

113TH CONGRESS
1ST SESSION

S. 1530

To realign structures and reallocate resources in the Federal Government, in keeping with the core American belief that families are the best protection for children and the bedrock of any society, to bolster United States diplomacy and assistance targeted at ensuring that every child can grow up in a permanent, safe, nurturing, and loving family, and to strengthen intercountry adoption to the United States and around the world and ensure that it becomes a viable and fully developed option for providing families for children in need, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2013

Ms. LANDRIEU (for herself, Mr. BLUNT, Mr. BURR, Mr. INHOFE, Mr. KIRK, Ms. KLOBUCHAR, Mrs. SHAHEEN, Ms. WARREN, Mr. WICKER, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To realign structures and reallocate resources in the Federal Government, in keeping with the core American belief that families are the best protection for children and the bedrock of any society, to bolster United States diplomacy and assistance targeted at ensuring that every child can grow up in a permanent, safe, nurturing, and loving family, and to strengthen intercountry adoption to the United States and around the world and ensure that it becomes a viable and fully developed option for providing families for children in need, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Children in Families First Act of 2013”.

6 (b) **TABLE OF CONTENTS.**—The table of contents is
 7 as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purposes.
- Sec. 3. Definitions.

TITLE I—REALIGNMENT OF CERTAIN INTERNATIONAL CHILD
 WELFARE RESPONSIBILITIES AND FUNCTIONS

- Sec. 101. Establishment of Bureau of Vulnerable Children and Family Security
 in the Department of State.
- Sec. 102. Responsibilities of U.S. Citizenship and Immigration Services for ac-
 creditation of adoption service providers.
- Sec. 103. Transfer of functions and savings provisions.
- Sec. 104. Responsibilities of U.S. Citizenship and Immigration Services for
 adoption-related case processing.

TITLE II—ANNUAL REPORTING

- Sec. 201. Annual report on children living without families.
- Sec. 202. Country reports regarding severe forms of trafficking.

TITLE III—PROMOTION OF A COMPREHENSIVE APPROACH FOR
 CHILDREN IN ADVERSITY

- Sec. 301. Establishment of a USAID Center for Excellence for Children in Ad-
 versity.

TITLE IV—FUNDING AND EFFECTIVE DATES

- Sec. 401. Authorization of appropriations.
- Sec. 402. Effective dates.

8 **SEC. 2. FINDINGS; PURPOSES.**

9 (a) **FINDINGS.**—Congress makes the following find-
 10 ings:

11 (1) The people of the United States recognize
 12 and believe that children must grow up in perma-

1 nent, safe, and nurturing families in order to develop
2 and thrive.

3 (2) Science now proves conclusively that chil-
4 dren suffer immediate, lasting, and in many cases ir-
5 reversible damage from time spent living in institu-
6 tions or outside of families, including reduced brain
7 activity, reduced IQ, smaller brain size, and inability
8 to form emotional bonds with others.

9 (3) Governments in other countries seek models
10 that promote the placement of children who are liv-
11 ing outside family care in permanent, safe, and nur-
12 turing families, rather than in foster care or institu-
13 tions, but many governments lack the resources or
14 infrastructure to adequately address this need.

15 (4) Despite the good efforts of countless gov-
16 ernments and nongovernmental organizations, mil-
17 lions of children remain uncared and outside of
18 the protection, nurturing care, permanence, safety,
19 and love of a family. Without the care of a family,
20 these children are forced to live on the streets, in in-
21 stitutions, in paid foster care, in child-headed house-
22 holds, in group homes, or as household servants.

23 (5) No reliable data currently exists to define
24 and document the number and needs of children in
25 the world currently living without families, but avail-

1 able evidence demonstrates that there are millions of
2 children in this situation needing immediate help.

3 (6) The December 2012 Action Plan for Chil-
4 dren in Adversity commits the United States Gov-
5 ernment to achieving a world in which all children
6 grow up within protective family care and free from
7 deprivation, exploitation, and danger. To effectively
8 and efficiently accomplish this goal, it is necessary
9 to realign the United States Government's current
10 operational system for assisting orphans and vulner-
11 able children, and processing intercountry adoptions.

12 (7) All options for providing appropriate, pro-
13 tective, and permanent family care to children living
14 without families must be considered concurrently
15 and permanent solutions must be put in place as
16 quickly as possible. Solutions include family preser-
17 vation and reunification, kinship care, guardianship,
18 domestic and intercountry adoption, and other cul-
19 turally acceptable forms of care that will result in
20 appropriate, protective, and permanent family care.
21 Preference should be given to options that optimize
22 child best interests, which generally means options
23 which provide children with fully protected legal sta-
24 tus and parents with full legal status as parents, in-
25 cluding full parental rights and responsibilities. The

1 principle of subsidiarity, which gives preference to
2 in-country solutions, should be implemented within
3 the context of a concurrent planning strategy, ex-
4 ploring in- and out-of-country options simulta-
5 neously. If an in-country placement serving the
6 child's best interest and providing appropriate, pro-
7 tective, and permanent care is not quickly available,
8 and such an international home is available, the
9 child should be placed in that international home
10 without delay.

11 (8) Significant resources are already dedicated
12 to international assistance for orphans and vulner-
13 able children, and a relatively small portion of these
14 resources can be reallocated to achieve more timely,
15 effective, nurturing, and permanent familial solu-
16 tions for children living without families, resulting in
17 fewer children worldwide living in institutions or on
18 the streets, more families preserved or reunified, and
19 increased domestic and international adoptions.

20 (b) PURPOSES.—The purposes of this Act are—

21 (1) to support the core American value that
22 families are the bedrock of any society;

23 (2) to protect the fundamental human right of
24 all children to grow up within the loving care of per-
25 manent, safe, and nurturing families;

1 (3) to address a critical gap in United States
2 foreign policy implementation by adjusting the Fed-
3 eral Government's international policy and oper-
4 ational structures so that seeking permanent fami-
5 lies for children living without families receives more
6 prominence, focus, and resources (through the re-
7 allocation of existing personnel and resources);

8 (4) to harness the diplomatic and operational
9 power of the United States Government in the inter-
10 national sphere by helping to identify and implement
11 timely, permanent, safe, and nurturing familial solu-
12 tions for children living without families, including
13 refugee or stateless children;

14 (5) to ensure that intercountry adoption by
15 United States citizens becomes a viable and fully de-
16 veloped option for creating permanent families for
17 children who need them;

18 (6) to protect against abuses of children, birth
19 families, and adoptive parents involved in inter-
20 country adoptions, and to ensure that such adop-
21 tions are in the individual child's best interests; and

22 (7) to harmonize and strengthen existing inter-
23 country adoption processes under United States
24 law—

1 (A) by ensuring that the same set of proce-
2 dures and criteria govern suitability and eligi-
3 bility determinations for prospective adoptive
4 parents seeking to complete intercountry adop-
5 tions, whether or not the child is from a foreign
6 state that is a party to the Hague Adoption
7 Convention; and

8 (B) by aligning the definitions of eligible
9 child for Convention adoptions and non-Conven-
10 tion adoptions to the maximum extent possible.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) ACTION PLAN FOR CHILDREN IN ADVER-
14 SITY.—The term “Action Plan for Children in Ad-
15 versity” means the policy document entitled “United
16 States Government Action Plan on Children in Ad-
17 versity: A Framework for International Assistance:
18 2012–2017”, released on December 19, 2012.

19 (2) APPROPRIATE, PROTECTIVE, AND PERMA-
20 NENT FAMILY CARE.—The term “appropriate, pro-
21 tective, and permanent family care” means a nur-
22 turing, lifelong, commitment to a child by an adult,
23 or adults with parental roles and responsibilities
24 that—

1 (A) provides physical and emotional sup-
2 port;

3 (B) provides the child with a sense of be-
4 longing; and

5 (C) generally involves full legal recognition
6 of the child’s status as child of the parents and
7 of the parents’ rights and responsibilities re-
8 garding the child.

9 (3) CENTRAL AUTHORITY.—The term “central
10 authority” has the meaning given the term in sec-
11 tion 3 of the Intercountry Adoption Act of 2000 (42
12 U.S.C. 14902).

13 (4) CHILDREN IN ADVERSITY.—The term “chil-
14 dren in adversity” means children living inside or
15 outside of family care who are deprived, excluded,
16 vulnerable, or at risk for violence, abuse, exploi-
17 tation, or neglect.

18 (5) CONVENTION ADOPTION.—The term “Con-
19 vention adoption” has the meaning given the term in
20 section 3 of the Intercountry Adoption Act of 2000
21 (42 U.S.C. 14902).

22 (6) CONVENTION COUNTRY.—The term “Con-
23 vention country” has the meaning given the term in
24 section 3 of the Intercountry Adoption Act of 2000

1 (42 U.S.C. 14902) and for which the Hague Adop-
2 tion Convention has entered into force.

3 (7) GUARDIANSHIP.—The term “guardianship”
4 means a permanent legal relationship between an
5 adult and a child, whereby the adult is lawfully in-
6 vested with the power, and charged with the duty,
7 of taking care of the child. While some forms of
8 guardianship are not truly permanent, the form of
9 guardianship referred to and supported under this
10 Act is permanent guardianship. A Kefala order
11 issued by a country that follows traditional Islamic
12 law does not qualify as an adoption under United
13 States law, but may be a form of guardianship in
14 some circumstances.

15 (8) HABITUAL RESIDENCE DETERMINATION.—
16 The term “habitual residence determination” means
17 a factual determination of where a prospective adop-
18 tive parent (or parents) resides and where the child
19 resides for purposes of an intercountry adoption
20 case.

21 (9) HAGUE ADOPTION CONVENTION.—The term
22 “Hague Adoption Convention” means the Conven-
23 tion of Protection of Children and Cooperation in
24 Respect of Intercountry Adoption, concluded at the
25 Hague May 29, 1993.

1 (10) KINSHIP CARE.—The term “kinship care”
2 means the full time care, nurturing, and protection
3 of children by relatives, members of their tribes or
4 clans, godparents, stepparents, or any adult who has
5 a kinship bond with a child, so long as those persons
6 have the capacity and commitment to function as
7 true parents for the child on a permanent basis. It
8 does not include paid kinship foster care.

9 (11) NON-CONVENTION ADOPTION.—The term
10 “non-Convention adoption” means—

11 (A) an adoption by United States parents
12 of a child from a non-Convention country in ac-
13 cordance with subparagraph (F) of section
14 101(b)(1) of the Immigration and Nationality
15 Act (8 U.S.C. 1101(b)(1));

16 (B) an adoption by United States parents
17 of a child under the laws of the child’s country
18 of origin (generally when the parents are living
19 in the child’s country of origin and therefore
20 able legally to complete a domestic adoption); or

21 (C) in certain circumstances (generally
22 with respect to relative adoptions or adoptions
23 by dual national parents), an adoption by
24 United States parents of a child from a Con-
25 vention country if that country allows legal and

1 valid adoptions to take place outside the scope
2 of the Convention.

3 (12) NON-CONVENTION COUNTRY.—The term
4 “non-Convention country” means a country in which
5 the Hague Adoption Convention has not entered into
6 force, regardless of whether or not that country has
7 signed the Convention.

8 (13) UNPARENTED CHILDREN.—The term
9 “unparented children” means children lacking the
10 legal, permanent, safe, and nurturing care of a pa-
11 rental figure or figures, either inside their country of
12 origin, in the country of their habitual residence, or
13 elsewhere, regardless of their lawful or unlawful im-
14 migration status in their current country of resi-
15 dence.

16 (14) VULNERABLE CHILDREN.—The term “vul-
17 nerable children”, consistent with the United States
18 Agency for International Development’s definition,
19 means children and youth who are under 18 years
20 whose safety, well-being, growth, and development
21 are at significant risk due to inadequate care, pro-
22 tection, or access to essential services.

1 **TITLE I—REALIGNMENT OF CER-**
2 **TAIN INTERNATIONAL CHILD**
3 **WELFARE RESPONSIBILITIES**
4 **AND FUNCTIONS**

5 **SEC. 101. ESTABLISHMENT OF BUREAU OF VULNERABLE**
6 **CHILDREN AND FAMILY SECURITY IN THE**
7 **DEPARTMENT OF STATE.**

8 (a) ESTABLISHMENT.—There is established within
9 the Department of State the Bureau of Vulnerable Chil-
10 dren and Family Security (referred to in this Act as the
11 “VCFS”), which shall be located in the Secretariat for Ci-
12 vilian Security, Democracy and Human Rights and shall
13 promote and support the following activities:

14 (1) The development and implementation in for-
15 eign countries of child welfare laws, regulations,
16 policies, best practices, and procedures in keeping
17 with the goals articulated in the Action Plan for
18 Children in Adversity, including—

19 (A) the sound development of children
20 through the integration of health, nutrition, and
21 family support;

22 (B) supporting and enabling families to
23 care for children through family preservation,
24 reunification, and support of kinship care,

1 guardianship, and domestic and intercountry
2 adoption; and

3 (C) facilitating the efforts of national gov-
4 ernments and partners to prevent, respond to,
5 and protect children from violence, exploitation,
6 abuse, and neglect.

7 (2) Addressing the gap in United States Gov-
8 ernment diplomacy, policy, and operations with re-
9 spect to promoting appropriate, protective, and per-
10 manent family care for children living without fami-
11 lies by establishing within the VCFS a Senior Coor-
12 dinator for Permanence, who—

13 (A) shall occupy at least a Deputy Assist-
14 ant Secretary-level position in the VCFS; and

15 (B) shall lead the development and imple-
16 mentation of policies that will ensure the timely
17 provision of appropriate, protective, and perma-
18 nent family care for children living without
19 families, including refugee and stateless chil-
20 dren, through the full continuum of permanence
21 solutions, including family preservation and re-
22 unification, kinship care, guardianship, and do-
23 mestic and intercountry adoption.

24 (b) ASSISTANT SECRETARY.—

1 (1) APPOINTMENT.—The VCFS shall be headed
2 by an Assistant Secretary, who shall be appointed by
3 the President by and with the consent of the Senate.

4 (2) QUALIFICATIONS.—The Assistant Secretary
5 shall—

6 (A) have experience in the development of
7 policies and systems and the implementation of
8 programs that promote the goals of the Action
9 Plan for Children in Adversity;

10 (B) be knowledgeable of international child
11 welfare, family permanence, and family creation
12 through domestic and intercountry adoption;
13 and

14 (C) be committed to developing an inte-
15 grated United States Government approach to
16 international child welfare that places equal em-
17 phasis on—

18 (i) early childhood survival and devel-
19 opment;

20 (ii) family permanence; and

21 (iii) protection from abuse and exploi-
22 tation.

23 (3) AUTHORITY.—The Assistant Secretary shall
24 report to the Under Secretary for Civilian Security,
25 Democracy and Human Rights.

1 (4) INCREASE IN AUTHORIZED ASSISTANT SEC-
2 RETARY POSITIONS.—

3 (A) AMENDMENT TO STATE DEPARTMENT
4 BASIC AUTHORITIES ACT OF 1956.—Section
5 1(e)(1) of the State Department Basic Authori-
6 ties Act of 1956 (22 U.S.C. 2651a(e)(1)) is
7 amended by striking “not more than 24 Assist-
8 ant Secretaries” and inserting “not more than
9 25 Assistant Secretaries”.

10 (B) AMENDMENT TO TITLE 5, UNITED
11 STATES CODE.—Section 5315 of title 5, United
12 States Code, is amended by striking “Assistant
13 Secretaries of State (24)” and inserting “As-
14 sistant Secretaries of State (25)”.

15 (c) FUNCTIONS.—

16 (1) ADVISORY.—The Assistant Secretary shall
17 serve as a primary advisor to the Secretary of State
18 and the President in all matters related to vulner-
19 able children and family security in foreign coun-
20 tries.

21 (2) DIPLOMATIC REPRESENTATION.—Subject to
22 the direction of the President and the Secretary of
23 State, and in consultation and coordination with the
24 Senior Coordinator for Children in Adversity of the
25 United States Agency for International Develop-

1 ment, and the Secretary of Homeland Security, the
2 Assistant Secretary shall represent the United
3 States in matters relevant to international child wel-
4 fare, family preservation and reunification, and pro-
5 vision of permanent, safe parental care through kin-
6 ship, domestic and intercountry adoption in—

7 (A) contacts with foreign governments,
8 nongovernmental organizations, intergovern-
9 mental agencies, and specialized agencies of the
10 United Nations and other international organi-
11 zations of which the United States is a member;

12 (B) multilateral conferences and meetings
13 relevant to family preservation, reunification,
14 and creating appropriate, protective, and per-
15 manent care for unparented children; and

16 (C) fulfillment of the diplomatic respon-
17 sibilities designated to the central authority
18 under title I of the Intercountry Adoption Act
19 of 2000 (42 U.S.C. 14911 et seq.), as amended
20 by this Act.

21 (3) POLICY DEVELOPMENT WITH RESPECT TO
22 PERMANENCE FOR UNPARENTED CHILDREN.—

23 (A) IN GENERAL.—The Assistant Sec-
24 retary shall—

1 (i) develop and advocate for policies
2 and practices to ensure that children in
3 foreign countries who are living without
4 families find appropriate, protective, and
5 permanent family care which is in the best
6 interest of each child;

7 (ii) give consideration to family pres-
8 ervation and reunification, kinship care,
9 guardianship, and domestic and inter-
10 country adoption; and

11 (iii) seek to develop and implement
12 policies that lead to the use of all options
13 for providing appropriate, protective, and
14 permanent family care to children living
15 without families as quickly as possible.

16 (B) BEST INTEREST DETERMINATION.—In
17 carrying out subparagraph (A), the Assistant
18 Secretary shall give preference to options that
19 optimize the best interests of children, including
20 options which provide children with fully pro-
21 tected legal status as children and parents with
22 full legal status as parents, including full paren-
23 tal rights and responsibilities.

24 (C) SUBSIDIARITY.—The principle of
25 subsidiarity, which gives preference to in-coun-

1 try solutions, should be implemented within the
2 context of a concurrent planning strategy, ex-
3 ploring in- and out-of-country options simulta-
4 neously. If an in-country placement serving the
5 child's best interests and providing appropriate,
6 protective, and permanent care is not quickly
7 available, and such an international home is
8 available, the child should be placed in that
9 international home without delay.

10 (D) BEST PRACTICES.—In developing poli-
11 cies and programs under this Act, the Assistant
12 Secretary shall identify and utilize evidence-
13 based programs and best practices in family
14 preservation and reunification and provision of
15 permanent parental care through guardianship,
16 kinship care, and domestic and intercountry
17 adoption as derived from a wide variety of do-
18 mestic, foreign, and global policies and prac-
19 tices.

20 (E) TECHNICAL ASSISTANCE.—The Assist-
21 ant Secretary, in consultation with other appro-
22 priate Federal agencies, shall provide technical
23 assistance to governments of foreign countries
24 to help build their child welfare capacities and
25 to strengthen appropriate family preservation

1 and reunification and the provision of appro-
2 priate, protective, and permanent family care
3 through kinship care, guardianship, and domes-
4 tic and intercountry adoption, including assist-
5 ance with—

6 (i) the drafting, disseminating, and
7 implementing of legislation;

8 (ii) the development of implementing
9 systems and procedures;

10 (iii) the establishment of public, pri-
11 vate, and faith- and community-based
12 partnerships;

13 (iv) the development of workforce
14 training for governmental and nongovern-
15 mental staff; and

16 (v) infrastructure development and
17 data collection techniques necessary to
18 identify and document the number and
19 needs of children living without appro-
20 priate, protective, and permanent family
21 care.

22 (4) RESPONSIBILITIES WITH RESPECT TO
23 INTERCOUNTRY ADOPTION.—

24 (A) IN GENERAL.—The VCFS, in coordi-
25 nation with other offices of the Department of

1 State and U.S. Citizenship and Immigration
2 Services, shall have lead responsibility for rep-
3 resenting the United States Government in dis-
4 cussions, negotiations, and diplomatic contacts
5 pertaining to intercountry adoptions.

6 (B) CENTRAL AUTHORITY RESPONSIBILITY
7 UNDER THE INTERCOUNTRY ADOPTION ACT OF
8 2000.—Section 101(b)(2) of the Intercountry
9 Adoption Act of 2000 (42 U.S.C. 14911(b)(2))
10 is amended by striking “Office of Children’s
11 Issues” and inserting “Bureau of Vulnerable
12 Children and Family Security”.

13 (C) DETERMINATIONS OF HAGUE ADOPT-
14 ION CONVENTION COMPLIANCE.—The VCFS,
15 in consultation with other offices of the Depart-
16 ment of State, and the Department of Home-
17 land Security, shall have lead responsibility for
18 determining whether a Convention partner
19 country has met its obligations under the
20 Hague Adoption Convention and is eligible to
21 participate in intercountry adoptions in accord-
22 ance with United States law. Such determina-
23 tions shall be documented in writing, based on
24 standardized criteria, and available for public
25 review and comment.

1 (D) NEGOTIATION OF BILATERAL AGREE-
2 MENTS.—The VCFS, in consultation with the
3 Secretary of Homeland Security, shall have lead
4 responsibility for the negotiation of bilateral
5 agreements with other countries pertaining to
6 intercountry adoption and in conformity with
7 the provisions of the Hague Adoption Conven-
8 tion when the other country is a Convention
9 partner.

10 (5) POLICY COORDINATION.—The Assistant
11 Secretary shall coordinate with the Secretary of
12 Homeland Security and the Administrator of the
13 United States Agency for International Development
14 to maintain consistency in United States foreign and
15 domestic policy and operations with respect to chil-
16 dren living outside family care in foreign countries,
17 particularly those living without families.

18 (6) INFORMATION COORDINATION.—The Assist-
19 ant Secretary shall transmit—

20 (A) any intercountry adoption related case
21 information received from the Central Authority
22 of another Convention country to the Secretary
23 of Homeland Security; and

24 (B) any intercountry adoption related case
25 information that the Secretary of Homeland Se-

1 security requests to the Central Authority of an-
2 other Convention country.

3 **SEC. 102. RESPONSIBILITIES OF U.S. CITIZENSHIP AND IM-**
4 **MIGRATION SERVICES FOR ACCREDITATION**
5 **OF ADOPTION SERVICE PROVIDERS.**

6 (a) GENERAL RESPONSIBILITIES UNDER THE
7 INTERCOUNTRY ADOPTION ACT OF 2000.—

8 (1) IN GENERAL.—The Intercountry Adoption
9 Act of 2000 (Public Law 106–279; 114 Stat. 825)
10 is amended by inserting after section 103 (42 U.S.C.
11 14913) the following:

12 **“SEC. 103A. RESPONSIBILITIES OF THE DEPARTMENT OF**
13 **HOMELAND SECURITY.**

14 “(a) ACCREDITATION AND APPROVAL RESPONSIBIL-
15 ITIES.—The Secretary of Homeland Security, working
16 through the Director of U.S. Citizenship and Immigration
17 Services, shall carry out the functions prescribed by the
18 Convention with respect to the accreditation of agencies
19 and the approval of persons to provide adoption services
20 in the United States in cases subject to the Convention
21 as provided in title II. Such functions may not be dele-
22 gated to any other Federal agency.

23 “(b) INVESTIGATIONS.—The Secretary of Homeland
24 Security shall be responsible for managing and overseeing

1 investigations related to the operation and services of
2 adoption service providers, whether directly or indirectly.

3 “(c) LIAISON WITH FOREIGN GOVERNMENTS ON
4 POST-PLACEMENT REPORTS AND CERTAIN ADOPTION
5 CASES.—The Secretary of Homeland Security shall serve
6 as the liaison with foreign governments with respect to
7 queries about required post-placement reports and about
8 specific intercountry adoption cases once the adopted chil-
9 dren are living in the United States, including queries
10 about the status of adopted children who are living in the
11 United States in cases involving allegations of abuse, ne-
12 glect, abandonment, or death.”.

13 (2) CLERICAL AMENDMENT.—Section 1 of such
14 Act is amended by inserting after the item relating
15 to section 103 the following:

“Sec. 103A. Responsibilities of the Department of Homeland Security.”.

16 (3) CONFORMING AMENDMENTS.—Section 102
17 of such Act (42 U.S.C. 14912) is amended—

18 (A) in subsection (a), by striking “The
19 Secretary” and inserting “Except as provided
20 for under section 103A, the Secretary”;

21 (B) in subsection (b), by inserting “, in co-
22 ordination with the Secretary of Homeland Se-
23 curity,” after “The Secretary”;

24 (C) by striking subsection (c);

1 (D) by redesignating subsections (d) and
2 (f) as subsections (e) and (d), respectively; and
3 (E) by striking subsection (e).

4 (b) ACCREDITATION RESPONSIBILITIES UNDER THE
5 INTERCOUNTRY ADOPTION ACT OF 2000.—

6 (1) DESIGNATION OF ACCREDITING AGEN-
7 CIES.—Section 202 of the Intercountry Adoption Act
8 of 2000 (42 U.S.C. 14922) is amended by inserting
9 “of Homeland Security” after “Secretary” each
10 place it appears.

11 (2) STANDARDS AND PROCEDURES FOR PRO-
12 VIDING ACCREDITATION OR APPROVAL.—Section 203
13 of the Intercountry Adoption Act of 2000 (42 U.S.C.
14 14923) is amended by inserting “of Homeland Secu-
15 rity” after “Secretary” each place it appears in sub-
16 sections (a) and (b).

17 (3) OVERSIGHT OF ACCREDITATION AND AP-
18 PROVAL.—Section 204 of the Intercountry Adoption
19 Act of 2000 (42 U.S.C. 14924) is amended—

20 (A) by inserting “of Homeland Security”
21 after “Secretary” each place it appears; and

22 (B) in subsection (c)—

23 (i) in paragraph (1), by amending the
24 paragraph heading to read as follows:

1 “(4) AUTHORITY OF THE SECRETARY OF
2 HOMELAND SECURITY.—”; and

3 (ii) in paragraph (2), by striking
4 “Secretary’s debarment order” and insert-
5 ing “debarment order of the Secretary of
6 Homeland Security”.

7 (4) ADMINISTRATIVE PROVISIONS.—

8 (A) ACCESS TO CONVENTION RECORDS.—

9 Section 401(b) of the Intercountry Adoption
10 Act of 2000 (42 U.S.C. 14941(b)) is amend-
11 ed—

12 (i) in paragraph (1), by inserting “,
13 the Director of U.S. Citizenship and Immi-
14 gration Services,” after “Secretary”; and

15 (ii) in paragraph (2), by inserting
16 “the Director of U.S. Citizenship and Im-
17 migration Services,” after “Secretary”.

18 (B) ASSESSMENT OF FEES.—Section

19 403(b) of the Intercountry Adoption Act of
20 2000 (42 U.S.C. 14943(b)) is amended—

21 (i) in paragraph (1)—

22 (I) by inserting “or the Director
23 of U.S. Citizenship and Immigration
24 Services” after “Secretary”; and

1 (II) by inserting “or U.S. Citi-
 2 zenship and Immigration Services, re-
 3 spectively,” after “Department of
 4 State”; and

5 (ii) in paragraph (2), by inserting “or
 6 U.S. Citizenship and Immigration Services
 7 appropriation, as the case may be,” after
 8 “Department of State appropriation”.

9 (c) INTERCOUNTRY ADOPTION FUNCTIONS OF U.S.
 10 CITIZENSHIP AND IMMIGRATION SERVICES.—

11 (1) DEFINITIONS.—In this subsection and in
 12 section 103:

13 (A) ADOPTION SERVICE.—The term
 14 “adoption service” has the meaning given the
 15 term in section 3 of the Intercountry Adoption
 16 Act of 2000 (42 U.S.C. 14902).

17 (B) ASSOCIATE DIRECTOR.—The term
 18 “Associate Director” means the Associate Di-
 19 rector of the Directorate.

20 (C) DIRECTORATE.—Except as otherwise
 21 provided in this subsection, the term “Direc-
 22 torate” means the Field Operations Directorate
 23 of U.S. Citizenship and Immigration Services.

24 (2) INTERCOUNTRY ADOPTION FUNCTIONS.—
 25 The Associate Director shall carry out—

1 (A) the functions described in section
2 103A(a) of the Intercountry Adoption Act of
3 2000, relating to accreditation of agencies and
4 approval of persons to provide adoption serv-
5 ices;

6 (B) the functions described in section
7 103A(b) of such Act, relating to management
8 and oversight of investigations related to the
9 operation of such providers; and

10 (C) the functions described in section
11 103A(c) of such Act, relating to liaison respon-
12 sibilities regarding post-placement reports and
13 certain adoption cases.

14 (3) INFORMATIONAL RESPONSIBILITIES.—

15 (A) DATABASE ON ADOPTION SERVICE
16 PROVIDERS.—

17 (i) IN GENERAL.—The Associate Di-
18 rector shall establish and operate, in con-
19 junction with the Secretary of State, a
20 publicly accessible database of adoption
21 service providers.

22 (ii) AGREEMENT.—The Associate Di-
23 rector, the Director, and the Secretary of
24 State shall enter into an agreement under
25 which the Director and the Secretary shall

1 provide, for the database, data on inter-
2 country adoption cases relating to adoption
3 service providers.

4 (iii) CONTENTS.—The database shall
5 include, with respect to each accredited
6 agency and approved person, who is an
7 adoption service provider individually, and
8 to the aggregate of all adoption service
9 providers—

10 (I) information identifying such a
11 provider;

12 (II) information on the accredita-
13 tion status of an agency, or the ap-
14 proval status of a person, as an adop-
15 tion service provider;

16 (III) information on the number
17 of applications or petitions filed re-
18 specting adoption and the numbers of
19 approvals and denials of the applica-
20 tions or petitions;

21 (IV) the number of substantiated
22 grievances filed with respect to an
23 adoption service provider; and

24 (V) a description of any sanc-
25 tions an adoption service provider, or

1 corrective actions that the provider is
2 required to take to maintain accredi-
3 tation or approval described in sub-
4 clause (II).

5 (B) DATABASE ON INTERNATIONALLY
6 ADOPTED CHILDREN.—

7 (i) IN GENERAL.—The Associate Di-
8 rector, in conjunction with the Secretary of
9 State, shall establish and operate a data-
10 base containing data respecting children
11 involved in intercountry adoption cases
12 who have immigrated to the United States.

13 (ii) INFORMATION TRACKING.—Al-
14 though the data available for adoptions fi-
15 nalized before the date of the enactment of
16 this Act will likely be incomplete, the Asso-
17 ciate Director should seek to import avail-
18 able data on all adoptions involving chil-
19 dren who are younger than 18 years of age
20 on the date of the enactment of this Act.
21 In operating the database established
22 under clause (i), the Associate Director
23 shall track information about each such
24 child before attaining United States citi-
25 zenship, including—

1 (I) information identifying a
2 child and the adoptive or prospective
3 adoptive parents, including—

4 (aa) the full name of the
5 child in the country of origin and
6 the full name of the child after
7 the adoption is finalized;

8 (bb) the gender, date of
9 birth, nationality, and citizenship
10 of the child;

11 (cc) the physical address of
12 the child at the time of the adop-
13 tion; the type of visa issued to
14 the child; and

15 (dd) the date on which the
16 child entered the United States;

17 (II) information on the particular
18 adoption service provider, if any, pro-
19 viding services in the particular case;
20 and

21 (III) information on immigration
22 or citizenship status of the child.

23 (iii) INTERAGENCY AGREEMENT.—

24 The Associate Director, the Director, and
25 the Secretary of State shall enter into an

1 agreement under which the Secretary of
2 State shall provide, for the database, data
3 on intercountry adoption cases concerning
4 the adopted children, and the adoption
5 service providers.

6 **SEC. 103. TRANSFER OF FUNCTIONS AND SAVINGS PROVI-**
7 **SIONS.**

8 (a) DEFINITIONS.—In this section, unless otherwise
9 provided or contextually indicated—

10 (1) the term “Federal agency” has the meaning
11 given to the term “agency” under section 551(1) of
12 title 5, United States Code;

13 (2) the term “function” means any duty, obli-
14 gation, power, authority, responsibility, right, privi-
15 lege, activity, or program; and

16 (3) the term “office” includes any office, ad-
17 ministration, agency, institute, unit, organizational
18 entity, or component thereof.

19 (b) TRANSFER OF FUNCTIONS.—There are trans-
20 ferred to the Directorate, all functions described in section
21 103A(a) of the Intercountry Adoption Act of 2000, as
22 added by section 102(a) of this Act, which were exercised
23 by the Secretary of State before the date of the enactment
24 of this Act (including all related functions of any officer

1 or employee of the Department of State), including func-
2 tions relating to—

3 (1) the accreditation of agencies and approval
4 of persons to provide adoption services;

5 (2) the management and oversight of investiga-
6 tions related to the operation of such providers; and

7 (3) liaison responsibilities with respect to re-
8 quired post-placement reports.

9 (c) DETERMINATIONS OF CERTAIN FUNCTIONS BY
10 THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-
11 essary, the Director of the Office of Management and
12 Budget shall make any determination with respect to the
13 transfer of functions under subsection (b).

14 (d) PERSONNEL PROVISIONS.—

15 (1) APPOINTMENTS.—The Associate Director
16 may appoint and fix the compensation of such offi-
17 cers and employees, including investigators, attor-
18 neys, and administrative law judges, as may be nec-
19 essary to carry out the respective functions trans-
20 ferred under this section. Except as otherwise pro-
21 vided by law, such officers and employees shall be
22 appointed in accordance with the civil service laws
23 and their compensation fixed in accordance with title
24 5, United States Code.

1 (2) EXPERTS AND CONSULTANTS.—The Asso-
2 ciate Director may obtain the services of experts and
3 consultants in accordance with section 3109 of title
4 5, United States Code, and compensate such experts
5 and consultants for each day (including travel time)
6 at rates not in excess of the rate of pay for level IV
7 of the Executive Schedule under section 5315 of
8 such title. The Associate Director may pay experts
9 and consultants who are serving away from their
10 homes or regular place of business travel expenses
11 and per diem in lieu of subsistence at rates author-
12 ized by sections 5702 and 5703 of such title for per-
13 sons in Government service employed intermittently.

14 (e) DELEGATION AND ASSIGNMENT.—Except where
15 otherwise expressly prohibited by law or otherwise pro-
16 vided under this section—

17 (1) the Associate Director may—

18 (A) delegate any of the functions trans-
19 ferred to the Associate Director under this sec-
20 tion and any function transferred or granted to
21 the Associate Director after the date of the en-
22 actment of this Act to such officers and employ-
23 ees of the Directorate as the Associate Director
24 may designate; and

1 (B) authorize successive redelegations of
2 such functions as may be necessary or appro-
3 priate; and

4 (2) no delegation of functions by the Associate
5 Director under this subsection or under any other
6 provision of this section shall relieve such Associate
7 Director of responsibility for the administration of
8 such functions.

9 (f) REORGANIZATION.—The Associate Director is au-
10 thorized—

11 (1) to allocate or reallocate any function trans-
12 ferred under subsection (b) among the officers of the
13 Directorate; and

14 (2) to establish, consolidate, alter, or dis-
15 continue such organizational entities in the Direc-
16 torate as may be necessary or appropriate.

17 (g) RULES.—The Associate Director is authorized to
18 prescribe, in accordance with the provisions of chapters
19 5 and 6 of title 5, United States Code, such rules and
20 regulations as the Associate Director determines necessary
21 or appropriate to administer and manage the functions of
22 the Directorate.

23 (h) TRANSFER AND ALLOCATIONS OF APPROPRIA-
24 TIONS AND PERSONNEL.—Except as otherwise provided
25 under this section and subject to section 1531 of title 31,

1 United States Code, the personnel employed in connection
2 with, and the assets, liabilities, contracts, property,
3 records, and unexpended balances of appropriations, au-
4 thorizations, allocations, and other funds employed, used,
5 held, arising from, available to, or to be made available
6 in connection with the functions transferred under sub-
7 section (b), shall be transferred to the Directorate. Unex-
8 pended funds transferred pursuant to this subsection may
9 only be used for the purposes for which the funds were
10 originally authorized and appropriated.

11 (i) INCIDENTAL TRANSFERS.—The Director of the
12 Office of Management and Budget—

13 (1) may, at such time or times as the Director
14 may prescribe—

15 (A) make such determinations as may be
16 necessary with regard to the functions trans-
17 ferred under subsection (b); and

18 (B) make such additional incidental dis-
19 positions of personnel, assets, liabilities, grants,
20 contracts, property, records, and unexpended
21 balances of appropriations, authorizations, allo-
22 cations, and other funds held, used, arising
23 from, available to, or to be made available in
24 connection with such functions, as may be nec-

1 essary to carry out the provisions of this sec-
2 tion; and

3 (2) shall provide for—

4 (A) the termination of the affairs of all en-
5 tities terminated under this section; and

6 (B) such further measures and dispositions
7 as may be necessary to carry out the purposes
8 of this section.

9 (j) EFFECT ON PERSONNEL.—

10 (1) IN GENERAL.—Except as otherwise pro-
11 vided under this section, the transfer under this sec-
12 tion of full-time personnel (except special Govern-
13 ment employees) and part-time personnel holding
14 permanent positions shall not cause any such em-
15 ployee to be separated or reduced in grade or com-
16 pensation during the 1-year period beginning on the
17 date of such transfer.

18 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
19 as otherwise provided under this section, any person
20 who, on the day preceding the date of the enactment
21 of this Act, held a position compensated in accord-
22 ance with the Executive Schedule prescribed in chap-
23 ter 53 of title 5, United States Code, and who, with-
24 out a break in service, is appointed in the Direc-
25 torate to a position having duties comparable to the

1 duties performed immediately preceding such ap-
2 pointment shall continue to be compensated in such
3 new position at not less than the rate provided for
4 such previous position, for the duration of the serv-
5 ice of such person in such new position.

6 (3) TERMINATION OF CERTAIN POSITIONS.—All
7 positions whose functions are transferred under sub-
8 section (b) and whose incumbents have been ap-
9 pointed by the President, by and with the advice and
10 consent of the Senate, shall terminate on the date of
11 the enactment of this Act.

12 (k) SAVINGS PROVISIONS.—

13 (1) CONTINUING EFFECT OF LEGAL DOCU-
14 MENTS.—All orders, determinations, rules, regula-
15 tions, permits, agreements, grants, contracts, certifi-
16 cates, licenses, registrations, privileges, and other
17 administrative actions which—

18 (A) have been issued, made, granted, or al-
19 lowed to become effective by the President, any
20 Federal agency or official thereof, or by a court
21 of competent jurisdiction, in the performance of
22 functions which are transferred under this sec-
23 tion; and

24 (B) are in effect on the date of the enact-
25 ment of this Act, or were final before such date

1 of enactment and are to become effective on or
2 after the date of the enactment of this Act,
3 shall continue in effect according to their terms until
4 modified, terminated, superseded, set aside, or re-
5 voked in accordance with law by the President, the
6 Associate Director or other authorized official, a
7 court of competent jurisdiction, or by operation of
8 law.

9 (2) PROCEEDINGS NOT AFFECTED.—Nothing in
10 this section may be construed to affect any pro-
11 ceeding, including a notice of proposed rulemaking,
12 or any application for any license, permit, certificate,
13 or financial assistance pending before the Depart-
14 ment of State on the effective date of this section,
15 with respect to functions transferred under sub-
16 section (b). Orders shall be issued in such pro-
17 ceedings, appeals shall be taken therefrom, and pay-
18 ments shall be made pursuant to such orders, as if
19 this section had not been enacted. Orders issued in
20 any such proceedings shall continue in effect until
21 modified, terminated, superseded, or revoked by a
22 duly authorized official, by a court of competent ju-
23 risdiction, or by operation of law. Nothing in this
24 paragraph may be construed to prohibit the dis-
25 continuance or modification of any such proceeding

1 under the same terms and conditions and to the
2 same extent that such proceeding could have been
3 discontinued or modified if this section had not been
4 enacted.

5 (3) SUITS NOT AFFECTED.—Nothing in this
6 section may be construed to affect suits commenced
7 before the date of the enactment of this Act. In all
8 such suits, proceedings shall be had, appeals taken,
9 and judgments rendered in the same manner and
10 with the same effect as if this section had not been
11 enacted.

12 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
13 tion, or other proceeding commenced by or against
14 the Department of State, or by or against any indi-
15 vidual in the official capacity of such individual as
16 an officer of the Department of State, shall abate by
17 reason of the enactment of this section.

18 (5) ADMINISTRATIVE ACTIONS RELATING TO
19 PROMULGATION OF REGULATIONS.—Any administra-
20 tive action relating to the preparation or promulga-
21 tion of a regulation by the Department of State re-
22 lating to a function transferred under subsection (b)
23 may be continued by the Directorate with the same
24 effect as if this section had not been enacted.

1 (l) SEPARABILITY.—If a provision of this section or
2 its application to any person or circumstance is held in-
3 valid, neither the remainder of this section nor the applica-
4 tion of the provision to other persons or circumstances
5 shall be affected.

6 (m) TRANSITION.—The Associate Director is author-
7 ized to utilize—

8 (1) the services of such officers, employees, and
9 other personnel of the Department of State with re-
10 spect to functions transferred to the Directorate by
11 this section; and

12 (2) funds appropriated to such functions for
13 such period of time as may reasonably be needed to
14 facilitate the orderly implementation of this section.

15 (n) REFERENCES.—Reference in any other Federal
16 law, Executive order, rule, regulation, or delegation of au-
17 thority, or any document of or relating to—

18 (1) the Secretary of State with regard to func-
19 tions transferred under subsection (b), shall be
20 deemed to refer to the Associate Director; and

21 (2) the Department of State with regard to
22 functions transferred under subsection (b), shall be
23 deemed to refer to the Directorate.

24 (o) ADDITIONAL CONFORMING AMENDMENTS.—

1 (1) RECOMMENDED LEGISLATION.—After con-
2 sultation with the appropriate committees of Con-
3 gress and the Director of the Office of Management
4 and Budget, the Associate Director shall prepare
5 and submit to Congress recommended legislation
6 containing technical and conforming amendments to
7 reflect the changes made by this section.

8 (2) SUBMISSION TO CONGRESS.—Not later than
9 180 days after the date of the enactment of this Act,
10 the Associate Director shall submit the rec-
11 ommended legislation referred to under paragraph
12 (1) to Congress.

13 **SEC. 104. RESPONSIBILITIES OF U.S. CITIZENSHIP AND IM-**
14 **MIGRATION SERVICES FOR ADOPTION-RE-**
15 **LATED CASE PROCESSING.**

16 (a) IN GENERAL.—The Secretary of Homeland Secu-
17 rity, acting through the Director of U.S. Citizenship and
18 Immigration Services—

19 (1) shall be responsible for processing and case-
20 specific decisionmaking on all intercountry adoption
21 cases (up to the point of application for an immi-
22 grant visa on behalf of the adopted child), including
23 cases being processed pursuant to the Intercountry
24 Adoption Act of 2000 (42 U.S.C. 14901 et seq.) and

1 section 2 of the Intercountry Adoption Universal Ac-
2 creditation Act of 2012 (42 U.S.C. 14925);

3 (2) shall ensure that all intercountry adoption
4 suitability and eligibility determinations of prospec-
5 tive adoptive parents required under subparagraph
6 (F) or (G) of section 101(b)(1) of the Immigration
7 and Nationality Act (8 U.S.C. 1101(b)(1)) are made
8 in accordance with standard criteria that comply
9 with the Hague Adoption Convention so that any
10 such determination justifies a Convention adoption
11 or a non-Convention adoption;

12 (3) to the maximum extent possible, and to the
13 extent permitted by the country in which the child
14 resides, shall ensure that all non-Convention adop-
15 tion cases undergo preprocessing, including—

16 (A) the filing of a petition and the review
17 of a child's eligibility to immigrate to the
18 United States before the adoption or grant of
19 legal custody (for purposes of emigration and
20 adoption in the United States) of that child is
21 completed in the country of origin; and

22 (B) the completion of all necessary and rel-
23 evant investigations associated with the petition
24 before the country of origin finalizes the adop-

1 tion or grants legal custody for purposes of
2 emigration and adoption in the United States;

3 (4) except as provided in paragraph (5), shall
4 be responsible for all case processing steps in Con-
5 vention and non-Convention adoption petitions on
6 behalf of children whom United States parents pro-
7 pose to immigrate to the United States (except for
8 the processing of immigrant visas), including proc-
9 essing of all necessary Hague Adoption Convention
10 certifications and the final adjudication of the immi-
11 gration petitions; and

12 (5) may delegate the responsibility for com-
13 pleting certain elements of case adjudication to the
14 Secretary of State if the Department of Homeland
15 Security—

16 (A) cannot adequately complete such ele-
17 ments due to the need for physical presence in
18 the country of origin or other processing-related
19 circumstances; and

20 (B) defines and monitors the parameters
21 for the elements delegated to the Secretary of
22 State and retains final decisionmaking author-
23 ity.

24 (b) FOREIGN ADOPTION DECREES.—

1 (1) CONVENTION COUNTRIES.—The 2-year
2 legal custody and joint residence requirements set
3 forth in section 101(b)(1)(E) of the Immigration
4 and Nationality Act (8 U.S.C. 1101(b)(1)(E)) shall
5 not apply if the documentation submitted on behalf
6 of a child includes—

7 (A) an adoption decree issued by a com-
8 petent authority (as such term is used in the
9 Hague Adoption Convention) of the child’s
10 country of origin and evidence that the adoption
11 was granted in compliance with the Hague
12 Adoption Convention; or

13 (B) a custody or guardianship decree
14 issued by the competent authority of the child’s
15 country of origin to the adoptive parents, and
16 a final adoption decree, verifying that the adop-
17 tion of the child was later finalized outside the
18 United States by the adoptive parents, in addi-
19 tion to evidence that the custody or guardian-
20 ship was granted in compliance with the Hague
21 Adoption Convention.

22 (2) SUBSTANTIAL COMPLIANCE WITH HAGUE
23 ADOPTION CONVENTION.—Paragraph (1) shall not
24 apply unless—

1 (A) on the date on which the underlying
2 adoption, custody, or guardianship decree was
3 issued by the child's country of origin—

4 (i) that country's adoption procedures
5 complied with the requirements of the
6 Hague Adoption Convention (as deter-
7 mined by the United States central author-
8 ity); and

9 (ii) the competent authority of the
10 country of origin certified that the adop-
11 tion is consistent with Article 23 of the
12 Hague Adoption Convention; and

13 (B) the adoption was a Convention adop-
14 tion that was completed between 2 Convention
15 countries other than the United States.

16 (3) NON-CONVENTION COUNTRIES.—The Sec-
17 retary of Homeland Security may accept the filing of
18 petitions on behalf of children living in non-Conven-
19 tion countries in the absence of a final adoption de-
20 cree.

21 (c) COOPERATION WITH FOREIGN GOVERNMENTS.—

22 The Secretary of Homeland Security may interact directly
23 with the central authority of a Convention country or a
24 competent authority of a non-Convention country, as ap-
25 propriate—

1 (1) to facilitate the processing of intercountry
2 adoption cases, including making habitual residence
3 determinations relevant to children and prospective
4 adoptive parents in adoption proceedings; and

5 (2) to negotiate, in coordination with the De-
6 partment of State, and to implement bilateral agree-
7 ments with respect to intercountry adoptions.

8 (d) AMENDMENTS TO THE INTERCOUNTRY ADOP-
9 TION ACT OF 2000.—

10 (1) TRANSFER OF RESPONSIBILITIES TO THE
11 SECRETARY OF HOMELAND SECURITY.—The Inter-
12 country Adoption Act of 2000 (42 U.S.C. 14901 et
13 seq.) is amended—

14 (A) by striking “Attorney General” each
15 place it appears and inserting “Secretary of
16 Homeland Security”; and

17 (B) in the heading of section 103, by strik-
18 ing “**ATTORNEY GENERAL**” and inserting
19 “**SECRETARY OF HOMELAND SECURITY**”.

20 (2) HAGUE CONVENTION CERTIFICATES.—Sec-
21 tion 301 of such Act (42 U.S.C. 14931) is amend-
22 ed—

23 (A) in subsection (a)—

24 (i) in the subsection heading, by strik-
25 ing “SECRETARY OF STATE” and inserting

1 “SECRETARY OF HOMELAND SECURITY”;

2 and

3 (ii) in the heading to paragraph (1),

4 by striking “SECRETARY OF STATE” and

5 inserting “SECRETARY OF HOMELAND SE-

6 CURITY”; and

7 (B) by striking “Secretary of State” each

8 place it appears and inserting “Secretary of

9 Homeland Security”.

10 (3) CLERICAL AMENDMENT.—The table of con-

11 tents of such Act is amended by striking the item

12 relating to section 103 and inserting the following:

“Sec. 103. Responsibilities of the Secretary of Homeland Security.”.

13 (e) DEFINITION OF CHILD.—Section 101(b)(1) of the

14 Immigration and Nationality Act (8 U.S.C. 1101(b)(1))

15 is amended—

16 (1) in subparagraph (E)—

17 (A) in clause (i), by striking “(i) a child

18 adopted while under the age of sixteen years”

19 and inserting “a child adopted while younger

20 than 18 years of age”; and

21 (B) by striking clause (ii).

22 (2) by amending subparagraph (F) to read as

23 follows:

24 “(F)(i) a child, younger than 18 years of

25 age at the time a petition is filed on the child’s

1 behalf to accord a classification as an imme-
2 diate relative under section 201(b), and who
3 has been adopted in a foreign state that is not
4 a party to the Convention on Protection of Chil-
5 dren and Co-operation in Respect of Inter-
6 country Adoption, done at the Hague May 29,
7 1993, or who is emigrating from such a foreign
8 state to be adopted in the United States by a
9 United States citizen and spouse jointly, or by
10 an unmarried United States citizen who is at
11 least 25 years of age, if—

12 “(I) the Secretary of Homeland Secu-
13 rity is satisfied that proper care will be
14 furnished the child if admitted to the
15 United States;

16 “(II) the child’s natural parents (or
17 parent, in the case of a child who has 1
18 sole or surviving parent), or other persons
19 or institutions that retain legal custody of
20 the child, have freely given their written ir-
21 revocable consent to the termination of
22 their legal relationship with the child, and
23 to the child’s emigration and adoption;

24 “(III) the child has a living parent or
25 parents who has or have relinquished, or

1 will relinquish, the child voluntarily for the
2 purposes of intercountry adoption, and the
3 parent or parents are incapable of pro-
4 viding proper care for the child;

5 “(IV) the Secretary of Homeland Se-
6 curity, after considering whether there is a
7 petition pending to confer immigrant sta-
8 tus on one or both natural parents, is sat-
9 isfied that the purpose of the adoption is
10 to form a bona fide parent-child relation-
11 ship, and the parent-child relationship of
12 the child and the natural parents has been
13 terminated; and

14 “(V) in the case of a child who has
15 not been adopted—

16 “(aa) the competent authority of
17 the foreign state has approved the
18 child’s emigration to the United
19 States for the purpose of adoption by
20 the prospective adoptive parent or
21 parents; and

22 “(bb) the prospective adoptive
23 parent or parents has or have com-
24 plied with any preadoption require-

1 ments of the child’s proposed resi-
2 dence; and

3 “(ii) except that no natural parent or prior
4 adoptive parent of any such child shall there-
5 after, by virtue of such parentage, be accorded
6 any right, privilege, or status under this chap-
7 ter;”; and

8 (3) in subparagraph (G)—

9 (A) in the matter preceding clause (i), by
10 striking “16” and inserting “18”;

11 (B) in clause (i)—

12 (i) in subclause (II), by striking “be-
13 cause of the death or disappearance of,
14 abandonment or desertion by, the other
15 parent”; and

16 (ii) in subclause (III), by striking
17 “two living natural parents, the natural
18 parents are” and inserting “a living parent
19 or parents, who have relinquished or will
20 relinquish the child voluntarily for the pur-
21 poses of intercountry adoption, the parent
22 or parents are”;

23 (C) in clause (ii), by striking “; or” and in-
24 serting a period; and

25 (D) by striking clause (iii).

1 (f) RELATIVE ADOPTIONS; WAIVER AUTHORITY.—
2 Section 502 of the Intercountry Adoption Act (42 U.S.C.
3 14952) is amended to read as follows:

4 “(a) AUTHORITY TO ESTABLISH ALTERNATIVE PRO-
5 CEDURES FOR ADOPTION OF CHILDREN BY RELATIVES.—
6 Not later than 2 years after the date of the enactment
7 of the Children in Families First Act of 2013, the Sec-
8 retary of Homeland Security shall establish, by regulation,
9 alternative procedures for completing the intercountry
10 adoption of children by United States citizens who are re-
11 lated to such children by blood, marriage, or adoption.

12 “(b) WAIVER AUTHORITY.—The Secretary of Home-
13 land Security, acting through the Director of U.S. Citizen-
14 ship and Immigration Services, may waive, on a case-by-
15 case basis, applicable requirements for meeting the defini-
16 tion of a child under subparagraph (E), (F), or (G) of
17 section 101(b)(1) of the Immigration and Nationality Act
18 (8 U.S.C. 1101(b)(1)), or regulations issued with respect
19 to such definitions, in the interests of justice or to prevent
20 or respond to the threat of grave physical or emotional
21 harm to the child if the petitioner establishes that—

22 “(1) the child substantially complies with the
23 requirements under one of such subparagraphs; and

24 “(2) such a waiver would be in the child’s best
25 interests.”.

1 (g) DETERMINATION OF APPLICABILITY OF THE
2 HAGUE ADOPTION CONVENTION IN CERTAIN CASES.—

3 The Secretary of Homeland Security, acting through the
4 Director of U.S. Citizenship and Immigration Services,
5 may determine, on a case-by-case basis, that a specific
6 intercountry adoption case may proceed as a non-Conven-
7 tion adoption if—

8 (1) the child's country of origin or habitual res-
9 idence is a Convention country;

10 (2) the central authority of the child's country
11 of origin or habitual residence has issued, or will
12 issue, an adoption decree which that country con-
13 siders to be legal and valid under that country's laws
14 to the United States adoptive or prospective adoptive
15 parents; and

16 (3) the central authority of the child's country
17 of origin or habitual residence has informed the Sec-
18 retary or the Director that it does not consider the
19 specific case to fall within the scope of the Hague
20 Adoption Convention.

21 (h) SPECIAL USE OF PAROLE AUTHORITY.—

22 (1) IN GENERAL.—The Secretary of Homeland
23 Security, acting through the Director of U.S. Citi-
24 zenship and Immigration Services, may grant parole

1 to a child if the Secretary or the Director determines
2 that—

3 (A) the child's circumstances indicate that
4 immediate unification with the parties seeking
5 parole is in the child's best interests;

6 (B) waiting to complete other, more time
7 consuming immigration processing could be sig-
8 nificantly harmful to the child's well-being;

9 (C) the party or parties seeking parole on
10 behalf of the child—

11 (i) have a pre-existing legal relation-
12 ship with the child, as evidenced by an
13 adoption decree or a custody order; or

14 (ii) demonstrate a pre-existing rela-
15 tionship with the child and an intent to es-
16 tablish a legal relationship with the child,
17 which may be evidenced by—

18 (I) a familial relationship with
19 the child;

20 (II) a close personal relationship
21 with the child, such as—

22 (aa) being matched with the
23 child for an international adop-
24 tion by an adoption service pro-
25 vider or the competent authority

1 of the child's country of origin;
2 or

3 (bb) documentation showing
4 that the child's parents, if de-
5 ceased or otherwise incapacitated
6 and unable to provide proper care
7 for the child, intended for the
8 parties seeking parole to take
9 custody of the child; or

10 (III) the filing of adoption-re-
11 lated applications or petitions related
12 to the adoption of the child; and

13 (D) the child will receive proper care in the
14 United States by the party or parties who seek
15 parole on behalf of the child, based on a review
16 of the suitability of the party or parties, which
17 may include background check or completion of
18 a home study conducted by a competent author-
19 ity.

20 (2) MEETING THE 2-YEAR PERIODS FOR THE
21 PURPOSES OF FILING AN IMMEDIATE RELATIVE PE-
22 TITION ON BEHALF OF AN ADOPTED CHILD.—If a
23 child is granted parole under paragraph (1), is sub-
24 sequently adopted by the parties who sought parole,
25 and such parties seek permanent immigration status

1 for the child under section 101(b)(1)(E) of the Im-
2 migration and Nationality Act (8 U.S.C.
3 1101(b)(1)(E))—

4 (A) the 2-year period for legal custody of
5 the child shall begin to accrue on the effective
6 date of a grant of custody in the child's country
7 of origin or habitual residence or in the United
8 States;

9 (B) the 2-year period for physical custody
10 of the child shall begin to accrue on the date on
11 which the party or parties seeking parole for
12 the child begin joint residence with the child, in
13 the child's country of origin or habitual resi-
14 dence or in the United States; and

15 (C) the 2-year periods of joint residence
16 and legal custody may accrue within or outside
17 the United States.

18 (i) RULEMAKING.—The Secretary of Homeland Secu-
19 rity, in consultation with the Secretary of State and the
20 Director of U.S. Citizenship and Immigration Services,
21 shall issue regulations to carry out this section and the
22 amendments made by this section.

1 **TITLE II—ANNUAL REPORTING**

2 **SEC. 201. ANNUAL REPORT ON CHILDREN LIVING WITHOUT**
3 **FAMILIES.**

4 (a) IN GENERAL.—Not later than September 30,
5 2014, and annually thereafter, the Secretary of State, in
6 consultation with the Director of the United States Agen-
7 cy for International Development and the Secretary of
8 State, shall submit a report to the Committee on Foreign
9 Relations of the Senate and the Committee on Foreign
10 Affairs of the House of Representatives that—

11 (1) identifies the number of children living
12 without families; and

13 (2) describes the degree to which the various
14 family permanence solutions are being utilized.

15 (b) CONTENT.—The report required under subsection
16 (a) shall include—

17 (1) a description of the world’s unparented chil-
18 dren, including—

19 (A) a description and quantitative analysis
20 of the world’s unparented children by country,
21 identifying the nationality of the children phys-
22 ically present in each country and distin-
23 guishing among children who are citizens of the
24 country, noncitizen children lawfully present in
25 the country, and noncitizen children unlawfully

1 in the country, irrespective of a child's par-
2 ticular immigration status;

3 (B) available data about such children bro-
4 ken into detailed categories and including—

5 (i) information on their nationality,
6 age, gender, and status;

7 (ii) whether they have a living parent
8 or parents and the status of those parents;

9 (iii) whether the unparented children
10 are considered abandoned, separated, relin-
11 quished, or have some other status;

12 (iv) whether they are institutionalized
13 or homeless;

14 (v) information on how they are docu-
15 mented, including through birth registries,
16 orphanage registries, United Nations High
17 Commissioner for Refugees registration, or
18 identity cards; and

19 (vi) an assessment of their living con-
20 ditions based on indicators such as crude
21 mortality rate, malnutrition rate, or other
22 similar indicators;

23 (2) a review of the previous fiscal year's pro-
24 gramming in support of appropriate, protective, and
25 permanent family care solutions, including project

1 descriptions for each project by country, goals of
2 each project, amount awarded for each project, and
3 evaluation of outcomes during the fiscal year;

4 (3) an action plan covering proposed program-
5 ming and activities for the next fiscal year in sup-
6 port of family permanency solutions, including goals
7 for each country in which programming will occur,
8 proposed allocations of resources by country, types
9 of projects proposed by country, amounts of awards
10 proposed for each project, and desired outcomes for
11 each country;

12 (4) a review of trends over the last five years,
13 including changes in the numbers and locations of
14 unparented children and the reasons for the
15 changes, such as new refugee arrivals, growing num-
16 bers of children abandoned at birth, and decreases
17 in number of children in institutions;

18 (5) an overall analysis of highest priority situa-
19 tions of concern for unparented children, including
20 analysis of whether the children are in a location
21 that provides a cooperative environment for assist-
22 ance programming and intercountry adoptions;

23 (6) a description of how intercountry adoption
24 and refugee resettlement for unparented refugee
25 children has played a role in each country over the

1 last 10 years and the current status of such pro-
2 grams, including analysis of the situation with re-
3 spect to the Hague Adoption Convention and how
4 the Convention has affected intercountry adoptions
5 from the country;

6 (7) aggregate reporting on intercountry adop-
7 tions to the United States, distinguishing between
8 Convention adoptions and non-Convention adoptions
9 and including—

10 (A) the total number of intercountry adop-
11 tions involving immigration to the United
12 States by year over the past 10 years and pro-
13 jected data for the next fiscal year, distin-
14 guishing between Convention and non-Conven-
15 tion adoptions, including aggregate data on the
16 country from which each child emigrated, the
17 State of residence of the adoptive parents, and
18 the country in which the adoption was finalized;

19 (B) the number of intercountry adoptions
20 involving emigration from the United States, re-
21 gardless of whether the adoption occurred
22 under the Convention and distinguishing be-
23 tween Convention and non-Convention adop-
24 tions, including the country to which each child

1 immigrated and the State from which each
2 child emigrated;

3 (C) the average time required for comple-
4 tion of the immigration portion of intercountry
5 adoptions, distinguishing between Convention
6 and non-Convention adoptions, calculated as the
7 time between filing of the initial immigration-
8 related adoption petition on behalf of a child
9 and the approval of that child's immigrant visa;
10 and

11 (D) the range of adoption fees charged in
12 connection with intercountry adoptions involv-
13 ing immigration to the United States and the
14 median of such fees; and

15 (8) such additional information as may be re-
16 quested by members of the Committee on Foreign
17 Relations of the Senate and the Committee on For-
18 eign Affairs of the House of Representatives.

19 (c) CONSULTATIONS.—To the extent possible, des-
20 ignated representatives of the President should meet with
21 members of the Committee on Foreign Relations of the
22 Senate and the Committee on Foreign Affairs of the
23 House of Representatives not later than 2 weeks before
24 the Secretary of State submits the report required under
25 subsection (a) to discuss the information described in sub-

1 section (b). The substance of such consultations should be
2 printed in the Congressional Record.

3 (d) REPEAL.—Section 104 of the Intercountry Adop-
4 tion Act (42 U.S.C. 14914) is repealed.

5 **SEC. 202. COUNTRY REPORTS REGARDING SEVERE FORMS**
6 **OF TRAFFICKING.**

7 Section 502B(h)(1)(B) of the Foreign Assistance Act
8 of 1961 (22 U.S.C. 2304(h)(1)(B)) is amended by adding
9 at the end the following:

10 “(x) What steps the government of that
11 country has taken to reduce the number of chil-
12 dren living outside of family care.

13 “(xi) What steps the government of that
14 country has taken to reduce the number of chil-
15 dren abused, neglected, or exploited.”.

16 **TITLE III—PROMOTION OF A**
17 **COMPREHENSIVE APPROACH**
18 **FOR CHILDREN IN ADVER-**
19 **SITY**

20 **SEC. 301. ESTABLISHMENT OF A USAID CENTER FOR EX-**
21 **CELLENCE FOR CHILDREN IN ADVERSITY.**

22 (a) CENTER FOR EXCELLENCE FOR CHILDREN IN
23 ADVERSITY.—

24 (1) IN GENERAL.—There is established within
25 the United States Agency for International Develop-

1 ment a Center of Excellence on Children in Adver-
2 sity.

3 (2) COORDINATOR.—The Center for Excellence
4 shall be headed by the Children in Adversity Coordi-
5 nator, who shall be appointed by the Secretary of
6 State, in consultation with the Administrator of the
7 United States Agency for International Develop-
8 ment.

9 (3) OBJECTIVES.—The Center of Excellence on
10 Children in Adversity shall work in consultation with
11 the Assistant Secretary of the Bureau of Vulnerable
12 Children and Family Security of the Department of
13 State to promote greater United States Government
14 coherence and accountability for whole-of-govern-
15 ment assistance to children in adversity and ensure
16 that United States foreign assistance and develop-
17 ment programs are focused on the following objec-
18 tives:

19 (A) The sound development of children
20 through the integration of health, nutrition, and
21 family support.

22 (B) Supporting and enabling families to
23 care for children through family preservation,
24 reunification, and support of kinship care,

1 guardianship, and domestic and intercountry
2 adoption.

3 (C) Facilitating the efforts of national gov-
4 ernments and partners to prevent, respond to,
5 and protect children from violence, exploitation,
6 abuse, and neglect.

7 (4) AUTHORITIES.—The Children in Adversity
8 Coordinator, acting through nongovernmental orga-
9 nizations (including faith-based and community-
10 based organizations), partner country finance,
11 health, education, social welfare, and other min-
12 istries, and relevant executive branch agencies, is au-
13 thorized to—

14 (A) operate internationally to carry out the
15 programs and activities outlined in the Action
16 Plan for Children in Adversity;

17 (B) provide grants to, and enter into con-
18 tracts and cooperative agreements with, non-
19 governmental organizations (including faith-
20 based organizations) to carry out this section;
21 and

22 (C) transfer and allocate United States
23 Agency for International Development funds
24 that have been appropriated for the purposes
25 described in subparagraphs (A) and (B).

1 (5) FUNCTIONS.—In consultation with the As-
2 sistant Secretary of the Bureau of Children’s Affairs
3 in the Department of State, the Children in Adver-
4 sity Coordinator shall, through the Center of Excel-
5 lence—

6 (A) facilitate program and policy coordina-
7 tion related to the goals and objectives of the
8 Action Plan for Children in Adversity among
9 relevant executive branch agencies and non-
10 governmental organizations by auditing, moni-
11 toring, and evaluating such programs;

12 (B) ensure that each relevant executive
13 branch agency undertakes responsibility for ac-
14 tivities related primarily to those areas in which
15 the agency has the greatest expertise, technical
16 capability, and potential for success;

17 (C) coordinate relevant executive branch
18 agency activities related to the Action Plan for
19 Children in Adversity;

20 (D) establish due diligence criteria for all
21 recipients of funds appropriated by the United
22 States Government for assistance to children in
23 adversity; and

1 (E) oversee the administration of the pri-
2 ority country demonstration program as de-
3 scribed in subsection (f).

4 (6) ASSISTANCE.—The President is authorized
5 to provide assistance, including through inter-
6 national, nongovernmental, or faith-based organiza-
7 tions, for programs in developing countries—

8 (A) to increase the percentage of children
9 achieving age-appropriate growth and develop-
10 mental milestones;

11 (B) to increase the percentage of children
12 under 5 years of age demonstrating secure at-
13 tachment with a primary caregiver;

14 (C) to integrate health, nutrition, develop-
15 mental protections, and caregiving support for
16 vulnerable children and their families;

17 (D) to increase the percentage of children
18 living within appropriate, permanent, safe, and
19 protective family care, through family preserva-
20 tion and reunification, and through kinship
21 care, guardianship, and domestic and inter-
22 country adoption, and to reduce the percentage
23 of children living in institutions;

1 (E) to increase the percentage of families
2 providing adequate nutrition, education oppor-
3 tunities, care, and protection for their children;

4 (F) to reduce the percentage of children
5 who experience violence, exploitation, abuse,
6 and neglect;

7 (G) to increase the percentage of children
8 who receive appropriate care and protection
9 after experiencing violence, exploitation, abuse,
10 or neglect;

11 (H) to increase public awareness that vio-
12 lence, exploitation, abuse, or neglect of children
13 as unacceptable;

14 (I) to increase the percentage of countries
15 that ratify and implement relevant conventions
16 or formally adopt internationally recognized
17 principles, standards, and procedural safe-
18 guards to protect children from violence, exploi-
19 tation, abuse, and neglect;

20 (J) to increase the percentage of children
21 who have legal documentation and birth reg-
22 istration;

23 (K) to increase the number of laws, poli-
24 cies, and practices in partner states that pro-
25 mote and strengthen child welfare and protec-

1 tion at household, community, and national lev-
2 els is increased;

3 (L) to increase national and local human
4 resource capacity for child welfare and protec-
5 tion;

6 (M) to increase the number of national and
7 community systems effectively monitoring child
8 welfare and protection concerns, programs, and
9 outcomes;

10 (N) to encourage and assist in the collec-
11 tion of data related to children outside of family
12 care;

13 (O) to increase the number of prevalence
14 studies that measure and track trends in chil-
15 dren's exposure to violence, exploitation, abuse,
16 and neglect;

17 (P) to increase the number of published
18 outcome/impact evaluations on interventions to
19 assist children outside of family care or mini-
20 mize exposure to violence, exploitation, abuse,
21 and neglect that can be generalized to larger
22 target groups;

23 (Q) to increase the number of national
24 governments and universities leading rigorous
25 data collection, research, and monitoring and

1 evaluation studies related to child welfare and
2 protection; and

3 (R) to increase the number of United
4 States Government-supported interventions for
5 children in adversity designed using data from
6 rigorous research methodologies.

7 (b) MONITORING AND EVALUATION.—

8 (1) ESTABLISHMENT OF SYSTEM.—To maxi-
9 mize the sustainable development impact of assist-
10 ance authorized under this section, and pursuant to
11 the primary objective of the Action Plan for Chil-
12 dren in Adversity, the President shall establish a
13 monitoring and evaluation system to measure the ef-
14 fectiveness of United States assistance to children in
15 adversity.

16 (2) REQUIREMENTS.—The monitoring and eval-
17 uation system shall—

18 (A) be aligned with the objectives and out-
19 comes outlined by the Action Plan for Children
20 in Adversity; and

21 (B) provide a basis for recommendations
22 for adjustments to the assistance provided
23 under this part.

24 (c) PRIORITY COUNTRY DEMONSTRATION PRO-
25 GRAM.—

1 (1) IN GENERAL.—The Administrator of the
2 United States Agency for International Develop-
3 ment, in consultation with the Secretary of State,
4 shall establish and carry out a priority country dem-
5 onstration program implementing the Action Plan
6 for Children in Adversity over a period of 5 years in
7 at least 6 countries.

8 (2) PURPOSES.—The purposes of the programs
9 established under subparagraph (1) shall be—

10 (A) to demonstrate how research-based
11 policies and programs to achieve the core objec-
12 tives of the Action Plan for Children in Adver-
13 sity can be successfully implemented on a na-
14 tional level;

15 (B) to establish model programs that, once
16 tested for efficacy, will be available for replica-
17 tion on a global basis;

18 (C) to identify a comprehensive series of
19 interventions which result in meeting the out-
20 comes and objectives of the Action Plan for
21 Children in Adversity; and

22 (D) to determine which in-country factors
23 advance or negate the successful achievement of
24 the outcomes and objectives of the action plan.

1 (3) CRITERIA FOR SELECTION OF COUN-
2 TRIES.—The criteria for selection of countries shall
3 include—

4 (A) magnitude and severity of the prob-
5 lems to be addressed;

6 (B) partner country interest in participa-
7 tion in a comprehensive implementation of all 3
8 goals of the Action Plan for Children in Adver-
9 sity, including, with respect to the second objec-
10 tive (Families First), expressed willingness to
11 support the full complement of permanence so-
12 lutions (including family preservation, reunifica-
13 tion, kinship care, guardianship, and domestic
14 and intercountry adoption), and commitments
15 to support and allow monitoring and evaluation,
16 as well as transparent reporting;

17 (C) potential to leverage bilateral, multilat-
18 eral, and foundation investments;

19 (D) potential to leverage other United
20 States development investments;

21 (E) regional diversity to maximize learning
22 opportunities; and

23 (F) level of economic development, with a
24 focus on low- and middle-income countries.

25 (d) REPEALS.—

1 (1) ASSISTANCE TO ORPHANS AND OTHER VUL-
2 NERABLE CHILDREN.—Section 135 of the Foreign
3 Assistance Act of 1961 (22 U.S.C. 2152f) is re-
4 pealed.

5 (2) ANNUAL REPORT.—Section 5 of the Assist-
6 ance for Orphans and Other Vulnerable Children in
7 Developing Countries Act of 2005 (22 U.S.C.
8 2152g) is hereby repealed.

9 **TITLE IV—FUNDING AND**
10 **EFFECTIVE DATES**

11 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) REALIGNMENT OF CERTAIN INTERNATIONAL
13 CHILD WELFARE RESPONSIBILITIES AND FUNCTIONS.—

14 (1) IN GENERAL.—Subject to subsection (c),
15 there are authorized to be appropriated \$30,000,000
16 for each of the fiscal years 2014 through 2018 to
17 carry out title I.

18 (2) AVAILABILITY OF FUNDS.—Amounts appro-
19 priated pursuant to paragraph (1) shall remain
20 available until expended.

21 (3) USE OF FUNDS.—Amounts appropriated
22 pursuant to paragraph (1) may be used—

23 (A) to carry out title I; and

24 (B) for contributions to the activities of
25 international organizations, nongovernmental

1 organizations, and faith-based organizations for
2 assistance to or on behalf of children in adver-
3 sity who are outside the United States.

4 (b) CENTER FOR EXCELLENCE FOR CHILDREN IN
5 ADVERSITY.—Subject to subsection (c), there are author-
6 ized to be appropriated to the Administrator of the United
7 States Agency for International Development \$30,000,000
8 for each of the fiscal years 2014 through 2018 to carry
9 out section 301.

10 (c) LIMITATIONS ON USE OF FUNDS.—None of the
11 amounts appropriated pursuant to subsection (a) or (b)
12 may be awarded to the United Nations or any of its sub-
13 sidiaries. Not more than 2 percent of such amounts may
14 be used for administrative expenses.

15 (d) AVAILABILITY OF OTHER FUNDS.—Unobligated
16 balances of funds made available to carry out activities
17 under the Foreign Assistance Act of 1961 (22 U.S.C.
18 2151 et seq.)—

19 (1) may be made available for the purposes set
20 forth in subsection (a)(2); and

21 (2) may be consolidated with appropriations ap-
22 propriated pursuant to subsection (a)(1).

23 (e) FOCUS OF ASSISTANCE.—Assistance provided
24 under this Act—

1 (1) shall focus primarily on promoting inter-
2 national child welfare, as set forth in this Act, for
3 all children in adversity; and

4 (2) may be provided on such terms and condi-
5 tions as the President determines appropriate.

6 **SEC. 402. EFFECTIVE DATES.**

7 (a) **EFFECTIVE UPON ENACTMENT.**—Sections 104
8 and 202 and title III and IV shall take effect on the date
9 of the enactment of this Act.

10 (b) **DELAYED EFFECTIVE DATE.**—Sections 101,
11 102, 103, and 201 shall take effect on the date that is
12 1 year after the date of the enactment of this Act.

○