

(3) Local health and international organizations

For purposes of paragraph (2)(A)—

(A) the term “local health organization” means a public sector health system, non-governmental organization, institution of higher education, community-based organization, or nonprofit health system that provides directly, or has a clear link with a provider for the indirect provision of, primary health care services; and

(B) the term “international organization” means—

- (i) a nonprofit international entity;
- (ii) an international charitable institution;
- (iii) a private voluntary international entity; or
- (iv) a multilateral institution.

(4) Priority requirement

In awarding subgrants under this subsection, the organization shall give priority to eligible applicants that are currently administering a program of proven intervention to HIV positive individuals to prevent mother-to-child transmission in countries with or at risk for severe HIV epidemic with particular attention to resource constrained countries, and who are currently administering a program to HIV positive women, men, and children to provide life-long care in family-centered care programs using non-Federal funds.

(5) Selection of subgrant recipients

In awarding subgrants under this subsection, the organization should—

- (A) consider applicants from a range of health care settings, program approaches, and geographic locations; and
- (B) if appropriate, award not less than 1 grant to an applicant to fund a national system of health care delivery to HIV positive families.

(6) Use of subgrant funds

An eligible entity awarded a subgrant under this subsection shall use subgrant funds to expand activities to prevent mother-to-child transmission of HIV by providing medical treatment and care and support services to parents and their children, which may include—

- (A) providing treatment and therapy, when medically indicated, to HIV-infected women, their children, and families;
- (B) the hiring and training of local personnel, including physicians, nurses, other health care providers, counselors, social workers, outreach personnel, laboratory technicians, data managers, and administrative support personnel;
- (C) paying laboratory costs, including costs related to necessary equipment and diagnostic testing and monitoring (including rapid testing), complete blood counts, standard chemistries, and liver function testing for infants, children, and parents, and costs related to the purchase of necessary laboratory equipment;
- (D) purchasing pharmaceuticals for HIV-related conditions, including antiretroviral therapies;

(E) funding support services, including adherence and psychosocial support services;

(F) operational support activities; and

(G) conducting community outreach and capacity building activities, including activities to raise the awareness of individuals of the program carried out by the subgrantee, other communications activities in support of the program, local advisory board functions, and transportation necessary to ensure program participation.

(d) Reports

The President shall require that each organization awarded a grant under subsection (b)(1) to submit an annual report that includes—

- (1) the progress of programs funded under this section;
- (2) the benchmarks of success of programs funded under this section; and
- (3) recommendations of how best to proceed with the programs funded under this section upon the expiration of funding under subsection (e).

(e) Funding

There are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 7671 of this title, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(f) Limitation on administrative expenses

An organization shall ensure that not more than 7 percent of the amount of a grant received under this section by the organization is used for administrative expenses.

(Pub. L. 108-25, title III, §315, May 27, 2003, 117 Stat. 743.)

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

SUBCHAPTER IV—AUTHORIZATION OF APPROPRIATIONS

§ 7671. Authorization of appropriations**(a) In general**

There are authorized to be appropriated to the President to carry out this chapter and the amendments made by this chapter \$48,000,000,000 for the 5-year period beginning on October 1, 2008.

(b) Availability

Amounts appropriated pursuant to the authorization of appropriations in subsection (a) are authorized to remain available until expended.

(c) Availability of authorizations

Authorizations of appropriations under subsection (a) shall remain available until the appropriations are made.

(Pub. L. 108-25, title IV, §401, May 27, 2003, 117 Stat. 745; Pub. L. 110-293, title IV, §401(a), July 30, 2008, 122 Stat. 2966.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 108-25, May 27,

2003, 117 Stat. 711, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7601 of this title and Tables.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-293 substituted “\$48,000,000 for the 5-year period beginning on October 1, 2008” for “\$3,000,000,000 for each of the fiscal years 2004 through 2008”.

§ 7672. Sense of Congress

(a) Increase in HIV/AIDS antiretroviral treatment

It is a sense of the Congress that an urgent priority of United States assistance programs to fight HIV/AIDS should be the rapid increase in distribution of antiretroviral treatment so that—

(1) by the end of fiscal year 2004, at least 500,000 individuals with HIV/AIDS are receiving antiretroviral treatment through United States assistance programs;

(2) by the end of fiscal year 2005, at least 1,000,000 such individuals are receiving such treatment; and

(3) by the end of fiscal year 2006, at least 2,000,000 such individuals are receiving such treatment.

(b) Effective distribution of HIV/AIDS funds

It is the sense of Congress that, of the amounts appropriated pursuant to the authorization of appropriations under section 7671 of this title for HIV/AIDS assistance, 10 percent should be used for orphans and vulnerable children.

(Pub. L. 108-25, title IV, § 402, May 27, 2003, 117 Stat. 745; Pub. L. 110-293, title IV, § 402, July 30, 2008, 122 Stat. 2966.)

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-293 substituted “10 percent should be used” for “an effective distribution of such amounts would be—

“(1) 55 percent of such amounts for treatment of individuals with HIV/AIDS;

“(2) 15 percent of such amounts for palliative care of individuals with HIV/AIDS;

“(3) 20 percent of such amounts for HIV/AIDS prevention consistent with section 2151b-2(d) of this title, of which such amount at least 33 percent should be expended for abstinence-until-marriage programs; and

“(4) 10 percent of such amounts”.

§ 7673. Allocation of funds

(a) Balanced funding requirement

(1) In general

The Global AIDS Coordinator shall—

(A) provide balanced funding for prevention activities for sexual transmission of HIV/AIDS; and

(B) ensure that activities promoting abstinence, delay of sexual debut, monogamy, fidelity, and partner reduction are implemented and funded in a meaningful and equitable way in the strategy for each host country based on objective epidemiological evidence as to the source of infections and in consultation with the government of each

host country¹ involved in HIV/AIDS prevention activities.

(2) Prevention strategy

(A) Establishment

In carrying out paragraph (1), the Global AIDS Coordinator shall establish an HIV sexual transmission prevention strategy governing the expenditure of funds authorized under this chapter to prevent the sexual transmission of HIV in any host country with a generalized epidemic.

(B) Report

In each host country described in subparagraph (A), if the strategy established under subparagraph (A) provides less than 50 percent of the funds described in subparagraph (A) for activities promoting abstinence, delay of sexual debut, monogamy, fidelity, and partner reduction, the Global AIDS Coordinator shall, not later than 30 days after the issuance of this strategy, report to the appropriate congressional committees on the justification for this decision.

(3) Exclusion

Programs and activities that implement or purchase new prevention technologies or modalities, such as medical male circumcision, public education about risks to acquire HIV infection from blood exposures, promoting universal precautions, investigating suspected nosocomial infections, pre-exposure pharmaceutical prophylaxis to prevent transmission of HIV, or microbicides and programs and activities that provide counseling and testing for HIV or prevent mother-to-child prevention of HIV, shall not be included in determining compliance with paragraph (2).

(4) Report

Not later than 1 year after July 30, 2008, and annually thereafter as part of the annual report required under section 2151b-2(e) of this title, the President shall—

(A) submit a report on the implementation of paragraph (2) for the most recently concluded fiscal year to the appropriate congressional committees; and

(B) make the report described in subparagraph (A) available to the public.

(b) Orphans and vulnerable children

For fiscal years 2009 through 2013, not less than 10 percent of the amounts appropriated pursuant to the authorization of appropriations under section 7671 of this title for HIV/AIDS assistance for each such fiscal year shall be expended for assistance for orphans and other children affected by, or vulnerable to, 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.

(c) Funding allocation

For each of the fiscal years 2009 through 2013, more than half of the amounts appropriated for bilateral global HIV/AIDS assistance pursuant

¹ So in original. Probably should be “country”.