

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.”.

○