

113TH CONGRESS
2D SESSION

S. 2475

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

JUNE 17, 2014

Ms. LANDRIEU (for herself, Mr. BLUNT, Mr. BURR, Mr. CASEY, Mr. COCHRAN, Mr. COONS, Mrs. GILLIBRAND, Mr. INHOFE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LEVIN, Mr. MARKEY, Mrs. McCASKILL, Mr. PRYOR, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. THUNE, Ms. WARREN, and Mr. WICKER) 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 pro-

viding 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 2014”.

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 the Office of Vulnerable Children and Family Security in the Department of State.
- Sec. 102. Responsibilities of U.S. Citizenship and Immigration Services for accreditation 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 Adversity.

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:

1 (1) The people of the United States recognize
2 and believe that children must grow up in perma-
3 nent, safe, and nurturing families in order to develop
4 and thrive.

5 (2) Science proves that children, and particu-
6 larly infants, living in impersonal, socially deprived
7 institutions suffer lasting, and in many cases, irre-
8 versible damage, including—

9 (A) reduced brain activity and brain size;

10 (B) lower intelligence quotients;

11 (C) serious behavioral and emotional prob-
12 lems; and

13 (D) disturbed relationships with others.

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

20 (4) Despite the good efforts of countless gov-
21 ernments and nongovernmental organizations, mil-
22 lions of children remain uncounted and outside of
23 the protection, nurturing care, permanence, safety,
24 and love of a family.

1 (5) No reliable data currently exists to define
2 and document the number and needs of children in
3 the world currently living without families, but avail-
4 able evidence demonstrates that there are millions of
5 children in this situation needing immediate help.

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

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

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

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

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

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

13 (4) to harness the diplomatic and operational
14 power of the United States Government in the inter-
15 national sphere by helping to identify and implement
16 timely, permanent, safe, and nurturing familial solu-
17 tions for children living without families, including
18 refugee or stateless children, through effective imple-
19 mentation of the 3 principal objectives of the Action
20 Plan on Children in Adversity;

21 (5) to ensure that intercountry adoption by
22 United States citizens becomes a viable and fully de-
23 veloped option for creating permanent families for
24 children who need them;

1 (6) to protect against abuses of children, birth
2 families, and adoptive parents involved in inter-
3 country adoptions, and to ensure that such adop-
4 tions are in the individual child’s best interests; and

5 (7) to harmonize and strengthen existing inter-
6 country adoption processes under United States
7 law—

8 (A) by ensuring that the same set of proce-
9 dures and criteria govern suitability and eligi-
10 bility determinations for prospective adoptive
11 parents seeking to complete intercountry adop-
12 tions, whether or not the child is from a foreign
13 state that is a party to the Hague Adoption
14 Convention; and

15 (B) by aligning the definitions of eligible
16 child for Convention adoptions and non-Conven-
17 tion adoptions to the maximum extent possible.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) **ACTION PLAN ON CHILDREN IN ADVER-**
21 **SITY.**—The term “Action Plan on Children in Adver-

22 sity” means the policy document entitled “United
23 States Government Action Plan on Children in Ad-

24 versity: A Framework for International Assistance:
25 2012–2017”, released on December 19, 2012, in-

1 including any subsequent amendments or revisions re-
2 leased by the United States Government before the
3 end of 2017.

4 (2) APPROPRIATE, PROTECTIVE, AND PERMA-
5 NENT FAMILY CARE.—The term “appropriate, pro-
6 tective, and permanent family care” means a nur-
7 turing, lifelong, commitment to a child by an adult,
8 or adults with parental roles and responsibilities
9 that—

10 (A) provides physical and emotional sup-
11 port;

12 (B) provides the child with a sense of be-
13 longing; and

14 (C) generally involves full legal recognition
15 of the child’s status as child of the parents and
16 of the parents’ rights and responsibilities re-
17 garding the child.

18 (3) CENTRAL AUTHORITY.—The term “central
19 authority” has the meaning given the term in sec-
20 tion 3 of the Intercountry Adoption Act of 2000 (42
21 U.S.C. 14902).

22 (4) CHILDREN IN ADVERSITY.—The term “chil-
23 dren in adversity” means children and youth—

24 (A) who are younger than 18 years of age;

1 (B) who live inside or outside of family
2 care; and

3 (C) whose safety, well-being, growth, and
4 development are at significant risk due to inad-
5 equate care, protection, or access to essential
6 services.

7 (5) CONVENTION ADOPTION.—The term “Con-
8 vention adoption” has the meaning given the term in
9 section 3 of the Intercountry Adoption Act of 2000
10 (42 U.S.C. 14902).

11 (6) CONVENTION COUNTRY.—The term “Con-
12 vention country” has the meaning given the term in
13 section 3 of the Intercountry Adoption Act of 2000
14 (42 U.S.C. 14902) and for which the Hague Adop-
15 tion Convention has entered into force.

16 (7) FAMILY.—The term “family” means a col-
17 lective body of persons, consisting of at least 1 child
18 and 1 parent, legal custodian, or adult relative, in
19 which—

20 (A) the persons reside in the same house
21 or living unit; or

22 (B) the parent, legal custodian, or adult
23 relative has a legal responsibility by blood, mar-
24 riage, or legal order to support or care for the
25 child.

1 (8) GUARDIANSHIP.—

2 (A) IN GENERAL.—The term “guardian-
3 ship” means a permanent legal relationship be-
4 tween an adult and a child, in which the adult
5 is lawfully invested with the power, and charged
6 with the duty, of taking care of the child.

7 (B) PERMANENT GUARDIANSHIP.—While
8 some forms of guardianship are not truly per-
9 manent, the form of guardianship referred to
10 and supported under this Act is permanent
11 guardianship.

12 (C) KEFALA ORDER.—A Kefala order
13 issued by a country that follows traditional Is-
14 lamic law does not qualify as an adoption under
15 United States law, but may be a form of guard-
16 ianship in some circumstances.

17 (D) FAMILY-LIKE GROUP HOMES.—Indi-
18 vidual parent-child relationships in a small,
19 family-like group home in which caretaking is
20 provided only by 1 or more unpaid caretakers
21 might, in some circumstances, qualify as a
22 guardianship if legalized in that form.

23 (E) PAID GUARDIANSHIP.—The term
24 “guardianship” does not include a paid guard-
25 ianship, although an exception may be appro-

1 appropriate in cases involving children with disabili-
2 ties.

3 (9) HABITUAL RESIDENCE DETERMINATION.—

4 The term “habitual residence determination” means
5 a factual determination of where a prospective adop-
6 tive parent (or parents) resides and where the child
7 resides for purposes of an intercountry adoption
8 case.

9 (10) HAGUE ADOPTION CONVENTION.—The
10 term “Hague Adoption Convention” means the Con-
11 vention of Protection of Children and Cooperation in
12 Respect of Intercountry Adoption, concluded at The
13 Hague May 29, 1993.

14 (11) INSTITUTIONAL CARE.—The term “institu-
15 tional care” means care provided in any nonfamily-
16 based group setting, including—

17 (A) orphanages;

18 (B) transit or interim care centers;

19 (C) children’s homes;

20 (D) children’s villages or cottage com-
21 plexes; and

22 (E) boarding schools used primarily for
23 care purposes as an alternative to a children’s
24 home.

1 (12) KINSHIP CARE.—The term “kinship
2 care”—

3 (A) means the full-time care, nurturing,
4 and protection of children by relatives, members
5 of their tribes or clans, godparents, stepparents,
6 or any adult who has a kinship bond with a
7 child, if such persons have the capacity and
8 commitment to function as true parents for the
9 child on a permanent basis; and

10 (B) does not include paid kinship foster
11 care, except in the case of children with disabili-
12 ties.

13 (13) NON-CONVENTION ADOPTION.—The term
14 “non-Convention adoption” means—

15 (A) an adoption by United States parents
16 of a child from a non-Convention country in ac-
17 cordance with subparagraph (F) of section
18 101(b)(1) of the Immigration and Nationality
19 Act (8 U.S.C. 1101(b)(1));

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

1 (C) in certain circumstances (generally
2 with respect to relative adoptions or adoptions
3 by dual national parents), an adoption by
4 United States parents of a child from a Con-
5 vention country if that country allows legal and
6 valid adoptions to take place outside the scope
7 of the Convention.

8 (14) NON-CONVENTION COUNTRY.—The term
9 “non-Convention country” means a country in which
10 the Hague Adoption Convention has not entered into
11 force, regardless of whether or not that country has
12 signed the Convention.

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

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

5 **SEC. 101. ESTABLISHMENT OF THE OFFICE OF VULNER-**
6 **ABLE CHILDREN AND FAMILY SECURITY IN**
7 **THE DEPARTMENT OF STATE.**

8 (a) ESTABLISHMENT.—There is established within
9 the Department of State the Office of Vulnerable Children
10 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 leading the development and implementation
12 of policies that will ensure the timely provision of
13 appropriate, protective, and permanent family care
14 for children living without families, including refugee
15 and stateless children, through the full continuum of
16 permanence solutions, including family preservation
17 and reunification, kinship care, guardianship, and
18 domestic and intercountry adoption.

19 (b) AMBASSADOR-AT-LARGE.—

20 (1) APPOINTMENT.—The VCFS shall be headed
21 by an Ambassador-at-Large, who shall be appointed
22 by the President by and with the consent of the Sen-
23 ate.

24 (2) QUALIFICATIONS.—The Ambassador-at-
25 Large shall—

1 (A) have experience in the development of
2 policies and systems and the implementation of
3 programs that promote the goals of the Action
4 Plan for Children in Adversity;

5 (B) be knowledgeable of international child
6 welfare, family permanence, and family creation
7 through domestic and intercountry adoption;
8 and

9 (C) be committed to developing an inte-
10 grated United States Government approach to
11 international child welfare that places equal em-
12 phasis on—

13 (i) early childhood survival and devel-
14 opment;

15 (ii) family permanence; and

16 (iii) protection from abuse and exploi-
17 tation.

18 (3) AUTHORITY.—The Ambassador-at-Large
19 shall report to the Under Secretary for Civilian Se-
20 curity, Democracy and Human Rights.

21 (c) FUNCTIONS.—

22 (1) ADVISORY.—The Ambassador-at-Large
23 shall serve as a primary advisor to the Secretary of
24 State and the President in all matters related to vul-

1 nerable children and family security in foreign coun-
2 tries.

3 (2) DIPLOMATIC REPRESENTATION.—Subject to
4 the direction of the President and the Secretary of
5 State, and in consultation and coordination with the
6 Senior Coordinator for Children in Adversity of the
7 United States Agency for International Develop-
8 ment, and the Secretary of Homeland Security, the
9 Ambassador-at-Large shall represent the United
10 States in matters relevant to international child wel-
11 fare, family preservation and reunification, and pro-
12 vision of permanent, safe parental care through kin-
13 ship, domestic and intercountry adoption in—

14 (A) contacts with foreign governments,
15 nongovernmental organizations, intergovern-
16 mental agencies, and specialized agencies of the
17 United Nations and other international organi-
18 zations of which the United States is a member;

19 (B) multilateral conferences and meetings
20 relevant to family preservation, reunification,
21 and creating appropriate, protective, and per-
22 manent care for unparented children; and

23 (C) fulfillment of the diplomatic respon-
24 sibilities designated to the central authority
25 under title I of the Intercountry Adoption Act

1 of 2000 (42 U.S.C. 14911 et seq.), as amended
2 by this Act.

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

5 (A) IN GENERAL.—The Ambassador-at-
6 Large shall—

7 (i) develop and advocate for policies
8 and practices to ensure that children in
9 foreign countries who are living without
10 families find appropriate, protective, and
11 permanent family care which is in the best
12 interest of each child;

13 (ii) give consideration to family pres-
14 ervation and reunification, kinship care,
15 guardianship, and domestic and inter-
16 country adoption; and

17 (iii) seek to develop and implement
18 policies that lead to the use of all options
19 for providing appropriate, protective, and
20 permanent family care to children living
21 without families as quickly as possible.

22 (B) BEST INTEREST DETERMINATION.—In
23 carrying out subparagraph (A), the Amba-
24 sador-at-Large shall give preference to options
25 that optimize the best interests of children, in-

1 including options which provide children with
2 fully protected legal status as children and par-
3 ents with full legal status as parents, including
4 full parental rights and responsibilities.

5 (C) SUBSIDIARITY.—

6 (i) IN GENERAL.—All options for pro-
7 viding appropriate, protective, and perma-
8 nent family care to children living without
9 families must be considered concurrently
10 and permanent solutions must be put in
11 place as quickly as possible. Solutions in-
12 clude family preservation and reunification,
13 kinship care, guardianship, domestic and
14 intercountry adoption, and other culturally
15 acceptable forms of care that will result in
16 appropriate, protective, and permanent
17 family care. Preference should be given to
18 options that optimize the child's best inter-
19 ests, which generally means options which
20 provide children with fully protected legal
21 status and parents with full legal status as
22 parents, including full parental rights and
23 responsibilities. The principle of
24 subsidiarity, which gives preference to in-
25 country solutions, should be implemented

1 within the context of a concurrent planning
2 strategy, exploring in- and out-of-country
3 options simultaneously. If an in-country
4 placement serving the child's best interest
5 and providing appropriate, protective, and
6 permanent care is not quickly available,
7 and such an international home is avail-
8 able, the child should be placed in that
9 international home without delay.

10 (ii) INTERIM PLACEMENTS.—Nothing
11 in this subsection may be construed to pre-
12 clude interim placements, including in kin-
13 ship care, foster care, and small group
14 homes, to temporarily improve children's
15 living conditions in individual cir-
16 cumstances in which—

17 (I) a permanent solution is not
18 immediately available if ongoing ef-
19 forts are made to move the child from
20 interim to permanent placement as
21 soon as possible; and

22 (II) the child's best interests will
23 be served.

24 (iii) EXCEPTIONS.—Exceptions to the
25 general rule set forth in clauses (i) and (ii)

1 may be made, as needed in individual
2 cases, to serve the child's best interests, in-
3 cluding the following:

4 (I) Permanent guardianship may
5 be preferable to adoption in certain
6 cases where the child has developed a
7 powerful bond to a loving guardian
8 who prefers not to adopt because of
9 the child's ties to birth parents who
10 love the child, but are not in a posi-
11 tion to provide appropriate nurturing.

12 (II) Options generally viewed as
13 interim solutions, such as foster care
14 and small group homes, may be pref-
15 erable to family reunification when
16 the parents are not in a position to
17 provide appropriate nurturing.

18 (III) For children with disabil-
19 ities, solutions to prevent institu-
20 tionalization and to assist with re-
21 integration into the community from
22 institutions, include payment and sup-
23 port to families, substitute families,
24 small group homes, or kinship care.

1 (D) BEST PRACTICES.—In developing poli-
2 cies and programs under this Act, the Amba-
3 sador-at-Large shall identify and utilize evi-
4 dence-based programs and best practices in
5 family preservation and reunification and provi-
6 sion of permanent parental care through guard-
7 ianship, kinship care, and domestic and inter-
8 country adoption as derived from a wide variety
9 of domestic, foreign, and global policies and
10 practices.

11 (E) TECHNICAL ASSISTANCE.—The Am-
12 bassador-at-Large, in consultation with other
13 appropriate Federal agencies, shall provide
14 technical assistance to governments of foreign
15 countries to help build their child welfare capaci-
16 ties, particularly pertaining to family-based
17 permanence. Such assistance should aim to
18 strengthen family preservation and reunification
19 and the provision of appropriate, protective, and
20 permanent family care through kinship care,
21 guardianship, and domestic and intercountry
22 adoption, including assistance with—

23 (i) the drafting, disseminating, and
24 implementing of legislation;

1 (ii) the development of implementing
2 systems and procedures;

3 (iii) the establishment of public, pri-
4 vate, and faith- and community-based
5 partnerships;

6 (iv) the development of workforce
7 training for governmental and nongovern-
8 mental staff; and

9 (v) infrastructure development and
10 data collection techniques necessary to
11 identify and document the number and
12 needs of children living without appro-
13 priate, protective, and permanent family
14 care.

15 (4) RESPONSIBILITIES WITH RESPECT TO
16 INTERCOUNTRY ADOPTION.—

17 (A) IN GENERAL.—The VCFS, in coordi-
18 nation with other offices of the Department of
19 State and U.S. Citizenship and Immigration
20 Services, shall have lead responsibility for rep-
21 resenting the United States Government in dis-
22 cussions, negotiations, and diplomatic contacts
23 pertaining to intercountry adoptions.

24 (B) CENTRAL AUTHORITY RESPONSIBILITY
25 UNDER THE INTERCOUNTRY ADOPTION ACT OF

1 2000.—Section 101(b)(2) of the Intercountry
2 Adoption Act of 2000 (42 U.S.C. 14911(b)(2))
3 is amended by striking “Office of Children’s
4 Issues” and inserting “Office of Vulnerable
5 Children and Family Security”.

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

19 (D) NEGOTIATION OF BILATERAL AGREE-
20 MENTS.—The VCFS, in consultation with the
21 Secretary of Homeland Security, shall have lead
22 responsibility for the negotiation of bilateral
23 agreements with other countries pertaining to
24 intercountry adoption and in conformity with
25 the provisions of the Hague Adoption Conven-

1 tion when the other country is a Convention
2 partner.

3 (5) POLICY COORDINATION.—The Ambassador-
4 at-Large shall coordinate with the Secretary of
5 Homeland Security and the Administrator of the
6 United States Agency for International Development
7 to maintain consistency in United States foreign and
8 domestic policy and operations with respect to chil-
9 dren living outside family care in foreign countries,
10 particularly those living without families.

11 (6) INFORMATION COORDINATION.—The Am-
12 bassador-at-Large shall transmit—

13 (A) any intercountry adoption related case
14 information received from the Central Authority
15 of another Convention country to the Secretary
16 of Homeland Security; and

17 (B) any intercountry adoption related case
18 information that the Secretary of Homeland Se-
19 curity requests to the Central Authority of an-
20 other Convention country.

21 **SEC. 102. RESPONSIBILITIES OF U.S. CITIZENSHIP AND IM-**
22 **MIGRATION SERVICES FOR ACCREDITATION**
23 **OF ADOPTION SERVICE PROVIDERS.**

24 (a) GENERAL RESPONSIBILITIES UNDER THE
25 INTERCOUNTRY ADOPTION ACT OF 2000.—

1 (1) IN GENERAL.—The Intercountry Adoption
2 Act of 2000 (Public Law 106–279; 114 Stat. 825)
3 is amended by inserting after section 103 (42 U.S.C.
4 14913) the following:

5 **“SEC. 103A. RESPONSIBILITIES OF THE DEPARTMENT OF**
6 **HOMELAND SECURITY.**

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

16 “(b) INVESTIGATIONS.—The Secretary of Homeland
17 Security shall be responsible for managing and overseeing
18 investigations related to the operation and services of
19 adoption service providers, whether directly or indirectly.

20 “(c) LIAISON WITH FOREIGN GOVERNMENTS ON
21 POST-PLACEMENT REPORTS AND CERTAIN ADOPTION
22 CASES.—The Secretary of Homeland Security shall serve
23 as the liaison with foreign governments with respect to
24 queries about required post-placement reports and about
25 specific intercountry adoption cases once the adopted chil-

1 dren are living in the United States, including queries
2 about the status of adopted children who are living in the
3 United States in cases involving allegations of abuse, ne-
4 glect, abandonment, or death.”.

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

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

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

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

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

16 (C) by striking subsection (c);

17 (D) by redesignating subsections (d) and
18 (f) as subsections (e) and (d), respectively; and

19 (E) by striking subsection (e).

20 (b) ACCREDITATION RESPONSIBILITIES UNDER THE
21 INTERCOUNTRY ADOPTION ACT OF 2000.—

22 (1) DESIGNATION OF ACCREDITING AGEN-
23 CIES.—Section 202 of the Intercountry Adoption Act
24 of 2000 (42 U.S.C. 14922) is amended by inserting

1 “of Homeland Security” after “Secretary” each
2 place it appears.

3 (2) STANDARDS AND PROCEDURES FOR PRO-
4 VIDING ACCREDITATION OR APPROVAL.—Section 203
5 of the Intercountry Adoption Act of 2000 (42 U.S.C.
6 14923) is amended by inserting “of Homeland Secu-
7 rity” after “Secretary” each place it appears in sub-
8 sections (a) and (b).

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

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

14 (B) in subsection (c)—

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

17 “(4) AUTHORITY OF THE SECRETARY OF
18 HOMELAND SECURITY.—”; and

19 (ii) in paragraph (2), by striking
20 “Secretary’s debarment order” and insert-
21 ing “debarment order of the Secretary of
22 Homeland Security”.

23 (4) ADMINISTRATIVE PROVISIONS.—

24 (A) ACCESS TO CONVENTION RECORDS.—

25 Section 401(b) of the Intercountry Adoption

1 Act of 2000 (42 U.S.C. 14941(b)) is amend-
2 ed—

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

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

9 (B) ASSESSMENT OF FEES.—Section
10 403(b) of the Intercountry Adoption Act of
11 2000 (42 U.S.C. 14943(b)) is amended—

12 (i) in paragraph (1)—

13 (I) by inserting “or the Director
14 of U.S. Citizenship and Immigration
15 Services” after “Secretary”; and

16 (II) by inserting “or U.S. Citi-
17 zenship and Immigration Services, re-
18 spectively,” after “Department of
19 State”; and

20 (ii) in paragraph (2), by inserting “or
21 U.S. Citizenship and Immigration Services
22 appropriation, as the case may be,” after
23 “Department of State appropriation”.

24 (c) INTERCOUNTRY ADOPTION FUNCTIONS OF U.S.
25 CITIZENSHIP AND IMMIGRATION SERVICES.—

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

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

7 (B) ASSOCIATE DIRECTOR.—The term
8 “Associate Director” means the Associate Di-
9 rector of the Directorate.

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

14 (2) INTERCOUNTRY ADOPTION FUNCTIONS.—
15 The Associate Director shall carry out—

16 (A) the functions described in section
17 103A(a) of the Intercountry Adoption Act of
18 2000, relating to accreditation of agencies and
19 approval of persons to provide adoption serv-
20 ices;

21 (B) the functions described in section
22 103A(b) of such Act, relating to management
23 and oversight of investigations related to the
24 operation of such providers; and

1 (C) the functions described in section
2 103A(e) of such Act, relating to liaison respon-
3 sibilities regarding post-placement reports and
4 certain adoption cases.

5 (3) INFORMATIONAL RESPONSIBILITIES.—

6 (A) DATABASE ON ADOPTION SERVICE
7 PROVIDERS.—

8 (i) IN GENERAL.—The Associate Di-
9 rector shall establish and operate, in con-
10 junction with the Secretary of State, a
11 publicly accessible database of adoption
12 service providers.

13 (ii) AGREEMENT.—The Associate Di-
14 rector, the Director, and the Secretary of
15 State shall enter into an agreement under
16 which the Director and the Secretary shall
17 provide, for the database, data on inter-
18 country adoption cases relating to adoption
19 service providers.

20 (iii) CONTENTS.—The database shall
21 include, with respect to each accredited
22 agency and approved person, who is an
23 adoption service provider individually, and
24 to the aggregate of all adoption service
25 providers—

1 (I) information identifying such a
2 provider;

3 (II) information on the accredita-
4 tion status of an agency, or the ap-
5 proval status of a person, as an adop-
6 tion service provider;

7 (III) information on the number
8 of applications or petitions filed re-
9 specting adoption and the numbers of
10 approvals and denials of the applica-
11 tions or petitions;

12 (IV) the number of substantiated
13 grievances filed with respect to an
14 adoption service provider; and

15 (V) a description of any sanc-
16 tions an adoption service provider, or
17 corrective actions that the provider is
18 required to take to maintain accredi-
19 tation or approval described in sub-
20 clause (II).

21 (B) DATABASE ON INTERNATIONALLY
22 ADOPTED CHILDREN.—

23 (i) IN GENERAL.—The Associate Di-
24 rector, in conjunction with the Secretary of
25 State, shall establish and operate a data-

1 base containing data respecting children
2 involved in intercountry adoption cases
3 who have immigrated to the United States.

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

17 (I) information identifying a
18 child and the adoptive or prospective
19 adoptive parents, including—

20 (aa) the full name of the
21 child in the country of origin and
22 the full name of the child after
23 the adoption is finalized;

1 (bb) the gender, date of
2 birth, nationality, and citizenship
3 of the child;

4 (cc) the physical address of
5 the child at the time of the adop-
6 tion;

7 (dd) the type of visa issued
8 to the child; and

9 (ee) the date on which the
10 child entered the United States;

11 (II) information on the particular
12 adoption service provider, if any, pro-
13 viding services in the particular case;
14 and

15 (III) information on immigration
16 or citizenship status of the child.

17 (iii) INTERAGENCY AGREEMENT.—

18 The Associate Director, the Director, and
19 the Secretary of State shall enter into an
20 agreement under which the Secretary of
21 State shall provide, for the database, data
22 on intercountry adoption cases concerning
23 the adopted children, and the adoption
24 service providers.

1 **SEC. 103. TRANSFER OF FUNCTIONS AND SAVINGS PROVI-**
2 **SIONS.**

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

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

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

11 (3) the term “office” includes any office, ad-
12 ministration, agency, institute, unit, organizational
13 entity, or component thereof.

14 (b) TRANSFER OF FUNCTIONS.—There are trans-
15 ferred to the Directorate, all functions described in section
16 103A(a) of the Intercountry Adoption Act of 2000, as
17 added by section 102(a) of this Act, which were exercised
18 by the Secretary of State before the date of the enactment
19 of this Act (including all related functions of any officer
20 or employee of the Department of State), including func-
21 tions relating to—

22 (1) the accreditation of agencies and approval
23 of persons to provide adoption services;

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

1 (3) liaison responsibilities with respect to re-
2 quired post-placement reports.

3 (c) DETERMINATIONS OF CERTAIN FUNCTIONS BY
4 THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-
5 essary, the Director of the Office of Management and
6 Budget shall make any determination with respect to the
7 transfer of functions under subsection (b).

8 (d) PERSONNEL PROVISIONS.—

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

19 (2) EXPERTS AND CONSULTANTS.—The Asso-
20 ciate Director may obtain the services of experts and
21 consultants in accordance with section 3109 of title
22 5, United States Code, and compensate such experts
23 and consultants for each day (including travel time)
24 at rates not in excess of the rate of pay for level IV
25 of the Executive Schedule under section 5315 of

1 such title. The Associate Director may pay experts
2 and consultants who are serving away from their
3 homes or regular place of business travel expenses
4 and per diem in lieu of subsistence at rates author-
5 ized by sections 5702 and 5703 of such title for per-
6 sons in Government service employed intermittently.

7 (e) DELEGATION AND ASSIGNMENT.—Except where
8 otherwise expressly prohibited by law or otherwise pro-
9 vided under this section—

10 (1) the Associate Director may—

11 (A) delegate any of the functions trans-
12 ferred to the Associate Director under this sec-
13 tion and any function transferred or granted to
14 the Associate Director after the date of the en-
15 actment of this Act to such officers and employ-
16 ees of the Directorate as the Associate Director
17 may designate; and

18 (B) authorize successive redelegations of
19 such functions as may be necessary or appro-
20 priate; and

21 (2) no delegation of functions by the Associate
22 Director under this subsection or under any other
23 provision of this section shall relieve such Associate
24 Director of responsibility for the administration of
25 such functions.

1 (f) REORGANIZATION.—The Associate Director is au-
2 thorized—

3 (1) to allocate or reallocate any function trans-
4 ferred under subsection (b) among the officers of the
5 Directorate; and

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

9 (g) RULES.—The Associate Director is authorized to
10 prescribe, in accordance with the provisions of chapters
11 5 and 6 of title 5, United States Code, such rules and
12 regulations as the Associate Director determines necessary
13 or appropriate to administer and manage the functions of
14 the Directorate.

15 (h) TRANSFER AND ALLOCATIONS OF APPROPRIA-
16 TIONS AND PERSONNEL.—Except as otherwise provided
17 under this section and subject to section 1531 of title 31,
18 United States Code, the personnel employed in connection
19 with, and the assets, liabilities, contracts, property,
20 records, and unexpended balances of appropriations, au-
21 thorizations, allocations, and other funds employed, used,
22 held, arising from, available to, or to be made available
23 in connection with the functions transferred under sub-
24 section (b), shall be transferred to the Directorate. Unex-
25 pended funds transferred pursuant to this subsection may

1 only be used for the purposes for which the funds were
2 originally authorized and appropriated.

3 (i) INCIDENTAL TRANSFERS.—The Director of the
4 Office of Management and Budget—

5 (1) may, at such time or times as the Director
6 may prescribe—

7 (A) make such determinations as may be
8 necessary with regard to the functions trans-
9 ferred under subsection (b); and

10 (B) make such additional incidental dis-
11 positions of personnel, assets, liabilities, grants,
12 contracts, property, records, and unexpended
13 balances of appropriations, authorizations, allo-
14 cations, and other funds held, used, arising
15 from, available to, or to be made available in
16 connection with such functions, as may be nec-
17 essary to carry out the provisions of this sec-
18 tion; and

19 (2) shall provide for—

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

22 (B) such further measures and dispositions
23 as may be necessary to carry out the purposes
24 of this section.

25 (j) EFFECT ON PERSONNEL.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided under this section, the transfer under this sec-
3 tion of full-time personnel (except special Govern-
4 ment employees) and part-time personnel holding
5 permanent positions shall not cause any such em-
6 ployee to be separated or reduced in grade or com-
7 pensation during the 1-year period beginning on the
8 date of such transfer.

9 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
10 as otherwise provided under this section, any person
11 who, on the day preceding the date of the enactment
12 of this Act, held a position compensated in accord-
13 ance with the Executive Schedule prescribed in chap-
14 ter 53 of title 5, United States Code, and who, with-
15 out a break in service, is appointed in the Direc-
16 torate to a position having duties comparable to the
17 duties performed immediately preceding such ap-
18 pointment shall continue to be compensated in such
19 new position at not less than the rate provided for
20 such previous position, for the duration of the serv-
21 ice of such person in such new position.

22 (3) TERMINATION OF CERTAIN POSITIONS.—All
23 positions whose functions are transferred under sub-
24 section (b) and whose incumbents have been ap-
25 pointed by the President, by and with the advice and

1 consent of the Senate, shall terminate on the date of
2 the enactment of this Act.

3 (k) SAVINGS PROVISIONS.—

4 (1) CONTINUING EFFECT OF LEGAL DOCU-
5 MENTS.—All orders, determinations, rules, regula-
6 tions, permits, agreements, grants, contracts, certifi-
7 cates, licenses, registrations, privileges, and other
8 administrative actions which—

9 (A) have been issued, made, granted, or al-
10 lowed to become effective by the President, any
11 Federal agency or official thereof, or by a court
12 of competent jurisdiction, in the performance of
13 functions which are transferred under this sec-
14 tion; and

15 (B) are in effect on the date of the enact-
16 ment of this Act, or were final before such date
17 of enactment and are to become effective on or
18 after the date of the enactment of this Act,

19 shall continue in effect according to their terms until
20 modified, terminated, superseded, set aside, or re-
21 voked in accordance with law by the President, the
22 Associate Director or other authorized official, a
23 court of competent jurisdiction, or by operation of
24 law.

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

22 (3) SUITS NOT AFFECTED.—Nothing in this
23 section may be construed to affect suits commenced
24 before the date of the enactment of this Act. In all
25 such suits, proceedings shall be had, appeals taken,

1 and judgments rendered in the same manner and
2 with the same effect as if this section had not been
3 enacted.

4 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
5 tion, or other proceeding commenced by or against
6 the Department of State, or by or against any indi-
7 vidual in the official capacity of such individual as
8 an officer of the Department of State, shall abate by
9 reason of the enactment of this section.

10 (5) ADMINISTRATIVE ACTIONS RELATING TO
11 PROMULGATION OF REGULATIONS.—Any administra-
12 tive action relating to the preparation or promulga-
13 tion of a regulation by the Department of State re-
14 lating to a function transferred under subsection (b)
15 may be continued by the Directorate with the same
16 effect as if this section had not been enacted.

17 (l) SEPARABILITY.—If a provision of this section or
18 its application to any person or circumstance is held in-
19 valid, neither the remainder of this section nor the applica-
20 tion of the provision to other persons or circumstances
21 shall be affected.

22 (m) TRANSITION.—The Associate Director is author-
23 ized to utilize—

24 (1) the services of such officers, employees, and
25 other personnel of the Department of State with re-

1 spect to functions transferred to the Directorate by
2 this section; and

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

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

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

12 (2) the Department of State with regard to
13 functions transferred under subsection (b), shall be
14 deemed to refer to the Directorate.

15 (o) ADDITIONAL CONFORMING AMENDMENTS.—

16 (1) RECOMMENDED LEGISLATION.—After con-
17 sultation with the appropriate committees of Con-
18 gress and the Director of the Office of Management
19 and Budget, the Associate Director shall prepare
20 and submit to Congress recommended legislation
21 containing technical and conforming amendments to
22 reflect the changes made by this section.

23 (2) SUBMISSION TO CONGRESS.—Not later than
24 180 days after the date of the enactment of this Act,
25 the Associate Director shall submit the rec-

1 recommended legislation referred to under paragraph
2 (1) to Congress.

3 **SEC. 104. RESPONSIBILITIES OF U.S. CITIZENSHIP AND IM-**
4 **MIGRATION SERVICES FOR ADOPTION-RE-**
5 **LATED CASE PROCESSING.**

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

9 (1) shall be responsible for processing and case-
10 specific decisionmaking on all intercountry adoption
11 cases (up to the point of application for an immi-
12 grant visa on behalf of the adopted child), including
13 cases being processed pursuant to the Intercountry
14 Adoption Act of 2000 (42 U.S.C. 14901 et seq.) and
15 section 2 of the Intercountry Adoption Universal Ac-
16 creditation Act of 2012 (42 U.S.C. 14925);

17 (2) shall ensure that all intercountry adoption
18 suitability and eligibility determinations of prospec-
19 tive adoptive parents required under subparagraph
20 (F) or (G) of section 101(b)(1) of the Immigration
21 and Nationality Act (8 U.S.C. 1101(b)(1)) are made
22 in accordance with standard criteria that comply
23 with the Hague Adoption Convention so that any
24 such determination justifies a Convention adoption
25 or a non-Convention adoption;

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

5 (A) the filing of a petition and the review
6 of a child’s eligibility to immigrate to the
7 United States before the adoption or grant of
8 legal custody (for purposes of emigration and
9 adoption in the United States) of that child is
10 completed in the country of origin; and

11 (B) the completion of all necessary and rel-
12 evant investigations associated with the petition
13 before the country of origin finalizes the adop-
14 tion or grants legal custody for purposes of
15 emigration and adoption in the United States;

16 (4) except as provided in paragraph (5), shall
17 be responsible for all case processing steps in Con-
18 vention and non-Convention adoption petitions on
19 behalf of children whom United States parents pro-
20 pose to immigrate to the United States (except for
21 the processing of immigrant visas), including proc-
22 essing of all necessary Hague Adoption Convention
23 certifications and the final adjudication of the immi-
24 gration petitions; and

1 (5) may delegate the responsibility for com-
2 pleting certain elements of case adjudication to the
3 Secretary of State if the Department of Homeland
4 Security—

5 (A) cannot adequately complete such ele-
6 ments due to the need for physical presence in
7 the country of origin or other processing-related
8 circumstances; and

9 (B) defines and monitors the parameters
10 for the elements delegated to the Secretary of
11 State and retains final decisionmaking author-
12 ity.

13 (b) FOREIGN ADOPTION DECREES.—

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

20 (A) an adoption decree issued by a com-
21 petent authority (as such term is used in the
22 Hague Adoption Convention) of the child’s
23 country of origin and evidence that the adoption
24 was granted in compliance with the Hague
25 Adoption Convention; or

1 (B) a custody or guardianship decree
2 issued by the competent authority of the child's
3 country of origin to the adoptive parents, and
4 a final adoption decree, verifying that the adop-
5 tion of the child was later finalized outside the
6 United States by the adoptive parents, in addi-
7 tion to evidence that the custody or guardian-
8 ship was granted in compliance with the Hague
9 Adoption Convention.

10 (2) SUBSTANTIAL COMPLIANCE WITH HAGUE
11 ADOPTION CONVENTION.—Paragraph (1) shall not
12 apply unless—

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

16 (i) that country's adoption procedures
17 complied with the requirements of the
18 Hague Adoption Convention (as deter-
19 mined by the United States central author-
20 ity); and

21 (ii) the competent authority of the
22 country of origin certified that the adop-
23 tion is consistent with Article 23 of the
24 Hague Adoption Convention; and

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

4 (3) NON-CONVENTION COUNTRIES.—The Sec-
5 retary of Homeland Security may accept the filing of
6 petitions on behalf of children living in non-Conven-
7 tion countries in the absence of a final adoption de-
8 cree.

9 (c) COOPERATION WITH FOREIGN GOVERNMENTS.—
10 The Secretary of Homeland Security may interact directly
11 with the central authority of a Convention country or a
12 competent authority of a non-Convention country, as ap-
13 propriate—

14 (1) to facilitate the processing of intercountry
15 adoption cases, including making habitual residence
16 determinations relevant to children and prospective
17 adoptive parents in adoption proceedings; and

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

21 (d) AMENDMENTS TO THE INTERCOUNTRY ADOP-
22 TION ACT OF 2000.—

23 (1) TRANSFER OF RESPONSIBILITIES TO THE
24 SECRETARY OF HOMELAND SECURITY.—The Inter-

1 country Adoption Act of 2000 (42 U.S.C. 14901 et
2 seq.) is amended—

3 (A) by striking “Attorney General” each
4 place it appears and inserting “Secretary of
5 Homeland Security”; and

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

9 (2) HAGUE CONVENTION CERTIFICATES.—Sec-
10 tion 301 of such Act (42 U.S.C. 14931) is amend-
11 ed—

12 (A) in subsection (a)—

13 (i) in the subsection heading, by strik-
14 ing “SECRETARY OF STATE” and inserting
15 “SECRETARY OF HOMELAND SECURITY”;
16 and

17 (ii) in the heading to paragraph (1),
18 by striking “SECRETARY OF STATE” and
19 inserting “SECRETARY OF HOMELAND SE-
20 CURITY”; and

21 (B) by striking “Secretary of State” each
22 place it appears and inserting “Secretary of
23 Homeland Security”.

1 (3) CLERICAL AMENDMENT.—The table of con-
2 tents of such Act is amended by striking the item
3 relating to section 103 and inserting the following:

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

4 (e) DEFINITION OF CHILD.—Section 101(b)(1) of the
5 Immigration and Nationality Act (8 U.S.C. 1101(b)(1))
6 is amended—

7 (1) in subparagraph (E)—

8 (A) in clause (i), by striking “(i) a child
9 adopted while under the age of sixteen years”
10 and inserting “a child adopted while younger
11 than 18 years of age”; and

12 (B) by striking clause (ii);

13 (2) by amending subparagraph (F) to read as
14 follows:

15 “(F)(i) a child, younger than 18 years of
16 age at the time a petition is filed on the child’s
17 behalf to accord a classification as an imme-
18 diate relative under section 201(b), and who
19 has been adopted in a foreign state that is not
20 a party to the Convention on Protection of Chil-
21 dren and Co-operation in Respect of Inter-
22 country Adoption, done at The Hague May 29,
23 1993, or who is emigrating from such a foreign
24 state to be adopted in the United States by a
25 United States citizen and spouse jointly, or by

1 an unmarried United States citizen who is at
2 least 25 years of age, if—

3 “(I) the Secretary of Homeland Secu-
4 rity is satisfied that proper care will be
5 furnished the child if admitted to the
6 United States;

7 “(II) the child’s natural parents (or
8 parent, in the case of a child who has 1
9 sole or surviving parent), or other persons
10 or institutions that retain legal custody of
11 the child, have freely given their written ir-
12 revocable consent to the termination of
13 their legal relationship with the child, and
14 to the child’s emigration and adoption;

15 “(III) the child has a living parent or
16 parents who has or have relinquished, or
17 will relinquish, the child voluntarily for the
18 purposes of intercountry adoption, and the
19 parent or parents are incapable of pro-
20 viding proper care for the child;

21 “(IV) the Secretary of Homeland Se-
22 curity, after considering whether there is a
23 petition pending to confer immigrant sta-
24 tus on 1 or both natural parents, is satis-
25 fied that the purpose of the adoption is to

1 form a bona fide parent-child relationship,
2 and the parent-child relationship of the
3 child and the natural parents has been ter-
4 minated; and

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

7 “(aa) the competent authority of
8 the foreign state has approved the
9 child’s emigration to the United
10 States for the purpose of adoption by
11 the prospective adoptive parent or
12 parents; and

13 “(bb) the prospective adoptive
14 parent or parents has or have com-
15 plied with any preadoption require-
16 ments of the child’s proposed resi-
17 dence; and

18 “(ii) except that no natural parent or prior
19 adoptive parent of any such child shall there-
20 after, by virtue of such parentage, be accorded
21 any right, privilege, or status under this chap-
22 ter;”; and

23 (3) in subparagraph (G)—

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

1 (B) in clause (i)—

2 (i) in subclause (II), by striking “be-
3 cause of the death or disappearance of,
4 abandonment or desertion by, the other
5 parent”; and

6 (ii) in subclause (III), by striking
7 “two living natural parents, the natural
8 parents are” and inserting “a living parent
9 or parents, who have relinquished or will
10 relinquish the child voluntarily for the pur-
11 poses of intercountry adoption, the parent
12 or parents are”;

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

15 (D) by striking clause (iii).

16 (f) RELATIVE ADOPTIONS; WAIVER AUTHORITY.—
17 Section 502 of the Intercountry Adoption Act (42 U.S.C.
18 14952) is amended to read as follows:

19 “(a) AUTHORITY TO ESTABLISH ALTERNATIVE PRO-
20 CEDURES FOR ADOPTION OF CHILDREN BY RELATIVES.—
21 Not later than 2 years after the date of the enactment
22 of the Children in Families First Act of 2014, the Sec-
23 retary of Homeland Security shall establish, by regulation,
24 alternative procedures for completing the intercountry

1 adoption of children by United States citizens who are re-
2 lated to such children by blood, marriage, or adoption.

3 “(b) WAIVER AUTHORITY.—The Secretary of Home-
4 land Security, acting through the Director of U.S. Citizen-
5 ship and Immigration Services, may waive, on a case-by-
6 case basis, applicable requirements for meeting the defini-
7 tion of a child under subparagraph (E), (F), or (G) of
8 section 101(b)(1) of the Immigration and Nationality Act
9 (8 U.S.C. 1101(b)(1)), or regulations issued with respect
10 to such definitions, in the interests of justice or to prevent
11 or respond to the threat of grave physical or emotional
12 harm to the child if the petitioner establishes that—

13 “(1) the child substantially complies with the
14 requirements under 1 of such subparagraphs; and

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

17 (g) DETERMINATION OF APPLICABILITY OF THE
18 HAGUE ADOPTION CONVENTION IN CERTAIN CASES.—

19 The Secretary of Homeland Security, acting through the
20 Director of U.S. Citizenship and Immigration Services,
21 may determine, on a case-by-case basis, that a specific
22 intercountry adoption case may proceed as a non-Conven-
23 tion adoption if—

24 (1) the child’s country of origin or habitual res-
25 idence is a Convention country;

1 (2) the central authority of the child's country
2 of origin or habitual residence has issued, or will
3 issue, an adoption decree which that country con-
4 siders to be legal and valid under that country's laws
5 to the United States adoptive or prospective adoptive
6 parents; and

7 (3) the central authority of the child's country
8 of origin or habitual residence has informed the Sec-
9 retary or the Director that it does not consider the
10 specific case to fall within the scope of the Hague
11 Adoption Convention.

12 (h) SPECIAL USE OF PAROLE AUTHORITY.—

13 (1) IN GENERAL.—The Secretary of Homeland
14 Security, acting through the Director of U.S. Citi-
15 zenship and Immigration Services, may grant parole
16 to a child if the Secretary or the Director determines
17 that—

18 (A) the child's circumstances indicate that
19 immediate unification with the parties seeking
20 parole is in the child's best interests;

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

24 (C) the party or parties seeking parole on
25 behalf of the child—

- 1 (i) have a pre-existing legal relation-
2 ship with the child, as evidenced by an
3 adoption decree or a custody order; or
- 4 (ii) demonstrate a pre-existing rela-
5 tionship with the child and an intent to es-
6 tablish a legal relationship with the child,
7 which may be evidenced by—
- 8 (I) a familial relationship with
9 the child;
- 10 (II) a close personal relationship
11 with the child, such as—
- 12 (aa) being matched with the
13 child for an international adop-
14 tion by an adoption service pro-
15 vider or the competent authority
16 of the child’s country of origin;
17 or
- 18 (bb) documentation showing
19 that the child’s parents, if de-
20 ceased or otherwise incapacitated
21 and unable to provide proper care
22 for the child, intended for the
23 parties seeking parole to take
24 custody of the child; or

1 (III) the filing of adoption-re-
2 lated applications or petitions related
3 to the adoption of the child; and

4 (D) the child will receive proper care in the
5 United States by the party or parties who seek
6 parole on behalf of the child, based on a review
7 of the suitability of the party or parties, which
8 may include background check or completion of
9 a home study conducted by a competent author-
10 ity.

11 (2) MEETING THE 2-YEAR PERIODS FOR THE
12 PURPOSES OF FILING AN IMMEDIATE RELATIVE PE-
13 TITION ON BEHALF OF AN ADOPTED CHILD.—If a
14 child is granted parole under paragraph (1), is sub-
15 sequently adopted by the parties who sought parole,
16 and such parties seek permanent immigration status
17 for the child under section 101(b)(1)(E) of the Im-
18 migration and Nationality Act (8 U.S.C.
19 1101(b)(1)(E))—

20 (A) the 2-year period for legal custody of
21 the child shall begin to accrue on the effective
22 date of a grant of custody in the child's country
23 of origin or habitual residence or in the United
24 States;

1 (B) the 2-year period for physical custody
 2 of the child shall begin to accrue on the date on
 3 which the party or parties seeking parole for
 4 the child begin joint residence with the child, in
 5 the child's country of origin or habitual resi-
 6 dence or in the United States; and

7 (C) the 2-year periods of joint residence
 8 and legal custody may accrue within or outside
 9 the United States.

10 (i) RULEMAKING.—The Secretary of Homeland Secu-
 11 rity, in consultation with the Secretary of State and the
 12 Director of U.S. Citizenship and Immigration Services,
 13 shall issue regulations to carry out this section and the
 14 amendments made by this section.

15 **TITLE II—ANNUAL REPORTING**

16 **SEC. 201. ANNUAL REPORT ON CHILDREN LIVING WITHOUT** 17 **FAMILIES.**

18 (a) IN GENERAL.—Not later than September 30,
 19 2014, and annually thereafter, the Secretary of State, in
 20 consultation with the Director of the United States Agen-
 21 cy for International Development and the Secretary of
 22 State, shall submit a report to the Committee on Foreign
 23 Relations of the Senate and the Committee on Foreign
 24 Affairs of the House of Representatives that—

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

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

5 (b) CONTENT.—The report required under subsection
6 (a) shall include—

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

9 (A) a description and quantitative analysis
10 of the world’s unparented children by country,
11 identifying the nationality of the children phys-
12 ically present in each country and distin-
13 guishing among children who are citizens of the
14 country, noncitizen children lawfully present in
15 the country, and noncitizen children unlawfully
16 in the country, irrespective of a child’s par-
17 ticular immigration status; and

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

20 (i) information on their nationality,
21 age, gender, and status;

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

1 (iii) whether the unparented children
2 are considered abandoned, separated, relin-
3 quished, or have some other status;

4 (iv) whether they are institutionalized
5 or homeless;

6 (v) information on how they are docu-
7 mented, including through birth registries,
8 orphanage registries, United Nations High
9 Commissioner for Refugees registration, or
10 identity cards; and

11 (vi) an assessment of their living con-
12 ditions based on indicators such as crude
13 mortality rate, malnutrition rate, or other
14 similar indicators;

15 (2) a review of the previous fiscal year's pro-
16 gramming in support of appropriate, protective, and
17 permanent family care solutions, including project
18 descriptions for each project by country, goals of
19 each project, amount awarded for each project, and
20 evaluation of outcomes during the fiscal year;

21 (3) an action plan covering proposed program-
22 ming and activities for the next fiscal year in sup-
23 port of family permanency solutions, including goals
24 for each country in which programming will occur,
25 proposed allocations of resources by country, types

1 of projects proposed by country, amounts of awards
2 proposed for each project, and desired outcomes for
3 each country;

4 (4) a review of trends over the last five years,
5 including changes in the numbers and locations of
6 unparented children and the reasons for the
7 changes, such as new refugee arrivals, growing num-
8 bers of children abandoned at birth, and decreases
9 in number of children in institutions;

10 (5) an overall analysis of highest priority situa-
11 tions of concern for unparented children, including
12 analysis of whether the children are in a location
13 that provides a cooperative environment for assist-
14 ance programming and intercountry adoptions;

15 (6) a description of how intercountry adoption
16 and refugee resettlement for unparented refugee
17 children has played a role in each country over the
18 last 10 years and the current status of such pro-
19 grams, including analysis of the situation with re-
20 spect to the Hague Adoption Convention and how
21 the Convention has affected intercountry adoptions
22 from the country;

23 (7) aggregate reporting on intercountry adop-
24 tions to the United States, distinguishing between

1 Convention adoptions and non-Convention adoptions
2 and including—

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

12 (B) the number of intercountry adoptions
13 involving emigration from the United States, re-
14 gardless of whether the adoption occurred
15 under the Convention and distinguishing be-
16 tween Convention and non-Convention adop-
17 tions, including the country to which each child
18 immigrated and the State from which each
19 child emigrated;

20 (C) the average time required for comple-
21 tion of the immigration portion of intercountry
22 adoptions, distinguishing between Convention
23 and non-Convention adoptions, calculated as the
24 time between filing of the initial immigration-
25 related adoption petition on behalf of a child

1 and the approval of that child's immigrant visa;
2 and

3 (D) the range of adoption fees charged in
4 connection with intercountry adoptions involv-
5 ing immigration to the United States and the
6 median of such fees; and

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

11 (c) CONSULTATIONS.—To the extent possible, des-
12 ignated representatives of the President should meet with
13 members of the Committee on Foreign Relations of the
14 Senate and the Committee on Foreign Affairs of the
15 House of Representatives not later than 2 weeks before
16 the Secretary of State submits the report required under
17 subsection (a) to discuss the information described in sub-
18 section (b). The substance of such consultations should be
19 printed in the Congressional Record.

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

1 **SEC. 202. COUNTRY REPORTS REGARDING SEVERE FORMS**
 2 **OF TRAFFICKING.**

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

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

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

12 **TITLE III—PROMOTION OF A**
 13 **COMPREHENSIVE APPROACH**
 14 **FOR CHILDREN IN ADVER-**
 15 **SITY**

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

18 (a) CENTER FOR EXCELLENCE FOR CHILDREN IN
 19 ADVERSITY.—

20 (1) IN GENERAL.—There is established within
 21 the United States Agency for International Develop-
 22 ment a Center of Excellence on Children in Adver-
 23 sity.

24 (2) COORDINATOR.—The Center for Excellence
 25 shall be headed by the Children in Adversity Coordi-
 26 nator, who shall be appointed by the Administrator

1 of the United States Agency for International Devel-
2 opment.

3 (3) OBJECTIVES.—The Center of Excellence on
4 Children in Adversity shall work in consultation with
5 the Ambassador-at-Large of the Office of Vulnerable
6 Children and Family Security of the Department of
7 State to promote greater United States Government
8 coherence and accountability for whole-of-govern-
9 ment assistance to children in adversity and ensure
10 that United States foreign assistance and develop-
11 ment programs are focused on the following objec-
12 tives:

13 (A) The sound development of children
14 through the integration of health, nutrition, and
15 family support.

16 (B) Supporting and enabling families to
17 care for children through family preservation,
18 reunification, and support of kinship care,
19 guardianship, and domestic and intercountry
20 adoption.

21 (C) Facilitating the efforts of national gov-
22 ernments and partners to prevent, respond to,
23 and protect children from violence, exploitation,
24 abuse, and neglect.

1 (4) AUTHORITIES.—The Children in Adversity
2 Coordinator, acting through nongovernmental orga-
3 nizations (including faith-based and community-
4 based organizations), partner country finance,
5 health, education, social welfare, and other min-
6 istries, and relevant executive branch agencies, is au-
7 thorized to—

8 (A) operate internationally to carry out the
9 programs and activities outlined in the Action
10 Plan for Children in Adversity;

11 (B) provide grants to, and enter into con-
12 tracts and cooperative agreements with, non-
13 governmental organizations (including faith-
14 based organizations) to carry out this section;
15 and

16 (C) transfer and allocate United States
17 Agency for International Development funds
18 that have been appropriated for the purposes
19 described in subparagraphs (A) and (B).

20 (5) FUNCTIONS.—In consultation with the Am-
21 bassador-at-Large of the Office of Vulnerable Chil-
22 dren and Family Security in the Department of
23 State, the Children in Adversity Coordinator shall,
24 through the Center of Excellence—

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

7 (B) ensure that each relevant executive
8 branch agency undertakes responsibility for ac-
9 tivities related primarily to those areas in which
10 the agency has the greatest expertise, technical
11 capability, and potential for success;

12 (C) coordinate relevant executive branch
13 agency activities related to the Action Plan for
14 Children in Adversity;

15 (D) establish due diligence criteria for all
16 recipients of funds appropriated by the United
17 States Government for assistance to children in
18 adversity; and

19 (E) oversee the administration of the pri-
20 ority country demonstration program as de-
21 scribed in subsection (f).

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

1 (A) to increase the percentage of children
2 achieving age-appropriate growth and develop-
3 mental milestones;

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

7 (C) to integrate health, nutrition, develop-
8 mental protections, and caregiving support for
9 vulnerable children and their families;

10 (D) to increase the percentage of children
11 living within appropriate, permanent, safe, and
12 protective family care, through family preserva-
13 tion and reunification, and through kinship
14 care, guardianship, and domestic and inter-
15 country adoption, and to reduce the percentage
16 of children living in institutions;

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

20 (F) to reduce the percentage of children
21 who experience violence, exploitation, abuse,
22 and neglect;

23 (G) to increase the percentage of children
24 who receive appropriate care and protection

1 after experiencing violence, exploitation, abuse,
2 or neglect;

3 (H) to increase public awareness that vio-
4 lence, exploitation, abuse, or neglect of children
5 as unacceptable;

6 (I) to increase the percentage of countries
7 that ratify and implement relevant conventions
8 or formally adopt internationally recognized
9 principles, standards, and procedural safe-
10 guards to protect children from violence, exploi-
11 tation, abuse, and neglect;

12 (J) to increase the percentage of children
13 who have legal documentation and birth reg-
14 istration;

15 (K) to increase the number of laws, poli-
16 cies, and practices in partner states that pro-
17 mote and strengthen child welfare and protec-
18 tion at household, community, and national lev-
19 els is increased;

20 (L) to increase national and local human
21 resource capacity for child welfare and protec-
22 tion;

23 (M) to increase the number of national and
24 community systems effectively monitoring child

1 welfare and protection concerns, programs, and
2 outcomes;

3 (N) to encourage and assist in the collec-
4 tion of data related to children outside of family
5 care;

6 (O) to increase the number of prevalence
7 studies that measure and track trends in chil-
8 dren's exposure to violence, exploitation, abuse,
9 and neglect;

10 (P) to increase the number of published
11 outcome/impact evaluations on interventions to
12 assist children outside of family care or mini-
13 mize exposure to violence, exploitation, abuse,
14 and neglect that can be generalized to larger
15 target groups;

16 (Q) to increase the number of national
17 governments and universities leading rigorous
18 data collection, research, and monitoring and
19 evaluation studies related to child welfare and
20 protection; and

21 (R) to increase the number of United
22 States Government-supported interventions for
23 children in adversity designed using data from
24 rigorous research methodologies.

25 (b) MONITORING AND EVALUATION.—

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

9 (2) REQUIREMENTS.—The monitoring and eval-
10 uation system shall—

11 (A) be aligned with the objectives and out-
12 comes outlined by the Action Plan for Children
13 in Adversity; and

14 (B) provide a basis for recommendations
15 for adjustments to the assistance provided
16 under this part.

17 (c) PRIORITY COUNTRY DEMONSTRATION PRO-
18 GRAM.—

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

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

3 (A) to demonstrate how research-based
4 policies and programs to achieve the core objec-
5 tives of the Action Plan for Children in Adver-
6 sity can be successfully implemented on a na-
7 tional level;

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

11 (C) to identify a comprehensive series of
12 interventions which result in meeting the out-
13 comes and objectives of the Action Plan for
14 Children in Adversity; and

15 (D) to determine which in-country factors
16 advance or negate the successful achievement of
17 the outcomes and objectives of the action plan.

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

21 (A) magnitude and severity of the prob-
22 lems to be addressed;

23 (B) partner country interest in participa-
24 tion in a comprehensive implementation of all 3
25 goals of the Action Plan for Children in Adver-

1 sity, including, with respect to the second objec-
2 tive (Families First), expressed willingness to
3 support the full complement of permanence so-
4 lutions (including family preservation, reunifica-
5 tion, kinship care, guardianship, and domestic
6 and intercountry adoption), and commitments
7 to support and allow monitoring and evaluation,
8 as well as transparent reporting;

9 (C) potential to leverage bilateral, multilat-
10 eral, and foundation investments;

11 (D) potential to leverage other United
12 States development investments;

13 (E) regional diversity to maximize learning
14 opportunities; and

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

17 (d) REPEALS.—

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

22 (2) ANNUAL REPORT.—Section 5 of the Assist-
23 ance for Orphans and Other Vulnerable Children in
24 Developing Countries Act of 2005 (22 U.S.C.
25 2152g) is hereby repealed.

1 **TITLE IV—FUNDING AND**
2 **EFFECTIVE DATES**

3 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) **PROHIBITION ON NEW APPROPRIATIONS.—**

5 (1) **IN GENERAL.—**Nothing in this Act may be
6 construed as authorizing additional funds to be ap-
7 propriated to carry out this Act or the amendments
8 made by this Act.

9 (2) **USE OF EXISTING FUNDS.—**This Act, and
10 the amendments made by this Act, shall be carried
11 out using amounts otherwise available for such pur-
12 poses, including unobligated balances of funds made
13 available to carry out activities under the Foreign
14 Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

15 (b) **LIMITATIONS ON USE OF FUNDS.—**

16 (1) **UNITED NATIONS.—**No funds obligated in
17 accordance with this Act may be awarded to the
18 United Nations or any of its subsidiaries.

19 (2) **SEGREGATED SERVICES.—**No funds obli-
20 gated in accordance with this Act may be awarded
21 for building, renovating, or refurbishing residential
22 facilities that segregate children with disabilities
23 from society. The limitation under this paragraph
24 does not prohibit funding for small, community-
25 based group homes that house up to 6 children.

1 (3) ADMINISTRATIVE EXPENSES.—Not more
2 than 2 percent of the amounts described in sub-
3 section (a)(2) may be used for administrative ex-
4 penses.

5 (c) FOCUS OF ASSISTANCE.—Assistance provided
6 under this Act—

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

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

12 **SEC. 402. EFFECTIVE DATES.**

13 (a) EFFECTIVE UPON ENACTMENT.—Sections 104
14 and 202 and titles III and IV shall take effect on the date
15 of the enactment of this Act.

16 (b) DELAYED EFFECTIVE DATE.—Sections 101,
17 102, 103, and 201 shall take effect on the date that is
18 1 year after the date of the enactment of this Act.

○