

Cracks in a Fragile AIDS Consensus

Bush's ambitious international relief program gets caught in the culture war crossfire

BY ADAM GRAHAM-SILVERMAN

IT'S BEEN A WHILE since the Capitol has played host to a fervent protest over AIDS funding. But earlier this month, conservative members of Congress and big-name right-wing activists assembled on the terrace of the Cannon House Office Building to denounce a Democratic bill that would expand U.S. AIDS efforts abroad. As one activist on hand put it, the legislation was nothing less than "a plan to destroy the African people."

Such is the new politics of congressional AIDS relief. Five years after President Bush won approval for his ambitious plan to increase U.S. aid for fighting the spread of AIDS in Africa and the rest of the developing world, the program stands as perhaps his most enduring foreign policy success. It also has been a rare point of bipartisan accord on foreign policy in Congress.

But after Bush kept his requested future funding for the program flat — at an average of \$6 billion annually — congressional Democrats dug in for a confrontation with the White House. Claiming to have science on their side, Democrats, led by the late House Foreign Affairs Committee Chairman Tom Lantos of California, have offered wide-reaching changes to the plan at the behest of family-planning groups, seeking, for example, to do away with requirements for spending on abstinence education and to allow work with prostitution groups. They also proposed to more than triple Bush's original funding re-



FUNDING BATTLEFRONT: This AIDS clinic in Nairobi's Coptic Hospital is a beneficiary of PEPFAR funding. It reaches out to Kenyan women, who test positive for HIV at a rate five times greater than men.

quest, to \$50 billion, over the next five years.

And in short order, Congress' consensus on the issue unspooled. Republicans attacked the Democrats' proposed changes, particularly for what its streamlined family-planning provisions, which they say could open the door to providing U.S. money for abortion providers overseas.

"The inevitable consequence of enriching, enabling and expanding the capacity of pro-

abortion operations in the field is more dead babies and wounded mothers, just as Planned Parenthood in the United States aborts over 265,000 children each year," GOP Rep. Christopher H. Smith of New Jersey told the crowd gathered at the Cannon Building on Feb. 7.

SPOILING FOR A FIGHT

Such rhetoric drives home the risks inherent in the decision to trigger a partisan con-

frontation over AIDS funding now. It would have been simple enough, after all, to continue down the easy road: Extend a popular program in an election year, double its funding, hand out the credit and go home. But it's also true that Democrats are feeling restive on this issue; some, indeed, are spoiling for a fight, after a year of legislative initiatives largely thwarted by the White House and congressional Republicans.

Indeed, the Democrats' new fighting mood has provoked a sharp reaction from more than congressional Republicans. Some activist groups, such as the Global AIDS Alliance, have sized up the ferocity of the conservative push-back on the expanded AIDS proposal and are now counseling compromise, fearing that the congressional plan may alienate key allies and appropriators, while potentially crowding out other public health priorities.

But the plan's Democratic backers, along with many in the aggressive AIDS activist community, are determined to push on to the strong policy ground they've staked out, invoking the legacy of Lantos, who died Feb. 11. Lantos had championed the original program in 2003, but he also wrote the legislation at the center of the present partisan showdown. Even with Lantos gone, Democrats who defend the bill are still firmly committed to his approach.

Howard L. Berman, the California Democrat who took Lantos' place as head of the committee, helped draft the bill. Depending on how the House bill fares, AIDS activists will probably still rally behind it as the best available plan. But the present dispute in their ranks underlines the risks Democrats could be running with their swing-for-the-fences strategy.

PEPFAR PLAYING FIELD

The President's Emergency Plan for AIDS Relief, known by its acronym PEPFAR, has provided \$18.8 billion to prevent HIV and treat AIDS overseas, while also disbursing funds to fight the spread of malaria and tuberculosis. The AIDS funds represent the biggest investment ever in fighting a single disease. Congress got on board shortly after Bush announced the plan in his 2003 State of the Union address. Lantos and Illinois Republican Henry J. Hyde, then chairman of the House International Relations Committee, forged a fragile com-

promise that satisfied public health advocates and anti-abortion constituencies alike.

The so-called Mexico City policy, which prohibits U.S. funding of overseas groups that promote or provide abortion, would not apply to the program: PEPFAR instead allows some money to go to family planning groups with long standing — on the condition that they spend it on HIV/AIDS services. In exchange for signing off on the family planning aid provisions, social conservatives got the law to designate one-third of the HIV prevention money for abstinence education, with an effort aimed at giving grants to faith-based groups. Smith wrote an additional provision that instituted the ban on funds and services for sex workers.

Critics complained that the program did not cooperate with other donors and international organizations, and that its abstinence provisions, faith-based mandates and sex-worker ban have hampered its effectiveness. Even so, its general aim won near-universal praise. Though it has not met its targets, it has nonetheless put 1.4 million AIDS sufferers on anti-retroviral drugs, distributed more than a billion condoms and pushed other developed countries to boost their spending on AIDS relief. For fiscal 2008, Congress put \$6 billion into the program, pushing its five-year total above the \$15 billion Bush had requested.

Over time, however, government agencies such as the Government Accountability Office and the Institute of Medicine issued reports that bore out the complaints of many activist critics, as did independent good-government groups, such as the Center for Public Integrity. The set-aside of funds for abstinence education tied the hands of many public health workers on the ground, the studies

found, while the faith-based funding initiative sometimes directed money to groups with little scientific backing. And Smith's no-prostitution pledge scared off experienced groups that said that, since sex work was a prime pathway for HIV, they had to work with those trying to help transactional sex workers.

For international AIDS activists, the 2008 reauthorization of PEPFAR presented an ideal opportunity to loosen these restrictions — as did, of course, the Democratic majority in Congress. "The weight of the evidence and the weight of the field experience is by far in our favor," said Jodi Jacobson, director of advocacy at the American Jewish World Service and one of the new plan's strongest backers.

Jennie Quick, governmental affairs manager at Population Services International, likewise contends that the political moment is ripe for the Lantos plan. "Some of the differences that we have are ideological, and that's not going to change," she said of the partisan split. "The fact that the American people have put the Democrats in the majority in Congress is a sign that they want Democrats to move forward with their agenda."

Armed with that conviction, congressional Democrats worked closely with advocacy and public-health communities in drafting the legislation to reauthorize PEPFAR. Gone were the abstinence set-aside and the prostitution pledge. In place of the delicate balancing act around the Mexico City policy, there is now a proposal to allow integration of family planning and HIV prevention services — the red flag that has triggered the impassioned outcry from anti-abortion legislators and activists. Rather than the \$30 billion the president requested for the next five years, they offered

\$50 billion, which they pointed out would be needed, since AIDS patients must take their expensive drugs for their entire lifetimes. No one who started the program would ever really leave it.

The Lantos bill is now scheduled for a markup when Congress returns next week. The State Department has already weighed in with a four-page letter opposing the bill, in part on the grounds that the draft version "lacks a directive to ensure that Abstinence and Be Faithful programs continue." The National Right to Life Commit-

Double Dare

In his State of the Union speech, President Bush called on Congress to "double our initial commitment to fighting HIV/AIDS by approving an additional \$30 billion." Doubling what Congress has provided, however, would add up to far more, while keeping that funding flat would add up to \$30 billion in the next five years. And because AIDS requires lifelong treatment with expensive drugs, treatment costs will rise apace with greater survival rates.



SOURCE: Office of the Global AIDS Coordinator

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tee sent its own letter, predicting that the bill would “turn what is a bipartisan program focused on combating HIV/AIDS into a massive taxpayer-financed funding stream for abortion providers and abortion-promoting organizations.”

DIGGING IN

The expanded funding proposal has also triggered some searching debate over the basic policy approaches PEPFAR takes. In its initial incarnation as an emergency plan, it focused on the direst needs: prevention spending, orphan care and — most of all — drugs. But public health and development groups argue that solving AIDS requires addressing key deficits in the developing world, among them inadequate supplies of clean water, food, health care workers and passable roads. What’s more, they say, the momentum from the plan’s first five years furnishes an ideal opportunity to expand its scope.

“The way that PEPFAR has been construed as a presidential initiative is giving it political capital that has galvanized the bureaucracies to go further and faster than if it had been embedded in [the U.S. Agency for International Development],” said Paul Zeitz, executive director of the Global AIDS Alliance.

However, the Bush administration contends that such initiatives are beyond the program’s proper reach. “PEPFAR has a role” in that complex of issues, said U.S. Global AIDS Coordinator Mark Dybul, who helped Bush write PEPFAR. “But it cannot be responsible for everything in development, and shouldn’t be responsible for everything in development.”

But a broader debate over infrastructure and economics is clearly not where this is headed in any case. And the infighting, with all its incendiary culture-war features, now has several activists on edge.

The Lantos bill needs a broader base of support, they contend — even if the narrower one now shaping up in Congress can claim scientific authority. “If it comes through the committee in a hyperpartisan manner, we’re afraid that will get further exacerbated,” Zeitz said. “That’s bad for the initiative, bad for appropriations and bad for partners on the ground that are depending on U.S. assistance.”

But advocates such as Jacobson maintain that the idea of trading dubious policy provisions for a steady flow of money is unacceptable.

“I think these guys were shocked,” she said of those in the advocacy world seeking a compromise. “I was shocked that they were shocked.”

“The more you accommodate, the more you empower,” she went on. “The gavel hasn’t even hit the table yet. Why would we be compromising when this is our best chance to get a bill out of the House? I have been stunned at the level of political naiveté here.”

There’s one sure way to shun a damaging partisan showdown over PEPFAR: punt, and launch a fresh reauthorization bid under a new president. But that strategy is also risky — especially in an election year, when both Republicans and Democrats have strong incentives to take credit for sustaining a popular program, and Bush wants to polish his legacy. Democrats are likely to continue down the reauthorization path, even if it means just laying down a position for a future debate.

“I think one reason to write a bill right now is to get the process going,” Jacobson said. “I don’t think that we necessarily have to pass a bill right now.”

Key senators already say they are pursuing a more deliberate, bipartisan approach in their version of the reauthorization. Although Senate Foreign Relations Chairman Joseph R. Biden Jr., a Delaware Democrat, has called for \$50 billion, he’s also pledged to work with the panel’s ranking Republican, Richard G. Lugar of Indiana, who introduced a bill last year that would authorize \$30 billion.

“The ‘Old Man and the Sea’ metaphor is the one that comes to mind,” said Gordon Raley, director of public policy at Family Health International. “You launch this perfect bill in the House, and sometimes by the time you get this bill back to the shore it looks more like the skeleton than the fish.”

One thing’s certain: GOP opponents of the House bill aren’t dialing down their rhetoric — and they’ve vowed to fight tooth and nail. “If you really care about African children, you don’t let it be hijacked by an agenda of killing babies and hurting their mothers,” Smith said. “They will win in committee. They may win on the floor. But there will be no bill. The president will not sign this bill.” ■

FOR FURTHER READING: *Lantos obituary*, p. 448; *Bush’s fiscal 2009 foreign aid budget*, *CQ Weekly*, p. 383.