

tion 2151b of this title and enacted section 2151b-2 of this title.

CONSTITUTIONALITY

For information regarding constitutionality of certain provisions of section 301 of Pub. L. 108-25, see Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation*, Appendix 1, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States.

AMENDMENTS

2008—Subsec. (b)(1), (3). Pub. L. 110-293, §301(f), substituted “fiscal years 2009 through 2013” for “fiscal years 2004 through 2008”.

Subsec. (c). Pub. L. 110-293, §301(g), amended subsec. (c) generally. Prior to amendment, text read as follows: “In recognition of the fact that malnutrition may hasten the progression of HIV to AIDS and may exacerbate the decline among AIDS patients leading to a shorter life span, the Administrator of the United States Agency for International Development shall, as appropriate—

“(1) integrate nutrition programs with HIV/AIDS activities, generally;

“(2) provide, as a component of an anti-retroviral therapy program, support for food and nutrition to individuals infected with and affected by HIV/AIDS; and

“(3) provide support for food and nutrition for children affected by HIV/AIDS and to communities and households caring for children affected by HIV/AIDS.”

Subsec. (d). Pub. L. 110-293, §301(h), amended subsec. (d) generally. Prior to amendment, text read as follows: “An organization that is otherwise eligible to receive assistance under section 104A of the Foreign Assistance Act of 1961 (as added by subsection (a)) or under any other provision of this chapter (or any amendment made by this chapter) to prevent, treat, or monitor HIV/AIDS shall not be required, as a condition of receiving the assistance, to endorse or utilize a multisectoral approach to combatting HIV/AIDS, or to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection.”

2004—Subsec. (f). Pub. L. 108-199, §595(3), inserted “, except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Health Organization, the International AIDS Vaccine Initiative or to any United Nations agency” after “trafficking”.

§ 7631a. United States Agency for International Development

(1) In general

The Administrator of the United States Agency for International Development, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, may facilitate availability and accessibility of microbicides, provided that such pharmaceuticals are approved, tentatively approved, or otherwise authorized for use by—

(A) the Food and Drug Administration;

(B) a stringent regulatory agency acceptable to the Secretary of Health and Human Services; or

(C) a quality assurance mechanism acceptable to the Secretary of Health and Human Services.

(2) Authorization of appropriations

Of the amounts authorized to be appropriated under section 7671 of this title for HIV/AIDS as-

stance, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this section.

(Pub. L. 110-293, title II, §203(e), July 30, 2008, 122 Stat. 2941.)

CODIFICATION

Section was enacted as part of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, and not as part of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 which comprises this chapter.

§ 7632. Authorization of appropriations to combat tuberculosis

(1) In general

In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for such purpose or under any other provision of that Act [22 U.S.C. 2151 et seq.], there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 7671 of this title, a total of \$4,000,000,000 for the 5-year period beginning on October 1, 2008,¹ to carry out section 104B of the Foreign Assistance Act of 1961, as added by subsection (a) [22 U.S.C. 2151b-3].

(2) Availability of funds

Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(3) Transfer of prior year funds

Unobligated balances of funds made available for fiscal year 2001, 2002, or 2003 under section 104(c)(7) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(7)) (as in effect immediately before May 27, 2003) shall be transferred to, merged with, and made available for the same purposes as funds made available for fiscal years 2009 through 2013,¹ under paragraph (1).

(Pub. L. 108-25, title III, §302(b), May 27, 2003, 117 Stat. 736; Pub. L. 110-293, title III, §302(f), July 30, 2008, 122 Stat. 2959.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in par. (1), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

2008—Par. (1). Pub. L. 110-293, §302(f)(1), substituted “a total of \$4,000,000,000 for the 5-year period beginning on October 1, 2008.” for “such sums as may be necessary for each of the fiscal years 2004 through 2008”.

Par. (3). Pub. L. 110-293, §302(f)(2), substituted “fiscal years 2009 through 2013.” for “fiscal years 2004 through 2008”.

§ 7633. Assistance to combat malaria

(a) Omitted

(b) Authorization of appropriations

(1) In general

In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22

¹ So in original. The period probably should not appear.

U.S.C. 2151b(c)) for such purpose or under any other provision of that Act [22 U.S.C. 2151 et seq.], there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 7671 of this title, \$5,000,000,000 during the 5-year period beginning on October 1, 2008 to carry out section 104C of the Foreign Assistance Act of 1961, as added by subsection (a) [22 U.S.C. 2151b-4], including for the development of anti-malarial pharmaceuticals by the Medicines for Malaria Venture.

(2) Availability of funds

Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(3) Transfer of prior year funds

Unobligated balances of funds made available for fiscal year 2001, 2002, or 2003 under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c))¹ (as in effect immediately before May 27, 2003) and made available for the control of malaria shall be transferred to, merged with, and made available for the same purposes as funds made available for fiscal years 2009 through 2013 under paragraph (1).

(c) Statement of policy

Providing assistance for the prevention, control, treatment, and the ultimate eradication of malaria is—

- (1) a major objective of the foreign assistance program of the United States; and
- (2) 1 component of a comprehensive United States global health strategy to reduce disease burdens and strengthen communities around the world.

(d) Development of a comprehensive 5-Year strategy

The President shall establish a comprehensive, 5-year strategy to combat global malaria that—

- (1) strengthens the capacity of the United States to be an effective leader of international efforts to reduce² malaria burden;
- (2) maintains sufficient flexibility and remains responsive to the ever-changing nature of the global malaria challenge;
- (3) includes specific objectives and multisectoral approaches and strategies to reduce the prevalence, mortality, incidence, and spread of malaria;
- (4) describes how this strategy would contribute to the United States' overall global health and development goals;
- (5) clearly explains how outlined activities will interact with other United States Government global health activities, including the 5-year global AIDS strategy required under this chapter;
- (6) expands public-private partnerships and leverage of resources;
- (7) coordinates among relevant Federal agencies to maximize human and financial resources and to reduce duplication among these agencies, foreign governments, and international organizations;
- (8) coordinates with other international entities, including the Global Fund;

(9) maximizes United States capabilities in the areas of technical assistance and training and research, including vaccine research; and

(10) establishes priorities and selection criteria for the distribution of resources based on factors such as—

- (A) the size and demographics of the population with malaria;
- (B) the needs of that population;
- (C) the country's existing infrastructure; and
- (D) the ability to closely coordinate United States Government efforts with national malaria control plans of partner countries.

(Pub. L. 108-25, title III, §303, May 27, 2003, 117 Stat. 736; Pub. L. 110-293, title III, §303(b), July 30, 2008, 122 Stat. 2960.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b)(1), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

This chapter, referred to in subsec. (d)(5), 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.

CODIFICATION

Section is comprised of section 303 of Pub. L. 108-25. Subsec. (a) and another subsec. (c) of section 303 of Pub. L. 108-25, respectively, enacted section 2151b-4 of this title and amended section 2151b of this title.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-293, §303(b)(1)(A), substituted "\$5,000,000,000 during the 5-year period beginning on October 1, 2008" for "such sums as may be necessary for fiscal years 2004 through 2008".

Subsec. (b)(3). Pub. L. 110-293, §303(b)(1)(B), substituted "fiscal years 2009 through 2013" for "fiscal years 2004 through 2008".

Subsecs. (c), (d). Pub. L. 110-293, §303(b)(2), added subsecs. (c) relating to statement of policy and (d).

§ 7634. Malaria response Coordinator

(a) In general

There is established within the United States Agency for International Development a Coordinator of United States Government Activities to Combat Malaria Globally (referred to in this section as the "Malaria Coordinator"), who shall be appointed by the President.

(b) Authorities

The Malaria Coordinator, acting through non-governmental organizations (including faith-based and community-based organizations), partner country finance, health, and other relevant ministries, and relevant executive branch agencies as may be necessary and appropriate to carry out this section, is authorized to—

- (1) operate internationally to carry out prevention, care, treatment, support, capacity development, and other activities to reduce the prevalence, mortality, and incidence of malaria;
- (2) provide grants to, and enter into contracts and cooperative agreements with, non-

¹ So in original. Probably should be followed by a second closing parenthesis.

² So in original. Probably should be followed by "the".