

PROVIDING FOR CONSIDERATION OF H.R. 1298, THE
UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBER-
CULOSIS, AND MALARIA ACT OF 2003

APRIL 30, 2003.—Referred to the House Calendar and ordered to be printed

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on
Rules, submitted the following

R E P O R T

[To accompany H. Res. 210]

The Committee on Rules, having had under consideration House Resolution 210, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1289, the United States International Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report shall be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report.

The rule provides one motion to recommit with or without instructions.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

(Summaries derived from information provided by sponsors.)

1. Tauzin/Brown (OH)—Establishes priorities for the distribution of resources based on factors such as the size and demographics of specific nations to ensure that the countries that need assistance the most receive it first. Commissions a report by the Institutes of Medicine that compares the success rates of various programs and methods used under the strategy set forth in H.R. 1298. Adds accountability measures to the funds authorized for the Global Fund. States that if at any point administrative expenses within the Global Fund exceed 10 percent of total expenditures of the Fund for any 2-year period, the U.S. shall withhold an equal amount from its contribution the following year. Requires the HIV/AIDS Coordinator to make available to Congress information on the Global Fund, including all financial and accounting statements and reports provided to the Global Fund by organizations contracted to audit recipients of funds and project proposals submitted by applicants and grantees. Encourages the Centers for Disease Control, in coordination with the Global AIDS Coordinator, to develop and implement effective strategies to improve injection safety and improve the education and information provided to the public and to health professionals. Directs the Department of Health and Human Services to conduct a study on illegal importation into the U.S. of prescription drugs donated or sold for humanitarian efforts. (20 minutes)

2. Crowley—Requires that the teaching of programs to combat HIV/AIDS should involve a curriculum targeted to men and boys emphasizing gender equality and respect for women and girls. (10 minutes)

3. Biggert—Expresses the sense of Congress that the President should conduct an outreach campaign to inform the public of the existence of the Global Fund and encourage private contributions to the Global Fund by establishing and operating an Internet website and making public service announcements. (10 minutes)

4. Stearns—Requires that for every dollar paid to any individual Global Fund staffer that is over the amount of the U.S. Vice President's salary, that there be a deduction of the same amount from the next year's appropriation to the Global Fund. All funds would continue to go to HIV/AIDS programs. The President may waive the provision for national security interests. (10 minutes)

5. Ballance—Expresses the sense of Congress that African nations that object to U.S. food aid on non-scientific grounds should accept this food assistance to improve nutrition, particularly for HIV/AIDS patients in those countries. Findings include discussion of food insecurity among HIV/AIDS infected individuals, the link between malnutrition and the accelerated deterioration of HIV/AIDS patients, as well as the diminished impact of HIV/AIDS drug therapy in malnourished individuals. Makes a technical change, removing an inaccurate reference to nevirapine. (10 minutes)

6. Smith, Nick (MI)—Reconciles funding levels with the President's budget and the budget resolution. Authorizes \$2 billion in fiscal year 2004, as called for by the President's budget and the budget resolution. Increases the authorization by \$500 million in each subsequent year until it reaches \$4 billion in fiscal year 2008.

Total authorization of \$15 billion over 5 years is maintained. (10 minutes)

7. Millender-McDonald—Calls for a pilot program of assistance for children and families affected by HIV/AIDS that ensures the inheritance rights of women, particularly women in African countries. Requires that the Presidential report on the pilot program include a description of activities undertaken to carry out the pilot program. Calls for an authorization of appropriations to fund the pilot program. (10 minutes)

8. McCollum—Ensures that orphans and vulnerable children affected by HIV/AIDS receive not less than 10 percent of the amounts appropriated for HIV/AIDS assistance for fiscal years 2006 through 2008, of which not less than 50 percent of the funding shall be channeled through non-profit, non-governmental organizations, including faith-based organizations, that implement programs at the community level. (10 minutes)

9. Jackson-Lee—Expresses the sense of Congress that U.S. agencies should encourage U.S. businesses and private groups to provide assistance to sub-Saharan African countries to reduce the incidence of HIV/AIDS. Funds and assistance should be coordinated through a privately funded HIV/AIDS Response Fund. (10 minutes)

10. Smith, Chris (NJ)/Hyde/Stupak/Renzi—Clarification of the existing conscience protection language. Ensures that a qualified grantee is not disqualified from receiving HIV/AIDS funds because the grantee has a religious or moral objection to participating in some types of HIV/AIDS prevention or treatment. (20 minutes)

11. Pitts/Hyde—Specifies that of the amount set aside for HIV/AIDS prevention in bilateral assistance, 33% should go to abstinence-until-marriage programs. (20 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAUZIN OF LOUISIANA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 2, in the table of contents at section 1(b), after the item relating to section 305, insert the following:

Sec. 306. Strategies to improve injection safety.

Sec. 307. Study on illegal diversions of prescription drugs.

Page 20, line 19, insert “and reduce duplication” after “improve coordination”.

Page 20, line 25, strike “resources; and” and insert “resources;”.

Page 21, line 3, strike “research.” and insert “research;”.

Page 21, after line 3, insert the following:

(9) establish priorities for the distribution of resources based on factors such as the size and demographics of the population with HIV/AIDS, tuberculosis, and malaria and the needs of that population and the existing infrastructure or funding levels that may exist to cure, treat, and prevent HIV/AIDS, tuberculosis, and malaria; and

(10) include initiatives describing how the President will maximize the leverage of private sector dollars in reduction and treatment of HIV/AIDS, tuberculosis, and malaria.

Page 26, after line 13, insert the following:

(c) STUDY; DISTRIBUTION OF RESOURCES.—

(1) **STUDY.**—Not later than 3 years after the date of the enactment of this Act, the Institute of Medicine shall publish findings comparing the success rates of the various programs and methods used under the strategy described in subsection (a) to reduce, prevent, and treat HIV/AIDS, tuberculosis, and malaria.

(2) **DISTRIBUTION OF RESOURCES.**—In prioritizing the distribution of resources under the strategy described in subsection (a), the President shall consider the findings published by the Institute of Medicine under this subsection.

Page 34, line 21, strike “in the fiscal year 2004” and insert “for the period of fiscal year 2004 beginning on January 1, 2004”.

Page 36, after line 13, insert the following:

(iii) If at any time the President determines that the expenses of the Governing, Administrative, and Advisory Bodies (including the Partnership Forum, the Foundation Board, the Secretariat, and the Technical Review Board) of the Global Fund exceed 10 percent of the total expenditures of the Fund for any 2-year period, the United States shall withhold from its contribution for the next fiscal year an amount equal to the average annual amount expended by the Fund for such 2-year period for the expenses of the Governing, Administrative, and Advisory Bodies in excess of 10 percent of the total expenditures of the Fund.

(iv) The President may waive the application of clause (iii) if the President determines that extraordinary circumstances warrant such a waiver. No waiver under this clause may be for any period that exceeds 1 year.

Page 36, line 14, strike “(B) Any amount made available under this subsection that is withheld by reason of subparagraph (A)” and insert “(B)(i) Any amount made available under this subsection that is withheld by reason of subparagraph (A)(i)”.

Page 36, after line 19, insert the following:

(ii) Any amount made available under this subsection that is withheld by reason of subparagraph (A)(iii) shall be transferred to the Activities to Combat HIV/AIDS Globally Fund and shall remain available under the same terms and conditions as funds appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance.

Page 39, after line 9, insert the following:

(f) **PROVISION OF INFORMATION TO CONGRESS.**—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall make available to the Congress the following documents within 30 days of a request by the Congress for such documents:

(1) All financial and accounting statements for the Global Fund and the Activities to Combat HIV/AIDS Globally Fund, including administrative and grantee statements.

(2) Reports provided to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund by organizations contracted to audit recipients of funds.

(3) Project proposals submitted by applicants for funding from the Global Fund and the Activities to Combat HIV/AIDS Globally Fund, but which were not funded.

(4) Progress reports submitted to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund by grantees. Page 69, after line 3, insert the following:

SEC. 306. STRATEGIES TO IMPROVE INJECTION SAFETY.

Section 307 of the Public Health Service Act (42 U.S.C. 242l) is amended by adding at the end the following:

“(d) In carrying out immunization programs and other programs in developing countries for the prevention, treatment, and control of infectious diseases, including HIV/AIDS, tuberculosis, and malaria, the Director of the Centers for Disease Control and Prevention, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, the National Institutes of Health, national and local government, and other organizations, such as the World Health Organization and the United Nations Children’s Fund, shall develop and implement effective strategies to improve injection safety, including eliminating unnecessary injections, promoting sterile injection practices and technologies, strengthening the procedures for proper needle and syringe disposal, and improving the education and information provided to the public and to health professionals.”

SEC. 307. STUDY ON ILLEGAL DIVERSIONS OF PRESCRIPTION DRUGS.

Not later than 180 days after enactment of this Act, the Secretary of Health and Human Services, in coordination with other agencies, shall submit a report to the Congress that includes the following:

- (1) A thorough accounting of evidence indicating illegal diversion into the United States of prescription drugs donated or sold for humanitarian efforts, and an estimate of the extent of such diversion.
- (2) Recommendations to increase the administrative and enforcement powers of the United States to identify, monitor, and prevent the illegal diversion into the United States of prescription drugs donated or sold for humanitarian efforts.
- (3) Recommendations and guidelines to advise and provide technical assistance to developing countries on how to implement a program that minimizes diversion into the United States of prescription drugs donated or sold for humanitarian efforts.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CROWLEY OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 22, after line 22, insert the following (and redesignate subsequent paragraphs accordingly):

(F) a description of the specific strategies developed to encourage men to be responsible in their sexual behavior, child rearing and to respect women including the reduction of sexual violence and coercion;

(G) a description of the specific strategies developed to increase women’s access to employment opportunities, income, productive resources, and microfinance programs;

Page 43, line 10, after “sexual partnering,” insert “reducing sexual violence and coercion, including child marriage, widow inheritance, and polygamy,”.

Page 43, after line 21, insert the following (and redesignate subsequent paragraphs accordingly):

(C) assistance for the purpose of encouraging men to be responsible in their sexual behavior, child rearing, and to respect women;

Page 44, line 7, strike “and” at the end.

Page 44, line 10, strike the period at the end and insert “and”.

Page 44, after line 10, insert the following:

(G) assistance for the purpose of increasing women’s access to employment opportunities, income, productive resources, and microfinance programs, where appropriate.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BIGGERT OF ILLINOIS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, after line 20, insert the following:

(a) FINDINGS.—The Congress finds as follows:

(1) The establishment of the Global Fund in January 2002 is consistent with the general principles for an international AIDS trust fund first outlined by the Congress in the Global AIDS and Tuberculosis Relief Act of 2000 (Public Law 106–264).

(2) Section 2, Article 5 of the bylaws of the Global Fund provides for the International Bank for Reconstruction and Development to serve as the initial collection trustee for the Global Fund.

(3) The trustee agreement signed between the Global Fund and the International Bank for Reconstruction and Development narrows the range of duties to include receiving and investing funds from donors, disbursing the funds upon the instruction of the Global Fund, reporting on trust fund resources to donors and the Global Fund, and providing an annual external audit report to the Global Fund.

Page 33, line 20, strike “(a)” and insert “(b)”.

Page 34, line 5, strike “(b)” and insert “(c)”.

Page 34, line 14, strike “(c)” and insert “(d)”.

Page 37, line 18, strike “(d)” and insert “(e)”.

Page 38, line 25, strike “(e)” and insert “(f)”.

Page 39, after line 9, insert the following:

(g) SENSE OF THE CONGRESS REGARDING ENCOURAGEMENT OF PRIVATE CONTRIBUTIONS TO THE GLOBAL FUND.—It is the sense of the Congress that the President should—

(1) conduct an outreach campaign that is designed to—

(A) inform the public of the existence of—

(i) the Global Fund; and

(ii) any entity that will accept private contributions intended for use by the Global Fund; and

(B) encourage private contributions to the Global Fund;

and

(2) encourage private contributions intended for use by the Global Fund by—

(A) establishing and operating an Internet website, and publishing information about the website; and

(B) making public service announcements on radio and television.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEARNS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 36, after line 13, insert the following:

(iii) If, at any time during any of the fiscal years 2004 through 2008, the President determines that the salary of any individual employed by the Global Fund exceeds the salary of the Vice President of the United States (as determined under section 104 of title 3, United States Code) for that fiscal year, then the United States shall withhold from its contribution for the next fiscal year an amount equal to the aggregate amount by which the salary of each such individual exceeds the salary of the Vice President of the United States.

Page 36, line 14, strike “(B)” and insert “(B)(i)”.

Page 36, beginning on each of lines 15 and 17, strike “subparagraph (A)” and insert “subparagraph (A)(i)”.

Page 36, after line 19, insert the following:

(ii) Any amount made available under this subsection that is withheld by reason of clause (ii) or (iii) of subparagraph (A) is authorized to be made available to carry out section 104A of the Foreign Assistance Act of 1961 (as added by section 301 of this Act). Amounts made available under the preceding sentence are in addition to amounts appropriated pursuant to the authorization of appropriations under section 401 of this Act for HIV/AIDS assistance.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BALLANCE OF NORTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 55, after line 10, insert the following:

(g) SENSE OF CONGRESS RELATING TO FOOD ASSISTANCE FOR INDIVIDUALS LIVING WITH HIV/AIDS.—

(1) FINDINGS.—Congress finds the following:

(A) The United States provides more than 60 percent of all food assistance worldwide.

(B) According to the United Nations World Food Program and other United Nations agencies, food insecurity of individuals infected or living with HIV/AIDS is a major problem in countries with large populations of such individuals, particularly in African countries.

(C) Although the United States is willing to provide food assistance to these countries in need, a few of the countries object to part or all of the assistance because of fears of benign genetic modifications to the foods.

(D) Healthy and nutritious foods for individuals infected or living with HIV/AIDS are an important complement to HIV/AIDS medicines for such individuals.

(E) Individuals infected with HIV have higher nutritional requirements than individuals who are not infected

with HIV, particularly with respect to the need for protein. Also, there is evidence to suggest that the full benefit of therapy to treat HIV/AIDS may not be achieved in individuals who are malnourished, particularly in pregnant and lactating women.

(2) SENSE OF CONGRESS.—It is therefore the sense of Congress that United States food assistance should be accepted by countries with large populations of individuals infected or living with HIV/AIDS, particularly African countries, in order to help feed such individuals.

Page 69, line 19, strike “The drug nevirapine reduces” and insert “Certain antiretroviral drugs reduce”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NICK SMITH OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 81, beginning on line 22, strike “\$3,000,000,000 for each of the fiscal years 2004 through 2008” and insert “\$2,000,000,000 for fiscal year 2004, \$2,500,000,000 for fiscal year 2005, \$3,000,000,000 for fiscal year 2006, \$3,500,000,000 for fiscal year 2007, and \$4,000,000,000 for fiscal year 2008”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLENDER-MCDONALD OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 74, after line 10, insert the following (and redesignate subsequent paragraphs accordingly):

(4) ensure the importance of inheritance rights of women, particularly women in African countries, due to the exponential growth in the number of young widows, orphaned girls, and grandmothers becoming heads of households as a result of the HIV/AIDS pandemic;

Page 75, line 4, add at the end the following new sentence: “Such report should include a description of activities undertaken to carry out subsection (b)(4).”.

Page 75, line 11, add at the end the following new sentence: “A significant percentage of the amount appropriated pursuant to the authorization of appropriations under the preceding sentence for a fiscal year should be made available to carry out subsection (b)(4).”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCOLLUM OF MINNESOTA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 83, line 14, strike “For” and insert “(a) THERAPEUTIC MEDICAL CARE.—For”.

Page 83, after line 22, add the following new subsection:

(b) ORPHANS AND VULNERABLE CHILDREN.—For fiscal years 2004 through 2008, not less than 10 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for assistance for orphans and vulnerable children affected by HIV/AIDS, of which such amount at least 50 percent shall

be provided through non-profit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 404. ASSISTANCE FROM THE UNITED STATES PRIVATE SECTOR TO PREVENT AND REDUCE HIV/AIDS IN SUB-SAHARAN AFRICA.

It is the sense of Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, United States businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHRIS SMITH OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 54, line 21, insert before the period the following: “, or to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection”.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PITTS OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 83, line 10, insert before the semicolon the following: “, of which such amount at least 33 percent should be expended for abstinence-until-marriage programs”.

Page 83, line 22, add at the end the following new sentence: “For fiscal years 2006 through 2008, not less than 33 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS prevention consistent with section 104A(d) of the Foreign Assistance Act of 1961 (as added by section 301 of this Act) for each such fiscal year shall be expended for abstinence-until-marriage programs.”.