

108TH CONGRESS  
2D SESSION

# H. R. 4061

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2004

Ms. LEE (for herself, Mr. ROHRBACHER, Mr. LANTOS, Mr. HYDE, Ms. MCCOLLUM, and Mr. LEACH) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Assistance for Orphans  
5 and Other Vulnerable Children in Developing Countries  
6 Act of 2004”.

7 **SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.**

8 Congress finds and declares the following:

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

5           (B) Of these children, 4,000,000 will die in  
6 their first month of life and another 7,000,000 will  
7 die each year before reaching the age of five. Thus  
8 an average of 30,000 children under the age of three  
9 die each day.

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

17          (3) Assessments carried out by the Inter-  
18 national Labor Organization (ILO) to investigate  
19 the situation of children who are working found that  
20 orphans are much more likely than non-orphans to  
21 be working in commercial agriculture, the domestic  
22 service industry, the commercial sex industry, as  
23 street vendors, or in industries that violate inter-  
24 nationally recognized rights of children.

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

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

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

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

19           (8) Globally, more than 11,800,000 young peo-  
20 ple ages 15 to 24 were living with HIV/AIDS in  
21 2001, and each day another 6,000 young people be-  
22 came infected with HIV. New estimates indicate that  
23 more than 70 percent of new HIV cases among this  
24 age group in sub-Saharan Africa are young women  
25 and girls.

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

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

12          (B) Hunger can also cause previously HIV-neg-  
13          ative people to engage in high-risk survival strate-  
14          gies, such as work in the commercial sex industry,  
15          that increase their chances of becoming infected with  
16          HIV.

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

22          (12)(A) A considerable number of United  
23          States and indigenous private voluntary organiza-  
24          tions, including faith-based organizations, provide  
25          relatively modest amounts of assistance to orphans

1 and other vulnerable children in developing coun-  
2 tries, especially children affected by HIV/AIDS.

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

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

19 (B) Further, section 403(b) of Public Law  
20 108–25 requires that at least 50 percent of such  
21 amounts shall be provided through non-profit, non-  
22 governmental organizations, including faith-based  
23 organizations, that implement programs on the com-  
24 munity level.

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

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

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

18          (15) As a result of the numerous United States  
19          Government programs under which assistance is spe-  
20          cifically authorized or otherwise available for or-  
21          phans and vulnerable children in developing coun-  
22          tries, the United States Agency for International  
23          Development will be required to develop innovative  
24          methods for the conduct and monitoring of these

1 programs, including through the collection, analysis,  
2 and reporting of information on the programs.

3 **SEC. 3. ASSISTANCE FOR ORPHANS AND OTHER VULNER-**  
4 **ABLE CHILDREN IN DEVELOPING COUN-**  
5 **TRIES.**

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

9 **“TITLE V—ASSISTANCE FOR OR-**  
10 **PHANS AND OTHER VULNER-**  
11 **ABLE CHILDREN**

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

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

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

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

21 “(3) Although the United States Government  
22 currently administers assistance programs for or-  
23 phans and other vulnerable children in developing  
24 countries, for fiscal year 2002 the United States  
25 Agency for International Development reported that

1 the United States Government provided assistance  
2 to only 462,000 such orphans and other vulnerable  
3 children, or less than one-half of one percent of the  
4 estimated 108,000,000 total number of such or-  
5 phans and other vulnerable children.

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

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

17 “(6) Further, the United States Agency for  
18 International Development should be the primary  
19 United States Government agency responsible for  
20 identifying and assisting orphans and other vulner-  
21 able children in developing countries.

22 “(b) DECLARATION OF POLICY.—Congress, recog-  
23 nizing that prompt and appropriate action by the United  
24 States to assist orphans and other vulnerable children in  
25 developing countries is an important expression of the hu-

1 humanitarian concern and tradition of the people of the  
2 United States, affirms the willingness of the United States  
3 to assist such orphans and other vulnerable children—

4           “(1) by providing assistance for the purpose of  
5 improving the health, nutritional, shelter, edu-  
6 cational, economic, and psychological status of or-  
7 phans and other vulnerable children in such coun-  
8 tries; and

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

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

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

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

20           “(2) When communities are responsible for  
21 raising orphans, these children are cared for in a  
22 rich and nurturing environment and remain con-  
23 nected to the traditions and rituals of families and  
24 the community.

1           “(3) As the number of these children increases,  
2           the ability of communities to provide basic care for  
3           such children is limited. Assistance to support the  
4           provision of such basic care is therefore necessary in  
5           and of itself and also to facilitate the provision of  
6           other types of assistance for such children under this  
7           title.

8           “(b) ASSISTANCE.—

9           “(1) IN GENERAL.—The President is author-  
10          ized to provide assistance for programs in developing  
11          countries to provide basic care for orphans and other  
12          vulnerable children.

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

15                 “(A) to support individuals and local orga-  
16                 nizations, including teachers, social workers,  
17                 and representatives from religious institutions  
18                 and nongovernmental organizations, to mobilize  
19                 their own resources through the establishment  
20                 of ‘community care councils’ to provide basic  
21                 care for orphans and other vulnerable children,  
22                 including day care, food assistance, protection  
23                 assistance, and home visits;

24                 “(B) to increase the capacity of community  
25                 care councils described in subparagraph (A) to

1 meet on a regular basis to identify orphans and  
2 other vulnerable children and to facilitate the  
3 provision of services; and

4 “(C) to establish and operate centers in  
5 such communities to provide basic care de-  
6 scribed in subparagraph (A).

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

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

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

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

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

1           “(3) To date, more than 4,000,000 children  
2 worldwide are estimated to have died from AIDS,  
3 primarily contracted through mother-to-child trans-  
4 mission. Every year, approximately 700,000 babies  
5 are infected with HIV, of which the majority are liv-  
6 ing in Africa.

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

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

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

24           “(b) ASSISTANCE.—

1           “(1) IN GENERAL.—The President is author-  
2 ized to provide assistance for the treatment of or-  
3 phans and other vulnerable children with HIV/AIDS  
4 in developing countries.

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

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

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

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

24           “(C) Activities of medical laboratories re-  
25 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. In Uganda, some children who are  
19 orphaned as a result of AIDS are called ‘walking  
20 corpses’ and discouraged from attending school.

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

1           “(5) In many African countries, religious lead-  
2           ers are mobilizing individuals and local organizations  
3           within the community to identify and respond to the  
4           psychosocial needs of those children affected by  
5           AIDS.

6           “(b) ASSISTANCE.—The President is authorized to  
7           provide assistance for programs in developing countries to  
8           provide mental health treatment and related services to  
9           orphans and other vulnerable children affected by HIV/  
10          AIDS.

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

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

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

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

24                 “(3) In 2004, more than 8,000,000 children in  
25                 sub-Saharan Africa are underweight compared to

1 1994. Malnutrition enhances the risk that orphans  
2 and other vulnerable children will be at risk for ill-  
3 ness and infections, especially if these children are  
4 also infected with HIV.

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

12 “(5)(A) Although a number of organizations  
13 seek to meet the needs of children who are orphaned  
14 or vulnerable as a result of HIV/AIDS, local commu-  
15 nities continue to be the primary providers of sup-  
16 port for these children.

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

22 “(b) ASSISTANCE.—

23 “(1) IN GENERAL.—The President is author-  
24 ized to provide assistance for school food programs  
25 in developing countries.



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

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

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

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

18 “(b) ASSISTANCE.—

19 “(1) EDUCATION ASSISTANCE.—The President  
20 is authorized to provide assistance for programs in  
21 developing countries to increase enrollment in public  
22 primary schools by eliminating school fees and other  
23 costs of education, especially in developing countries  
24 heavily affected by HIV/AIDS. Amounts made avail-  
25 able to carry out this paragraph are authorized to

1 be made available to the President to make vol-  
2 untary contributions to the United Nations Chil-  
3 dren’s Fund to achieve the purposes of this para-  
4 graph.

5 “(2) EMPLOYMENT TRAINING ASSISTANCE.—  
6 The President is authorized to provide assistance for  
7 programs in developing countries to provide employ-  
8 ment training and related services for orphans and  
9 other vulnerable children, especially in developing  
10 countries heavily affected by HIV/AIDS.

11 **“SEC. 247. ASSISTANCE TO PROTECT AND PROMOTE INHER-**  
12 **ITANCE RIGHTS.**

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

19 “(b) ASSISTANCE.—The President is authorized to  
20 provide assistance in support of programs in developing  
21 countries to protect and promote the inheritance rights of  
22 orphans and other vulnerable children, particularly young  
23 girls and children who are orphaned as a result of AIDS.

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

2 “(a) OFFICE FOR ORPHANS AND OTHER VULNER-  
3 ABLE CHILDREN.—

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

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

13 “(b) APPROVAL OF APPLICATIONS.—The Director of  
14 the Office shall be responsible for reviewing or approving  
15 all applications submitted to the United States Agency for  
16 International Development for assistance under this title,  
17 including applications submitted to field missions of the  
18 Agency.

19 “(c) PRIORITY.—In providing assistance under this  
20 title, priority should be given to assistance for developing  
21 countries in which the rate of HIV infection, as reported  
22 in the most recent epidemiological data for that country  
23 compiled by the United Nations Joint Programme on  
24 HIV/AIDS (UNAIDS), is at least 5 percent among women  
25 attending prenatal clinics or more than 15 percent among  
26 individuals in groups with high-risk behavior.

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

3           “(1) grants, cooperative agreements, or con-  
4 tracts;

5           “(2) contributions to international organiza-  
6 tions; or

7           “(3) assistance to the governments of devel-  
8 oping countries.

9       “(e) COORDINATION.—The provision of assistance  
10 under this title for children who are orphaned as a result  
11 of HIV/AIDS, or are children with HIV/AIDS, shall be  
12 undertaken in a manner that is consistent with assistance  
13 authorized under section 104A of this Act and assistance  
14 relating to HIV/AIDS authorized under the United States  
15 Leadership Against HIV/AIDS, Tuberculosis, and Malaria  
16 Act of 2003 (Public Law 108–25).

17       “(f) OTHER ASSISTANCE.—

18           “(1) REVIEW AND APPROVAL OF OTHER USAID  
19 ASSISTANCE.—The Director of the Office shall be re-  
20 sponsible for reviewing or approving—

21           “(A) each component of the annual plan of  
22 a mission, bureau, or other office of the United  
23 States Agency for International Development as  
24 the component relates to assistance for orphans

1 and other vulnerable children in developing  
2 countries; and

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

5 “(2) COORDINATION OF ALL U.S. GOVERNMENT  
6 ASSISTANCE.—The Director of the Office shall be re-  
7 sponsible for ensuring coordination of all United  
8 States Government programs to provide assistance  
9 for orphans and other vulnerable children in devel-  
10 oping countries.

11 **“SEC. 249. MONITORING SYSTEM.**

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

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

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

22 “(2) The monitoring system establishes per-  
23 formance indicators to be used in measuring or as-  
24 sessing the achievement of the performance goals de-  
25 scribed in paragraph (1).

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

4   **“SEC. 250. REPORT.**

5           “(a) REPORT.—Not later than December 31, 2005,  
6           and each December 31 thereafter, the President shall  
7           transmit to Congress a report that contains a detailed de-  
8           scription of the implementation of this title for the pre-  
9           vious fiscal year.

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

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

15                         “(A) the amount of the grant, cooperative  
16                         agreement, contract, contribution, or other form  
17                         of assistance, the name of each recipient and  
18                         each developing country with respect to which  
19                         projects or activities under the grant, coopera-  
20                         tive agreement, contract, contribution, or other  
21                         form of assistance were carried out, and the ap-  
22                         proximate number of orphans and other vulner-  
23                         able children who received assistance under the  
24                         projects or activities; and

1           “(B) the results of the monitoring system  
2           with respect to the grant, cooperative agree-  
3           ment, contract, contribution, or other form of  
4           assistance.

5           “(2) For each grant, cooperative agreement,  
6           contract, contribution, or other form of assistance  
7           awarded or entered into under any provision of law  
8           other than this title for assistance for orphans and  
9           other vulnerable children in developing countries, the  
10          information described in paragraph (1)(A).

11          “(3) Any other appropriate information relating  
12          to the needs of orphans and other vulnerable chil-  
13          dren in developing countries that could be addressed  
14          through the provision of assistance under this title  
15          or under any other provision of law.

16 **“SEC. 251. AUTHORIZATION OF APPROPRIATIONS; ADDI-**  
17 **TIONAL PROVISIONS.**

18          “(a) AUTHORIZATION OF APPROPRIATION.—

19               “(1) IN GENERAL.—Of the amounts made  
20               available to carry out the provisions of law described  
21               in paragraph (2), there are authorized to be appro-  
22               priated to the President to carry out this title such  
23               sums as may be necessary for each of the fiscal  
24               years 2005 and 2006.

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

3           “(A) The United States Leadership  
4 Against HIV/AIDS, Tuberculosis, and Malaria  
5 Act of 2003 (Public Law 108–25) and the  
6 amendments made by that Act.

7           “(B) Any other provision of law under  
8 which assistance is authorized for orphans and  
9 other vulnerable children in developing coun-  
10 tries.

11       “(b) ADDITIONAL PROVISIONS.—

12           “(1) AVAILABILITY.—Amounts appropriated  
13 pursuant to the authorization of appropriations  
14 under subsection (a) are authorized to remain avail-  
15 able until expended and are in addition to amounts  
16 otherwise available for such purposes.

17           “(2) MINIMUM FUNDING REQUIREMENT.—Not  
18 less than 60 percent of amounts appropriated pursu-  
19 ant to the authorization of appropriations under  
20 subsection (a) for a fiscal year (other than amounts  
21 made available for assistance to eliminate school fees  
22 and other costs of education pursuant to section  
23 246) shall be provided through United States or in-  
24 digenous private voluntary organizations that imple-  
25 ment programs on the community level. Amounts

1 provided by for-profit entities to not-for-profit enti-  
2 ties from assistance under this title shall not be con-  
3 sidered for purposes of satisfying the requirement of  
4 this paragraph.

5 “(3) ASSISTANCE UNDER OTHER PROVISIONS  
6 OF LAW.—

7 “(A) IN GENERAL.—Notwithstanding any  
8 other provision of law, amounts made available  
9 for assistance for orphans or other vulnerable  
10 children in developing countries under any pro-  
11 vision of law other than this title may be pro-  
12 vided to further the purposes of this title.

13 “(B) REPORT.—To the extent assistance  
14 described in subparagraph (A) is provided in  
15 accordance with such subparagraph, the Presi-  
16 dent shall include, as part of the report re-  
17 quired under section 250, a detailed description  
18 of such assistance and, to the extent applicable,  
19 the information required by subsection  
20 (b)(1)(A) of such section with respect to such  
21 assistance.

22 **“SEC. 252. DEFINITIONS.**

23 “In this title:

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

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

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

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

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

10           “(6) VULNERABLE CHILDREN.—The term ‘vul-  
11 nerable children’ includes children who are ne-  
12 glected, destitute, abandoned, homeless, disabled,  
13 suffering from malnutrition, are sexually exploited or  
14 abused, or are displaced or otherwise adversely af-  
15 fected by armed conflict.”.

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