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PUBLIC LAW 113–56—DEC. 2, 2013

PEPFAR STEWARDSHIP AND OVERSIGHT ACT OF 2013

Public Law 113–56
113th Congress

An Act

Dec. 2, 2013
[S. 1545]

To extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PEPFAR Stewardship and Oversight Act of 2013.
22 USC 7601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "PEPFAR Stewardship and Oversight Act of 2013".

SEC. 2. INSPECTOR GENERAL OVERSIGHT.

Section 101(f)(1) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(f)(1)) is amended—

(1) in subparagraph (A), by striking "5 coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2013" and inserting "coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2018"; and

(2) in subparagraph (C)—

Deadlines.

(A) in clause (ii)—

(i) in the heading, by striking "SUBSEQUENT" and inserting "2010 THROUGH 2013"; and

(ii) by striking "the last four plans" and inserting "the plans for fiscal years 2010 through 2013"; and

(B) by adding at the end the following new clause:

"(iii) 2014 PLAN.—The plan developed under subparagraph (A) for fiscal year 2014 shall be completed not later than 60 days after the date of the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

"(iv) SUBSEQUENT PLANS.—Each of the last four plans developed under subparagraph (A) shall be completed not later than 30 days before each of the fiscal years 2015 through 2018, respectively.".

SEC. 3. ANNUAL TREATMENT STUDY.

(a) ANNUAL STUDY; MESSAGE.—Section 101(g) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(g)) is amended—

(1) in paragraph (1), by striking "through September 30, 2013" and inserting "through September 30, 2019";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

"(2) 2013 THROUGH 2018 STUDIES.—The studies required to be submitted by September 30, 2014, and annually thereafter through September 30, 2018, shall include, in addition to the elements set forth under paragraph (1), the following elements:

"(A) A plan for conducting cost studies of United States assistance under section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2) in partner countries, taking into account the goal for more systematic collection of data, as well as the demands of such analysis on available human and fiscal resources.

"(B) A comprehensive and harmonized expenditure analysis by partner country, including—

"(i) an analysis of Global Fund and national partner spending and comparable data across United States, Global Fund, and national partner spending; or

"(ii) where providing such comparable data is not currently practicable, an explanation of why it is not currently practicable, and when it will be practicable."; and

(4) by adding at the end the following new paragraph:

"(4) PARTNER COUNTRY DEFINED.—In this subsection, the term 'partner country' means a country with a minimum United States Government investment of HIV/AIDS assistance of at least $5,000,000 in the prior fiscal year.".

SEC. 4. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) LIMITATION.—Section 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "2013" and inserting "2018";

(B) in clause (ii)—

(i) by striking "2013" and inserting "2018"; and

(ii) by striking the last two sentences; and

(C) in clause (vi), by striking "2013" and inserting "2018"; and

(2) in subparagraph (B)—

(A) by striking "under this subsection" each place it appears;

(B) in clause (ii), by striking "pursuant to the authorization of appropriations under section 401" and inserting "to carry out section 104A of the Foreign Assistance Act of 1961"; and

(C) in clause (iv), by striking "2013" and inserting "2018".

(b) WITHHOLDING FUNDS.—Section 202(d)(5) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is amended by—

(1) in paragraph (5)—

(A) by striking "2013" and inserting "2018";

(B) in subparagraph (C)—

(i) by inserting "in an open, machine readable format" after "site";

(ii) by amending clause (v) to read as follows:

"(v) a regular collection, analysis, and reporting of performance data and funding of grants of the Global Fund, which covers all principal recipients and all subrecipients on the fiscal cycle of each grant, and includes the distribution of resources, by grant and principal recipient and subrecipient, for prevention, care, treatment, drugs, and commodities purchase, and other purposes as practicable;";

(C) in subparagraph (D)(ii), by inserting ", in an open, machine readable format," after "audits";

(D) in subparagraph (E), by inserting ", in an open, machine readable format," after "publicly";

(E) in subparagraph (F)—

(i) in clause (i), by striking "; and" and inserting a semicolon; and

(ii) by striking clause (ii) and inserting the following new clauses:

"(ii) all principal recipients and subrecipients and the amount of funds disbursed to each principal recipient and subrecipient on the fiscal cycle of the grant;

"(iii) expenditure data—

"(I) tracked by principal recipients and subrecipients by program area, where practicable, prevention, care, and treatment and reported in a format that allows comparison with other funding streams in each country; or

"(II) if such expenditure data is not available, outlay or disbursement data, and an explanation of progress made toward providing such expenditure data; and

"(iv) high-quality grant performance evaluations measuring inputs, outputs, and outcomes, as appropriate, with the goal of achieving outcome reporting;"; and

(F) by amending subparagraph (G) to read as follows:

Web posting.

"(G) has published an annual report on a publicly available Web site in an open, machine readable format, that includes—

"(i) a list of all countries imposing import duties and internal taxes on any goods or services financed by the Global Fund;

"(ii) a description of the types of goods or services on which the import duties and internal taxes are levied;

"(iii) the total cost of the import duties and internal taxes;

"(iv) recovered import duties or internal taxes; and

"(v) the status of country status-agreements;".

SEC. 5. ANNUAL REPORT.

Section 104A(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(f)) is amended to read as follows:

"(f) ANNUAL REPORT.—

President.

"(1) IN GENERAL.—Not later than February 15, 2014, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee

on Foreign Affairs of the House of Representatives a report in an open, machine readable format, on the implementation of this section for the prior fiscal year.

"(2) REPORT DUE IN 2014.—The report due not later than February 15, 2014, shall include the elements required by law prior to the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

"(3) REPORT ELEMENTS.—Each report submitted after February 15, 2014, shall include the following:

"(A) A description based on internationally available data, and where practicable high-quality country-based data, of the total global burden and need for HIV/AIDS prevention, treatment, and care, including—

"(i) estimates by partner country of the global burden and need; and

"(ii) HIV incidence, prevalence, and AIDS deaths for the reporting period.

"(B) Reporting on annual targets across prevention, treatment, and care interventions in partner countries, including—

"(i) a description of how those targets are designed to—

"(I) ensure that the annual increase in new patients on antiretroviral treatment exceeds the number of annual new HIV infections;

"(II) reduce the number of new HIV infections below the number of deaths among persons infected with HIV; and

"(III) achieve an AIDS-free generation;

"(ii) national targets across prevention, treatment, and care that are—

"(I) established by partner countries; or

"(II) where such national partner country-developed targets are unavailable, a description of progress towards developing national partner country targets; and

"(iii) bilateral programmatic targets across prevention, treatment, and care, including—

"(I) the number of adults and children to be directly supported on HIV treatment under United States-funded programs;

"(II) the number of adults and children to be otherwise supported on HIV treatment under United States-funded programs; and

"(III) other programmatic targets for activities directly and otherwise supported by United States-funded programs.

"(C) A description, by partner country, of HIV/AIDS funding from all sources, including funding levels from partner countries, other donors, and the private sector, as practicable.

"(D) A description of how United States-funded programs, in conjunction with the Global Fund, other donors, and partner countries, together set targets, measure progress, and achieve positive outcomes in partner countries.

"(E) An annual assessment of outcome indicator development, dissemination, and performance for programs supported under this section, including ongoing corrective actions to improve reporting.

"(F) A description and explanation of changes in related guidance or policies related to implementation of programs supported under this section.

"(G) An assessment and quantification of progress over the reporting period toward achieving the targets set forth in subparagraph (B), including—

"(i) the number, by partner country, of persons on HIV treatment, including specifically—

"(I) the number of adults and children on HIV treatment directly supported by United States-funded programs; and

"(II) the number of adults and children on HIV treatment otherwise supported by United States-funded programs;

"(ii) HIV treatment coverage rates by partner country;

"(iii) the net increase in persons on HIV treatment by partner country;

"(iv) new infections of HIV by partner country;

"(v) the number of HIV infections averted;

"(vi) antiretroviral treatment program retention rates by partner country, including—

"(I) performance against annual targets for program retention; and

"(II) the retention rate of persons on HIV treatment directly supported by United States-funded programs; and

"(vii) a description of supportive care.

"(H) A description of partner country and United States-funded HIV/AIDS prevention programs and policies, including—

"(i) an assessment by country of progress towards targets set forth in subparagraph (B), with a detailed description of the metrics used to assess—

"(I) programs to prevent mother to child transmission of HIV/AIDS, including coverage rates;

"(II) programs to provide or promote voluntary medical male circumcision, including coverage rates;

"(III) programs for behavior-change; and

"(IV) other programmatic activities to prevent the transmission of HIV;

"(ii) antiretroviral treatment as prevention; and

"(iii) a description of any new preventative interventions or methodologies.

"(I) A description of the goals, scope, and measurement of program efforts aimed at women and girls.

"(J) A description of the goals, scope, and measurement of program efforts aimed at orphans, vulnerable children, and youth.

"(K) A description of the indicators and milestones used to assess effective, strategic, and appropriately timed country ownership, including—

"(i) an explanation of the metrics used to determine whether the pace of any transition to such ownership is appropriate for that country, given that country's level of readiness for such transition;

"(ii) an analysis of governmental and local non-governmental capacity to sustain positive outcomes;

"(iii) a description of measures taken to improve partner country capacity to sustain positive outcomes where needed; and

"(iv) for countries undergoing a transition to greater country ownership, a description of strategies to assess and mitigate programmatic and financial risk and to ensure continued quality of care for essential services.

"(L) A description, globally and by partner country, of specific efforts to achieve and incentivize greater programmatic and cost effectiveness, including—

"(i) progress toward establishing common economic metrics across prevention, care and treatment with partner countries and the Global Fund;

"(ii) average costs, by country and by core intervention;

"(iii) expenditure reporting in all program areas, supplemented with targeted analyses of the cost-effectiveness of specific interventions; and

"(iv) import duties and internal taxes imposed on program commodities and services, by country.

"(M) A description of partnership framework agreements with countries, and regions where applicable, including—

"(i) the objectives and structure of partnership framework agreements with countries, including—

"(I) how these agreements are aligned with national HIV/AIDS plans and public health strategies and commitments of such countries; and

"(II) how these agreements incorporate a role for civil society; and

"(ii) a description of what has been learned in advancing partnership framework agreements with countries, and regions as applicable, in terms of improved coordination and collaboration, definition of clear roles and responsibilities of participants and signers, and implications for how to further strengthen these agreements with mutually accountable measures of progress.

"(N) A description of efforts and activities to engage new partners, including faith-based, locally-based, and United States minority-serving institutions.

"(O) A definition and description of the differentiation between directly and otherwise supported activities, including specific efforts to clarify programmatic attribution and contribution, as well as timelines for dissemination and implementation.

"(P) A description, globally and by country, of specific efforts to address co-infections and co-morbidities of HIV/AIDS, including—

"(i) the number and percent of people in HIV care or treatment who started tuberculosis treatment; and

"(ii) the number and percentage of eligible HIV positive patients starting isoniazid preventative therapy.

"(Q) A description of efforts by partner countries to train, employ, and retain health care workers, including efforts to address workforce shortages.

"(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publically available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

Web posting.

"(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publically available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

"(5) PARTNER COUNTRY DEFINED.—In this subsection, the term 'partner country' means a country with a minimum United States Government investment of HIV/AIDS assistance of at least $5,000,000 in the prior fiscal year.".

SEC. 6. ALLOCATION OF FUNDING.

(a) ORPHANS AND VULNERABLE CHILDREN.—Section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) is amended—

(1) by striking "2013" and inserting "2018"; and

(2) by striking "amounts appropriated pursuant to the authorization of appropriations under section 401" and inserting "amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2)".

(b) FUNDING ALLOCATION.—Section 403(c) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(c)) is amended—

(1) by striking "2013" and inserting "2018"; and

(2) by striking "amounts appropriated for bilateral global HIV/AIDS assistance pursuant to section 401" and inserting "amounts appropriated or otherwise made available to carry

out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2)".

Approved December 2, 2013.

LEGISLATIVE HISTORY—S. 1545:

SENATE REPORTS: No. 113–112 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 159 (2013):
Nov. 18, considered and passed Senate.
Nov. 19, considered and passed House.

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