

108TH CONGRESS  
2D SESSION

# S. 2611

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

---

## IN THE SENATE OF THE UNITED STATES

JULY 7, 2004

Mrs. BOXER (for herself, Mr. SMITH, Mr. CHAFEE, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

## 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.**

8 Congress finds 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, prostitution, as street vendors, or  
23 in industries that violate internationally recognized  
24 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  
6           the 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 strategies  
 14      that increase their chances of becoming infected with  
 15      HIV.

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

21          (12)(A) A considerable number of United  
 22      States and indigenous private voluntary organiza-  
 23      tions, including faith-based organizations, provide  
 24      assistance to orphans and other vulnerable children

1 in developing countries, especially children affected  
2 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  
25          programs, including through the collection, analysis,

1 and reporting of information on the programs and  
 2 the extent to which such programs provide assist-  
 3 ance directly and indirectly to such children.

4 **SEC. 3. PURPOSE.**

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

13 **SEC. 4. ASSISTANCE FOR ORPHANS AND OTHER VULNER-**  
 14 **ABLE CHILDREN IN DEVELOPING COUN-**  
 15 **TRIES.**

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

19 **“TITLE V—ASSISTANCE FOR OR-**  
 20 **PHANS AND OTHER VULNER-**  
 21 **ABLE CHILDREN**

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

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

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

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

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

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

23          “(5) The United States Agency for Inter-  
24          national Development should establish improved ca-  
25          pacity to deliver assistance to orphans and other vul-



1       nerable children in developing countries through  
2       partnerships with private voluntary organizations,  
3       including faith-based organizations.

4               “(6) Further, the United States Agency for  
5       International Development should be the primary  
6       United States Government agency responsible for  
7       identifying and assisting orphans and other vulner-  
8       able children in developing countries.

9       “(b) DECLARATION OF POLICY.—Congress, recog-  
10      nizing that prompt and appropriate action by the United  
11      States to assist orphans and other vulnerable children in  
12      developing countries is an important expression of the hu-  
13      manitarian concern and tradition of the people of the  
14      United States, affirms the willingness of the United States  
15      to assist such orphans and other vulnerable children—

16              “(1) by providing assistance for the purpose of  
17      improving the health, nutritional, shelter, edu-  
18      cational, economic, and psychological status of or-  
19      phans and other vulnerable children in such coun-  
20      tries; and

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

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

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

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

7           “(2) Although families and extended families  
8           serve as the primary providers of care for these chil-  
9           dren, when these family care networks break down,  
10          and when communities are responsible for raising  
11          orphans, these children are cared for in a rich and  
12          nurturing environment and remain connected to the  
13          traditions and rituals of families and the community.

14          “(3) As the number of these children increases,  
15          the ability of communities to provide basic care for  
16          such children is limited. Assistance to support the  
17          provision of such basic care is therefore necessary in  
18          and of itself and also to facilitate the provision of  
19          other types of assistance for such children under this  
20          title.

21          “(b) ASSISTANCE.—

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

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

3           “(A) to support individuals and local orga-  
4       nizations, including teachers, social workers,  
5       and representatives from religious institutions  
6       and nongovernmental organizations, to mobilize  
7       their own resources through the strengthening  
8       of community care coalitions, networks, or sup-  
9       port groups to provide basic care for orphans  
10      and other vulnerable children, including day  
11      care, food assistance, protection assistance, and  
12      home visits;

13          “(B) to increase the capacity of the com-  
14      munity care groups described in subparagraph  
15      (A) to meet on a regular basis to identify or-  
16      phans and other vulnerable children and to fa-  
17      cilitate the provision of services; and

18          “(C) to ensure that the activities of com-  
19      munity care groups described in subparagraph  
20      (A) include appropriate monitoring and super-  
21      vision components.

22          “(3) DEFINITION.—In this subsection, the term  
23      ‘protection assistance’ means all appropriate meas-  
24      ures to promote the physical and psychological secu-  
25      rity of an individual, provide equal access to basic

1 services for the individual, and safeguard the legal  
2 and human rights and dignity of the individual.

3 **“SEC. 243. ASSISTANCE TO PROVIDE TREATMENT TO OR-**  
4 **PHANS AND OTHER VULNERABLE CHILDREN**  
5 **WITH HIV/AIDS.**

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

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

11 “(2) In 2002, approximately 2,500,000 children  
12 were at risk for infection with HIV through mother-  
13 to-child transmission, which includes transmission at  
14 any point during pregnancy, labor, delivery, or  
15 breastfeeding.

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

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

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

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

15          “(b) ASSISTANCE.—

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

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

23                       “(A) The treatment of orphans and other  
 24                       vulnerable children with HIV/AIDS through the  
 25                       provision of pharmaceuticals, including high-

1 quality, low-cost antiretrovirals and other thera-  
 2 pies, including generically manufactured phar-  
 3 maceuticals where appropriate.

4 “(B)(i) The recruitment and training of in-  
 5 dividuals to provide the treatment described in  
 6 subparagraph (A), including the recruitment  
 7 and training of appropriate support personnel.

8 “(ii) Such training should include appro-  
 9 priate methodologies relating to initial diag-  
 10 nosis, appropriate dosages of pharmaceuticals,  
 11 monitoring, medication adherence techniques,  
 12 treatment for any complications resulting from  
 13 such pharmaceuticals, and psychosocial support  
 14 for vulnerable children and their caregivers.

15 “(C) Activities of medical laboratories re-  
 16 lating to the treatment described in subpara-  
 17 graph (A), including assistance for the purchase  
 18 of necessary equipment.

19 **“SEC. 244. ASSISTANCE TO PROVIDE PSYCHOSOCIAL SUP-**  
 20 **PORT TO ORPHANS AND OTHER VULNER-**  
 21 **ABLE CHILDREN AFFECTED BY HIV/AIDS.**

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

23 “(1) Many children who are orphaned as a re-  
 24 sult of AIDS blame themselves for the death of a

1 parent and many children are separated from sib-  
2 lings, sometimes for life.

3 “(2) The trauma that results from the loss of  
4 a parent as a result of AIDS can trigger behavior  
5 problems of aggression or emotional withdrawal and  
6 negatively affect a child’s performance in school and  
7 the child’s social relations.

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

11 “(4) Children living in families affected by  
12 HIV/AIDS who are most vulnerable are those chil-  
13 dren in households headed by children. In these  
14 households, trained community volunteers can play a  
15 major role through home visits.

16 “(5) In many African countries, religious lead-  
17 ers are mobilizing individuals and local organizations  
18 within the community to identify and respond to the  
19 psychosocial needs of those children affected by  
20 AIDS.

21 “(b) ASSISTANCE.—The President is authorized to  
22 provide assistance for programs in developing countries to  
23 provide culturally appropriate mental health services and  
24 psychosocial support for orphans and other vulnerable  
25 children, and their caregivers.

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

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

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

7 “(2) School food programs, including take-home  
8 rations, in developing countries provide strong incen-  
9 tives for parents to send their children to school and  
10 ensure that they continue with their education.  
11 School food programs may reduce short-term hun-  
12 ger, improve cognitive functions, and enhance learn-  
13 ing, behavior, and achievement.

14 “(3) In 2004, more than 8,000,000 children in  
15 sub-Saharan Africa are underweight compared to  
16 1994. Malnutrition enhances the risk that orphans  
17 and other vulnerable children will be at risk for ill-  
18 ness and infections, especially if these children are  
19 also infected with HIV.

20 “(4) Healthy members of families affected by  
21 HIV/AIDS in developing countries often leave the  
22 workforce to care for those family members with  
23 HIV/AIDS, which compounds the problem of access  
24 to food for the family. Food consumption has been  
25 shown to drop by as much as 40 percent in these  
26 families.



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

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

12          “(b) ASSISTANCE.—

13                 “(1) IN GENERAL.—The President is author-  
14                 ized to provide assistance for school food programs  
15                 for orphans and vulnerable children in developing  
16                 countries, especially in such countries heavily affected  
17                 by HIV/AIDS.

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

22          **“SEC. 246. ASSISTANCE TO INCREASE EDUCATIONAL OP-**  
23                         **PORTUNITIES AND PROVIDE EMPLOYMENT**  
24                         **TRAINING.**

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

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

6           “(2) Such children, in particular young girls,  
7           are often forced to miss school in order to serve as  
8           caregivers to relatives with HIV/AIDS or assume  
9           adult responsibilities for providing for the family.  
10          Younger children who lose a parent also lose the op-  
11          portunity to learn skills that they will need to sup-  
12          port themselves as they grow older.

13          “(3) According to the International Labor Or-  
14          ganization (ILO), approximately 250,000,000 chil-  
15          dren and adolescents ages 5 to 14 in developing  
16          countries are working part-time and approximately  
17          120,000,000 children and adolescents ages 5 to 14  
18          in developing countries are working full-time.

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

24          “(5) Many organizations in Africa, including  
25          faith-based organizations, provide employment and

1 related life skills training for older children to better  
 2 prepare them to serve as caregivers for younger sib-  
 3 lings.

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

9 “(b) ASSISTANCE.—

10 “(1) EDUCATION ASSISTANCE.—The President  
 11 is authorized to provide assistance for programs in  
 12 developing countries to decrease barriers to public  
 13 primary school enrollment by eliminating school fees  
 14 and other costs of education, especially in developing  
 15 countries heavily affected by HIV/AIDS. Amounts  
 16 made available to carry out this paragraph—

17 “(A) are authorized to be made available  
 18 to the President for assistance or contributions  
 19 to nongovernmental organizations and inter-  
 20 national organizations to achieve the purposes  
 21 of this paragraph; and

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

23 “(2) EMPLOYMENT TRAINING ASSISTANCE.—

24 The President is authorized to provide assistance for  
 25 programs in developing countries to provide employ-

1       ment training and related services for orphans and  
 2       other vulnerable children who are of legal working  
 3       age, especially for programs in developing countries  
 4       heavily affected by HIV/AIDS.

5       **“SEC. 247. ASSISTANCE TO PROTECT AND PROMOTE INHER-**  
 6                               **ITANCE RIGHTS.**

7       “(a) FINDING.—Congress finds that orphans and  
 8       other vulnerable children in developing countries, particu-  
 9       larly children who are orphaned as a result of AIDS, are  
 10      routinely denied their inheritance or encounter difficulties  
 11      in claiming the land and other property which they have  
 12      inherited.

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

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

19      “(a) OFFICE FOR ORPHANS AND OTHER VULNER-  
 20      ABLE CHILDREN.—

21               “(1) ESTABLISHMENT.—There is established  
 22      within the United States Agency for International  
 23      Development an Office for Orphans and Other Vul-  
 24      nerable Children (hereafter in this title referred to  
 25      as the ‘Office’), which shall be headed by a Director

1       who shall be appointed by the Administrator of the  
2       Agency.

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

5               “(b) APPROVAL OF APPLICATIONS.—Subject to the  
6       requirements of subsection (e), the Director of the Office  
7       shall be responsible for reviewing or approving all applica-  
8       tions submitted to the United States Agency for Inter-  
9       national Development for assistance under this title, in-  
10      cluding applications submitted to field missions of the  
11      Agency.

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

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

22                      “(1) grants, cooperative agreements, or con-  
23      tracts;

24                      “(2) contributions to international organiza-  
25      tions; or

1           “(3) assistance to the governments of devel-  
2           oping countries.

3           “(e) COORDINATION.—The provision of assistance  
4 under this title for children who are orphaned as a result  
5 of HIV/AIDS, or are children with HIV/AIDS, shall be  
6 undertaken in accordance with section 104A of this Act  
7 and assistance relating to HIV/AIDS authorized under the  
8 United States Leadership Against HIV/AIDS, Tuber-  
9 culosis, and Malaria Act of 2003 (Public Law 108–25),  
10 including section 102 of such Act concerning the coordina-  
11 tion of HIV/AIDS programs.

12          “(f) OTHER ASSISTANCE.—

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

16           “(A) each component of the annual plan of  
17 a mission, bureau, or other office of the United  
18 States Agency for International Development as  
19 the component relates to assistance for orphans  
20 or other vulnerable children in developing coun-  
21 tries; and

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

24           “(2) COORDINATION OF ALL U.S. GOVERNMENT  
25 ASSISTANCE.—The Director of the Office shall be re-

1       sponsible for ensuring coordination of all United  
2       States Government programs to provide assistance  
3       for orphans and other vulnerable children in devel-  
4       oping countries.

5       **“SEC. 249. MONITORING SYSTEM.**

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

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

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

16           “(2) The monitoring system establishes per-  
17       formance indicators to be used in measuring or as-  
18       sessing the achievement of the performance goals de-  
19       scribed in paragraph (1).

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

23       **“SEC. 250. REPORT.**

24       “(a) REPORT.—Not later than December 31, 2005,  
25     and each December 31 thereafter, the President shall

1 transmit to Congress a report that contains a detailed de-  
2 scription of the implementation of this title for the pre-  
3 vious fiscal year.

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

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

9 “(A) the amount of the grant, cooperative  
10 agreement, contract, contribution, or other form  
11 of assistance, the name of each recipient and  
12 each developing country with respect to which  
13 projects or activities under the grant, coopera-  
14 tive agreement, contract, contribution, or other  
15 form of assistance were carried out, and the ap-  
16 proximate number of orphans and other vulner-  
17 able children who received direct or indirect as-  
18 sistance under the projects or activities; and

19 “(B) the results of the monitoring system  
20 with respect to the grant, cooperative agree-  
21 ment, contract, contribution, or other form of  
22 assistance.

23 “(2) For each grant, cooperative agreement,  
24 contract, contribution, or other form of assistance  
25 awarded or entered into under any provision of law



1 other than this title for assistance for orphans and  
2 other vulnerable children in developing countries, the  
3 information described in paragraph (1)(A).

4 “(3) Of the total amounts of assistance made  
5 available in each such fiscal year for orphans and  
6 other vulnerable children, the percentage of assist-  
7 ance provided in support of orphans or other vulner-  
8 able children affected by HIV/AIDS.

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

14 **“SEC. 251. AUTHORIZATION OF APPROPRIATIONS; ADDI-**  
15 **TIONAL PROVISIONS.**

16 “(a) AUTHORIZATION OF APPROPRIATION.—

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

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

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

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

9           “(b) ADDITIONAL PROVISIONS.—

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

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

1       sidered for purposes of satisfying the requirement of  
2       this paragraph.

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

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

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

20              “(4) ADMINISTRATIVE EXPENSES.—Notwith-  
21      standing any other provision of law, amounts made  
22      available for assistance for orphans or other vulner-  
23      able children in developing countries under this title,  
24      or under any provision of law other than this title,  
25      may be made available for administrative expenses

1 incurred in carrying out this title for a fiscal year  
 2 in an amount not to exceed 7 percent of amounts  
 3 made available for such fiscal year for such purpose  
 4 under this title, or under such other provision of  
 5 law, as the case may be.

6 **“SEC. 252. DEFINITIONS.**

7 “In this title:

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

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

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

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

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

19 “(6) PSYCHOSOCIAL SUPPORT.—The term ‘psy-  
 20 chosocial support’ includes care that addresses the  
 21 ongoing psychological and social problems that affect  
 22 individuals, their partners, families, and caregivers  
 23 in order to alleviate suffering, strengthen social ties  
 24 and integration, provide emotional support, and pro-  
 25 mote coping strategies.

1           “(7) VULNERABLE CHILDREN.—The term ‘vul-  
2           nerable children’ includes children who are ne-  
3           glected, destitute, abandoned, homeless, disabled,  
4           suffering from malnutrition, are sexually exploited or  
5           abused, or are displaced or otherwise adversely af-  
6           fected by armed conflict.”.

○