

107TH CONGRESS
1ST SESSION

H. R. 1185

To prohibit through negotiation or otherwise the revocation or revision of any intellectual property or competition law or policy of a developing country, including any sub-Saharan African country, that regulates HIV/AIDS pharmaceuticals or medical technologies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2001

Ms. LEE (for herself, Ms. SCHAKOWSKY, Mr. SANDERS, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. MILLENDER-McDONALD, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, and Ms. KILPATRICK) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To prohibit through negotiation or otherwise the revocation or revision of any intellectual property or competition law or policy of a developing country, including any sub-Saharan African country, that regulates HIV/AIDS pharmaceuticals or medical technologies, and for other purposes.

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 “Global Access to HIV/
5 AIDS Medicines Act of 2001”.

1 **SEC. 2. LIMITATION ON USE OF FUNDS.**

2 (a) LIMITATION.—Funds appropriated or otherwise
3 made available to any department or agency of the United
4 States may not be obligated or expended to seek, through
5 negotiation or otherwise, the revocation or revision of any
6 intellectual property law or policy of a developing country
7 described in subsection (b) that regulates HIV/AIDS
8 pharmaceuticals or medical technologies if the law or
9 policy—

10 (1) promotes access to HIV/AIDS pharma-
11 ceuticals or medical technologies to the population of
12 the country; and

13 (2) provides adequate and effective intellectual
14 property protection consistent with the Agreement
15 on Trade-Related Aspects of Intellectual Property
16 Rights (as described in section 101(d)(15) of the
17 Uruguay Round Agreements Act (19 U.S.C.
18 3511(d)(15))).

19 (b) DEVELOPING COUNTRIES.—A developing country
20 described in this subsection is a developing country, in-
21 cluding a sub-Saharan African country—

22 (1) in which five percent or more of the popu-
23 lation is infected with HIV; or

24 (2) the government of which has declared a na-
25 tional emergency with respect to HIV/AIDS.

1 **SEC. 3. POLICIES TO ADDRESS THE HIV/AIDS CRISIS.**

2 The President shall encourage all developing coun-
3 tries described in section 2(b) to implement policies de-
4 signed to address the underlying causes of the HIV/AIDS
5 crisis by, among other things, making efforts to encourage
6 practices that will prevent further transmission and infec-
7 tion and to stimulate development of the infrastructure
8 necessary to deliver adequate health services, and by en-
9 couraging policies that provide an incentive for public and
10 private research on, and development of, vaccines and
11 other medical innovations that will combat the HIV/AIDS
12 epidemic, particularly the HIV/AIDS epidemic in Africa.

13 **SEC. 4. DEFINITIONS.**

14 In this Act:

15 (1) HIV.—The term “HIV” means infection
16 with the human immunodeficiency virus.

17 (2) AIDS.—The term “AIDS” means acquired
18 immune deficiency syndrome.

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