

106TH CONGRESS  
2D SESSION

# H. R. 5101

To require certain actions with respect to the availability of HIV/AIDS pharmaceuticals and medical technologies in developing countries, including sub-Saharan African countries.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Ms. WATERS (for herself, Ms. LEE, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Mr. BROWN of Ohio, Mr. WYNN, Ms. MCKINNEY, Mr. SANDERS, Mr. ABERCROMBIE, Mr. FROST, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require certain actions with respect to the availability of HIV/AIDS pharmaceuticals and medical technologies in developing countries, including sub-Saharan African countries.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Affordable HIV/AIDS  
5 Medicines for Poor Countries Act”.

1 **SEC. 2. POLICIES TO INCREASE THE AVAILABILITY OF AF-**  
2 **FORDABLE HIV/AIDS MEDICINES IN DEVEL-**  
3 **OPING COUNTRIES.**

4 (a) PRICING POLICIES OF DEVELOPING COUN-  
5 TRIES.—The Secretary of the Treasury, the Administrator  
6 of the United States Agency for International Develop-  
7 ment, and the United States Trade Representative shall  
8 encourage developing countries, including sub-Saharan Af-  
9 rican countries, to enact policies to make HIV/AIDS phar-  
10 maceuticals and medical technologies available to their  
11 populations without charge or at affordable prices.

12 (b) PRICING PRACTICES OF PHARMACEUTICAL COM-  
13 PANIES.—The Secretary of the Treasury, the Adminis-  
14 trator of the United States Agency for International De-  
15 velopment, the United States Trade Representative, and  
16 the Administrator of the Food and Drug Administration  
17 shall encourage pharmaceutical companies to make HIV/  
18 AIDS pharmaceuticals and medical technologies available  
19 to people who live in developing countries, including sub-  
20 Saharan African countries, without charge or at affordable  
21 prices, taking into consideration their income levels.

22 **SEC. 3. LIMITATION ON USE OF FUNDS.**

23 Funds appropriated or otherwise made available to  
24 any department or agency of the United States may not  
25 be obligated or expended to seek, through negotiation or  
26 otherwise, the revocation or revision of any intellectual

1 property or competition law or policy of a developing coun-  
2 try, including any sub-Saharan African country, that regu-  
3 lates HIV/AIDS pharmaceuticals or medical technologies  
4 if the law or policy promotes access to HIV/AIDS pharma-  
5 ceuticals or medical technologies to the population of the  
6 country.

7 **SEC. 4. PROHIBITION ON CERTAIN WTO ACTIONS.**

8       Notwithstanding any other provision of law, the  
9 United States Trade Representative (or the designee of  
10 the Trade Representative) may not initiate a proceeding  
11 in the World Trade Organization (WTO) challenging any  
12 law or policy of a developing country, including a sub-Sa-  
13 haran African country, that promotes access to HIV/AIDS  
14 pharmaceuticals or medical technologies to the population  
15 of the country.

16 **SEC. 5. EXEMPTION OF APPLICATION OF CERTAIN INTER-**  
17                   **NATIONAL INTELLECTUAL PROPERTY**  
18                   **AGREEMENTS.**

19       The President shall direct the United States rep-  
20 resentative to the World Trade Organization (WTO) to  
21 urge the World Trade Organization (WTO) and WTO  
22 members and member countries to exempt developing  
23 countries, including all sub-Saharan African countries,  
24 from the application of any provision of the Agreement  
25 on Trade-Related Aspects of Intellectual Property Rights

1 (as described in section 101(d)(15) of the Uruguay Round  
2 Agreements Act (19 U.S.C. 3511(d)(15))), or the applica-  
3 tion of any provision of any other international agreement  
4 relating to intellectual property rights, that would prohibit  
5 or otherwise restrict those countries from establishing or  
6 implementing any law or policy that promotes access to  
7 HIV/AIDS pharmaceuticals or medical technologies to  
8 their populations.

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