

2013” for “during any of the fiscal years 2004 through 2008” and inserted at end “The President may waive the application of this clause with respect to assistance for Sudan that is overseen by the Southern Country Coordinating Mechanism, including Southern Sudan, Southern Kordofan, Blue Nile State, and Abyei, if the President determines that the national interest or humanitarian reasons justify such a waiver. The President shall publish each waiver of this clause in the Federal Register and, not later than 15 days before the waiver takes effect, shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the proposed waiver.”

Subsec. (d)(4)(A)(vi). Pub. L. 110–293, § 202(c)(2)(A)(iii), substituted “For the purposes” for “for the purposes”, “fiscal years 2009 through 2013” for “fiscal years 2004 through 2008”, and “before fiscal year 2009” for “prior to fiscal year 2004”.

Subsec. (d)(4)(B)(iv). Pub. L. 110–293, § 202(c)(2)(B), substituted “fiscal years 2009 through 2013” for “fiscal years 2004 through 2008”.

Subsec. (d)(4)(C)(ii). Pub. L. 110–293, § 202(c)(2)(C), substituted “Committee on Foreign Affairs” for “Committee on International Relations”.

Subsec. (d)(5), (6). Pub. L. 110–293, § 202(c)(3), added pars. (5) and (6).

2004—Subsec. (d)(4)(A)(vi). Pub. L. 108–199, § 595(1), added cl. (vi).

Subsec. (d)(4)(B)(iv). Pub. L. 108–199, § 595(2), added cl. (iv).

#### 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, and Memorandum of President of Feb. 23, 2004, 69 F.R. 9509, set out as a note under section 7611 of this title.

### § 7623. Combating HIV/AIDS, tuberculosis, and malaria by strengthening health policies and health systems of partner countries

#### (a) Statement of policy

It shall be the policy of the United States Government—

(1) to invest appropriate resources authorized under this chapter—

(A) to carry out activities to strengthen HIV/AIDS, tuberculosis, and malaria health policies and health systems; and

(B) to provide workforce training and capacity-building consistent with the goals and objectives of this chapter; and

(2) to support the development of a sound policy environment in partner countries to increase the ability of such countries—

(A) to maximize utilization of health care resources from donor countries;

(B) to increase national investments in health and education and maximize the effectiveness of such investments;

(C) to improve national HIV/AIDS, tuberculosis, and malaria strategies;

(D) to deliver evidence-based services in an effective and efficient manner; and

(E) to reduce barriers that prevent recipients of services from achieving maximum benefit from such services.

#### (b) Assistance to improve public finance management systems

##### (1) In general

Consistent with the authority under section 2151aa of this title, the Secretary of the Treas-

ury, acting through the head of the Office of Technical Assistance, is authorized to provide assistance for advisors and partner country finance, health, and other relevant ministries to improve the effectiveness of public finance management systems in partner countries to enable such countries to receive funding to carry out programs to combat HIV/AIDS, tuberculosis, and malaria and to manage such programs.

#### (2) Authorization of appropriations

Of the amounts authorized to be appropriated under section 7671 of this title for HIV/AIDS assistance, there are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this subsection.

#### (c) Plan required

The Global AIDS Coordinator, in collaboration with the Administrator of the United States Agency for International Development (USAID), shall develop and implement a plan to combat HIV/AIDS by strengthening health policies and health systems of partner countries as part of USAID’s “Health Systems 2020” project. Recognizing that human and institutional capacity form the core of any health care system that can sustain the fight against HIV/AIDS, tuberculosis, and malaria, the plan shall include a strategy to encourage postsecondary educational institutions in partner countries, particularly in Africa, in collaboration with United States postsecondary educational institutions, including historically black colleges and universities, to develop such human and institutional capacity and in the process further build their capacity to sustain the fight against these diseases.

(Pub. L. 108–25, title II, § 204 as added Pub. L. 110–293, title II, § 204(a), July 30, 2008, 122 Stat. 2942.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), 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.

### § 7624. Facilitating vaccine development

#### (a) Technical assistance for developing countries

The Administrator of the United States Agency for International Development, utilizing public-private partners, as appropriate, and working in coordination with other international development agencies, is authorized to strengthen the capacity of developing countries’ governmental institutions to—

(1) collect evidence for informed decision-making and introduction of new vaccines, including potential HIV/AIDS, tuberculosis, and malaria vaccines, if such vaccines are determined to be safe and effective;

(2) review protocols for clinical trials and impact studies and improve the implementation of clinical trials; and

(3) ensure adequate supply chain and delivery systems.

**(b) Advanced market commitments****(1) Purpose**

The purpose of this subsection is to improve global health by requiring the United States to participate in negotiations for advance market commitments for the development of future vaccines, including potential vaccines for HIV/AIDS, tuberculosis, and malaria.

**(2) Negotiation requirement**

The Secretary of the Treasury shall enter into negotiations with the appropriate officials of the International Bank of Reconstruction and Development (World Bank) and the GAVI Alliance, the member nations of such entities, and other interested parties to establish advanced market commitments to purchase vaccines to combat HIV/AIDS, tuberculosis, malaria, and other related infectious diseases.

**(3) Requirements**

In negotiating the United States participation in programs for advanced market commitments, the Secretary of the Treasury shall take into account whether programs for advance market commitments include—

- (A) legally binding contracts for product purchase that include a fair market price for up to a maximum number of treatments, creating a strong market incentive;
- (B) clearly defined and transparent rules of program participation for qualified developers and suppliers of the product;
- (C) clearly defined requirements for eligible vaccines to ensure that they are safe and effective and can be delivered in developing country contexts;
- (D) dispute settlement mechanisms; and
- (E) sufficient flexibility to enable the contracts to be adjusted in accord with new information related to projected market size and other factors while still maintaining the purchase commitment at a fair price.

**(4) Report**

Not later than 1 year after July 30, 2008—

- (A) the Secretary of the Treasury shall submit a report to the appropriate congressional committees on the status of the United States negotiations to participate in programs for the advanced market commitments under this subsection; and
- (B) the President shall produce a comprehensive report, written by a study group of qualified professionals from relevant Federal agencies and initiatives, nongovernmental organizations, and industry representatives, that sets forth a coordinated strategy to accelerate development of vaccines for infectious diseases, such as HIV/AIDS, malaria, and tuberculosis, which includes—
  - (i) initiatives to create economic incentives for the research, development, and manufacturing of vaccines for HIV/AIDS, tuberculosis, malaria, and other infectious diseases;
  - (ii) an expansion of public-private partnerships and the leveraging of resources from other countries and the private sector; and

(iii) efforts to maximize United States capabilities to support clinical trials of vaccines in developing countries and to address the challenges of delivering vaccines in developing countries to minimize delays in access once vaccines are available.

(Pub. L. 110–293, title II, §206, July 30, 2008, 122 Stat. 2944.)

## 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.

## SUBCHAPTER III—BILATERAL EFFORTS

## PART A—GENERAL ASSISTANCE AND PROGRAMS

**§ 7631. Assistance to combat HIV/AIDS****(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 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, such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out section 104A of the Foreign Assistance Act of 1961, as added by subsection (a) [22 U.S.C. 2151b–2].

**(2) Availability of funds**

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

**(3) Allocation of funds**

Of the amount authorized to be appropriated by paragraph (1) for the fiscal years 2009 through 2013, such sums as may be necessary are authorized to be appropriated to carry out section 104A(d)(4) of the Foreign Assistance Act of 1961 (as added by subsection (a)) [22 U.S.C. 2151b–2(d)(4)], relating to the procurement and distribution of HIV/AIDS pharmaceuticals.

**(c) Food and nutritional support****(1) In general**

As indicated in the report produced by the Institute of Medicine, entitled “PEPFAR Implementation: Progress and Promise”, inadequate caloric intake has been clearly identified as a principal reason for failure of clinical response to antiretroviral therapy. In recognition of the impact of malnutrition as a clinical health issue for many persons living with HIV/AIDS that is often associated with health and economic impacts on these individuals and their families, the Global AIDS Coordinator and the Administrator of the United States Agency for International Development shall—

- (A) follow World Health Organization guidelines for HIV/AIDS food and nutrition services;