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Anti-Abortion Agenda in Congress Threatens PEPFAR Program

The President's Emergency Plan for AIDS Relief (PEPFAR) is a U.S. global health program that Congress first authorized more than two decades ago. Through provision of HIV prevention and treatment services and investment in HIV infrastructure, PEPFAR has [saved over 25 million lives](#). The program is up for reauthorization this year, meaning Congress is charged with assessing whether any changes should be made to bring the program in line with current needs and priorities. This should be a relatively smooth legislative process given PEPFAR's history as a celebrated program with widespread bipartisan support. Yet PEPFAR's reauthorization is currently in jeopardy amidst political rancor over abortion.

What Is PEPFAR?

PEPFAR was initially announced in January 2003 during President George W. Bush's State of the Union address. Later that year, Congress passed authorizing legislation, spelling out the parameters of the program. The legislation creating PEPFAR consolidated existing U.S. global HIV activities under the supervision of a newly created, Senate-confirmed U.S. Global AIDS Coordinator. Since the program began, U.S. funding has [increased](#) considerably, from \$1.9 billion in 2004 to \$6.9 billion in 2023. Funding for PEPFAR has been allocated in three ways:

- The majority of PEPFAR funding is provided bilaterally, meaning that it supports the HIV response in specific high-need countries through programs operated by four federal agencies (the State Department, the U.S. Agency for International Development, the Centers for Disease Control and Prevention, and the Department of Defense).
- PEPFAR funding also goes to two multilateral funds, the [Global Fund to Fight AIDS, Tuberculosis \(TB\) and Malaria](#) ("the Global Fund") and [UNAIDS](#), both of which pool money from public and private donors to fight the global HIV epidemic. The Global Fund was created in 2002 as an independent and nimble financing mechanism for HIV, TB, and malaria efforts in low-resourced countries. The Global Fund accepts funds from developed countries and other donors and disburses them to developing countries. The U.S. is the largest donor to the Global Fund.

- In 2021, PEPFAR provided \$3.8 billion in emergency supplemental funding to address COVID-19.

By all measures, PEPFAR has been a remarkable success. As of January 2023, PEPFAR was supporting HIV/AIDS treatment for more than [20 million people](#), and it has helped dramatically reduce new HIV infections since their global peak in the mid-1990s. The investments PEPFAR has made into the public health infrastructure of developing nations has not only helped in the response to HIV, but has built sustainable [systems](#) that are able to respond quickly to other public health crises, most recently the COVID-19 pandemic.

What is at Stake in the Congressional Fight over PEPFAR Reauthorization?

Despite the launch of PEPFAR under a Republican president and years of bipartisan support, the program is currently in the crosshairs of a contentious and partisan fight over proposed program restrictions. The Biden Administration and congressional Democrats are currently pushing for a “clean” five-year reauthorization of the program, with no additional policy riders, consistent with PEPFAR’s 20-year history. However, some [Republican lawmakers](#) are voicing concerns that the Biden Administration is using PEPFAR to promote abortion access. These lawmakers are arguing for a one-year reauthorization with new restrictions aimed at codifying the so-called [Mexico City Policy](#), which would prohibit PEPFAR-funded entities from partnering with organizations that provide abortions (regardless of the funding source for abortion services). These arguments have been fueled by an [incendiary report](#) from the ultra-conservative Heritage Foundation, which, along with two other anti-abortion groups, has threatened to dock conservative lawmakers’ [abortion scorecards](#) if they vote for a clean reauthorization bill.

Proponents of a clean reauthorization – including the current U.S. Global AIDS Coordinator Dr. John Nkengasong – argue that there is absolutely [no evidence](#) that PEPFAR funding is being used to support abortions and that restrictions would only serve to hamstring organizations in their ability to effectively address HIV. They also point to the fact that under existing law (the 1973 Helms Amendment to the Foreign Assistance Act) no U.S. foreign aid may be used for the delivery of abortion services.

The current PEPFAR authorization ends on September 30, 2023. Failure to reauthorize a program that does not have an explicit “sunset” provision in its authorizing legislation (i.e., a provision that explicitly ends a program without reauthorization) does not mean that the program ends or that Congress can no longer appropriate funding to it. Indeed, the Ryan White HIV/AIDS Program has not been reauthorized since its last reauthorization expired in 2013. While there are [some provisions](#) within PEPFAR that are time-bound and that would have to be explicitly reauthorized to continue, the majority of the program can continue without reauthorization. However, even for programs without sunset provisions, reauthorization often allows lawmakers to make important updates to ensure that programs are able to operate efficiently and effectively. Not reauthorizing PEPFAR also sends an alarming message to global partners that the U.S. commitment to fighting the HIV pandemic could be wavering.

What Happens Next?

Congress is running out of time to move past the current stalemate between Democrats (and some Republicans) who want a clean reauthorization and other Republicans who are demanding the insertion of abortion-related restrictions. Congress is currently in summer recess for the month of August but will be jumping back into this debate in September. Summer recess is a time when members of Congress are in their home districts, which allows for town halls and other constituent engagement opportunities. Over the coming weeks, supporters of PEPFAR are continuing to pressure Congress to maintain its commitment to this important program and to not let politics jeopardize the global fight to end HIV. [Health GAP](#), an international organization dedicated to ensuring access to HIV treatment, is organizing a coordinated advocacy effort including a [template advocacy letter](#).

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