

113TH CONGRESS
1ST SESSION

S. 1545

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2013

Mr. MENENDEZ (for himself and Mr. CORKER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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 and
7 national partner spending and comparable
8 data across United States, Global Fund,
9 and national partner spending; or

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

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

17 “(4) PARTNER COUNTRY DEFINED.—In this
18 subsection, the term ‘partner country’ means a coun-
19 try with a minimum United States Government in-
20 vestment of HIV/AIDS assistance of at least
21 \$5,000,000 annually.”.

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) in subparagraph (A)—

7 (A) in clause (i), by striking “2013” and
8 inserting “2018”;

9 (B) in clause (ii)—

10 (i) by striking “2013” and inserting
11 “2018”; and

12 (ii) by striking the last two sentences;

13 and

14 (C) in clause (vi), by striking “2013” and
15 inserting “2018”; and

16 (2) in subparagraph (B)—

17 (A) by striking “under this subsection”
18 each place it appears;

19 (B) in clause (ii), by striking “pursuant to
20 the authorization of appropriations under sec-
21 tion 401” and inserting “to carry out section
22 104A of the Foreign Assistance Act of 1961”;
23 and

24 (C) in clause (iv), by striking “2013” and
25 inserting “2018”.

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

5 (1) in paragraph (5)—

6 (A) by striking “2013” and inserting
7 “2018”;

8 (B) in subparagraph (C)—

9 (i) by inserting “in an open, machine
10 readable format” after “site”;

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

13 “(v) a regular collection, analysis, and
14 reporting of performance data and funding
15 of grants of the Global Fund, which covers
16 all principal recipients and all subrecipi-
17 ents on the fiscal cycle of each grant, and
18 includes the distribution of resources, by
19 grant and principal recipient and sub-
20 recipient, for prevention, care, treatment,
21 drugs, and commodities purchase, and
22 other purposes as practicable;”;

23 (C) in subparagraph (D)(ii), by inserting
24 “, in an open, machine readable format,” after
25 “audits”;

1 (D) in subparagraph (E), by inserting “,
2 in an open, machine readable format,” after
3 “publicly”;

4 (E) in subparagraph (F)—

5 (i) in clause (i), by striking “; and”
6 and inserting a semicolon; and

7 (ii) by striking clause (ii) and insert-
8 ing the following new clauses:

9 “(ii) all principal recipients and sub-
10 recipients and the amount of funds dis-
11 bursed to each principal recipient and sub-
12 recipient on the fiscal cycle of the grant;

13 “(iii) expenditure data—

14 “(I) tracked by principal recipi-
15 ents and subrecipients by prevention,
16 care, and treatment as practicable and
17 reported in a format that allows com-
18 parison with other funding streams in
19 each country; or

20 “(II) if such expenditure data is
21 not available, outlay or disbursement
22 data, and an explanation of progress
23 made toward providing such expendi-
24 ture data; and

1 “(iv) high-quality grant performance
2 evaluations measuring inputs, outputs, and
3 outcomes, as appropriate, with the goal of
4 achieving outcome reporting;”;

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

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

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

14 “(ii) a description of the types of
15 goods or services on which the import du-
16 ties and internal taxes are levied;

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

19 “(iv) recovered import duties or inter-
20 nal taxes; and

21 “(v) the status of country status-
22 agreements;”.

1 **SEC. 5. ANNUAL REPORT.**

2 Section 104A(f) of the Foreign Assistance Act of
3 1961 (22 U.S.C. 2151b–2(f)) is amended to read as fol-
4 lows:

5 “(f) ANNUAL REPORT.—

6 “(1) IN GENERAL.—Not later than February
7 15, 2014, and annually thereafter, the President
8 shall submit to the Committee on Foreign Relations
9 of the Senate and the Committee on Foreign Affairs
10 of the House of Representatives a report in an open,
11 machine readable format, on the implementation of
12 this section for the prior fiscal year.

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

16 “(A) A description based on internationally
17 available data, and where practicable high-quality
18 country-based data, of the total global bur-
19 den and need for HIV/AIDS prevention, treat-
20 ment, and care, including—

21 “(i) estimates by partner country of
22 the global burden and need; and

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

1 “(B) Reporting on annual targets across
2 prevention, treatment, and care interventions in
3 partner countries, including—

4 “(i) a description of how those targets
5 are designed to—

6 “(I) ensure that the annual in-
7 crease in new patients on
8 antiretroviral treatment exceeds the
9 number of annual new HIV infections;

10 “(II) reduce the number of new
11 HIV infections below the number of
12 deaths among persons infected with
13 HIV; and

14 “(III) achieve an AIDS-free gen-
15 eration;

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

18 “(I) established by partner coun-
19 tries; or

20 “(II) where such national partner
21 country-developed targets are unavail-
22 able, a description of progress towards
23 developing national partner country
24 targets; and

1 “(iii) bilateral programmatic targets
2 across prevention, treatment, and care, in-
3 cluding—

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

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

12 “(III) other programmatic tar-
13 gets for activities directly and other-
14 wise supported by United States-fund-
15 ed programs.

16 “(C) A description, by country, of HIV/
17 AIDS funding from all sources, including fund-
18 ing levels from partner countries, other donors,
19 and the private sector, as practicable.

20 “(D) A description of how United States-
21 funded programs, in conjunction with the Glob-
22 al Fund, other donors, and partner countries,
23 together set targets, measure progress, and
24 achieve positive outcomes in partner countries.

1 “(E) An annual assessment of outcome in-
2 dicator development, dissemination, and per-
3 formance for programs supported under this
4 section, including ongoing corrective actions to
5 improve reporting.

6 “(F) A description and explanation of
7 changes in related guidance or policies related
8 to implementation of programs supported under
9 this section.

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

14 “(i) the number, by country, of per-
15 sons on HIV treatment, including specifi-
16 cally—

17 “(I) the number of adults and
18 children on HIV treatment directly
19 supported by United States-funded
20 programs; and

21 “(II) the number of adults and
22 children on HIV treatment otherwise
23 supported by United States-funded
24 programs;

1 “(ii) HIV treatment coverage rates by
2 country;

3 “(iii) the net increase in persons on
4 HIV treatment by country;

5 “(iv) new infections of HIV by coun-
6 try;

7 “(v) the number of HIV infections
8 averted;

9 “(vi) antiretroviral treatment program
10 retention rates by country, including—

11 “(I) performance against annual
12 targets for program retention; and

13 “(II) the retention rate of per-
14 sons on HIV treatment directly sup-
15 ported by United States-funded pro-
16 grams; and

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

19 “(H) A description of national and United
20 States-funded HIV/AIDS prevention programs
21 and policies, including—

22 “(i) an assessment by country of
23 progress towards targets set forth in sub-
24 paragraph (B), with a detailed description
25 of the metrics used to assess—

1 “(I) programs to prevent mother
2 to child transmission of HIV/AIDS,
3 including coverage rates;

4 “(II) programs to provide or pro-
5 mote voluntary medical male circumci-
6 sion, including coverage rates;

7 “(III) programs for behavior-
8 change; and

9 “(IV) other programmatic activi-
10 ties to prevent the transmission of
11 HIV;

12 “(ii) antiretroviral treatment as pre-
13 vention; and

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

16 “(I) A description of the goals, scope, and
17 measurement of program efforts aimed at
18 women and girls.

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

22 “(K) A description of the indicators and
23 milestones used to assess effective, strategic,
24 and appropriately timed country ownership, in-
25 cluding—

1 “(i) an explanation of the metrics
2 used to determine whether the pace of any
3 transition to such ownership is appropriate
4 for that country, given that country’s level
5 of readiness for such transition;

6 “(ii) an analysis of governmental and
7 local nongovernmental capacity to sustain
8 positive outcomes;

9 “(iii) a description of measures taken
10 to improve partner country capacity to sus-
11 tain positive outcomes where needed; and

12 “(iv) for countries undergoing a tran-
13 sition to greater country ownership, a de-
14 scription of strategies to assess and miti-
15 gate programmatic and financial risk and
16 to ensure continued quality of care for es-
17 sential services.

18 “(L) A description, globally and by coun-
19 try, of specific efforts to achieve and incentivize
20 greater programmatic and cost effectiveness, in-
21 cluding—

22 “(i) progress toward establishing com-
23 mon economic metrics across prevention,
24 care and treatment with partner counties
25 and the Global Fund;

1 “(ii) average costs, by country and by
2 core intervention;

3 “(iii) expenditure reporting in all pro-
4 gram areas, supplemented with targeted
5 analyses of the cost-effectiveness of specific
6 interventions; and

7 “(iv) import duties and internal taxes
8 imposed on program commodities and serv-
9 ices, by country.

10 “(M) A description of partnership frame-
11 work agreements with countries, and regions
12 where applicable, including—

13 “(i) the objectives and structure of
14 partnership framework agreements with
15 countries, including—

16 “(I) how these agreements are
17 aligned with national HIV/AIDS plans
18 and public health strategies and com-
19 mitments of such countries; and

20 “(II) how these agreements in-
21 corporate a role for civil society; and

22 “(ii) a description of what has been
23 learned in advancing partnership frame-
24 work agreements with countries, and re-
25 gions as applicable, in terms of improved

1 coordination and collaboration, definition
2 of clear roles and responsibilities of partici-
3 pants and signers, and implications for
4 how to further strengthen these agree-
5 ments with mutually accountable measures
6 of progress.

7 “(N) A description of efforts and activities
8 to engage new partners, including faith-based,
9 community-based, and United States minority-
10 serving institutions.

11 “(O) A definition and description of the
12 differentiation between directly and otherwise
13 supported activities, including specific efforts to
14 clarify programmatic attribution and contribu-
15 tion, as well as timelines for dissemination and
16 implementation.

17 “(3) PARTNER COUNTRY DEFINED.—In this
18 subsection, the term ‘partner country’ means a coun-
19 try with a minimum United States Government in-
20 vestment of HIV/AIDS assistance of at least
21 \$5,000,000 annually.”.

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 and

17 (2) by striking “amounts appropriated for bilat-
18 eral global HIV/AIDS assistance pursuant to section
19 401” and inserting “amounts appropriated or other-
20 wise made available to carry out the provisions of
21 section 104A of the Foreign Assistance Act of 1961
22 (22 U.S.C. 2151b–2)”.

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