

106TH CONGRESS
1ST SESSION

H. R. 2765

To amend the Foreign Assistance Act of 1961 to establish a program to provide assistance for HIV/AIDS research, prevention, and treatment activities in Africa.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Ms. LEE (for herself, Mr. FOLEY, Ms. PELOSI, Mr. RANGEL, Mr. PAYNE, Mr. BONIOR, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. CAPUANO, Ms. CARSON, Mr. MEEKS of New York, Mr. SANDERS, Mr. HINCHEY, Mrs. CLAYTON, Ms. WATERS, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. THOMPSON of Mississippi, Ms. KILPATRICK, Mr. CUMMINGS, Mr. OWENS, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Mrs. CAPPS, Ms. MCKINNEY, Mr. DELAHUNT, Ms. NORTON, Mr. OLVER, Mr. MCGOVERN, Mrs. CHRISTENSEN, Mr. FATAH, Mr. GONZALEZ, Mr. STARK, Mr. ENGEL, Mr. HALL of Ohio, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, Mr. LANTOS, Ms. DELAURO, Mr. FROST, Mr. HASTINGS of Florida, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To amend the Foreign Assistance Act of 1961 to establish a program to provide assistance for HIV/AIDS research, prevention, and treatment activities in Africa.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “AIDS Marshall Plan
3 Fund for Africa Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) In a June 1999 lecture entitled “The Global
7 Challenges of AIDS”, United Nations Secretary
8 General Kofi Annan stated that “[n]o company and
9 no government can take on the challenge of AIDS
10 alone [. . . and therefore] what is needed is a new
11 approach to public health—combining all available
12 resources, public and private, local and global”.

13 (2) The 1999 annual report by the United Na-
14 tions Children’s Fund (UNICEF) states that
15 14,000,000 individuals worldwide have died as a re-
16 sult of HIV/AIDS and 11,000,000 of such individ-
17 uals were from African countries.

18 (3) The World Health Organization announced
19 that HIV/AIDS is now the “world’s most deadly in-
20 fectious disease”, making it the fourth leading cause
21 of death in the world, and the United Nations states
22 that in sub-Saharan Africa, HIV/AIDS is the “worst
23 infectious disease catastrophe since the bubonic
24 plague”.

25 (4) The World Health Organization reports
26 that 33,400,000 individuals throughout the world

1 are currently infected with HIV and 22,500,000 of
2 such individuals live in sub-Saharan Africa.

3 (5) The Joint United Nations Programme on
4 HIV/AIDS (UNAIDS) has declared that every day
5 more than 16,000 individuals worldwide become in-
6 fected with HIV.

7 (6) 3,600,000 South Africans are HIV-positive,
8 with 1,500 new infections daily, and the virus is ex-
9 pected to infect 20 percent of that country's work-
10 force by 2000.

11 (7) In the Republic of Zimbabwe, 1 out of every
12 5 adults is infected with HIV/AIDS, and an esti-
13 mated 1,400 people die every week from AIDS.

14 (8) A 1999 Bureau of the Census report states
15 that the average life expectancy in the Republic of
16 Botswana, the Republic of Zimbabwe, the Kingdom
17 of Swaziland, the Republic of Malawi, and the Re-
18 public of Zambia has decreased from approximately
19 age 65 to approximately age 40—the lowest life ex-
20 pectancy in the world—due to high mortality rates
21 from HIV/AIDS.

22 (9) According to a 1997 UNAIDS study, be-
23 tween one-fifth to one-half of all pregnant women in
24 the Republic of Zimbabwe are infected with HIV/
25 AIDS and at least one-third of these pregnant

1 women are likely to pass the infection on to their
2 baby.

3 (10) 1,800 babies are born HIV-positive in Af-
4 rica every day.

5 (11) In sub-Saharan Africa, 960,000 children
6 are living with HIV/AIDS.

7 (12) In the coming decades, HIV/AIDS will
8 double infant mortality in many sub-Saharan Afri-
9 can countries and will triple child mortality rates.

10 (13) It is estimated that by 2010, more than
11 40,000,000 African children will become orphans as
12 a result of HIV/AIDS and 95 percent of these chil-
13 dren will be located in sub-Saharan Africa.

14 (14) The 1999 annual report by the United Na-
15 tions Children's Fund (UNICEF) states that "[t]he
16 number of orphans, particularly in Africa, con-
17 stitutes nothing less than an emergency, requiring
18 an emergency response" and that "finding the re-
19 sources needed to help stabilize the crisis and pro-
20 tect children is a priority that requires urgent action
21 from the international community".

22 (15) The South African Press Agency has re-
23 ported that an estimated 7 out of every 10 teachers
24 in the Kingdom of Swaziland are HIV-positive.

1 (16) A World Bank study found that in Kigali,
2 Rwanda, 34 percent of individuals with a postsec-
3 ondary education are infected with HIV.

4 (17) The Southern Africa AIDS Information
5 Dissemination Service estimates that over the next
6 20 years AIDS will reduce by one-fourth the value
7 of the economies of sub-Saharan African countries.

8 (18) Most sub-Saharan African countries have
9 a high rate of HIV infection among members of
10 their militaries, including an estimated 80 percent
11 rate in the Republic of Zimbabwe.

12 **SEC. 3. ASSISTANCE FOR HIV/AIDS RESEARCH, PREVEN-**
13 **TION, AND TREATMENT ACTIVITIES IN AFRI-**
14 **CA.**

15 Chapter 1 of part I of the Foreign Assistance Act
16 of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting
17 after section 104 the following:

18 **“SEC. 104A. ASSISTANCE FOR HIV/AIDS RESEARCH, PRE-**
19 **VENTION, AND TREATMENT ACTIVITIES IN**
20 **AFRICA.**

21 “(a) **ESTABLISHMENT OF CORPORATION.**—There is
22 hereby established the AIDS Marshall Plan Fund for Afri-
23 ca Corporation or the AMPFA Corporation (hereinafter
24 in this section referred to as the ‘Corporation’), which
25 shall be an independent agency of the United States.

1 “(b) ASSISTANCE PROGRAM.—The Corporation shall,
2 in consultation with the Director of the Office of National
3 AIDS Policy, the Overseas Private Investment Corpora-
4 tion, and the heads of other Federal agencies involved in
5 HIV/AIDS activities in Africa, establish and carry out a
6 program to provide assistance for HIV/AIDS research,
7 prevention, and treatment activities in Africa.

8 “(c) ORGANIZATION AND MANAGEMENT.—

9 “(1) STRUCTURE OF CORPORATION.—The Cor-
10 poration shall have a Board of Directors, an Advi-
11 sory Board of Directors, a President, an Executive
12 Vice President, and such other officers and staff as
13 the Board of Directors may determine.

14 “(2) BOARD OF DIRECTORS.—

15 “(A) APPOINTMENT.—The President of
16 the United States shall appoint to the Board of
17 Directors, by and with the advice and consent
18 of the Senate, individuals with extensive train-
19 ing and experience in issues relating to develop-
20 ment, healthcare (including HIV/AIDS), Africa,
21 and the administration of grant programs gen-
22 erally.

23 “(B) DUTIES.—The Board of Directors
24 shall establish and carry out the program under
25 subsection (b).

1 “(3) ADVISORY BOARD.—

2 “(A) APPOINTMENT.—The Board of Direc-
3 tors shall appoint to the Advisory Board of Di-
4 rectors renowned and distinguished inter-
5 national leaders who have demonstrated integ-
6 rity and knowledge of issues relating to develop-
7 ment, healthcare (including HIV/AIDS), and
8 Africa.

9 “(B) DUTIES.—The Advisory Board of Di-
10 rectors shall, in consultation with other inter-
11 national experts in related fields (including sci-
12 entists and doctors), advise and provide guid-
13 ance for the Board of Directors on the develop-
14 ment and implementation of the program under
15 subsection (b).

16 “(4) PRESIDENT AND EXECUTIVE VICE PRESI-
17 DENT.—The President and Executive Vice President
18 of the Corporation shall be appointed by the Presi-
19 dent of the United States, by and with the advice
20 and consent of the Senate, and shall serve at the
21 pleasure of the President.

22 “(d) ACTIVITIES UNDER THE PROGRAM.—In car-
23 rying out the program under subsection (b), the
24 Corporation—

1 “(1) shall, in consultation with representatives
2 from community-based African health, education,
3 and other related organizations, provide grants to
4 African governments and nongovernmental organiza-
5 tions for projects that provide research, prevention,
6 and treatment for individuals in Africa with HIV/
7 AIDS; and

8 “(2) shall solicit and accept contributions to the
9 fund established under subsection (h)(1) from pri-
10 vate sources and from foreign governments, includ-
11 ing the governments of other G–8 countries, and
12 may disburse such contributions for purposes of car-
13 rying out the program.

14 “(e) OTHER REQUIREMENTS.—In providing grants
15 under subsection (d)(1), the Corporation shall establish
16 appropriate regulations, including—

17 “(1) self-sufficiency requirements for a govern-
18 ment or organization receiving a grant;

19 “(2) requirements for a government receiving a
20 grant in order to ensure that the government is com-
21 mitted to providing for HIV/AIDS research, preven-
22 tion, and treatment activities under the program, in-
23 cluding requirements such as the establishment by
24 the government of a comprehensive plan for such ac-
25 tivities in the country and for a system of account-

1 ability relating to such activities, and which may in-
2 clude the establishment of appropriate HIV/AIDS
3 agencies, councils, or related entities for such activi-
4 ties; and

5 “(3) matching fund requirements, based on
6 ability to pay, for a government receiving a grant,
7 to be determined according to the amount of the
8 grant plus the total amount of the grants received
9 by all nongovernmental organizations carrying out
10 projects for the country involved.

11 “(f) GENERAL PROVISIONS AND POWERS.—In order
12 to carry out its duties under this section, the
13 Corporation—

14 “(1) shall have the same powers as the Over-
15 seas Private Investment Corporation (as described in
16 section 239(d) of this Act); and

17 “(2) notwithstanding any other provision of
18 law, is authorized to enter into 1 or more contracts
19 with the Overseas Private Investment Corporation or
20 any other appropriate Federal agency for such ad-
21 ministrative services as the Corporation may require.

22 “(g) DEFINITIONS.—In this section:

23 “(1) G–8 COUNTRIES.—The term “G–8 coun-
24 tries” means the group consisting of France, Ger-
25 many, Japan, the United Kingdom, the United

1 States, Canada, Italy, and Russia established to fa-
2 cilitate economic cooperation among the 8 major
3 economic powers.

4 “(2) HIV/AIDS.—The term ‘HIV/AIDS’ means
5 infection with the human immunodeficiency virus.
6 Such term includes the acquired immune deficiency
7 syndrome.

8 “(h) FUNDING.—

9 “(1) ESTABLISHMENT OF FUND.—There is
10 hereby established in the Treasury of the United
11 States a fund that shall be known as the “AIDS
12 Marshall Plan Fund for Africa” (hereinafter in this
13 section referred to as the “fund”), consisting of such
14 amounts as may be contributed to the fund in ac-
15 cordance with subsection (d)(2) and such amounts
16 as may be appropriated to the fund in accordance
17 with paragraph (3).

18 “(2) EXPENDITURES FROM FUND.—Amounts in
19 the fund shall be available only for purposes of car-
20 rying out the program under subsection (b).

21 “(3) AUTHORIZATION OF APPROPRIATIONS.—

22 “(A) IN GENERAL.—There are authorized
23 to be appropriated to the fund \$200,000,000
24 for each of the fiscal years 2001 through 2005.

1 “(B) ADDITIONAL AUTHORIZATION OF AP-
2 PROPRIATIONS.—In addition to the authoriza-
3 tion of appropriations under subparagraph (A),
4 for each of the fiscal years 2002 through 2005,
5 there are authorized to be appropriated to the
6 fund an additional amount equal to 25 percent
7 of the total amount of funds contributed to the
8 fund in accordance with subsection (d)(2) for
9 the immediately preceding fiscal year.

10 “(C) ADMINISTRATIVE EXPENSES.—Not
11 more than 8 percent of the total amount appro-
12 priated under this paragraph for a fiscal year
13 may used for administrative expenses for car-
14 rying out the program under subsection (b) for
15 that fiscal year.”.

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