

109TH CONGRESS
1ST SESSION

S. 350

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2005

Mr. LUGAR (for himself, Mrs. BOXER, Mr. CHAFEE, Mr. FEINGOLD, Mr. COLEMAN, and Mr. SMITH) 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, 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.**

4 This Act may be cited as the “Assistance for Orphans
5 and Other Vulnerable Children in Developing Countries
6 Act of 2005”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

1 (1) More than 110,000,000 orphans live in sub-
2 Saharan Africa, Asia, Latin America, and the Carib-
3 bean. These children often are disadvantaged in nu-
4 merous and devastating ways and most households
5 with orphans cannot meet the basic needs of health
6 care, food, clothing, and educational expenses.

7 (2) It is estimated that 121,000,000 children
8 worldwide do not attend school and that the major-
9 ity of such children are young girls. According to the
10 United Nations Children’s Fund (UNICEF), or-
11 phans are less likely to be in school and more likely
12 to be working full time.

13 (3) School food programs, including take-home
14 rations, in developing countries provide strong incen-
15 tives for children to remain in school and continue
16 their education. School food programs can reduce
17 short-term hunger, improve cognitive functions, and
18 enhance learning, behavior, and achievement.

19 (4) Financial barriers, such as school fees and
20 other costs of education, prevent many orphans and
21 other vulnerable children in developing countries
22 from attending school. Providing children with free
23 primary school education, while simultaneously en-
24 suring that adequate resources exist for teacher
25 training and infrastructure, would help more or-

1 phans and other vulnerable children obtain a quality
2 education.

3 (5) The trauma that results from the loss of a
4 parent can trigger behavior problems of aggression
5 or emotional withdrawal and negatively affect a
6 child's performance in school and the child's social
7 relations. Children living in families affected by
8 HIV/AIDS or who have been orphaned by AIDS
9 often face stigmatization and discrimination. Pro-
10 viding culturally appropriate psychosocial support to
11 such children can assist them in successfully accept-
12 ing and adjusting to their circumstances.

13 (6) Orphans and other vulnerable children in
14 developing countries routinely are denied their inher-
15 itance or encounter difficulties in claiming the land
16 and other property which they have inherited. Even
17 when the inheritance rights of women and children
18 are spelled out in law, such rights are difficult to
19 claim and are seldom enforced. In many countries it
20 is difficult or impossible for a widow, even if she has
21 young children, to claim property after the death of
22 her husband.

23 (7) The HIV/AIDS pandemic has had a dev-
24 astating effect on children and is deepening poverty

1 in entire communities and jeopardizing the health,
2 safety, and survival of all children in affected areas.

3 (8) The HIV/AIDS pandemic has increased the
4 number of orphans worldwide and has exacerbated
5 the poor living conditions of the world's poorest and
6 most vulnerable children. AIDS has created an un-
7 precedented orphan crisis, especially in sub-Saharan
8 Africa, where children have been hardest hit. An es-
9 timated 14,000,000 orphans have lost 1 or both par-
10 ents to AIDS. By 2010, it is estimated that over
11 25,000,000 children will have been orphaned by
12 AIDS.

13 (9) Approximately 2,500,000 children under the
14 age of 15 worldwide have HIV/AIDS. Every day an-
15 other 2,000 children under the age of 15 are in-
16 fected with HIV. Without treatment, most children
17 born with HIV can expect to die by age two, but
18 with sustained drug treatment through childhood,
19 the chances of long-term survival and a productive
20 adulthood improve dramatically.

21 (10) Few international development programs
22 specifically target the treatment of children with
23 HIV/AIDS in developing countries. Reasons for this
24 include the perceived low priority of pediatric treat-
25 ment, a lack of pediatric health care professionals,

1 lack of expertise and experience in pediatric drug
2 dosing and monitoring, the perceived complexity of
3 pediatric treatment, and mistaken beliefs regarding
4 the risks and benefits of pediatric treatment.

5 (11) Although a number of organizations seek
6 to meet the needs of orphans or other vulnerable
7 children, extended families and local communities
8 continue to be the primary providers of support for
9 such children.

10 (12) The HIV/AIDS pandemic is placing huge
11 burdens on communities and is leaving many or-
12 phans with little support. Alternatives to traditional
13 orphanages, such as community-based resource cen-
14 ters, continue to evolve in response to the massive
15 number of orphans that has resulted from the pan-
16 demic.

17 (13) The AIDS orphans crisis in sub-Saharan
18 Africa has implications for political stability, human
19 welfare, and development that extend far beyond the
20 region, affecting governments and people worldwide,
21 and this crisis requires an accelerated response from
22 the international community.

23 (14) Although section 403(b) of the United
24 States Leadership Against HIV/AIDS, Tuberculosis,
25 and Malaria Act of 2003 (22 U.S.C. 7673(b)) estab-

1 lishes the requirement that not less than 10 percent
2 of amounts appropriated for HIV/AIDS assistance
3 for each of fiscal years 2006 through 2008 shall be
4 expended for assistance for orphans and other vul-
5 nerable children affected by HIV/AIDS, there is an
6 urgent need to provide assistance to such children
7 prior to 2006.

8 (15) Numerous United States and indigenous
9 private voluntary organizations, including faith-
10 based organizations, provide assistance to orphans
11 and other vulnerable children in developing coun-
12 tries. Many of these organizations have submitted
13 applications for grants to the Administrator of the
14 United States Agency for International Development
15 to provide increased levels of assistance for orphans
16 and other vulnerable children in developing coun-
17 tries.

18 (16) Increasing the amount of assistance that is
19 provided by the Administrator of the United States
20 Agency for International Development through
21 United States and indigenous private voluntary or-
22 ganizations, including faith-based organizations, will
23 provide greater protection for orphans and other vul-
24 nerable children in developing countries.

1 (17) It is essential that the United States Gov-
2 ernment adopt a comprehensive approach for the
3 provision of assistance to orphans and other vulner-
4 able children in developing countries. A comprehen-
5 sive approach would ensure that important services,
6 such as basic care, psychosocial support, school food
7 programs, increased educational opportunities and
8 employment training and related services, the pro-
9 tection and promotion of inheritance rights for such
10 children, and the treatment of orphans and other
11 vulnerable children with HIV/AIDS, are made more
12 accessible.

13 (18) Assistance for orphans and other vulner-
14 able children can best be provided by a comprehen-
15 sive approach of the United States Government
16 that—

17 (A) ensures that Federal agencies and the
18 private sector coordinate efforts to prevent and
19 eliminate duplication of efforts and waste in the
20 provision of such assistance; and

21 (B) to the maximum extent possible, fo-
22 cuses on community-based programs that allow
23 orphans and other vulnerable children to re-
24 main connected to the traditions and rituals of
25 their families and communities.

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

4 Chapter 1 of part I of the Foreign Assistance Act
5 of 1961 (22 U.S.C. 2151 et seq.) is amended by adding
6 at the end the following section:

7 **“SEC. 135. ASSISTANCE FOR ORPHANS AND OTHER VUL-**
8 **NERABLE CHILDREN.**

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

10 “(1) There are more than 110,000,000 orphans
11 living in sub-Saharan Africa, Asia, Latin America,
12 and the Caribbean.

13 “(2) The HIV/AIDS pandemic has created an
14 unprecedented orphan crisis, especially in sub-Saha-
15 ran Africa, where children have been hardest hit.
16 The pandemic is deepening poverty in entire commu-
17 nities, and is jeopardizing the health, safety, and
18 survival of all children in affected countries. It is es-
19 timated that 14,000,000 children have lost one or
20 both parents to AIDS.

21 “(3) The orphans crisis in sub-Saharan Africa
22 has implications for human welfare, development,
23 and political stability that extend far beyond the re-
24 gion, affecting governments and people worldwide.

25 “(4) Extended families and local communities
26 are struggling to meet the basic needs of orphans

1 and vulnerable children by providing food, health
2 care including treatment of children living with HIV/
3 AIDS, education expenses, and clothing.

4 “(5) Providing assistance to such children is an
5 important expression of the humanitarian concern
6 and tradition of the people of the United States.

7 “(b) DEFINITIONS.—In this section:

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

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

12 “(3) HIV/AIDS.—The term ‘HIV/AIDS’ has
13 the meaning given the term in section 104A(g).

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

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

23 “(c) ASSISTANCE.—The President is authorized to
24 provide assistance, including providing such assistance
25 through international or nongovernmental organizations,

1 for programs in developing countries to provide basic care
2 and services for orphans and other vulnerable children.

3 Such programs should provide assistance—

4 “(1) to support families and communities to
5 mobilize their own resources through the establish-
6 ment of community-based organizations to provide
7 basic care for orphans and other vulnerable children;

8 “(2) for school food programs, including the
9 purchase of local or regional foodstuffs where appro-
10 priate;

11 “(3) to increase primary school enrollment
12 through the elimination of school fees, where appro-
13 priate, or other barriers to education while ensuring
14 that adequate resources exist for teacher training
15 and infrastructure;

16 “(4) to provide employment training and re-
17 lated services for orphans and other vulnerable chil-
18 dren who are of legal working age;

19 “(5) to protect and promote the inheritance
20 rights of orphans, other vulnerable children, and
21 widows;

22 “(6) to provide culturally appropriate psycho-
23 social support to orphans and other vulnerable chil-
24 dren; and

1 “(7) to treat orphans and other vulnerable chil-
2 dren with HIV/AIDS through the provision of phar-
3 maceuticals, the recruitment and training of individ-
4 uals to provide pediatric treatment, and the pur-
5 chase of pediatric-specific technologies.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) IN GENERAL.—There is authorized to be
8 appropriated to the President to carry out this sec-
9 tion such sums as may be necessary for each of the
10 fiscal years 2006 and 2007.

11 “(2) AVAILABILITY OF FUNDS.—Amounts made
12 available under paragraph (1) are authorized to re-
13 main available until expended and are in addition to
14 amounts otherwise available for such purposes.

15 “(3) RELATIONSHIP TO OTHER LAWS.—
16 Amounts made available for assistance pursuant to
17 this subsection, and amounts made available for
18 such assistance pursuant to any other provision of
19 law, may be used to provide such assistance notwith-
20 standing any other provision of law.”.

21 **SEC. 4. STRATEGY OF THE UNITED STATES.**

22 (a) REQUIREMENT FOR STRATEGY.—Not later than
23 180 days after the date of enactment of this Act, the
24 President shall develop, and submit to the appropriate
25 congressional committees, a strategy for coordinating, im-

1 plementing, and monitoring assistance programs for or-
2 phans and vulnerable children.

3 (b) CONSULTATION.—The President should consult
4 with employees of the field missions of the United States
5 Agency for International Development in developing the
6 strategy required by subsection (a) to ensure that such
7 strategy—

8 (1) will not impede the efficiency of imple-
9 menting assistance programs for orphans and vul-
10 nerable children; and

11 (2) addresses the specific needs of indigenous
12 populations.

13 (c) CONTENT.—The strategy required by subsection
14 (a) shall include—

15 (1) the identity of each agency or department
16 of the Federal Government that is providing assist-
17 ance for orphans and vulnerable children in foreign
18 countries;

19 (2) a description of the efforts of the head of
20 each such agency or department to coordinate the
21 provision of such assistance with other agencies or
22 departments of the Federal Government or non-
23 governmental entities;

24 (3) a description of a coordinated strategy, in-
25 cluding coordination with other bilateral and multi-

1 lateral donors, to provide the assistance authorized
2 in section 135 of the Foreign Assistance Act of
3 1961, as added by section 3 of this Act;

4 (4) an analysis of additional coordination mech-
5 anisms or procedures that could be implemented to
6 carry out the purposes of such section;

7 (5) a description of a monitoring system that
8 establishes performance goals for the provision of
9 such assistance and expresses such goals in an ob-
10 jective and quantifiable form, to the extent feasible;
11 and

12 (6) a description of performance indicators to
13 be used in measuring or assessing the achievement
14 of the performance goals described in paragraph (5).

15 **SEC. 5. ANNUAL REPORT.**

16 Not later than one year after the date on which the
17 President submits the strategy required by section 4(a)
18 to the appropriate congressional committees, and annually
19 thereafter, the President shall submit a report to the ap-
20 propriate congressional committees on the implementation
21 of this Act.

22 **SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
23 **FINED.**

24 In this Act, the term “appropriate congressional com-
25 mittees” means the Committee on Appropriations and the

- 1 Committee on Foreign Relations of the Senate and the
- 2 Committee on Appropriations and the Committee on
- 3 International Relations of the House of Representatives.

