

June 1, 2010

Dear Representative,

We, the undersigned organizations, are writing to express our opposition to the Families for Orphans Act, H.R. 3070, and to support the concerns expressed by Secretary of State Hillary Clinton and officials from the Department of State and the U.S. Agency for International Development regarding the unintended consequences this legislation will have on developing countries, U.S. programs working with orphans and vulnerable children, and children and their families around the world.

We object to the bill for the specific following reasons:

- 1. Instead of building on the success of offices that are already working for children worldwide, the bill needlessly duplicates the Orphans Assistance Act (Public Law 109-95) in some areas and conflicts with the mandate in others to the detriment of children and their families.** The Families for Orphans Act calls for the establishment of a separate Office of Orphan Policy, Diplomacy and Development within the State Department. Establishing such an office would be entirely duplicative, not to mention harmful to the successful on-going coordination between U.S. government agencies supporting orphans and vulnerable children and adoption.

During a hearing with the Senate Appropriations Subcommittee on the Department of State, Foreign Operation, and Related Programs on February 24, 2010, Secretary Clinton stated, "We have a children's office in the State Department. It would be my preference that we sort of build that up because I want it embedded. I don't want it to be – I don't want this to be an add-on."¹

A more effective route than creating a new office would be to fund the existing P.L. 109-95 Secretariat (Orphans and Vulnerable Children office) which, despite being unfunded, has been doing a heroic job over the past five months of coordinating all U.S. agency efforts on behalf of orphans and vulnerable children, both in Haiti and in countries in which the U.S. operates around the world.

- 2. The bill would impose expensive and impossible-to-achieve requirements on poor countries. This not only burdens already over-burdened countries with red tape, it puts the future of working programs already in place like child survival, maternal health and the President's Emergency Plan for AIDS Relief (PEPFAR) in jeopardy.**

In order to receive foreign aid, the legislation requires all UN member states to submit census data every two years on all children living without parental care – including all children living in dormitories, orphanages, hospitals, boarding schools, etc. Especially for developing countries with little infrastructure, these standards are impossible to achieve and would likely cost billions of dollars – money that could instead be going to strengthen families to help them better care for their children. And not only does noncompliance endanger foreign aid received through this program, but the ambiguity of the legislation means that other foreign aid from programs like PEPFAR and child survival are also endangered.

¹ Full transcript available from the Department of State: <http://www.state.gov/secretary/rm/2010/02/137227.htm>.

- 3. Finally, the legislation disregards internationally agreed-upon definitions of orphan and greatly expands the definition to include children living in orphanages and other facilities who might still have family.** Most children living in orphanages in developing countries are there because their families are too poor to take sufficient care of them – not because these children don't have families. We would rather see the U.S. focus on strengthening families through microcredit, health programs, education, and other support systems so that families can stay together, instead of breaking open the pool of children eligible for international adoption.

In addition to Secretary Clinton's remarks during her hearings, representatives from the Department of State and USAID, including those from the P.L. 109-95 Secretariat, met with Senator Mary Landrieu, the lead sponsor of the bill in the Senate, and Senator John Kerry to express similar concerns regarding the legislation and the negative implications it would have on existing structures working to support both international adoption and orphans and vulnerable children. We encourage you to contact Gary Newton, USG Special Advisor for Orphans and Vulnerable Children in the P.L. 109-95 Secretariat, for more information specifically on their concerns and their recommendations for strengthening the U.S. government's support for vulnerable children and families worldwide.

We are all motivated to assist orphans and vulnerable children in crisis around the world and thank you for your dedication to these too-often overlooked kids. Yet this bill is not the solution they need. We strongly urge you to **decline to consider the Families for Orphans Act and instead fully fund existing mechanisms, such as the P.L. 109-95 Secretariat, that are doing good work on behalf of orphans and vulnerable children around the world.**

Sincerely,

**American Adoption Congress
The Episcopal Church
Ethica
FXB USA, Inc.
Global Action for Children
Global AIDS Alliance
Holt International Children's Services
Mothers Acting Up
Parents for Ethical Adoption Reform
United Methodist Church, General Board of Church & Society**

Karen Smith Rotabi, PhD, LMSW, MPH
www.HagueEvaluation.com
Richmond, VA

Victor Groza
Grace F. Brody Professor of Parent-Child Studies
Mandel School of Applied Social Sciences
Case Western Reserve University
Cleveland, OH