

110TH CONGRESS
1ST SESSION

S. 1966

To reauthorize HIV/AIDS assistance.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2007

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To reauthorize HIV/AIDS assistance.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “HIV/AIDS Assistance
5 Reauthorization Act of 2007”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 401(a) of the United States Leadership
8 Against HIV/AIDS, Tuberculosis, and Malaria Act of
9 2003 (22 U.S.C. 7671(a)) (in this Act referred to as the
10 “Act”) is amended by inserting after “2008” the fol-
11 lowing: “, \$30,000,000,000 for fiscal years 2009 through

1 2013, and such sums as may be necessary for each fiscal
2 year thereafter”.

3 **SEC. 3. MODIFICATIONS TO ALLOCATION OF FUNDS.**

4 (a) PROMOTION OF ABSTINENCE, FIDELITY, AND
5 OTHER PREVENTATIVE MEASURES.—Section 403(a) of
6 the Act (22 U.S.C. 7673(a)) is amended to read as follows:

7 “(a) PROMOTION OF ABSTINENCE, FIDELITY, AND
8 OTHER PREVENTATIVE MEASURES.—Not less than 50
9 percent of the amounts appropriated pursuant to the au-
10 thorization of appropriations under section 401 and avail-
11 able for programs and activities that include a priority em-
12 phasis on public health measures to prevent the sexual
13 transmission of HIV shall be dedicated to abstinence and
14 fidelity as components of a comprehensive approach in-
15 cluding abstinence, fidelity, and the correct and consistent
16 use of condoms, consistent with other provisions of law
17 and the epidemiology of HIV infection in a given country.
18 Programs and activities that implement or purchase new
19 prevention technologies or modalities such as medical male
20 circumcision, pre-exposure prophylaxis, or microbicides
21 shall not be included in determining compliance with this
22 subsection.”.

23 (b) EXTENSION OF ORPHANS AND VULNERABLE
24 CHILDREN FUNDING REQUIREMENT.—Section 403(b) of

1 the Act (22 U.S.C. 7673(b)) is amended by striking
2 “2008” and inserting “2013”.

3 **SEC. 4. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) On May 30, 2007, President George W.
7 Bush announced his intent to double the commit-
8 ment of the United States to fight global HIV/AIDS
9 with a new \$30,000,000,000, 5-year proposal to re-
10 authorize the United States Leadership Against
11 HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

12 (2) With the enactment of the President’s fiscal
13 year 2008 budget, the United States Government
14 will have committed \$18,000,000,000 to the Presi-
15 dent’s Emergency Plan for AIDS Relief (PEPFAR),
16 which exceeds the original 5-year, \$15,000,000,000
17 commitment.

18 (3) After 3 years of PEPFAR implementation,
19 the American people have supported treatment of
20 1,100,000 people in the 15 focus countries, including
21 more than 1,000,000 people in Africa.

22 (4) PEPFAR is on track to meet its 5-year
23 goals to support treatment for 2,000,000 people,
24 prevention of 7,000,000 new infections, and care for

1 10,000,000 people, including orphans and vulnerable
2 children.

3 (5) The success of PEPFAR is rooted in sup-
4 port for country-owned strategies and programs with
5 commitment of resources and dedication to results,
6 achieved through the power of partnerships with
7 governments, with nongovernmental, faith-based,
8 and community-based organizations, and with the
9 private sector.

10 (6) United States efforts to address global HIV/
11 AIDS will be multiplied by engaging in partnerships
12 with countries dedicating to fighting their HIV
13 epidemics and with multilateral partners, such as
14 the Global Fund, which can help leverage inter-
15 national resources and build upon the efforts of the
16 United States to combat global HIV/AIDS. In his
17 announcement of his intent to double the commit-
18 ment of the United States to fight global HIV/
19 AIDS, President Bush reiterated his call for devel-
20 oped and developing countries, in particular middle-
21 income countries where projections suggest many
22 new infections will occur, to increase their contribu-
23 tions to fighting AIDS. HIV/AIDS is a global crisis
24 that requires a global response. The United States
25 currently provides as many resources for global

1 HIV/AIDS as all other developed country govern-
2 ments combined. But only together can we turn the
3 tide against the global epidemic.

4 (b) PURPOSE.—It is the purpose of this Act to ex-
5 pand PEPFAR, including the expansion of life-saving
6 treatment, comprehensive prevention programs, and care
7 for those in need, including orphans and vulnerable chil-
8 dren, in the next 5-year period as a signal of the commit-
9 ment of the United States to support, strengthen, and ex-
10 pand United States and global efforts to address these
11 health crises in partnership with others.

12 **SEC. 5. UNITED STATES FINANCIAL PARTICIPATION IN THE**
13 **GLOBAL FUND.**

14 (a) AUTHORITY TO INCREASE PROPORTIONAL SUP-
15 PORT.—Section 202(d) of the Act (22 U.S.C. 7622(d)) is
16 amended by adding at the end the following new para-
17 graph:

18 “(5) AUTHORITY TO INCREASE PROPORTIONAL
19 SUPPORT.—

20 “(A) FINDINGS.—Congress makes the fol-
21 lowing findings:

22 “(i) The Global Fund to Fight AIDS,
23 Tuberculosis and Malaria is an innovative
24 financing mechanism to combat the three

1 diseases, and it has made progress in
2 many areas.

3 “(ii) The United States Government
4 is the largest supporter of the Fund, both
5 in terms of resources and technical sup-
6 port.

7 “(iii) The United States made the
8 founding contribution to the Funds, re-
9 mains committed to the original vision for
10 the Fund, and is fully committed to its
11 success.

12 “(B) AUTHORITY.—The President may in-
13 crease proportional support for the Fund, with-
14 in the amount authorized to be appropriated by
15 this Act, if benchmarks for performance, ac-
16 countability, and transparency are satisfactorily
17 met, and if the Fund remains committed to its
18 founding principles. The United States Global
19 AIDS Coordinator should consider the bench-
20 marks set forth in subparagraphs (C) and (D)
21 in assessing whether to make the annual con-
22 tribution of the United States Government to
23 the Fund.

24 “(C) BENCHMARKS RELATED TO TRANS-
25 PARENCY AND ACCOUNTABILITY.—Increased

1 proportional support for the Fund should be
2 based upon achievement of the following bench-
3 marks related to transparency and account-
4 ability:

5 “(i) As recommended by the Govern-
6 ment Accountability Office, the Fund Sec-
7 retariat has established standardized ex-
8 pectations for the performance of Local
9 Fund Agents (LFAs), is undertaking a
10 systematic assessment of the performance
11 of LFAs, and is making available for pub-
12 lic review, according to the Fund Board’s
13 policies and practices on disclosure of in-
14 formation, a regular collection and analysis
15 of performance data of Fund grants, which
16 shall cover both Principal Recipients and
17 sub-recipients.

18 “(ii) A well-staffed, independent Of-
19 fice of the Inspector General reports di-
20 rectly to the Board and is responsible for
21 regular, publicly published audits of both
22 financial and programmatic and reporting
23 aspects of the Fund, its grantees, and
24 LFAs.

1 “(iii) The Fund Secretariat has estab-
2 lished and is reporting publicly on stand-
3 ard indicators for all program areas.

4 “(iv) The Fund Secretariat has estab-
5 lished a database that tracks all sub-recipi-
6 ents and the amounts of funds disbursed
7 to each, as well as the distribution of re-
8 sources, by grant and Principal Recipient,
9 for prevention, care, treatment, the pur-
10 chases of drugs and commodities, and
11 other purposes.

12 “(v) The Fund Board has established
13 a penalty to offset tariffs imposed by na-
14 tional governments on all goods and serv-
15 ices provided by the Fund.

16 “(vi) The Fund Board has success-
17 fully terminated its Administrative Services
18 Agreement with the World Health Organi-
19 zation and completed the Fund Secretar-
20 iat’s transition to a fully independent sta-
21 tus under the Headquarters Agreement the
22 Fund has established with the Government
23 of Switzerland.

24 “(D) BENCHMARKS RELATED TO PRIN-
25 CIPLES OF FUND.—Increased proportional sup-

1 port for the Fund should be based upon
2 achievement of the following benchmarks re-
3 lated to the founding principles of the Fund:

4 “(i) The Fund must maintain its sta-
5 tus as a financing institution.

6 “(ii) The Fund must remain focused
7 on programs directly related to HIV/AIDS,
8 malaria, and tuberculosis.

9 “(iii) The Fund Board must maintain
10 its Comprehensive Funding Policy, which
11 requires confirmed pledges to cover the full
12 amount of new grants before the Board
13 approves them.

14 “(iv) The Fund must maintain and
15 make progress on sustaining its multi-sec-
16 toral approach, through Country Coordi-
17 nating Mechanisms (CCMs) and in the im-
18 plementation of grants, as reflected in per-
19 cent and resources allocated to different
20 sectors, including governments, civil soci-
21 ety, and faith- and community-based orga-
22 nizations.”.

1 (b) EXTENSION OF AUTHORIZATION.—Section
2 202(d) of such Act is further amended by striking “2008”
3 each place it appears and inserting “2013”.

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