

(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 “\$48,000,000,000 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 author-

ization 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

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

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 2018, not less than 10 percent of the amounts appropriated or otherwise made available to carry out the provisions of section 2151b-2 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 2018, more than half of the amounts appropriated or otherwise made available to carry out the provisions of section 2151b-2 of this title shall be expended for—

(1) antiretroviral treatment for HIV/AIDS;

(2) clinical monitoring of HIV-seropositive people not in need of antiretroviral treatment;

(3) care for associated opportunistic infections;

(4) nutrition and food support for people living with HIV/AIDS; and

(5) other essential HIV/AIDS-related medical care for people living with HIV/AIDS.

(d) Treatment, prevention, and care goals

For each of the fiscal years 2009 through 2013—

(1) the treatment goal under section 7672(a)(3) of this title shall be increased above 2,000,000 by at least the percentage increase in the amount appropriated for bilateral global HIV/AIDS assistance for such fiscal year compared with fiscal year 2008;

(2) any increase in the treatment goal under section 7672(a)(3) of this title above the percentage increase in the amount appropriated for bilateral global HIV/AIDS assistance for such fiscal year compared with fiscal year 2008 shall be based on long-term requirements, epidemiological evidence, the share of treatment needs being met by partner governments and other sources of treatment funding, and other appropriate factors;

(3) the treatment goal under section 7672(a)(3) of this title shall be increased above the number calculated under paragraph (1) by

the same percentage that the average United States Government cost per patient of providing treatment in countries receiving bilateral HIV/AIDS assistance has decreased compared with fiscal year 2008; and

(4) the prevention and care goals established in clauses (i) and (iv) of section 2151b-2(b)(1)(A) of this title shall be increased consistent with epidemiological evidence and available resources.

(Pub. L. 108-25, title IV, §403, May 27, 2003, 117 Stat. 746; Pub. L. 110-293, title IV, §403, July 30, 2008, 122 Stat. 2966; Pub. L. 113-56, §6, Dec. 2, 2013, 127 Stat. 654.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2)(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

2013—Subsec. (b). Pub. L. 113-56, §6(a), substituted “2018” for “2013” and “amounts appropriated or otherwise made available to carry out the provisions of section 2151b-2 of this title” for “amounts appropriated pursuant to the authorization of appropriations under section 7671 of this title”.

Subsec. (c). Pub. L. 113-56, §6(b), substituted “2018” for “2013” and “amounts appropriated or otherwise made available to carry out the provisions of section 2151b-2 of this title” for “amounts appropriated for bilateral global HIV/AIDS assistance pursuant to section 7671 of this title” in introductory provisions.

2008—Subsec. (a). Pub. L. 110-293, §403(1), amended subsec. (a) generally. Prior to amendment, text read as follows: “For fiscal years 2006 through 2008, not less than 55 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 therapeutic medical care of individuals infected with HIV, of which such amount at least 75 percent should be expended for the purchase and distribution of antiretroviral pharmaceuticals and at least 25 percent should be expended for related care. For fiscal years 2006 through 2008, not less than 33 percent of the amounts appropriated pursuant to the authorization of appropriations under section 7671 of this title for HIV/AIDS prevention consistent with section 2151b-2(d) of this title for each such fiscal year shall be expended for abstinence-until-marriage programs.”

Subsec. (b). Pub. L. 110-293, §403(2), substituted “fiscal years 2009 through 2013” for “fiscal years 2006 through 2008” and “other children affected by, or vulnerable to,” for “vulnerable children affected by”.

Subsecs. (c), (d). Pub. L. 110-293, §403(3), added subsecs. (c) and (d).

§ 7674. Assistance from the United States private sector to prevent and reduce HIV/AIDS in sub-Saharan Africa

It is the sense of Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, United States businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.