

109TH CONGRESS
1ST SESSION

H. R. 397

To amend the Foreign Assistance Act of 1961 to provide assistance to children who are orphaned or unaccompanied as a result of the tsunamis that occurred on December 26, 2004, in the Indian Ocean.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. MENENDEZ (for himself, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. TOWNS, Mrs. MALONEY, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. EVANS, Mr. OWENS, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To amend the Foreign Assistance Act of 1961 to provide assistance to children who are orphaned or unaccompanied as a result of the tsunamis that occurred on December 26, 2004, in the Indian Ocean.

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 “Tsunami Orphans and
5 Unaccompanied Children Act of 2005”.

6 **SEC. 2. FINDINGS; DECLARATION OF POLICY.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Over 160,000 people were killed in the In-
2 dian Ocean region as a result of the earthquake and
3 tsunamis that occurred on December 26, 2004.

4 (2) Experts estimate that a higher than ex-
5 pected number of those killed were children.

6 (3) According to the United Nations, 3 to 5
7 million people were affected by the disaster. Approxi-
8 mately 1.5 million of those individuals affected are
9 children.

10 (4) Experts estimate that the total number of
11 children affected in the tsunamis could reach up to
12 50 percent. Experts estimate that a significant num-
13 ber of children have been separated from their par-
14 ents or orphaned.

15 (5) Orphaned and unaccompanied children are
16 particularly vulnerable to disease, hunger, and ex-
17 ploitation.

18 (6) In the chaotic environment following a dis-
19 aster when protection mechanisms may not be in
20 place, unaccompanied children are more vulnerable
21 to traffickers and forcible recruitment into militias.

22 (7) After a disaster, under-resourced govern-
23 ments, communities, and villages may not be able to
24 independently provide sufficient care and services for
25 orphans and unaccompanied children.

1 (8) Unaccompanied children and orphans need
2 immediate care and security in the short-term, as
3 well as a long-term investment in their education,
4 health, and protection.

5 (9) Congress recognizes that a number of orga-
6 nizations including UNICEF, Save the Children,
7 World Vision, and the International Committee of
8 the Red Cross are leading the effort to reunify chil-
9 dren with their families, provide protection against
10 traffickers, and provide food, shelter, education,
11 counseling, and many other vital services.

12 (b) DECLARATION OF POLICY.—It shall be the policy
13 of the United States to take prompt and appropriate ac-
14 tions to assist children who are orphaned or currently un-
15 accompanied as a result of the tsunamis that occurred on
16 December 26, 2004, in the Indian Ocean as an important
17 expression of humanitarian concern and the traditions of
18 the United States and, in particular, to assist such or-
19 phans and unaccompanied children by—

20 (1) providing assistance for the purpose of iden-
21 tifying and reunifying unaccompanied children with
22 their families;

23 (2) providing assistance for the immediate care
24 of unaccompanied children and orphans, including

1 health care, food, shelter, education, psychological
 2 counseling, and protection from traffickers; and

3 (3) providing for the long-term needs of chil-
 4 dren not reunified with immediate or extended fam-
 5 ily members, including long-term placement con-
 6 sistent with international standards and local cus-
 7 toms and structures and also providing support for
 8 education, healthcare, food, job-training, and psycho-
 9 logical counseling.

10 **SEC. 3. AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF**
 11 **1961.**

12 Chapter 2 of part I of the Foreign Assistance Act
 13 of 1961 (22 U.S.C. 2166 et seq.) is amended by inserting
 14 after title VI the following new title:

15 **“TITLE VII—ASSISTANCE FOR**
 16 **TSUNAMI ORPHANS AND UN-**
 17 **ACCOMPANIED CHILDREN**

18 **“SEC. 261. AUTHORIZATION OF ASSISTANCE.**

19 “(a) IN GENERAL.—The President, acting through
 20 the Administrator of the Agency, shall provide assistance
 21 to children who are orphaned or currently unaccompanied
 22 as a result of the tsunamis that occurred on December
 23 26, 2004, in the Indian Ocean.

24 “(b) ACTIVITIES SUPPORTED.—Assistance provided
 25 under subsection (a) shall be used to—

1 “(1) identify and reunify unaccompanied chil-
2 dren by—

3 “(A) identifying, registering, and docu-
4 menting, as soon as possible, all unaccompanied
5 children;

6 “(B) attempting to trace each child’s im-
7 mediate family, primary legal or customary care
8 giver, or other extended family member; and

9 “(C) verifying that the child has been ef-
10 fectively and appropriately placed;

11 “(2) provide immediate care for unaccompanied
12 or orphaned children during the identification and
13 reunification process by—

14 “(A) providing, food, shelter, and access to
15 education;

16 “(B) psychological and psychosocial coun-
17 seling; and

18 “(C) creating mechanisms to protect
19 against child trafficking, sexual abuse, and at-
20 tempts to forcibly recruit children into militias;
21 and

22 “(3) provide for the long-term needs of children
23 not reunified with immediate family by—

24 “(A) attempting to place children with ex-
25 tended family members and relatives;

1 “(B) providing assistance, if there is no
2 family care available, for children to be placed
3 in foster-care or other care approved both by
4 the Agency and local governments;

5 “(C) providing support for education,
6 healthcare, food, job-training, and psychological
7 counseling once children are placed, including
8 psychological and psychosocial counseling for
9 caregivers and extended family members who
10 are responsible for such children;

11 “(D) monitoring placement to assure rec-
12 ognition of local customs and support struc-
13 tures;

14 “(E) monitoring placement to assure that
15 care is consistent with international standards;
16 and

17 “(F) monitoring the status of the children,
18 in coordination with international nongovern-
19 mental organizations and multilateral organiza-
20 tions.

21 “(c) ADMINISTRATIVE PROVISIONS.—In carrying out
22 any programs under the terms of this section, the Admin-
23 istrator shall—

24 “(1) provide funds for projects to nongovern-
25 mental organizations in the United States, multilat-

1 eral institutions, and international and indigenous
2 nongovernmental organizations with expertise in car-
3 ing for orphans and unaccompanied children;

4 “(2) coordinate with nongovernmental organiza-
5 tions in the United States, international nongovern-
6 mental organizations, and multilateral institutions to
7 avoid duplication, waste, and fraud and ensure effi-
8 ciency and the maximization of resources;

9 “(3) work closely with local governments and
10 local nongovernmental organizations to develop long-
11 term protection and monitoring mechanisms;

12 “(4) require all governments and nongovern-
13 mental organizations that receive assistance under
14 this section to agree to international standards on
15 the treatment of orphans and children; and

16 “(5) coordinate with other departments and
17 agencies of the United States Government that have
18 responsibilities related to child trafficking, child
19 labor, and other issues related to orphans and unac-
20 companied children.

21 “(d) TERMS AND CONDITIONS.—Assistance under
22 this section may be provided on such other terms and con-
23 ditions as the President may determine.

1 **“SEC. 262. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—There are authorized to be ap-
3 propriated to Agency’s Displaced Children and Orphans
4 Fund to carry out this title \$80,000,000 for each of the
5 fiscal years 2005 through 2009.

6 “(b) ADDITIONAL AUTHORITIES.—Amounts appro-
7 priated pursuant to subsection (a)—

8 “(1) are authorized to remain available until ex-
9 pended; and

10 “(2) are in addition to amounts otherwise avail-
11 able for such purposes.

12 “(c) FUNDING LIMITATION.—Not more than 7 per-
13 cent of the amounts appropriated pursuant to subsection
14 (a) for a fiscal year may be used for administrative ex-
15 penses.

16 **“SEC. 263. MONITORING SYSTEM.**

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

21 “(b) REQUIREMENTS.—The requirements referred to
22 in subsection (a) are as follows:

23 “(1) The monitoring system shall establish per-
24 formance goals for the assistance and express such
25 goals in an objective and quantifiable form, to the
26 fullest extent feasible.

1 “(2) The monitoring system shall establish per-
2 formance indicators to be used in measuring or as-
3 sessing the achievement of the performance goals de-
4 scribed in paragraph (1).

5 “(3) The monitoring system shall provide a
6 basis for recommendations for adjustments to the
7 levels and type of assistance to enhance the impact
8 of the assistance.

9 **“SEC. 264. REPORT.**

10 “(a) REPORT.—Not later than December 31, 2005,
11 and each December 31 thereafter until December 31,
12 2009, the President shall transmit to Congress a report
13 that contains a detailed description of the implementation
14 of this title for the previous fiscal year.

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

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

20 “(A) the amount of the grant, cooperative
21 agreement, contract, contribution, or other form
22 of assistance, the name of each recipient and
23 each country with respect to which projects or
24 activities under the grant, cooperative agree-
25 ment, contract, contribution, or other form of

1 assistance were carried out, and the approxi-
2 mate number of orphans and other unaccom-
3 panied children who received assistance under
4 the projects or activities; and

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

9 “(2) For each grant, cooperative agreement,
10 contract, contribution, or other form of assistance
11 awarded or entered into under any provision of law
12 other than this title for assistance for tsunami or-
13 phans and unaccompanied children, the information
14 described in paragraph (1)(A).

15 “(3) Any other appropriate information relating
16 to the needs of tsunami orphans or unaccompanied
17 children that could be addressed through the provi-
18 sion of assistance under this title or under any other
19 provision of law.

20 **“SEC. 265. DEFINITIONS.**

21 “In this title:

22 “(1) ADMINISTRATOR.—The term ‘Adminis-
23 trator’ means the Administrator of the Agency.

1 “(2) AGENCY.—The term ‘Agency’ means the
2 United States Agency for International Develop-
3 ment.

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

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

8 “(5) UNACCOMPANIED CHILDREN.—The term
9 ‘unaccompanied children’ means children separated
10 from their family.”.

