70 percent of new HIV cases among this
3 age group in sub-Saharan Africa are young women
4 and girls.

5 (9) As their parents fall progressively sick from
6 HIV/AIDS, children generally must take on an in-
7 creasing number of responsibilities. Girls take re-
8 sponsibility for more household chores, often drop
9 out of school, and care for their parents.

10 (10)(A) Without an adequate diet, individuals
11 infected with HIV often die at an earlier age. Indi-
12 viduals with HIV become increasingly weak and fa-
13 tigated, do not respond to drug treatment, and are
14 prone to other illnesses such as malnutrition and tu-
15 berculosis (TB).

16 (B) Hunger can also cause previously HIV-neg-
17 ative people to engage in high-risk survival strategies
18 that increase their chances of becoming infected with
19 HIV.

20 (11) Extreme poverty and hunger coupled with
21 the loss of one or both parents as a result of AIDS
22 can force children from their families to a life on the
23 streets, where the risk of HIV infection is extremely
24 high.

1 (12)(A) A considerable number of United
2 States and indigenous private voluntary organiza-
3 tions, including faith-based organizations, provide
4 assistance to orphans and other vulnerable children
5 in developing countries, especially children affected
6 by HIV/AIDS.

7 (B) Many of these organizations have submitted
8 applications for grants from the United States Agen-
9 cy for International Development in order to provide
10 increased levels of assistance for orphans and other
11 vulnerable children in developing countries but in
12 most cases the Agency has not approved the applica-
13 tions.

14 (13)(A) Section 403(b) of the United States
15 Leadership Against HIV/AIDS, Tuberculosis, and
16 Malaria Act of 2003 (Public Law 108–25) estab-
17 lishes the requirement that for fiscal years 2006
18 through 2008, not less than 10 percent of amounts
19 appropriated for HIV/AIDS assistance for each such
20 fiscal year shall be expended for assistance for or-
21 phans and other vulnerable children affected by
22 HIV/AIDS.

23 (B) Further, section 403(b) of Public Law
24 108–25 requires that at least 50 percent of such
25 amounts shall be provided through non-profit, non-

1 governmental organizations, including faith-based
2 organizations, that implement programs on the com-
3 munity level.

4 (14)(A) It is essential that the United States
5 Government adopt a comprehensive approach for the
6 provision of assistance to orphans and other vulner-
7 able children in developing countries.

8 (B) This comprehensive approach should ensure
9 that important services, such as basic care, treat-
10 ment for those children with HIV/AIDS, mental
11 health and related services for those children af-
12 fected by HIV/AIDS, school food programs, in-
13 creased educational opportunities and employment
14 training and related services, and the protection and
15 promotion of inheritance rights, are made more ac-
16 cessible.

17 (C) This comprehensive approach should also
18 ensure that government agencies and the private
19 sector coordinate efforts to prevent and eliminate
20 duplication of efforts and waste.

21 (15) As a result of the numerous United States
22 Government programs under which assistance is spe-
23 cifically authorized or otherwise available for or-
24 phans and vulnerable children in developing coun-
25 tries, the United States Agency for International

1 Development will be required to develop innovative
2 methods for the conduct and monitoring of these
3 programs, including through the collection, analysis,
4 and reporting of information on the programs and
5 the extent to which such programs provide assist-
6 ance directly and indirectly to such children.

7 **SEC. 3. PURPOSE.**

8 The primary purpose of this Act, and the amend-
9 ments made by this Act, is to provide assistance to or-
10 phans and other vulnerable children, especially such chil-
11 dren affected by HIV/AIDS, and in particular, for such
12 children in countries heavily affected by HIV/AIDS. To
13 the maximum extent practicable, such assistance shall be
14 provided for the direct benefit to such orphaned and vul-
15 nerable children.

16 **SEC. 4. ASSISTANCE FOR ORPHANS AND OTHER VULNER-**
17 **ABLE CHILDREN IN DEVELOPING COUN-**
18 **TRIES.**

19 Title V of chapter 2 of part I of the Foreign Assist-
20 ance Act of 1961 (22 U.S.C. 2201) is amended to read
21 as follows:

1 **“TITLE V—ASSISTANCE FOR OR-**
2 **PHANS AND OTHER VULNER-**
3 **ABLE CHILDREN**

4 **“SEC. 241. FINDINGS; DECLARATION OF POLICY.**

5 “(a) FINDINGS.—Congress finds the following:

6 “(1) By 2010, HIV/AIDS will orphan more
7 than 25,000,000 children worldwide.

8 “(2) Ongoing conflicts and civil wars in devel-
9 oping countries are adversely affecting children in
10 these countries, the vast majority of whom currently
11 do not receive humanitarian assistance or other sup-
12 port from the United States Government.

13 “(3) The United States Government currently
14 administers assistance programs for orphans and
15 other vulnerable children in developing countries.
16 When requested by the Committee on International
17 Relations of the House of Representatives to provide
18 information on the overall number of orphans and
19 other vulnerable children receiving assistance from
20 the United States Agency for International Develop-
21 ment in fiscal year 2002, the Agency was only able
22 to report on its HIV/AIDS assistance program,
23 under which the Agency provided assistance to
24 462,000 such orphans and other vulnerable children.

1 “(4) The United States Government should in-
2 crease its efforts to provide assistance for orphans
3 and other vulnerable children in developing coun-
4 tries, especially those children affected by HIV/AIDS
5 or conflict.

6 “(5) The United States Agency for Inter-
7 national Development should establish improved ca-
8 pacity to deliver assistance to orphans and other vul-
9 nerable children in developing countries through
10 partnerships with private voluntary organizations,
11 including faith-based organizations.

12 “(6) Further, the United States Agency for
13 International Development should be the primary
14 United States Government agency responsible for
15 identifying and assisting orphans and other vulner-
16 able children in developing countries.

17 “(b) DECLARATION OF POLICY.—Congress, recog-
18 nizing that prompt and appropriate action by the United
19 States to assist orphans and other vulnerable children in
20 developing countries is an important expression of the hu-
21 manitarian concern and tradition of the people of the
22 United States, affirms the willingness of the United States
23 to assist such orphans and other vulnerable children—

24 “(1) by providing assistance for the purpose of
25 improving the health, nutritional, shelter, edu-

1 cational, economic, and psychological status of or-
2 phans and other vulnerable children in such coun-
3 tries; and

4 “(2) by providing humanitarian and protection
5 assistance to such orphans and other vulnerable chil-
6 dren affected by conflict or civil strife.

7 **“SEC. 242. ASSISTANCE TO PROVIDE BASIC CARE.**

8 “(a) FINDINGS.—Congress finds the following:

9 “(1) The need for individuals and local organi-
10 zations in developing countries to assist households
11 headed by children is necessary due to the increase
12 in the number of such households. Millions of chil-
13 dren in these types of households lack basic care,
14 such as access to food and shelter.

15 “(2) Although families and extended families
16 serve as the primary providers of care for these chil-
17 dren, when these family care networks break down,
18 and when communities are responsible for raising
19 orphans, these children are cared for in a rich and
20 nurturing environment and remain connected to the
21 traditions and rituals of families and the community.

22 “(3) As the number of these children increases,
23 the ability of communities to provide basic care for
24 such children is limited. Assistance to support the
25 provision of such basic care is therefore necessary in

1 and of itself and also to facilitate the provision of
2 other types of assistance for such children under this
3 title.

4 “(b) ASSISTANCE.—

5 “(1) IN GENERAL.—The President is author-
6 ized to provide assistance for programs in developing
7 countries to provide basic care for orphans and other
8 vulnerable children.

9 “(2) ACTIVITIES SUPPORTED.—Assistance pro-
10 vided under paragraph (1) should be used—

11 “(A) to support individuals and local orga-
12 nizations, including teachers, social workers,
13 and representatives from religious institutions
14 and nongovernmental organizations, to mobilize
15 their own resources through the strengthening
16 of community care coalitions, networks, or sup-
17 port groups to provide basic care for orphans
18 and other vulnerable children, including day
19 care, food assistance, protection assistance, and
20 home visits;

21 “(B) to increase the capacity of the com-
22 munity care groups described in subparagraph
23 (A) to meet on a regular basis to identify or-
24 phans and other vulnerable children and to fa-
25 cilitate the provision of services; and

1 “(C) to ensure that the activities of com-
2 munity care groups described in subparagraph
3 (A) include appropriate monitoring and super-
4 vision components.

5 “(3) DEFINITION.—In this subsection, the term
6 ‘protection assistance’ means all appropriate meas-
7 ures to promote the physical and psychological secu-
8 rity of an individual, provide equal access to basic
9 services for the individual, and safeguard the legal
10 and human rights and dignity of the individual.

11 **“SEC. 243. ASSISTANCE TO PROVIDE TREATMENT TO OR-**
12 **PHANS AND OTHER VULNERABLE CHILDREN**
13 **WITH HIV/AIDS.**

14 “(a) FINDINGS.—Congress finds the following:

15 “(1) Approximately 2,500,000 children under
16 the age of 15 worldwide have HIV/AIDS. Every day
17 another 2,000 children under the age of 15 are in-
18 fected with HIV.

19 “(2) In 2002, approximately 2,500,000 children
20 were at risk for infection with HIV through mother-
21 to-child transmission, which includes transmission at
22 any point during pregnancy, labor, delivery, or
23 breastfeeding.

24 “(3) To date, more than 4,000,000 children
25 worldwide are estimated to have died from AIDS,

1 primarily contracted through mother-to-child trans-
2 mission. Every year, approximately 700,000 babies
3 are infected with HIV, of which the majority are liv-
4 ing in Africa.

5 “(4) In southern Africa HIV/AIDS is now the
6 leading cause of death among young children, ac-
7 counting for almost half of such deaths.

8 “(5) Research has shown conclusively that initi-
9 ation in a timely manner of antiretroviral therapy
10 for infants or young children with HIV/AIDS can
11 preserve or restore their immune functions, promote
12 normal growth and development, and prolong life.

13 “(6) Few international development programs
14 specifically target the treatment of children with
15 HIV/AIDS in developing countries. Reasons for this
16 include the perceived low priority of pediatric treat-
17 ment, a lack of pediatric health care professionals,
18 lack of expertise and experience in pediatric drug
19 dosing and monitoring, the perceived complexity of
20 pediatric treatment, and mistaken beliefs regarding
21 the risks and benefits of pediatric treatment.

22 “(b) ASSISTANCE.—

23 “(1) IN GENERAL.—The President is author-
24 ized to provide assistance for the treatment of or-

1 orphans and other vulnerable children with HIV/AIDS
2 in developing countries.

3 “(2) ACTIVITIES SUPPORTED.—Assistance pro-
4 vided under paragraph (1) should be used to carry
5 out the following activities:

6 “(A) The treatment of orphans and other
7 vulnerable children with HIV/AIDS through the
8 provision of pharmaceuticals, including high-
9 quality, low-cost antiretrovirals and other thera-
10 pies, including generically manufactured phar-
11 maceuticals where appropriate.

12 “(B)(i) The recruitment and training of in-
13 dividuals to provide the treatment described in
14 subparagraph (A), including the recruitment
15 and training of appropriate support personnel.

16 “(ii) Such training should include appro-
17 priate methodologies relating to initial diag-
18 nosis, appropriate dosages of pharmaceuticals,
19 monitoring, medication adherence techniques,
20 treatment for any complications resulting from
21 such pharmaceuticals, and psychosocial support
22 for vulnerable children and their caregivers.

23 “(C) Activities of medical laboratories re-
24 lating to the treatment described in subpara-

1 graph (A), including assistance for the purchase
2 of necessary equipment.

3 **“SEC. 244. ASSISTANCE TO PROVIDE PSYCHOSOCIAL SUP-**
4 **PORT TO ORPHANS AND OTHER VULNER-**
5 **ABLE CHILDREN AFFECTED BY HIV/AIDS.**

6 “(a) FINDINGS.—Congress finds the following:

7 “(1) Many children who are orphaned as a re-
8 sult of AIDS blame themselves for the death of a
9 parent and many children are separated from sib-
10 lings, sometimes for life.

11 “(2) The trauma that results from the loss of
12 a parent as a result of AIDS can trigger behavior
13 problems of aggression or emotional withdrawal and
14 negatively affect a child’s performance in school and
15 the child’s social relations.

16 “(3) Children living in families affected by
17 HIV/AIDS are often stigmatized, teased, and ostra-
18 cized by peers.

19 “(4) Children living in families affected by
20 HIV/AIDS who are most vulnerable are those chil-
21 dren in households headed by children. In these
22 households, trained community volunteers can play a
23 major role through home visits.

24 “(5) In many African countries, religious lead-
25 ers are mobilizing individuals and local organizations

1 within the community to identify and respond to the
2 psychosocial needs of those children affected by
3 AIDS.

4 “(b) ASSISTANCE.—The President is authorized to
5 provide assistance for programs in developing countries to
6 provide culturally appropriate mental health services and
7 psychosocial support for orphans and other vulnerable
8 children, and their caregivers.

9 **“SEC. 245. ASSISTANCE FOR SCHOOL FOOD PROGRAMS.**

10 “(a) FINDINGS.—Congress finds the following:

11 “(1) In 2004, it is estimated that 125,000,000
12 children worldwide do not attend school, in part be-
13 cause of hunger and malnutrition, and the vast ma-
14 jority of these children are young girls.

15 “(2) School food programs, including take-home
16 rations, in developing countries provide strong incen-
17 tives for parents to send their children to school and
18 ensure that they continue with their education.
19 School food programs may reduce short-term hun-
20 ger, improve cognitive functions, and enhance learn-
21 ing, behavior, and achievement.

22 “(3) In 2004, more than 8,000,000 children in
23 sub-Saharan Africa are underweight compared to
24 1994. Malnutrition enhances the risk that orphans
25 and other vulnerable children will be at risk for ill-

1 ness and infections, especially if these children are
2 also infected with HIV.

3 “(4) Healthy members of families affected by
4 HIV/AIDS in developing countries often leave the
5 workforce to care for those family members with
6 HIV/AIDS, which compounds the problem of access
7 to food for the family. Food consumption has been
8 shown to drop by as much as 40 percent in these
9 families.

10 “(5)(A) Although a number of organizations
11 seek to meet the needs of children who are orphaned
12 or vulnerable as a result of HIV/AIDS, immediate
13 and extended families continue to be the primary
14 providers of care and support for these children, and
15 they need direct assistance urgently.

16 “(B) According to a survey by the United
17 States Agency for International Development, or-
18 phans and other vulnerable children relied on rel-
19 atives for food support 74 percent of the time and
20 on friends for food support 19 percent of the time.

21 “(b) ASSISTANCE.—

22 “(1) IN GENERAL.—The President is author-
23 ized to provide assistance for school food programs
24 for orphans and vulnerable children in developing

1 countries, especially in such countries heavily af-
2 fected by HIV/AIDS.

3 “(2) ACTIVITIES SUPPORTED.—Assistance pro-
4 vided under paragraph (1) should be used to pur-
5 chase local or regional foodstuffs, where appropriate,
6 for school food programs.

7 **“SEC. 246. ASSISTANCE TO INCREASE EDUCATIONAL OP-
8 PORTUNITIES AND PROVIDE EMPLOYMENT
9 TRAINING.**

10 “(a) FINDINGS.—Congress finds the following:

11 “(1) The lack of financial resources in families
12 affected by HIV/AIDS prevents many orphans and
13 other vulnerable children in developing countries
14 from attending school because of the requirement to
15 pay school fees and other costs of education.

16 “(2) Such children, in particular young girls,
17 are often forced to miss school in order to serve as
18 caregivers to relatives with HIV/AIDS or assume
19 adult responsibilities for providing for the family.
20 Younger children who lose a parent also lose the op-
21 portunity to learn skills that they will need to sup-
22 port themselves as they grow older.

23 “(3) According to the International Labor Or-
24 ganization (ILO), approximately 250,000,000 chil-
25 dren and adolescents ages 5 to 14 in developing

1 countries are working part-time and approximately
2 120,000,000 children and adolescents ages 5 to 14
3 in developing countries are working full-time.

4 “(4) In many regions of Africa and other devel-
5 oping countries, non-formal education plays an im-
6 portant role to provide children who are unable to
7 attend school with the employment and related life
8 skills training such children need to survive.

9 “(5) Many organizations in Africa, including
10 faith-based organizations, provide employment and
11 related life skills training for older children to better
12 prepare them to serve as caregivers for younger sib-
13 lings.

14 “(6) Organizations that provide non-formal
15 education can assist the thousands of children in de-
16 veloping countries who are not currently being as-
17 sisted by families or communities and are struggling
18 to survive.

19 “(b) ASSISTANCE.—

20 “(1) EDUCATION ASSISTANCE.—The President
21 is authorized to provide assistance for programs in
22 developing countries to decrease barriers to public
23 primary school enrollment by eliminating school fees
24 and other costs of education, especially in developing

1 countries heavily affected by HIV/AIDS. Amounts
2 made available to carry out this paragraph—

3 “(A) are authorized to be made available
4 to the President for assistance or contributions
5 to nongovernmental organizations and inter-
6 national organizations to achieve the purposes
7 of this paragraph; and

8 “(B) shall not be used to pay school fees.

9 “(2) EMPLOYMENT TRAINING ASSISTANCE.—

10 The President is authorized to provide assistance for
11 programs in developing countries to provide employ-
12 ment training and related services for orphans and
13 other vulnerable children who are of legal working
14 age, especially for programs in developing countries
15 heavily affected by HIV/AIDS.

16 **“SEC. 247. ASSISTANCE TO PROTECT AND PROMOTE INHER-**
17 **ITANCE RIGHTS.**

18 “(a) FINDING.—Congress finds that orphans and
19 other vulnerable children in developing countries, particu-
20 larly children who are orphaned as a result of AIDS, are
21 routinely denied their inheritance or encounter difficulties
22 in claiming the land and other property which they have
23 inherited.

24 “(b) ASSISTANCE.—The President is authorized to
25 provide assistance in support of programs in developing

1 countries to protect and promote the inheritance rights of
2 orphans and other vulnerable children, particularly young
3 girls and children who are orphaned as a result of AIDS.

4 **“SEC. 248. ADMINISTRATION OF ASSISTANCE.**

5 “(a) OFFICE FOR ORPHANS AND OTHER VULNER-
6 ABLE CHILDREN.—

7 “(1) ESTABLISHMENT.—There is established
8 within the United States Agency for International
9 Development an Office for Orphans and Other Vul-
10 nerable Children (hereafter in this title referred to
11 as the ‘Office’), which shall be headed by a Director
12 who shall be appointed by the Administrator of the
13 Agency.

14 “(2) DUTIES.—The Office shall be responsible
15 for carrying out this title.

16 “(b) APPROVAL OF APPLICATIONS.—Subject to the
17 requirements of subsection (e), the Director of the Office
18 shall be responsible for reviewing or approving all applica-
19 tions submitted to the United States Agency for Inter-
20 national Development for assistance under this title, in-
21 cluding applications submitted to field missions of the
22 Agency.

23 “(c) PRIORITY.—In providing assistance under this
24 title, priority should be given to assistance for developing
25 countries in which the rate of HIV infection, as reported

1 in the most recent epidemiological data for that country
2 compiled by the United Nations Joint Programme on
3 HIV/AIDS (UNAIDS), is at least 5 percent among women
4 attending prenatal clinics or more than 15 percent among
5 individuals in groups with high-risk behavior.

6 “(d) FORM OF ASSISTANCE.—Assistance under this
7 title shall be provided in the form of—

8 “(1) grants, cooperative agreements, or con-
9 tracts;

10 “(2) contributions to international organiza-
11 tions; or

12 “(3) assistance to the governments of devel-
13 oping countries.

14 “(e) COORDINATION.—The provision of assistance
15 under this title for children who are orphaned as a result
16 of HIV/AIDS, or are children with HIV/AIDS, shall be
17 undertaken in accordance with section 104A of this Act
18 and assistance relating to HIV/AIDS authorized under the
19 United States Leadership Against HIV/AIDS, Tuber-
20 culosis, and Malaria Act of 2003 (Public Law 108–25),
21 including section 102 of such Act concerning the coordina-
22 tion of HIV/AIDS programs.

23 “(f) OTHER ASSISTANCE.—

1 “(1) REVIEW OR APPROVAL OF OTHER USAID
2 ASSISTANCE.—The Director of the Office shall be re-
3 sponsible for reviewing or approving—

4 “(A) each component of the annual plan of
5 a mission, bureau, or other office of the United
6 States Agency for International Development as
7 the component relates to assistance for orphans
8 or other vulnerable children in developing coun-
9 tries; and

10 “(B) each program, project, or activity re-
11 lating to such assistance.

12 “(2) COORDINATION OF ALL U.S. GOVERNMENT
13 ASSISTANCE.—The Director of the Office shall be re-
14 sponsible for ensuring coordination of all United
15 States Government programs to provide assistance
16 for orphans and other vulnerable children in devel-
17 oping countries.

18 **“SEC. 249. MONITORING SYSTEM.**

19 “(a) ESTABLISHMENT.—In order to maximize the
20 sustainable development impact of assistance authorized
21 under this title, the President shall establish a monitoring
22 system that meets the requirements of subsection (b).

23 “(b) REQUIREMENTS.—The requirements referred to
24 in subsection (a) are the following:

1 “(1) The monitoring system establishes per-
2 formance goals for the assistance and expresses such
3 goals in an objective and quantifiable form, to the
4 extent feasible.

5 “(2) The monitoring system establishes per-
6 formance indicators to be used in measuring or as-
7 sessing the achievement of the performance goals de-
8 scribed in paragraph (1).

9 “(3) The monitoring system provides a basis for
10 recommendations for adjustments to the assistance
11 to enhance the impact of the assistance.

12 **“SEC. 250. REPORT.**

13 “(a) REPORT.—Not later than December 31, 2005,
14 and each December 31 thereafter, the President shall
15 transmit to Congress a report that contains a detailed de-
16 scription of the implementation of this title for the pre-
17 vious fiscal year.

18 “(b) CONTENTS.—The report shall contain the fol-
19 lowing information:

20 “(1) For each grant, cooperative agreement,
21 contract, contribution, or other form of assistance
22 awarded or entered into under this title—

23 “(A) the amount of the grant, cooperative
24 agreement, contract, contribution, or other form
25 of assistance, the name of each recipient and

1 each developing country with respect to which
2 projects or activities under the grant, coopera-
3 tive agreement, contract, contribution, or other
4 form of assistance were carried out, and the ap-
5 proximate number of orphans and other vulner-
6 able children who received direct or indirect as-
7 sistance under the projects or activities; and

8 “(B) the results of the monitoring system
9 with respect to the grant, cooperative agree-
10 ment, contract, contribution, or other form of
11 assistance.

12 “(2) For each grant, cooperative agreement,
13 contract, contribution, or other form of assistance
14 awarded or entered into under any provision of law
15 other than this title for assistance for orphans and
16 other vulnerable children in developing countries, the
17 information described in paragraph (1)(A).

18 “(3) Of the total amounts of assistance made
19 available in each such fiscal year for orphans and
20 other vulnerable children, the percentage of assist-
21 ance provided in support of orphans or other vulner-
22 able children affected by HIV/AIDS.

23 “(4) Any other appropriate information relating
24 to the needs of orphans and other vulnerable chil-
25 dren in developing countries that could be addressed

1 through the provision of assistance under this title
2 or under any other provision of law.

3 **“SEC. 251. AUTHORIZATION OF APPROPRIATIONS; ADDI-**
4 **TIONAL PROVISIONS.**

5 “(a) AUTHORIZATION OF APPROPRIATION.—

6 “(1) IN GENERAL.—Of the amounts made
7 available to carry out the provisions of law described
8 in paragraph (2), there are authorized to be appro-
9 priated to the President to carry out this title such
10 sums as may be necessary for each of the fiscal
11 years 2005 and 2006.

12 “(2) PROVISIONS OF LAW.—The provisions of
13 law referred to in paragraph (1) are the following:

14 “(A) The United States Leadership
15 Against HIV/AIDS, Tuberculosis, and Malaria
16 Act of 2003 (Public Law 108–25) and the
17 amendments made by that Act.

18 “(B) Any other provision of law under
19 which assistance is authorized for orphans and
20 other vulnerable children in developing coun-
21 tries.

22 “(b) ADDITIONAL PROVISIONS.—

23 “(1) AVAILABILITY.—Amounts appropriated
24 pursuant to the authorization of appropriations
25 under subsection (a) are authorized to remain avail-

1 able until expended and are in addition to amounts
2 otherwise available for such purposes.

3 “(2) MINIMUM FUNDING REQUIREMENT.—Not
4 less than 60 percent of amounts appropriated pursu-
5 ant to the authorization of appropriations under
6 subsection (a) for a fiscal year (other than amounts
7 made available for assistance to eliminate school fees
8 and other costs of education pursuant to section
9 246) shall be provided through United States or in-
10 digenous private voluntary organizations that imple-
11 ment programs on the community level. Amounts
12 provided by for-profit entities to not-for-profit enti-
13 ties from assistance under this title shall not be con-
14 sidered for purposes of satisfying the requirement of
15 this paragraph.

16 “(3) ASSISTANCE UNDER OTHER PROVISIONS
17 OF LAW.—

18 “(A) IN GENERAL.—Notwithstanding any
19 other provision of law, amounts made available
20 for assistance for orphans or other vulnerable
21 children in developing countries under any pro-
22 vision of law other than this title may be pro-
23 vided to further the purposes of this title.

24 “(B) REPORT.—To the extent assistance
25 described in subparagraph (A) is provided in

1 accordance with such subparagraph, the Presi-
2 dent shall include, as part of the report re-
3 quired under section 250, a detailed description
4 of such assistance and, to the extent applicable,
5 the information required by subsection
6 (b)(1)(A) of such section with respect to such
7 assistance.

8 “(4) ADMINISTRATIVE EXPENSES.—Notwith-
9 standing any other provision of law, amounts made
10 available for assistance for orphans or other vulner-
11 able children in developing countries under this title,
12 or under any provision of law other than this title,
13 may be made available for administrative expenses
14 incurred in carrying out this title for a fiscal year
15 in an amount not to exceed 7 percent of amounts
16 made available for such fiscal year for such purpose
17 under this title, or under such other provision of
18 law, as the case may be.

19 **“SEC. 252. DEFINITIONS.**

20 “In this title:

21 “(1) AIDS.—The term ‘AIDS’ has the meaning
22 given the term in section 104A(g)(1) of this Act.

23 “(2) CHILDREN.—The term ‘children’ means
24 persons who have not attained the age of 18.

1 “(3) HIV.—The term ‘HIV’ has the meaning
2 given the term in section 104A(g)(2) of this Act.

3 “(4) HIV/AIDS.—The term ‘HIV/AIDS’ has
4 the meaning given the term in section 104A(g)(3) of
5 this Act.

6 “(5) ORPHAN.—The term ‘orphan’ means a
7 child deprived by death of one or both parents.

8 “(6) PSYCHOSOCIAL SUPPORT.—The term ‘psy-
9 chosocial support’ includes care that addresses the
10 ongoing psychological and social problems that affect
11 individuals, their partners, families, and caregivers
12 in order to alleviate suffering, strengthen social ties
13 and integration, provide emotional support, and pro-
14 mote coping strategies.

15 “(7) VULNERABLE CHILDREN.—The term ‘vul-
16 nerable children’ includes children who are ne-
17 glected, destitute, abandoned, homeless, disabled,
18 suffering from malnutrition, are sexually exploited or
19 abused, or are displaced or otherwise adversely af-
20 fected by armed conflict.”.

Passed the House of Representatives June 14, 2004.

Attest:

Clerk.

108TH CONGRESS
2^D SESSION

H. R. 4061

AN ACT

To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries.