

In the Senate of the United States,

July 26, 2000.

Resolved, That the bill from the House of Representatives (H.R. 3519) entitled “An Act to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Global AIDS and Tuber-*
3 *culosis Relief Act of 2000”.*

1 SEC. 2. TABLE OF CONTENTS.

2 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

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HAVING HIV/AIDS*

Sec. 101. Short title.

Sec. 102. Definitions.

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Subtitle A—United States Assistance

Sec. 111. Additional assistance authorities to combat HIV and AIDS.

Sec. 112. Voluntary contribution to Global Alliance for Vaccines and Immunizations and International AIDS Vaccine Initiative.

Sec. 113. Coordinated donor strategy for support and education of orphans in sub-Saharan Africa.

Sec. 114. African Crisis Response Initiative and HIV/AIDS training.

Subtitle B—World Bank AIDS Trust Fund

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Sec. 121. Establishment.

Sec. 122. Grant authorities.

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Sec. 201. Short title.

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Sec. 302. Termination expenses.

1 **TITLE I—ASSISTANCE TO COUN-**
2 **TRIES WITH LARGE POPU-**
3 **LATIONS HAVING HIV/AIDS**

4 **SEC. 101. SHORT TITLE.**

5 *This title may be cited as the “Global AIDS Research*
6 *and Relief Act of 2000”.*

7 **SEC. 102. DEFINITIONS.**

8 *In this title:*

9 (1) *AIDS.*—*The term “AIDS” means the ac-*
10 *quired immune deficiency syndrome.*

11 (2) *ASSOCIATION.*—*The term “Association”*
12 *means the International Development Association.*

13 (3) *BANK.*—*The term “Bank” or “World Bank”*
14 *means the International Bank for Reconstruction and*
15 *Development.*

16 (4) *HIV.*—*The term “HIV” means the human*
17 *immunodeficiency virus, the pathogen which causes*
18 *AIDS.*

19 (5) *HIV/AIDS.*—*The term “HIV/AIDS” means,*
20 *with respect to an individual, an individual who is*
21 *infected with HIV or living with AIDS.*

22 **SEC. 103. FINDINGS AND PURPOSES.**

23 (a) *FINDINGS.*—*Congress makes the following findings:*

24 (1) *According to the Surgeon General of the*
25 *United States, the epidemic of human immuno-*

1 *deficiency virus/acquired immune deficiency syn-*
2 *drome (HIV/AIDS) will soon become the worst epi-*
3 *demic of infectious disease in recorded history, eclips-*
4 *ing both the bubonic plague of the 1300's and the in-*
5 *fluenza epidemic of 1918–1919 which killed more*
6 *than 20,000,000 people worldwide.*

7 (2) *According to the Joint United Nations Pro-*
8 *gramme on HIV/AIDS (UNAIDS), more than*
9 *34,300,000 people in the world today are living with*
10 *HIV/AIDS, of which approximately 95 percent live in*
11 *the developing world.*

12 (3) *UNAIDS data shows that among children*
13 *age 14 and under worldwide, more than 3,800,000*
14 *have died from AIDS, more than 1,300,000 are living*
15 *with the disease; and in one year alone—1999—an*
16 *estimated 620,000 became infected, of which over 90*
17 *percent were babies born to HIV-positive women.*

18 (4) *Although sub-Saharan Africa has only 10*
19 *percent of the world's population, it is home to more*
20 *than 24,500,000—roughly 70 percent—of the world's*
21 *HIV/AIDS cases.*

22 (5) *Worldwide, there have already been an esti-*
23 *mated 18,800,000 deaths because of HIV/AIDS, of*
24 *which more than 80 percent occurred in sub-Saharan*
25 *Africa.*

1 (6) *The gap between rich and poor countries in*
2 *terms of transmission of HIV from mother to child*
3 *has been increasing. Moreover, AIDS threatens to re-*
4 *verse years of steady progress of child survival in de-*
5 *veloping countries. UNAIDS believes that by the year*
6 *2010, AIDS may have increased mortality of children*
7 *under 5 years of age by more than 100 percent in re-*
8 *gions most affected by the virus.*

9 (7) *According to UNAIDS, by the end of 1999,*
10 *13,200,000 children have lost at least one parent to*
11 *AIDS, including 12,100,000 children in sub-Saharan*
12 *Africa, and are thus considered AIDS orphans.*

13 (8) *At current infection and growth rates for*
14 *HIV/AIDS, the National Intelligence Council esti-*
15 *mates that the number of AIDS orphans worldwide*
16 *will increase dramatically, potentially increasing*
17 *threefold or more in the next 10 years, contributing*
18 *to economic decay, social fragmentation, and political*
19 *destabilization in already volatile and strained soci-*
20 *eties. Children without care or hope are often drawn*
21 *into prostitution, crime, substance abuse, or child sol-*
22 *diery.*

23 (9) *Donors must focus on adequate preparations*
24 *for the explosion in the number of orphans and the*
25 *burden they will place on families, communities,*

1 *economies, and governments. Support structures and*
2 *incentives for families, communities, and institutions*
3 *which will provide care for children orphaned by*
4 *HIV/AIDS, or for the children who are themselves af-*
5 *flicted by HIV/AIDS, will be essential.*

6 (10) *The 1999 annual report by the United Na-*
7 *tions Children’s Fund (UNICEF) states “[t]he num-*
8 *ber of orphans, particularly in Africa, constitutes*
9 *nothing less than an emergency, requiring an emer-*
10 *gency response” and that “finding the resources need-*
11 *ed to help stabilize the crisis and protect children is*
12 *a priority that requires urgent action from the inter-*
13 *national community.”.*

14 (11) *The discovery of a relatively simple and in-*
15 *expensive means of interrupting the transmission of*
16 *HIV from an infected mother to the unborn child—*
17 *namely with nevirapine (NVP), which costs US\$4 a*
18 *tablet—has created a great opportunity for an un-*
19 *precedented partnership between the United States*
20 *Government and the governments of Asian, African*
21 *and Latin American countries to reduce mother-to-*
22 *child transmission (also known as “vertical trans-*
23 *mission”) of HIV.*

24 (12) *According to UNAIDS, if implemented this*
25 *strategy will decrease the proportion of orphans that*

1 *are HIV-infected and decrease infant and child mor-*
2 *tality rates in these developing regions.*

3 *(13) A mother-to-child antiretroviral drug strat-*
4 *egy can be a force for social change, providing the op-*
5 *portunity and impetus needed to address often long-*
6 *standing problems of inadequate services and the pro-*
7 *found stigma associated with HIV-infection and the*
8 *AIDS disease. Strengthening the health infrastructure*
9 *to improve mother-and-child health, antenatal, deliv-*
10 *ery and postnatal services, and couples counseling*
11 *generates enormous spillover effects toward combating*
12 *the AIDS epidemic in developing regions.*

13 *(14) United States Census Bureau statistics*
14 *show life expectancy in sub-Saharan Africa falling to*
15 *around 30 years of age within a decade, the lowest in*
16 *a century, and project life expectancy in 2010 to be*
17 *29 years of age in Botswana, 30 years of age in Swa-*
18 *ziland, 33 years of age in Namibia and Zimbabwe,*
19 *and 36 years of age in South Africa, Malawi, and*
20 *Rwanda, in contrast to a life expectancy of 70 years*
21 *of age in many of the countries without a high preva-*
22 *lence of AIDS.*

23 *(15) A January 2000 United States National In-*
24 *telligence Estimate (NIE) report on the global infec-*
25 *tious disease threat concluded that the economic costs*

1 *of infectious diseases—especially HIV/AIDS—are al-*
2 *ready significant and could reduce GDP by as much*
3 *as 20 percent or more by 2010 in some sub-Saharan*
4 *African nations.*

5 (16) *According to the same NIE report, HIV*
6 *prevalence among militias in Angola and the Demo-*
7 *cratic Republic of the Congo are estimated at 40 to*
8 *60 percent, and at 15 to 30 percent in Tanzania.*

9 (17) *The HIV/AIDS epidemic is of increasing*
10 *concern in other regions of the world, with UNAIDS*
11 *estimating that there are more than 5,600,000 cases*
12 *in South and South-east Asia, that the rate of HIV*
13 *infection in the Caribbean is second only to sub-Saha-*
14 *ran Africa, and that HIV infections have doubled in*
15 *just two years in the former Soviet Union.*

16 (18) *Despite the discouraging statistics on the*
17 *spread of HIV/AIDS, some developing nations—such*
18 *as Uganda, Senegal, and Thailand—have imple-*
19 *mented prevention programs that have substantially*
20 *curbed the rate of HIV infection.*

21 (19) *AIDS, like all diseases, knows no national*
22 *boundaries, and there is no certitude that the scale of*
23 *the problem in one continent can be contained within*
24 *that region.*

1 (20) Accordingly, United States financial sup-
2 port for medical research, education, and disease con-
3 tainment as a global strategy has beneficial ramifica-
4 tions for millions of Americans and their families
5 who are affected by this disease, and the entire popu-
6 lation which is potentially susceptible.

7 (b) PURPOSES.—The purposes of this title are to—

8 (1) help prevent human suffering through the
9 prevention, diagnosis, and treatment of HIV/AIDS;
10 and

11 (2) help ensure the viability of economic develop-
12 ment, stability, and national security in the devel-
13 oping world by advancing research to—

14 (A) understand the causes associated with
15 HIV/AIDS in developing countries; and

16 (B) assist in the development of an AIDS
17 vaccine.

18 **Subtitle A—United States**
19 **Assistance**

20 **SEC. 111. ADDITIONAL ASSISTANCE AUTHORITIES TO COM-**
21 **BAT HIV AND AIDS.**

22 (a) ASSISTANCE FOR PREVENTION OF HIV/AIDS AND
23 VERTICAL TRANSMISSION.—Section 104(c) of the Foreign
24 Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by
25 adding at the end the following new paragraphs:

1 “(4)(A) Congress recognizes the growing international
2 dilemma of children with the human immunodeficiency
3 virus (HIV) and the merits of intervention programs aimed
4 at this problem. Congress further recognizes that mother-
5 to-child transmission prevention strategies can serve as a
6 major force for change in developing regions, and it is,
7 therefore, a major objective of the foreign assistance pro-
8 gram to control the acquired immune deficiency syndrome
9 (AIDS) epidemic.

10 “(B) The agency primarily responsible for admin-
11 istering this part shall—

12 “(i) coordinate with UNAIDS, UNICEF, WHO,
13 national and local governments, and other organiza-
14 tions to develop and implement effective strategies to
15 prevent vertical transmission of HIV; and

16 “(ii) coordinate with those organizations to in-
17 crease intervention programs and introduce voluntary
18 counseling and testing, antiretroviral drugs, replace-
19 ment feeding, and other strategies.

20 “(5)(A) Congress expects the agency primarily respon-
21 sible for administering this part to make the human im-
22 munodeficiency virus (HIV) and the acquired immune defi-
23 ciency syndrome (AIDS) a priority in the foreign assist-
24 ance program and to undertake a comprehensive, coordi-
25 nated effort to combat HIV and AIDS.

1 “(B) Assistance described in subparagraph (A) shall
2 include help providing—

3 “(i) primary prevention and education;

4 “(ii) voluntary testing and counseling;

5 “(iii) medications to prevent the transmission of
6 HIV from mother to child; and

7 “(iv) care for those living with HIV or AIDS.

8 “(6)(A) In addition to amounts otherwise available for
9 such purpose, there is authorized to be appropriated to the
10 President \$300,000,000 for each of the fiscal years 2001 and
11 2002 to carry out paragraphs (4) and (5).

12 “(B) Of the funds authorized to be appropriated under
13 subparagraph (A), not less than 65 percent is authorized
14 to be available through United States and foreign non-
15 governmental organizations, including private and vol-
16 untary organizations, for-profit organizations, religious af-
17 filiated organizations, educational institutions, and re-
18 search facilities.

19 “(C)(i) Of the funds authorized to be appropriated by
20 subparagraph (A), not less than 20 percent is authorized
21 to be available for programs as part of a multidonor strat-
22 egy to address the support and education of orphans in sub-
23 Saharan Africa, including AIDS orphans.

24 “(ii) Assistance made available under this subsection,
25 and assistance made available under chapter 4 of part II

1 *to carry out the purposes of this subsection, may be made*
2 *available notwithstanding any other provision of law that*
3 *restricts assistance to foreign countries.*

4 “(D) *Of the funds authorized to be appropriated under*
5 *subparagraph (A), not less than 8.3 percent is authorized*
6 *to be available to carry out the prevention strategies for*
7 *vertical transmission referred to in paragraph (4)(A).*

8 “(E) *Of the funds authorized to be appropriated by*
9 *subparagraph (A), not more than 7 percent may be used*
10 *for the administrative expenses of the agency primarily re-*
11 *sponsible for carrying out this part of this Act in support*
12 *of activities described in paragraphs (4) and (5).*

13 “(F) *Funds appropriated under this paragraph are*
14 *authorized to remain available until expended.*”

15 (b) *TRAINING AND TRAINING FACILITIES IN SUB-SA-*
16 *HARAN AFRICA.—Section 496(i)(2) of the Foreign Assist-*
17 *ance Act of 1961 (22 U.S.C. 2293(i)(2)) is amended by add-*
18 *ing at the end the following new sentence: “In addition,*
19 *providing training and training facilities, in sub-Saharan*
20 *Africa, for doctors and other health care providers, notwith-*
21 *standing any provision of law that restricts assistance to*
22 *foreign countries.*”

1 **SEC. 112. VOLUNTARY CONTRIBUTION TO GLOBAL ALLI-**
2 **ANCE FOR VACCINES AND IMMUNIZATIONS**
3 **AND INTERNATIONAL AIDS VACCINE INITIA-**
4 **TIVE.**

5 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section
6 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222)
7 is amended by adding at the end the following new sub-
8 sections:

9 “(k) *In addition to amounts otherwise available under*
10 *this section, there is authorized to be appropriated to the*
11 *President \$50,000,000 for each of the fiscal years 2001 and*
12 *2002 to be available only for United States contributions*
13 *to the Global Alliance for Vaccines and Immunizations.*

14 “(l) *In addition to amounts otherwise available under*
15 *this section, there is authorized to be appropriated to the*
16 *President \$10,000,000 for each of the fiscal years 2001 and*
17 *2002 to be available only for United States contributions*
18 *to the International AIDS Vaccine Initiative.”*

19 (b) *REPORT.*—*At the close of fiscal year 2001, the*
20 *President shall submit a report to the appropriate congres-*
21 *sional committees on the effectiveness of the Global Alliance*
22 *for Vaccines and Immunizations and the International*
23 *AIDS Vaccine Initiative during that fiscal year in meeting*
24 *the goals of—*

25 (1) *improving access to sustainable immuniza-*
26 *tion services;*

1 (2) *expanding the use of all existing, safe, and*
2 *cost-effective vaccines where they address a public*
3 *health problem;*

4 (3) *accelerating the development and introduc-*
5 *tion of new vaccines and technologies;*

6 (4) *accelerating research and development efforts*
7 *for vaccines needed primarily in developing countries;*
8 *and*

9 (5) *making immunization coverage a centerpiece*
10 *in international development efforts.*

11 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
12 *FINED.—In subsection (b), the term “appropriate congres-*
13 *sional committees” means the Committee on Foreign Rela-*
14 *tions and the Committee on Appropriations of the Senate*
15 *and the Committee on International Relations and the*
16 *Committee on Appropriations of the House of Representa-*
17 *tives.*

18 **SEC. 113. COORDINATED DONOR STRATEGY FOR SUPPORT**
19 **AND EDUCATION OF ORPHANS IN SUB-SAHA-**
20 **RAN AFRICA.**

21 (a) *STATEMENT OF POLICY.—It is in the national in-*
22 *terest of the United States to assist in mitigating the burden*
23 *that will be placed on sub-Saharan African social, eco-*
24 *nomie, and political institutions as these institutions strug-*
25 *gle with the consequences of a dramatically increasing*

1 *AIDS orphan population, many of whom are themselves in-*
2 *fectured by HIV and living with AIDS. Effectively addressing*
3 *that burden and its consequences in sub-Saharan Africa*
4 *will require a coordinated multidonor strategy.*

5 (b) *DEVELOPMENT OF STRATEGY.*—*The President*
6 *shall coordinate the development of a multidonor strategy*
7 *to provide for the support and education of AIDS orphans*
8 *and the families, communities, and institutions most af-*
9 *fectured by the HIV/AIDS epidemic in sub-Saharan Africa.*

10 (c) *DEFINITION.*—*In this section, the term “HIV/*
11 *AIDS” means, with respect to an individual, an individual*
12 *who is infected with the human immunodeficiency virus*
13 *(HIV), the pathogen that causes the acquired immune defi-*
14 *ciency virus (AIDS), or living with AIDS.*

15 **SEC. 114. AFRICAN CRISIS RESPONSE INITIATIVE AND HIV/**
16 **AIDS TRAINING.**

17 (a) *FINDINGS.*—*Congress finds that—*

18 (1) *the spread of HIV/AIDS constitutes a threat*
19 *to security in Africa;*

20 (2) *civil unrest and war may contribute to the*
21 *spread of the disease to different parts of the con-*
22 *tinent;*

23 (3) *the percentage of soldiers in African mili-*
24 *taries who are infected with HIV/AIDS is unknown,*

1 *but estimates range in some countries as high as 40*
2 *percent; and*

3 *(4) it is in the interests of the United States to*
4 *assist the countries of Africa in combating the spread*
5 *of HIV/AIDS.*

6 ***(b) EDUCATION ON THE PREVENTION OF THE SPREAD***
7 ***OF AIDS.—In undertaking education and training pro-***
8 ***grams for military establishments in African countries, the***
9 ***United States shall ensure that classroom training under***
10 ***the African Crisis Response Initiative includes military-***
11 ***based education on the prevention of the spread of AIDS.***

12 ***Subtitle B—World Bank AIDS Trust***
13 ***Fund***

14 ***CHAPTER 1—ESTABLISHMENT OF THE***
15 ***FUND***

16 ***SEC. 121. ESTABLISHMENT.***

17 ***(a) NEGOTIATIONS FOR ESTABLISHMENT OF TRUST***
18 ***FUND.—The Secretary of the Treasury shall seek to enter***
19 ***into negotiations with the World Bank or the Association,***
20 ***in consultation with the Administrator of the United States***
21 ***Agency for International Development and other United***
22 ***States Government agencies, and with the member nations***
23 ***of the World Bank or the Association and with other inter-***
24 ***ested parties, for the establishment within the World Bank***
25 ***of—***

1 (1) *the World Bank AIDS Trust Fund (in this*
2 *subtitle referred to as the “Trust Fund”)* in accord-
3 *ance with the provisions of this chapter; and*

4 (2) *the Advisory Board to the Trust Fund in ac-*
5 *cordance with section 124.*

6 (b) *PURPOSE.—The purpose of the Trust Fund should*
7 *be to use contributed funds to—*

8 (1) *assist in the prevention and eradication of*
9 *HIV/AIDS and the care and treatment of individuals*
10 *infected with HIV/AIDS; and*

11 (2) *provide support for the establishment of pro-*
12 *grams that provide health care and primary and sec-*
13 *ondary education for children orphaned by the HIV/*
14 *AIDS epidemic.*

15 (c) *COMPOSITION.—*

16 (1) *IN GENERAL.—The Trust Fund should be*
17 *governed by a Board of Trustees, which should be*
18 *composed of representatives of the participating donor*
19 *countries to the Trust Fund. Individuals appointed to*
20 *the Board should have demonstrated knowledge and*
21 *experience in the fields of public health, epidemiology,*
22 *health care (including delivery systems), and develop-*
23 *ment.*

24 (2) *UNITED STATES REPRESENTATION.—*

1 (A) *IN GENERAL.*—Upon the effective date
2 of this paragraph, there shall be a United States
3 member of the Board of Trustees, who shall be
4 appointed by the President, by and with the ad-
5 vice and consent of the Senate, and who shall
6 have the qualifications described in paragraph
7 (1).

8 (B) *EFFECTIVE AND TERMINATION*
9 *DATES.*—

10 (i) *EFFECTIVE DATE.*—This paragraph
11 shall take effect upon the date the Secretary
12 of the Treasury certifies to Congress that an
13 agreement establishing the Trust Fund and
14 providing for a United States member of the
15 Board of Trustees is in effect.

16 (ii) *TERMINATION DATE.*—The position
17 established by subparagraph (A) is abol-
18 ished upon the date of termination of the
19 Trust Fund.

20 **SEC. 122. GRANT AUTHORITIES.**

21 (a) *PROGRAM OBJECTIVES.*—

22 (1) *IN GENERAL.*—In carrying out the purpose
23 of section 121(b), the Trust Fund, acting through the
24 Board of Trustees, should provide only grants, includ-
25 ing grants for technical assistance to support meas-

1 *ures to build local capacity in national and local gov-*
2 *ernment, civil society, and the private sector to lead*
3 *and implement effective and affordable HIV/AIDS*
4 *prevention, education, treatment and care services,*
5 *and research and development activities, including*
6 *access to affordable drugs.*

7 (2) *ACTIVITIES SUPPORTED.*—*Among the activi-*
8 *ties the Trust Fund should provide grants for should*
9 *be—*

10 (A) *programs to promote the best practices*
11 *in prevention, including health education mes-*
12 *sages that emphasize risk avoidance such as ab-*
13 *stinence;*

14 (B) *measures to ensure a safe blood supply;*

15 (C) *voluntary HIV/AIDS testing and coun-*
16 *seling;*

17 (D) *measures to stop mother-to-child trans-*
18 *mission of HIV/AIDS, including through diag-*
19 *nosis of pregnant women, access to cost-effective*
20 *treatment and counseling, and access to infant*
21 *formula or other alternatives for infant feeding;*

22 (E) *programs to provide for the support*
23 *and education of AIDS orphans and the fami-*
24 *lies, communities, and institutions most affected*
25 *by the HIV/AIDS epidemic;*

1 (F) measures for the deterrence of gender-
2 based violence and the provision of post-exposure
3 prophylaxis to victims of rape and sexual as-
4 sault; and

5 (G) incentives to promote affordable access
6 to treatments against AIDS and related infec-
7 tions.

8 (3) *IMPLEMENTATION OF PROGRAM OBJEC-*
9 *TIVES.*—*In carrying out the objectives of paragraph*
10 *(1), the Trust Fund should coordinate its activities*
11 *with governments, civil society, nongovernmental or-*
12 *ganizations, the Joint United Nations Program on*
13 *HIV/AIDS (UNAIDS), the International Partnership*
14 *Against AIDS in Africa, other international organi-*
15 *zations, the private sector, and donor agencies work-*
16 *ing to combat the HIV/AIDS crisis.*

17 (b) *PRIORITY.*—*In providing grants under this section,*
18 *the Trust Fund should give priority to countries that have*
19 *the highest HIV/AIDS prevalence rate or are at risk of hav-*
20 *ing a high HIV/AIDS prevalence rate.*

21 (c) *ELIGIBLE GRANT RECIPIENTS.*—*Governments and*
22 *nongovernmental organizations should be eligible to receive*
23 *grants under this section.*

1 (d) *PROHIBITION.*—*The Trust Fund should not make*
2 *grants for the purpose of project development associated*
3 *with bilateral or multilateral bank loans.*

4 **SEC. 123. ADMINISTRATION.**

5 (a) *APPOINTMENT OF AN ADMINISTRATOR.*—*The*
6 *Board of Trustees, in consultation with the appropriate of-*
7 *ficials of the Bank, should appoint an Administrator who*
8 *should be responsible for managing the day-to-day oper-*
9 *ations of the Trust Fund.*

10 (b) *AUTHORITY TO SOLICIT AND ACCEPT CONTRIBU-*
11 *TIONS.*—*The Trust Fund should be authorized to solicit and*
12 *accept contributions from governments, the private sector,*
13 *and nongovernmental entities of all kinds.*

14 (c) *ACCOUNTABILITY OF FUNDS AND CRITERIA FOR*
15 *PROGRAMS.*—*As part of the negotiations described in sec-*
16 *tion 121(a), the Secretary of the Treasury shall, consistent*
17 *with subsection (d)—*

18 (1) *take such actions as are necessary to ensure*
19 *that the Bank or the Association will have in effect*
20 *adequate procedures and standards to account for and*
21 *monitor the use of funds contributed to the Trust*
22 *Fund, including the cost of administering the Trust*
23 *Fund; and*

1 (2) *seek agreement on the criteria that should be*
2 *used to determine the programs and activities that*
3 *should be assisted by the Trust Fund.*

4 (d) *SELECTION OF PROJECTS AND RECIPIENTS.—The*
5 *Board of Trustees should establish—*

6 (1) *criteria for the selection of projects to receive*
7 *support from the Trust Fund;*

8 (2) *standards and criteria regarding qualifica-*
9 *tions of recipients of such support;*

10 (3) *such rules and procedures as may be nec-*
11 *essary for cost-effective management of the Trust*
12 *Fund; and*

13 (4) *such rules and procedures as may be nec-*
14 *essary to ensure transparency and accountability in*
15 *the grant-making process.*

16 (e) *TRANSPARENCY OF OPERATIONS.—The Board of*
17 *Trustees should ensure full and prompt public disclosure*
18 *of the proposed objectives, financial organization, and oper-*
19 *ations of the Trust Fund.*

20 **SEC. 124. ADVISORY BOARD.**

21 (a) *IN GENERAL.—There should be an Advisory Board*
22 *to the Trust Fund.*

23 (b) *APPOINTMENTS.—The members of the Advisory*
24 *Board should be drawn from—*

1 (1) *a broad range of individuals with experience*
2 *and leadership in the fields of development, health*
3 *care (especially HIV/AIDS), epidemiology, medicine,*
4 *biomedical research, and social sciences; and*

5 (2) *representatives of relevant United Nations*
6 *agencies and nongovernmental organizations with on-*
7 *the-ground experience in affected countries.*

8 (c) *RESPONSIBILITIES.—The Advisory Board should*
9 *provide advice and guidance to the Board of Trustees on*
10 *the development and implementation of programs and*
11 *projects to be assisted by the Trust Fund and on leveraging*
12 *donations to the Trust Fund.*

13 (d) *PROHIBITION ON PAYMENT OF COMPENSATION.—*

14 (1) *IN GENERAL.—Except for travel expenses (in-*
15 *cluding per diem in lieu of subsistence), no member*
16 *of the Advisory Board should receive compensation for*
17 *services performed as a member of the Board.*

18 (2) *UNITED STATES REPRESENTATIVE.—Not-*
19 *withstanding any other provision of law (including*
20 *an international agreement), a representative of the*
21 *United States on the Advisory Board may not accept*
22 *compensation for services performed as a member of*
23 *the Board, except that such representative may accept*
24 *travel expenses, including per diem in lieu of subsist-*
25 *ence, while away from the representative's home or*

1 *regular place of business in the performance of serv-*
2 *ices for the Board.*

3 **CHAPTER 2—REPORTS**

4 **SEC. 131. REPORTS TO CONGRESS.**

5 *(a) ANNUAL REPORTS BY TREASURY SECRETARY.—*

6 *(1) IN GENERAL.—Not later than 1 year after*
7 *the date of enactment of this Act, and annually there-*
8 *after for the duration of the Trust Fund, the Sec-*
9 *retary of the Treasury shall submit to the appropriate*
10 *committees of Congress a report on the Trust Fund.*

11 *(2) REPORT ELEMENTS.—The report shall in-*
12 *clude a description of—*

13 *(A) the goals of the Trust Fund;*

14 *(B) the programs, projects, and activities,*
15 *including any vaccination approaches, supported*
16 *by the Trust Fund;*

17 *(C) private and governmental contributions*
18 *to the Trust Fund; and*

19 *(D) the criteria that have been established,*
20 *acceptable to the Secretary of the Treasury and*
21 *the Administrator of the United States Agency*
22 *for International Development, that would be*
23 *used to determine the programs and activities*
24 *that should be assisted by the Trust Fund.*

1 (b) *GAO REPORT ON TRUST FUND EFFECTIVENESS.*—
 2 *Not later than 2 years after the date of enactment of this*
 3 *Act, the Comptroller General of the United States shall sub-*
 4 *mit to the appropriate committees of the Congress a report*
 5 *evaluating the effectiveness of the Trust Fund, including—*

6 (1) *the effectiveness of the programs, projects,*
 7 *and activities described in subsection (a)(2)(B) in re-*
 8 *ducing the worldwide spread of AIDS; and*

9 (2) *an assessment of the merits of continued*
 10 *United States financial contributions to the Trust*
 11 *Fund.*

12 (c) *APPROPRIATE COMMITTEES DEFINED.*—*In sub-*
 13 *section (a), the term “appropriate committees” means the*
 14 *Committee on Foreign Relations and the Committee on Ap-*
 15 *propriations of the Senate and the Committee on Inter-*
 16 *national Relations, the Committee on Banking and Finan-*
 17 *cial Services, and the Committee on Appropriations of the*
 18 *House of Representatives.*

19 **CHAPTER 3—UNITED STATES FINANCIAL**
 20 **PARTICIPATION**

21 **SEC. 141. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) *IN GENERAL.*—*In addition to any other funds au-*
 23 *thorized to be appropriated for multilateral or bilateral pro-*
 24 *grams related to HIV/AIDS or economic development, there*
 25 *is authorized to be appropriated to the Secretary of the*

1 *Treasury \$150,000,000 for each of the fiscal years 2001 and*
2 *2002 for payment to the Trust Fund.*

3 (b) *ALLOCATION OF FUNDS.*—*Of the amounts author-*
4 *ized to be appropriated by subsection (a) for the fiscal years*
5 *2001 and 2002, \$50,000,000 are authorized to be available*
6 *each such fiscal year only for programs that benefit or-*
7 *phans.*

8 **SEC. 142. CERTIFICATION REQUIREMENT.**

9 (a) *IN GENERAL.*—*Prior to the initial obligation or*
10 *expenditure of funds appropriated pursuant to section 141,*
11 *the Secretary of the Treasury shall certify that adequate*
12 *procedures and standards have been established to ensure*
13 *accountability for and monitoring of the use of funds con-*
14 *tributed to the Trust Fund, including the cost of admin-*
15 *istering the Trust Fund.*

16 (b) *TRANSMITTAL OF CERTIFICATION.*—*The certifi-*
17 *cation required by subsection (a), and the bases for that*
18 *certification, shall be submitted by the Secretary of the*
19 *Treasury to Congress.*

20 **TITLE II—INTERNATIONAL**
21 **TUBERCULOSIS CONTROL**

22 **SEC. 201. SHORT TITLE.**

23 *This title may be cited as the “International Tuber-*
24 *culosis Control Act of 2000”.*

1 **SEC. 202. FINDINGS.**

2 *Congress makes the following findings:*

3 *(1) Since the development of antibiotics in the*
4 *1950s, tuberculosis has been largely controlled in the*
5 *United States and the Western World.*

6 *(2) Due to societal factors, including growing*
7 *urban decay, inadequate health care systems, per-*
8 *sistent poverty, overcrowding, and malnutrition, as*
9 *well as medical factors, including the HIV/AIDS epi-*
10 *demic and the emergence of multi-drug resistant*
11 *strains of tuberculosis, tuberculosis has again become*
12 *a leading and growing cause of adult deaths in the*
13 *developing world.*

14 *(3) According to the World Health*
15 *Organization—*

16 *(A) in 1998, about 1,860,000 people world-*
17 *wide died of tuberculosis-related illnesses;*

18 *(B) one-third of the world's total population*
19 *is infected with tuberculosis; and*

20 *(C) tuberculosis is the world's leading killer*
21 *of women between 15 and 44 years old and is a*
22 *leading cause of children becoming orphans.*

23 *(4) Because of the ease of transmission of tuber-*
24 *culosis, its international persistence and growth pose*
25 *a direct public health threat to those nations that had*
26 *previously largely controlled the disease. This is com-*

1 *plicated in the United States by the growth of the*
2 *homeless population, the rate of incarceration, inter-*
3 *national travel, immigration, and HIV/AIDS.*

4 (5) *With nearly 40 percent of the tuberculosis*
5 *cases in the United States attributable to foreign-born*
6 *persons, tuberculosis will never be controlled in the*
7 *United States until it is controlled abroad.*

8 (6) *The means exist to control tuberculosis*
9 *through screening, diagnosis, treatment, patient com-*
10 *pliance, monitoring, and ongoing review of outcomes.*

11 (7) *Efforts to control tuberculosis are com-*
12 *plicated by several barriers, including—*

13 (A) *the labor intensive and lengthy process*
14 *involved in screening, detecting, and treating the*
15 *disease;*

16 (B) *a lack of funding, trained personnel,*
17 *and medicine in virtually every nation with a*
18 *high rate of the disease;*

19 (C) *the unique circumstances in each coun-*
20 *try, which requires the development and imple-*
21 *mentation of country-specific programs; and*

22 (D) *the risk of having a bad tuberculosis*
23 *program, which is worse than having no tuber-*
24 *culosis program because it would significantly*

1 *increase the risk of the development of more*
2 *widespread drug-resistant strains of the disease.*

3 (8) *Eliminating the barriers to the international*
4 *control of tuberculosis through a well-structured, com-*
5 *prehensive, and coordinated worldwide effort would be*
6 *a significant step in dealing with the increasing pub-*
7 *lic health problem posed by the disease.*

8 **SEC. 203. ASSISTANCE FOR TUBERCULOSIS PREVENTION,**
9 **TREATMENT, CONTROL, AND ELIMINATION.**

10 *Section 104(c) of the Foreign Assistance Act of 1961*
11 *(22 U.S.C. 2151b(c)), as amended by section 111(a) of this*
12 *Act, is further amended by adding at the end the following:*

13 “(7)(A) *Congress recognizes the growing international*
14 *problem of tuberculosis and the impact its continued exist-*
15 *ence has on those nations that had previously largely con-*
16 *trolled the disease. Congress further recognizes that the*
17 *means exist to control and treat tuberculosis, and that it*
18 *is therefore a major objective of the foreign assistance pro-*
19 *gram to control the disease. To this end, Congress expects*
20 *the agency primarily responsible for administering this*
21 *part—*

22 “(i) *to coordinate with the World Health Organi-*
23 *zation, the Centers for Disease Control, the National*
24 *Institutes of Health, and other organizations toward*

1 *the development and implementation of a comprehen-*
2 *sive tuberculosis control program; and*

3 “(i) to set as a goal the detection of at least 70
4 percent of the cases of infectious tuberculosis, and the
5 cure of at least 85 percent of the cases detected, in
6 those countries in which the agency has established
7 development programs, by December 31, 2010.

8 “(B) There is authorized to be appropriated to the
9 President, \$60,000,000 for each of the fiscal years 2001 and
10 2002 to be used to carry out this paragraph. Funds appro-
11 priated under this subparagraph are authorized to remain
12 available until expended.”.

13 **TITLE III—ADMINISTRATIVE**
14 **AUTHORITIES**

15 **SEC. 301. EFFECTIVE PROGRAM OVERSIGHT.**

16 *Section 635 of the Foreign Assistance Act of 1961 (22*
17 *U.S.C. 2395) is amended by adding at the end thereof the*
18 *following new subsection:*

19 “(l) The Administrator of the agency primarily re-
20 sponsible for administering part I may use funds made
21 available under that part to provide program and manage-
22 ment oversight for activities that are funded under that part
23 and that are conducted in countries in which the agency
24 does not have a field mission or office.”.

1 **SEC. 302. TERMINATION EXPENSES.**

2 *Section 617 of the Foreign Assistance Act of 1961 (22*
3 *U.S.C. 2367) is amended to read as follows:*

4 **“SEC. 617. TERMINATION EXPENSES.**

5 *“(a) IN GENERAL.—Funds made available under this*
6 *Act and the Arms Export Control Act, may remain avail-*
7 *able for obligation for a period not to exceed 8 months from*
8 *the date of any termination of assistance under such Acts*
9 *for the necessary expenses of winding up programs related*
10 *to such termination and may remain available until ex-*
11 *pended. Funds obligated under the authority of such Acts*
12 *prior to the effective date of the termination of assistance*
13 *may remain available for expenditure for the necessary ex-*
14 *penses of winding up programs related to such termination*
15 *notwithstanding any provision of law restricting the ex-*
16 *penditure of funds. In order to ensure the effectiveness of*
17 *such assistance, such expenses for orderly termination of*
18 *programs may include the obligation and expenditure of*
19 *funds to complete the training or studies outside their coun-*
20 *tries of origin of students whose course of study or training*
21 *program began before assistance was terminated.*

22 *“(b) LIABILITY TO CONTRACTORS.—For the purpose of*
23 *making an equitable settlement of termination claims under*
24 *extraordinary contractual relief standards, the President is*
25 *authorized to adopt as a contract or other obligation of the*
26 *United States Government, and assume (in whole or in*

1 part) any liabilities arising thereunder, any contract with
2 a United States or third-country contractor that had been
3 funded with assistance under such Acts prior to the termi-
4 nation of assistance.

5 “(c) *TERMINATION EXPENSES.*—Amounts certified as
6 having been obligated for assistance subsequently termi-
7 nated by the President, or pursuant to any provision of
8 law, shall continue to remain available and may be reobli-
9 gated to meet any necessary expenses arising from the ter-
10 mination of such assistance.

11 “(d) *GUARANTY PROGRAMS.*—Provisions of this or any
12 other Act requiring the termination of assistance under this
13 or any other Act shall not be construed to require the termi-
14 nation of guarantee commitments that were entered into
15 prior to the effective date of the termination of assistance.

16 “(e) *RELATION TO OTHER PROVISIONS.*—Unless spe-
17 cifically made inapplicable by another provision of law, the
18 provisions of this section shall be applicable to the termi-
19 nation of assistance pursuant to any provision of law.”.

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 3519

AMENDMENT

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HR 3519 EAS—3

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