

113TH CONGRESS  
1ST SESSION

# H. R. 3177

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2013

Mr. ENGEL (for himself, Mr. ROYCE, Ms. LEE of California, and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

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

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 “PEPFAR Stewardship  
5 and Oversight Act of 2013”.

6 **SEC. 2. INSPECTOR GENERAL OVERSIGHT.**

7 Section 101(f)(1) of the United States Leadership  
8 Against HIV/AIDS, Tuberculosis, and Malaria Act of  
9 2003 (22 U.S.C. 7611(f)(1)) is amended—

1 (1) in subparagraph (A), by striking “5 coordi-  
2 nated annual plans for oversight activity in each of  
3 the fiscal years 2009 through 2013” and inserting  
4 “coordinated annual plans for oversight activity in  
5 each of the fiscal years 2009 through 2018”; and

6 (2) in subparagraph (C)—

7 (A) in clause (ii)—

8 (i) in the heading, by striking “SUB-  
9 SEQUENT” and inserting “2010 THROUGH  
10 2013”; and

11 (ii) by striking “the last four plans”  
12 and inserting “the plans for fiscal years  
13 2010 through 2013”; and

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

16 “(iii) 2014 PLAN.—The plan devel-  
17 oped under subparagraph (A) for fiscal  
18 year 2014 shall be completed not later  
19 than 60 days after the date of the enact-  
20 ment of the PEPFAR Stewardship and  
21 Oversight Act of 2013.

22 “(iv) SUBSEQUENT PLANS.—Each of  
23 the last four plans developed under sub-  
24 paragraph (A) shall be completed not later

1                   than 30 days before each of the fiscal  
2                   years 2015 through 2018, respectively.”.

3 **SEC. 3. ANNUAL TREATMENT STUDY.**

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

8                   (1) in paragraph (1), by striking “through Sep-  
9                   tember 30, 2013” and inserting “through September  
10                   30, 2019”;

11                   (2) by redesignating paragraph (2) as para-  
12                   graph (3);

13                   (3) by inserting after paragraph (1) the fol-  
14                   lowing new paragraph:

15                   “(2) 2013 THROUGH 2018 STUDIES.—The stud-  
16                   ies required to be submitted by September 30, 2014,  
17                   and annually thereafter through September 30,  
18                   2018, shall include, in addition to the elements set  
19                   forth under paragraph (1), the following elements:

20                               “(A) A plan for conducting cost studies of  
21                   United States assistance under section 104A of  
22                   the Foreign Assistance Act of 1961 (22 U.S.C.  
23                   2151b–2) in partner countries, taking into ac-  
24                   count the goal for more systematic collection of

1 data, as well as the demands of such analysis  
2 on available human and fiscal resources.

3 “(B) A comprehensive and harmonized ex-  
4 penditure analysis by partner country, includ-  
5 ing—

6 “(i) an analysis of Global Fund  
7 spending and partner country spending  
8 and comparable data across United States  
9 spending, Global Fund spending, and part-  
10 ner country spending at the national level;  
11 or

12 “(ii) where providing such comparable  
13 data is not currently practicable, an expla-  
14 nation of why it is not currently prac-  
15 ticable, and when it will be practicable.”;  
16 and

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

19 “(4) DEFINITION.—In this subsection, the term  
20 ‘partner country’ means a country that received not  
21 less than \$5,000,000 in United States HIV/AIDS  
22 assistance under section 104A of the Foreign Assist-  
23 ance Act of 1961 (22 U.S.C. 2151b–2) during the  
24 immediately preceding fiscal year.”.

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

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

6 (1) by striking “2013” each place it appears  
7 and inserting “2018”;

8 (2) in subparagraph (A)(ii), by striking the last  
9 two sentences;

10 (3) in subparagraph (B)—

11 (A) in each of clauses (i) through (iv), by  
12 striking “under this subsection” and inserting  
13 “for a contribution to the Global Fund”; and

14 (B) in clause (ii), by striking “pursuant to  
15 the authorization of appropriations under sec-  
16 tion 401” and inserting “to carry out section  
17 104A of the Foreign Assistance Act of 1961”.

18 (b) **WITHHOLDING FUNDS.**—Section 202(d)(5) of the  
19 United States Leadership Against HIV/AIDS, Tuber-  
20 culosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(5))  
21 is amended—

22 (1) by striking “2013” and inserting “2018”;

23 (2) in subparagraph (C)—

24 (A) by inserting “in an open, machine  
25 readable format” after “site”;

1 (B) by striking clause (v) and inserting the  
2 following:

3 “(v) a regular collection, analysis, and  
4 reporting of performance data and funding  
5 of grants of the Global Fund, which covers  
6 all principal recipients and all sub-recipi-  
7 ents on the fiscal cycle of each grant, and  
8 includes the distribution of resources, by  
9 grant and principal recipient and sub-re-  
10 cipient, for prevention, care, treatment,  
11 drugs, and commodities purchase, and  
12 other purposes, as practicable;”;

13 (3) in subparagraph (D)(ii), by inserting “, in  
14 an open machine readable format,” after “audits”;

15 (4) in subparagraph (E), by inserting “, in an  
16 open machine readable format,” after “publicly”;

17 (5) in subparagraph (F)—

18 (A) in clause (i), by striking “and” at the  
19 end; and

20 (B) by striking clause (ii) and inserting the  
21 following:

22 “(ii) all principal recipients and sub-  
23 recipients and the amount of funds dis-  
24 bursed to each principal recipient and sub-  
25 recipient on the fiscal cycle of the grant;

1 “(iii) expenditure data—

2 “(I) tracked by principal recipi-  
3 ents and sub-recipients by program  
4 area, where practicable, in prevention,  
5 care, and treatment, reported in a for-  
6 mat that allows comparison with other  
7 funding streams in each country; or

8 “(II) if expenditure data is not  
9 available, outlay or disbursement  
10 data, and each public report shall in-  
11 clude an explanation of progress made  
12 toward providing expenditure data;  
13 and

14 “(iv) high-quality grant performance  
15 evaluations measuring inputs, outputs, and  
16 outcomes, as appropriate, with the goal of  
17 achieving outcome reporting;” and

18 (6) by striking subparagraph (G) and inserting  
19 the following:

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

23 “(i) a list of all countries imposing  
24 import duties and internal taxes on any

1 goods or services financed by the Global  
2 Fund;

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

6 “(iii) the total cost of the import du-  
7 ties and internal taxes;

8 “(iv) recovered import duties or inter-  
9 nal taxes; and

10 “(v) the status of country status-  
11 agreements;”.

12 **SEC. 5. ANNUAL REPORT.**

13 (a) IN GENERAL.—Section 104A(f) of the Foreign  
14 Assistance Act of 1961 (22 U.S.C. 2151b–2(f)) is amend-  
15 ed to read as follows:

16 “(f) ANNUAL REPORT.—

17 “(1) IN GENERAL.—Not later than February  
18 15, 2014, and annually thereafter, the President  
19 shall submit to the Committee on Foreign Relations  
20 of the Senate and the Committee on Foreign Affairs  
21 of the House of Representatives a report in an open,  
22 machine readable format, on the implementation of  
23 this section for the prior fiscal year.



1           “(2) REPORT ELEMENTS.—Each report sub-  
2           mitted after February 15, 2014, shall include the  
3           following:

4                   “(A) A description based on internationally  
5                   available data, using high-quality country-based  
6                   data where practicable, of the total global bur-  
7                   den and need for HIV/AIDS prevention, treat-  
8                   ment, and care, including—

9                           “(i) estimates by partner country of  
10                           the global burden and need; and

11                           “(ii) HIV incidence, prevalence, and  
12                           AIDS deaths for the reporting period.

13                   “(B) Reporting on targets across preven-  
14                   tion, treatment, and care interventions in part-  
15                   ner countries, including—

16                           “(i) a description of how those targets  
17                           are designed to—

18                                   “(I) ensure that the annual in-  
19                                   crease in new patients on antiretrovi-  
20                                   ral treatment exceeds the number of  
21                                   annual new HIV infections;

22                                   “(II) reduce the number of new  
23                                   HIV infections so that it falls below  
24                                   number of deaths among persons in-  
25                                   fected with HIV; and

1                   “(III) achieve an AIDS-free gen-  
2                   eration;

3                   “(ii) national targets across preven-  
4                   tion, treatment, and care that are—

5                   “(I) established by partner coun-  
6                   tries; or

7                   “(II) where such national partner  
8                   country-developed targets are unavail-  
9                   able, a description of progress towards  
10                  developing national partner country  
11                  targets; and

12                  “(iii) bilateral programmatic targets  
13                  across prevention, treatment, and care, in-  
14                  cluding—

15                  “(I) the number of adults and  
16                  children to be directly supported on  
17                  HIV treatment under this section;

18                  “(II) the number of adults and  
19                  children to be otherwise supported on  
20                  HIV treatment under this section; and

21                  “(III) other programmatic tar-  
22                  gets for activities directly and other-  
23                  wise supported by United States-fund-  
24                  ed programs.

1           “(C) A description, by partner country, of  
2 HIV/AIDS funding from all sources, including  
3 funding levels from partner countries, other do-  
4 nors, and the private sector, as practicable.

5           “(D) A description of how United States  
6 bilateral programs, in conjunction with the  
7 Global Fund, other donors, and partner coun-  
8 tries together set targets, measure progress,  
9 and achieve positive outcomes in partner coun-  
10 tries.

11           “(E) An annual assessment of outcome in-  
12 dicator development, dissemination, and per-  
13 formance for programs supported under this  
14 section, including ongoing corrective actions to  
15 improve reporting.

16           “(F) A description and explanation of  
17 changes in related guidance or policies related  
18 to implementation of programs supported under  
19 this section.

20           “(G) An assessment and quantification of  
21 progress over the reporting period toward  
22 achieving the targets described in subparagraph  
23 (B), including—

1           “(i) the number, by partner country,  
2 of persons on HIV treatment, including  
3 specifically—

4                   “(I) the number of adults and  
5 children on HIV treatment directly  
6 supported by United States-funded  
7 programs;

8                   “(II) the number of adults and  
9 children on HIV treatment otherwise  
10 supported by United States-funded  
11 programs;

12           “(ii) HIV treatment coverage rates by  
13 country;

14           “(iii) the net increase in persons on  
15 HIV treatment by partner country;

16           “(iv) new infections of HIV by coun-  
17 try;

18           “(v) the number of HIV infections  
19 averted;

20           “(vi) antiretroviral treatment program  
21 retention rates, by partner country, includ-  
22 ing—

23                   “(I) performance against annual  
24 targets for program retention; and

1                   “(II) the retention rate of per-  
2                   sons on HIV treatment directly sup-  
3                   ported by United States-funded pro-  
4                   grams; and

5                   “(vii) a description of supportive care,  
6                   including management of co-morbidities.

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

10                   “(i) an assessment, by partner coun-  
11                   try, of progress to achieve the targets de-  
12                   scribed in subparagraph (B), with a de-  
13                   tailed description of the metrics used to as-  
14                   sess—

15                   “(I) programs to prevent mother  
16                   to child transmission of HIV/AIDS,  
17                   including coverage rates;

18                   “(II) programs to provide or pro-  
19                   mote voluntary medical male circumci-  
20                   sion, including coverage rates;

21                   “(III) programs for behavior-  
22                   change; and

23                   “(IV) other programmatic activi-  
24                   ties to prevent the transmission of  
25                   HIV;

1           “(ii) a description of antiretroviral  
2           treatment as prevention; and

3           “(iii) a description of any new pre-  
4           ventative interventions or methodologies.

5           “(I) A description of the goals, scope, and  
6           measurement of program efforts aimed at  
7           women and girls.

8           “(J) A description of the goals, scope, and  
9           measurement of program efforts aimed at or-  
10          phans, vulnerable children, and youth.

11          “(K) A description of the indicators and  
12          milestones used to assess effective, strategic,  
13          and appropriately timed partner country owner-  
14          ship, including—

15               “(i) an explanation of the metrics  
16               used to determine whether the pace of any  
17               transition to such ownership is appropriate  
18               for such partner country, given that coun-  
19               try’s level of readiness for such transition;

20               “(ii) an analysis of governmental and  
21               local nongovernmental capacity to sustain  
22               positive outcomes;

23               “(iii) a description of measures taken  
24               to improve partner country capacity to sus-  
25               tain positive outcomes where needed; and

1           “(iv) for partner countries undergoing  
2           a transition to greater country ownership,  
3           a description of strategies to assess and  
4           mitigate programmatic and financial risk  
5           to ensure continued quality of care for es-  
6           sential services.

7           “(L) A description, globally and by partner  
8           country, of specific efforts to achieve and  
9           incentivize greater programmatic and cost effec-  
10          tiveness, including—

11                  “(i) progress toward establishing com-  
12                  mon economic metrics across prevention,  
13                  care and treatment with partner countries  
14                  and the Global Fund;

15                  “(ii) average costs, by partner country  
16                  and by core intervention;

17                  “(iii) expenditure reporting in all pro-  
18                  gram areas, supplemented with targeted  
19                  analyses of the cost-effectiveness of specific  
20                  interventions; and

21                  “(iv) import duties and internal taxes  
22                  imposed on program commodities and serv-  
23                  ices, by partner country.

1           “(M) A description of partnership frame-  
2 work agreements with countries and regions,  
3 where applicable, including—

4                   “(i) the objectives and structures of  
5 such agreements, including—

6                           “(I) how such agreements are  
7 aligned with national HIV/AIDS  
8 plans, public health strategies, and  
9 commitments of such countries and  
10 regions; and

11                           “(II) how such agreements incor-  
12 porate a role for civil society; and

13                   “(ii) what has been learned in advanc-  
14 ing partnership framework agreements  
15 with countries, and regions as applicable,  
16 in terms of improved coordination and col-  
17 laboration, definition of clear roles and re-  
18 sponsibilities and implications for how to  
19 further strengthen these agreements with  
20 mutually accountable measures of prog-  
21 ress.

22           “(N) A description of efforts and activities  
23 to engage new partners, including faith-based,  
24 community-based, and United States minority-  
25 serving institutions.



1           “(O) A definition and description of the  
2           differentiation between directly and otherwise  
3           supported activities, including specific efforts to  
4           clarify programmatic attribution and contribu-  
5           tion, as well as timelines for dissemination and  
6           implementation.

7           “(3) DEFINITION.—In this subsection, the term  
8           ‘partner country’ means a country that received not  
9           less than \$5,000,000 in United States HIV/AIDS  
10          assistance under this section during the immediately  
11          preceding fiscal year.”.

12          (b) REPORT ELEMENTS FOR FISCAL YEAR 2013 RE-  
13          PORT.—The annual report required to be submitted by not  
14          later than February 15, 2014, to the Committee on For-  
15          eign Relations of the Senate and the Committee on For-  
16          eign Affairs of the House of Representatives under section  
17          104A(f) of the Foreign Assistance Act of 1961, as amend-  
18          ed by subsection (a) of this section, shall include the re-  
19          port elements contained in paragraph (2) of such section  
20          104A(f) as such section was in effect on the day before  
21          the date of the enactment of this Act.

22          **SEC. 6. ALLOCATION OF FUNDING.**

23          (a) ORPHANS AND VULNERABLE CHILDREN.—Sec-  
24          tion 403(b) of the United States Leadership Against HIV/

1 AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C.  
2 7673(b)) is amended—

3 (1) by striking “2013” and inserting “2018”;

4 and

5 (2) by striking “amounts appropriated pursuant  
6 to the authorization of appropriations under section  
7 401” and inserting “amounts appropriated or other-  
8 wise made available to carry out the provisions of  
9 section 104A of the Foreign Assistance Act of 1961  
10 (22 U.S.C. 2151b-2)”.

11 (b) FUNDING ALLOCATION.—Section 403(c) of the  
12 United States Leadership Against HIV/AIDS, Tuber-  
13 culosis, and Malaria Act of 2003 (22 U.S.C. 7673(c)) is  
14 amended—

15 (1) by striking “2013” and inserting “2018”;

16 (2) by striking “amounts appropriated” and in-  
17 sserting “amounts appropriated or otherwise made  
18 available to carry out the provisions of section 104A  
19 of the Foreign Assistance Act of 1961 (22 U.S.C.  
20 2151b-2)”;

21 (3) by striking “pursuant to section 401”.

○