#### 109TH CONGRESS 1ST SESSION

# H. R. 1550

To authorize assistance for the relief of victims of the Indian Ocean tsunami and for the recovery and reconstruction of tsunami-affected countries.

#### IN THE HOUSE OF REPRESENTATIVES

April 12, 2005

Mr. Hyde (for himself, Mr. Lantos, and Mr. Menendez) introduced the following bill; which was referred to the Committee on International Relations

## A BILL

To authorize assistance for the relief of victims of the Indian Ocean tsunami and for the recovery and reconstruction of tsunami-affected 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; TABLE OF CONTENTS; DEFINI-
- 4 TIONS.
- 5 (a) Short Title.—This Act may be cited as the
- 6 "Indian Ocean Tsunami Relief, Recovery, and Reconstruc-
- 7 tion Act of 2005".
- 8 (b) Table of Contents for
- 9 this Act is as follows:
  - Sec. 1. Short title; table of contents; definitions.

- Sec. 2. Findings.
- Sec. 3. Declarations of policy.
- Sec. 4. Purposes.

# TITLE I—ASSISTANCE FOR RELIEF, RECOVERY, AND RECONSTRUCTION OF PEOPLE AND COUNTRIES AFFECTED BY THE INDIAN OCEAN TSUNAMI

- Sec. 101. Assistance for urgent humanitarian needs.
- Sec. 102. Assistance for medium- and long-term recovery and reconstruction.
- Sec. 103. Assistance for orphans and unaccompanied children.
- Sec. 104. Voluntary contribution to Interpol for disaster victim identification efforts.
- Sec. 105. Activities of the Overseas Private Investment Corporation.
- Sec. 106. Assistance for effective public warning systems in foreign countries.
- Sec. 107. Replenishment of funds expended for assistance in the immediate aftermath of the Indian Ocean tsunami.

#### TITLE II—GENERAL PROVISIONS

- Sec. 201. Coordination of assistance.
- Sec. 202. Implementation of assistance.
- Sec. 203. Monitoring of assistance.
- Sec. 204. Relationship to other authorities.
- Sec. 205. Report.
- Sec. 206. Authorization of appropriations.

#### 1 (c) DEFINITIONS.—In this Act:

- 2 (1) All-hazard event.—The term "all-haz-
- 3 and event" means an emergency or disaster resulting
- 4 from—
- 5 (A) a natural disaster; or
- 6 (B) an accident or intentional or negligent
- 7 act that causes widespread damage or harm.
- 8 (2) CHILDREN.—The term "children" means
- 9 persons who have not attained the age of 18.
- 10 (3) Effective public warning.—The term
- "effective public warning" means practical, com-
- prehensible, and timely information given to all indi-
- viduals threatened by an all-hazard event sufficient

- to enable them to act to protect their safety and well-being in a timely manner.
- 4 (4) Indian Ocean Tsunami; Tsunami.—The
  term "Indian Ocean tsunami" or "tsunami" means
  the tsunami that resulted from the earthquake that
  occurred off the west coast of northern Sumatra, Indonesia, on December 26, 2004.
- 8 (5) ORPHAN.—The term "orphan" means a child deprived by death of one or both parents.
- 10 (6) UNACCOMPANIED CHILDREN.—The term
  11 "unaccompanied children" means children separated
  12 from their family.

#### 13 SEC. 2. FINDINGS.

- 14 Congress finds the following:
- 15 (1) On December 26, 2004, a powerful earth16 quake measuring 9.0 on the Richter Scale occurred
  17 off the west coast of northern Sumatra, Indonesia,
  18 triggering a tsunami that struck countries through19 out South and Southeast Asia, as well as the coast
  20 of East Africa.
  - (2) The Indian Ocean tsunami caused death and destruction on a massive scale, with more than 200,000 people killed, more than 120,000 people missing, and displacing more than 1,000,000 people.

21

22

23

- 1 (3) The earthquake and tsunami affected more
  2 than 3,000,000 people in more than 11 countries
  3 many of whom now lack basic survival requirements
  4 and the risk of numerous additional deaths due to
  5 shortages of clean water, adequate shelter, food,
  6 sanitation, and basic healthcare remains.
  - (4) An estimated one-third of those individuals killed or affected by the Indian Ocean tsunami are children.
  - (5) Orphans and unaccompanied children are particularly vulnerable to disease, hunger, and exploitation.
  - (6) United States relief agencies and the United States military responded with immediate and significant emergency assistance that saved countless lives and provided relief to many individuals in great need in the aftermath of the Indian Ocean tsunami.
  - (7) Unprecedented levels of private United States donations to private relief organizations, at least \$1,000,000,000 to date, demonstrate the tremendous generosity of the American people.
  - (8) The United States and the international community have to date pledged an estimated \$6,400,000,000 in emergency and medium- and

- long-term reconstruction assistance for countries affected by the Indian Ocean tsunami.
  - (9) Numerous international nongovernmental organizations have contributed greatly to the humanitarian response by providing relief to the millions who survived the Indian Ocean tsunami.
    - (10) Some national governments, municipal governments, and local communities in the Indian Ocean region require assistance to provide basic services for their citizens, including for orphans and unaccompanied children.
    - (11) A number of organizations, including the United Nations Children's Fund (UNICEF), Save the Children, World Vision, the International Committee of the Red Cross, and other organizations, are leading the effort to reunify children with their families, provide protection against traffickers, and provide food, shelter, education, counseling, and many other vital services.
    - (12) The International Early Warning Program identified the following four elements of effective early warning systems:
- 23 (A) Prior knowledge of the risks faced by communities.
- 25 (B) Technical monitoring of hazards.

- 1 (C) Getting understandable warnings to 2 those at risk.
- 3 (D) Knowledge and preparedness of how to4 act by those threatened by disasters.

#### 5 SEC. 3. DECLARATIONS OF POLICY.

- 6 Congress makes the following declarations of policy:
  - (1) The large-scale destruction and loss of life caused by the Indian Ocean tsunami requires a robust and appropriate humanitarian response by the United States to assist and promote the relief and recovery of individuals and communities affected by the Indian Ocean tsunami.
    - (2) The United States is committed to providing assistance for the medium- and long-term relief of victims of the Indian Ocean tsunami and for the recovery and reconstruction of communities in countries affected by the tsunami.
    - (3) The United States is committed to working with international partners, including the United Nations, donor countries, international financial institutions, and international and indigenous non-governmental organizations to assist in the medium-and long-term recovery and reconstruction of those communities in countries affected by the tsunami.

- (4) The United States is committed to working with host governments, municipal governments, local communities, and local civil society organizations, in implementing immediate humanitarian assistance and medium- and long-term recovery and reconstruction assistance to ensure that priority needs are met.
  - (5) In areas of civil conflict, it shall be the policy of the United States to utilize civilian international and indigenous humanitarian relief organizations to the greatest extent possible in the direct implementation of disaster relief. Such policy requires the Government of the United States to urge the respective national governments to engage all relevant conflict parties to create an environment which promotes the safe and unimpeded access to the disaster region.
  - (6) It shall be the policy of the United States in civil conflict areas to prioritize its humanitarian assistance to the greatest extent possible toward the most vulnerable groups, including children, women, and persons with disabilities. Women and children in particular are at the greatest risk of being trafficked into extremely abusive situations, and frequently are forced to become combatants in a civil conflict.

### 1 SEC. 4. PURPOSES.

2	The purposes of this Act are—
3	(1) to provide assistance for the urgent humani-
4	tarian needs of the people and communities in coun-
5	tries affected by the Indian Ocean tsunami;
6	(2) to provide assistance for the medium- and
7	long-term recovery and reconstruction needs of the
8	people and communities in countries affected by the
9	Indian Ocean tsunami;
10	(3) to provide assistance to children who are or-
11	phaned or currently unaccompanied as a result of
12	the Indian Ocean tsunami;
13	(4) to provide assistance for regional and inter-
14	national programs to develop and establish effective
15	public warning systems in foreign countries in order
16	to respond to all-hazard events; and
17	(5) to replenish United States Government

(5) to replenish United States Government funds that were expended to provide assistance in the immediate aftermath of the Indian Ocean tsunami so as to render such funds available for future foreign assistance objectives of the United States.

1	TITLE I—ASSISTANCE FOR RE-
2	LIEF, RECOVERY, AND RE-
3	CONSTRUCTION OF PEOPLE
4	AND COUNTRIES AFFECTED
5	BY THE INDIAN OCEAN TSU-
6	NAMI
7	SEC. 101. ASSISTANCE FOR URGENT HUMANITARIAN
8	NEEDS.
9	(a) Authorization.—In accordance with the provi-
10	sions of section 491 of the Foreign Assistance Act of 1961
11	(22 U.S.C. 2292), the President is authorized to provide
12	assistance, on such terms and conditions as the President
13	may determine, to meet the urgent humanitarian needs
14	of the people and communities in countries affected by the
15	Indian Ocean tsunami.
16	(b) Activities Supported.—Assistance provided
17	under subsection (a) shall, to the maximum extent prac-
18	ticable, be used to provide—
19	(1) emergency food, shelter, and medical assist-
20	ance;
21	(2) clean drinking water and sanitation;
22	(3) preventative health care, including childhood
23	vaccination, therapeutic feeding, maternal child
24	health services, psychosocial services, and infectious
25	diseases surveillance and treatment;

1	(4) family tracing and reunification services;
2	and
3	(5) support for the recovery of economic liveli-
4	hoods of families.
5	SEC. 102. ASSISTANCE FOR MEDIUM- AND LONG-TERM RE-
6	COVERY AND RECONSTRUCTION.
7	(a) AUTHORIZATION.—In accordance with the provi-
8	sions of part I of the Foreign Assistance Act of 1961 (22 $$
9	U.S.C. 2151 et seq.), the President is authorized to pro-
10	vide assistance, on such terms and conditions as the Presi-
11	dent may determine, to meet the medium- and long-term
12	recovery and reconstruction needs of the people and com-
13	munities in countries affected by the Indian Ocean tsu-
14	nami.
15	(b) ACTIVITIES SUPPORTED.—Assistance provided
16	under subsection (a) shall, to the maximum extent prac-
17	ticable, be used to carry out the following activities:
18	(1) Rebuilding health clinics, hospitals, and
19	other health infrastructure.
20	(2) Providing training and capacity-building as-
21	sistance, with a particular emphasis on training and
22	assistance for women and children.
23	(3) Restoring and rehabilitating water and sani-
24	tation services, including disease control services.

1	(4) Providing care and support to orphans and
2	unaccompanied children.
3	(5) Rebuilding and re-equipping schools, com-
4	munity centers, and other social and educational fa-
5	cilities.
6	(6) Providing training and capacity-building as-
7	sistance to educators and administrators, with a par-
8	ticular emphasis on training and assistance for
9	women.
10	(7) Rebuilding the transportation infrastruc-
11	ture.
12	(8) Reconstructing the rural and urban infra-
13	structure, with a particular emphasis on the recon-
14	struction of roads and bridges.
15	(9) Rebuilding and restoring the agricultural in-
16	frastructure and productivity.
17	(10) Promoting efforts to restore economic live-
18	lihoods supports, such as microenterprise and micro-
19	finance programs.
20	(11) Promoting environmental management.
21	(12) Improving disaster preparedness and man-
22	agement systems.
23	(13) Improving anti-corruption and trans-
24	parency mechanisms.

- 1 (c) Targeting of Assistance.—In light of the un-2 precedented levels of private donations to relief organiza-
- 3 tions in response to the Indian Ocean tsunami, and in
- 4 order to increase efficiency, avoid duplication, and coordi-
- 5 nate the division of labor among assistance providers, the
- 6 President should, to the maximum extent practicable—
- 7 (1) direct United States assistance under this 8 section to activities and sectors that can provide a 9 comparative advantage over privately-funded assist-10 ance, including such sectors as physical infrastruc-
- ture and private sector recovery; and
- 12 (2) design the delivery of United States assist-13 ance under this section to make a significant im-14 provement in the performance and the long-term 15 sustainability in the damaged sector targeted for as-
- sustainability in the damaged sector targeted for as
- sistance.
- 17 SEC. 103. ASSISTANCE FOR ORPHANS AND UNACCOM-
- 18 PANIED CHILDREN.
- 19 (a) Authorization.—The President shall provide
- 20 assistance to children who are orphaned or currently unac-
- 21 companied as a result of the Indian Ocean tsunami.
- 22 (b) Activities Supported.—Assistance provided
- 23 under subsection (a) should include programs to—

1	(1) identify and register unaccompanied chil-
2	dren and reunify them with their immediate families,
3	or extended families, when necessary;
4	(2) provide immediate care and counseling for
5	orphans and unaccompanied children during the
6	identification and reunification process;
7	(3) create mechanisms to protect against child
8	trafficking, sexual abuse, and attempts to forcibly
9	recruit children into militias; and
10	(4) provide for the long-term needs of children
11	not reunified with immediate family.
12	(c) Administrative Provisions.—In carrying out
13	any programs under the terms of this section, the Presi-
14	dent shall—
15	(1) provide funds for projects to United States
16	nongovernmental organizations, multilateral institu-
17	tions, and international and indigenous nongovern-
18	mental organizations with expertise in caring for or-
19	phans and unaccompanied children;
20	(2) require all governments and nongovern-
21	mental organizations that receive assistance under
22	this section to agree to international standards on
23	the treatment of orphans and children; and
24	(3) coordinate with other departments and
25	agencies of the United States Government that have

- 1 responsibilities related to child trafficking, child
- 2 labor, and other issues related to orphans and unac-
- 3 companied children.
- 4 (d) Terms and Conditions.—Assistance under this
- 5 section may be provided on such other terms and condi-
- 6 tions as the President may determine.
- 7 SEC. 104. VOLUNTARY CONTRIBUTION TO INTERPOL FOR
- 8 DISASTER VICTIM IDENTIFICATION EFFORTS.
- 9 Of the amounts authorized to be appropriated to the
- 10 Department of State for "Voluntary Contributions to
- 11 International Organizations" for fiscal years 2005 and
- 12 2006, \$500,000 for each such fiscal year is authorized to
- 13 be appropriated for a United States contribution to
- 14 Interpol for its disaster victim identification efforts relat-
- 15 ing to the Indian Ocean tsunami.
- 16 SEC. 105. ACTIVITIES OF THE OVERSEAS PRIVATE INVEST-
- 17 MENT CORPORATION.
- 18 It is the sense of Congress that the Overseas Private
- 19 Investment Corporation should, in accordance with its de-
- 20 velopment mandate and its commitment to fostering pri-
- 21 vate investment and enhancing the ability of private enter-
- 22 prise to make its full contribution to the development proc-
- 23 ess, exercise its authorities under title IV of chapter 2 of
- 24 part I of the Foreign Assistance Act of 1961 (22 U.S.C.
- 25 2191 et seq.) to further increase efforts to promote and

1	support United States-sponsored private investment in
2	countries affected by the Indian Ocean tsunami, includ-
3	ing—
4	(1) issuing loans, guaranties, and insurance, to
5	support infrastructure reconstruction, housing,
6	small- and medium-sized enterprises, fishing and
7	tourism, and other projects, as appropriate; and
8	(2) undertaking a special initiative that in-
9	cludes—
10	(A) carrying out an outreach program to
11	involve United States businesses in the recovery
12	process and exploring potential new public-pri-
13	vate partnerships, supported by the Corpora-
14	tion, which will assist those affected countries;
15	and
16	(B) consulting and coordinating with host
17	country governments and international financial
18	institutions to promote private investment in
19	priority sectors.
20	SEC. 106. ASSISTANCE FOR EFFECTIVE PUBLIC WARNING
21	SYSTEMS IN FOREIGN COUNTRIES.
22	(a) Authorization.—The President is authorized to
23	provide assistance for regional and international pro-
24	grams, including providing such assistance through the
25	United Nation's International Early Warning Program to

- 1 develop and establish effective public warning systems in
- 2 foreign countries in order to respond to all-hazard events.
- 3 (b) ACTIVITIES SUPPORTED.—Assistance provided
- 4 under subsection (a) shall, to the maximum extent prac-
- 5 ticable, be used to—
- 6 (1) develop monitoring technologies and sys-
- 7 tems;
- 8 (2) establish communications infrastructure
- 9 necessary to provide effective public warnings;
- 10 (3) provide technical expertise and training to
- 11 foreign countries about risk assessment procedures
- and the design and deployment of effective public
- warning systems;
- 14 (4) establish public education campaigns that
- inform local populations about the proper ways to
- react to effective public warnings concerning all-haz-
- ard events so as to minimize the loss of life and
- 18 property.
- 19 SEC. 107. REPLENISHMENT OF FUNDS EXPENDED FOR AS-
- 20 SISTANCE IN THE IMMEDIATE AFTERMATH
- 21 OF THE INDIAN OCEAN TSUNAMI.
- 22 (a) Replenishment.—From amounts available to
- 23 carry out this Act, there is authorized to be appropriated
- 24 to the President such sums as may be necessary to replen-
- 25 ish funds expended under the provisions of law described

in subsection (b) for assistance provided in the immediate aftermath of the Indian Ocean tsunami. 3 (b) Provisions of Law.—The provisions of law referred to in subsection (a) are the following: 5 (1) Chapter 9 of part I of the Foreign Assist-6 ance Act of 1961 (22 U.S.C. 2292 et seq.; relating 7 to international disaster assistance). 8 (2) Section 506 of the Foreign Assistance Act 9 of 1961 (22 U.S.C. 2318; relating to emergency 10 drawdown authority). 11 (3) Title II of the Agricultural Trade Develop-12 ment and Assistance Act of 1954 (7 U.S.C. 1721 et 13 seq.; relating to emergency food assistance). 14 (4) Section 2(c)(1) of the Migration and Ref-15 ugee Assistance Act of 1962 (22 U.S.C. 2601(c)(1); relating to the United States Emergency Refugee 16 17 and Migration Assistance Fund). 18 (5) Section 404 of title 10, United States Code. 19 (6) Other authorities exercised by the Depart-20 ment of Defense for emergency relief response activi-21 ties. TITLE II—GENERAL PROVISIONS 22

- SEC. 201. COORDINATION OF ASSISTANCE.
- 24 (a) Coordination.—The President, acting through
- the Secretary of State, shall consult and coordinate with

- 1 the United Nations, international financial institutions,
- 2 and governments of countries affected by the Indian
- 3 Ocean tsunami in the implementation and delivery of as-
- 4 sistance under title I of this Act to ensure that the priority
- 5 needs identified by the governments of such countries are
- 6 met.
- 7 (b) Designation of Senior Government Offi-
- 8 CIAL.—In order to ensure that assistance under title I of
- 9 this Act is implemented in a transparent, efficient, and
- 10 effective manner and targets those people and commu-
- 11 nities that are most in need, the President shall designate
- 12 a senior official of the United States Government who
- 13 shall be responsible for—
- 14 (1) designing an overall strategy to define and
- advance the objectives of assistance under title I of
- this Act;
- 17 (2) ensuring program and policy coordination
- among departments and agencies of the United
- 19 States Government in carrying out the policies set
- forth in this Act;
- 21 (3) coordinating with other countries and inter-
- 22 national organizations with respect to assistance au-
- thorized by this Act;
- 24 (4) ensuring proper management, implementa-
- 25 tion, and oversight by departments and agencies of

1	the United States Government that are responsible
2	for assistance programs authorized by this Act; and
3	(5) resolving policy and program disputes
4	among departments and agencies of the United
5	States Government with respect to assistance au-
6	thorized by this Act.
7	SEC. 202. IMPLEMENTATION OF ASSISTANCE.
8	The Administrator of the United States Agency for
9	International Development shall have primary responsi-
10	bility for providing assistance under title I of this Act
11	under the overall foreign policy guidance of the Secretary
12	of State.
13	SEC. 203. MONITORING OF ASSISTANCE.
14	(a) General Authorities.—
15	(1) Comptroller general.—The Comp-
16	troller General of the United States shall monitor
17	the provision of assistance under this Act.
18	(2) Inspector general of usaid.—The In-
19	spector General of the United States Agency for
20	International Development shall conduct audits, in-
21	spections, and other activities, as appropriate, asso-
22	ciated with the expenditure of funds by the Agen-
23	cy—
24	(A) before the date of the enactment of
25	this Act for assistance for the relief and recov-

ery of victims of the Indian Ocean tsunami and
for the reconstruction of tsunami-affected coun-
tries; and
(B) to carry out title I of this Act.
(3) Inspector general of department of
DEFENSE.—The Inspector General of the Depart
ment of Defense shall conduct audits, inspections
and other activities, as appropriate, associated with
the expenditure of funds by the Department of De-
fense before the date of the enactment of this Act
for the relief and recovery of victims of the Indian
Ocean tsunami.
(b) Transparency and Monitoring Mecha-
NISM.—
(1) In general.—In order to ensure that as-
sistance provided under title I of this Act is imple-
mented in a transparent, efficient, and effective
manner, and targets those people and communities
who are most in need, the Secretary of State is au-

23 (2) REQUIREMENTS.—The requirements re-24 ferred to in subsection (a) are the following:

thorized to establish a transparency and monitoring

mechanism that meets the requirements of para-

graph (2).

20

21

- 1 (A) The mechanism shall monitor the co-2 ordination and integration of United States as-3 sistance with assistance from the international 4 donor community.
  - (B) The mechanism shall assess the implementation of assistance by the United Nations and international financial institutions.
  - (C) The mechanism shall assess the efforts of the governments of tsunami-affected countries to ensure assistance adequately reaches affected communities.

#### 12 SEC. 204. RELATIONSHIP TO OTHER AUTHORITIES.

13 The President is authorized to use authorities contained in other provisions of law to carry out the purposes 14 15 of this Act, including chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), title II 16 of the Agricultural Trade Development and Assistance Act 18 of 1954 (7 U.S.C. 1721 et seq.), the Food for Progress 19 Act of 1985 (7 U.S.C. 1736o), and, with respect to United 20 States military assistance, sections 402 and 404 of title 21 10, United States Code.

#### 22 SEC. 205. REPORT.

6

7

8

9

10

11

23 (a) Report.—Not later than 45 days after the date 24 of enactment of this Act, and every 6 months thereafter 25 until all amounts available to carry out this Act are obli-

- 1 gated and expended, the President shall transmit to the
- 2 Committee on International Relations of the House of
- 3 Representatives and the Committee on Foreign Relations
- 4 of the Senate a report on the implementation of this Act.
- 5 (b) CONTENTS.—The report shall include the fol-6 lowing:
- 7 (1) A description of the distribution of duties
- 8 and responsibilities regarding activities authorized
- 9 by this Act among departments and agencies of the
- 10 United States Government, including the Depart-
- ment of State, the United States Agency for Inter-
- national Development, and the Department of De-
- fense.
- 14 (2) A detailed plan that describes the roles and
- responsibilities of foreign governments and inter-
- 16 national organizations, including the United Na-
- tions, in carrying out activities related to the relief
- and recovery of victims of the Indian Ocean tsunami
- and for the reconstruction of tsunami-affected coun-
- 20 tries.
- 21 (3) A strategy for the coordination of activities
- described in paragraphs (1) and (2) among the
- United States Government, foreign governments,
- and international organizations, including the
- 25 United Nations.

- 1 (4) An initial and revised estimates of the costs 2 expected to be associated with such activities.
- 3 (5) A strategy for the distribution of the re-4 sponsibility for paying costs associated with such ac-
- 5 tivities among the United States Government, for-
- 6 eign governments, and international organizations,
- 7 including the United Nations.

#### 8 SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

- 9 (a) In General.—There is authorized to be appro-
- 10 priated to the President to carry out this Act
- 11 \$950,000,000 for fiscal year 2006.
- 12 (b) AVAILABILITY.—Amounts appropriated pursuant
- 13 to the authorization of appropriations under subsection (a)
- 14 are authorized to remain available until expended.

 $\bigcirc$