

106TH CONGRESS  
2D SESSION

# H. R. 3519

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## 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.



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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.

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 “World Bank AIDS  
3     Marshall Plan Trust Fund Act”.

4     **SEC. 2. FINDINGS AND PURPOSES.**

5         (a) FINDINGS.—The Congress finds the following:

6             (1) According to the Surgeon General of the  
7     United States, the epidemic of human immuno-  
8     deficiency virus/acquired immune deficiency syn-  
9     drome (HIV/AIDS) will soon become the worst epi-  
10    demic of infectious disease in recorded history,  
11    eclipsing both the bubonic plague of the 1300's and  
12    the influenza epidemic of 1918–1919 which killed  
13    more than 20,000,000 people worldwide.

14             (2) According to the Joint United Nations Pro-  
15    gramme on HIV/AIDS (UNAIDS), 33,600,000 peo-  
16    ple in the world today are living with HIV/AIDS, of  
17    which approximately 95 percent live in the devel-  
18    oping world.

19             (3) UNAIDS data shows that among children  
20    age 14 and under worldwide, 3,600,000 have died  
21    from AIDS, 1,200,000 are living with the disease;  
22    and in one year alone—1999—an estimated 570,000  
23    became infected, of which over 90 percent were ba-  
24    bies born to HIV-positive women.

25             (4) Although sub-Saharan Africa has only 10  
26    percent of the world's population, it is home to

1       23,300,000—roughly 70 percent—of the world's  
2       HIV/AIDS cases.

3                 (5) Worldwide, there have already been an esti-  
4       mated 16,300,000 deaths because of HIV/AIDS, of  
5       which 13,700,000—over 80 percent—occurred in  
6       sub-Saharan Africa.

7                 (6) According to testimony by the Office of Na-  
8       tional AIDS Policy, an entire generation of children  
9       in Africa is in jeopardy, with one-fifth to one-third  
10      of all children in some countries already orphaned  
11      and the figure estimated to rise to 40,000,000 by  
12      2010.

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

21                 (8) A 1999 Bureau of the Census report states  
22      that the average life expectancy in the Republic of  
23      Botswana, the Republic of Zimbabwe, the Kingdom  
24      of Swaziland, the Republic of Malawi, and the Re-  
25      public of Zambia has decreased from approximately

1       age 65 to approximately age 40—the lowest life ex-  
2       pectancy in the world—due to high mortality rates  
3       from HIV/AIDS.

4                 (9) A January 2000 unclassified United States  
5       National Intelligence Estimate (NIE) report on the  
6       global infectious disease threat concluded that the  
7       economic costs of infectious diseases—especially  
8       HIV/AIDS—are already significant and could re-  
9       duce GDP by as much as 20 percent or more by  
10      2010 in some sub-Saharan African nations.

11               (10) According to the same NIE report, HIV  
12      prevalence among militias in Angola and the Demo-  
13      cratic Republic of the Congo are estimated at 40 to  
14      60 percent, and at 15 to 30 percent in Tanzania.

15               (11) The HIV/AIDS epidemic is of increasing  
16      concern in other regions of the world with UNAIDS  
17      reporting, for example, that there are 6 million cases  
18      in South and South-east Asia, that the rate of HIV  
19      infection in the Caribbean is second only to sub-Sa-  
20      haran Africa, and that HIV infections have doubled  
21      in just two years in the former Soviet Union.

22               (12) Despite the grim statistics on the spread  
23      of HIV/AIDS, some developing nations—such as  
24      Uganda, Senegal, and Thailand—have implemented

1 prevention programs that have substantially curbed  
2 the rate of HIV infection.

3 (13) AIDS, like all diseases, knows no bound-  
4 aries, and there is no certitude that the scale of the  
5 problem in one continent can be contained within  
6 that region.

7 (14) According to a 1999 study prepared by  
8 UNAIDS and the Francois-Xavier Bagnoud Center  
9 for Health and Human Rights at the Harvard  
10 School of Public Health, HIV/AIDS is spreading  
11 three times faster than funding available to control  
12 the disease.

13 (15) The United Nations Secretary General has  
14 stated “[n]o company and no government can take  
15 on the challenge of AIDS alone,” and that “what is  
16 needed is a new approach to public health—com-  
17 bining all available resources, public and private,  
18 local and global.”.

19 (16) The World Bank, declaring AIDS not just  
20 a public health problem but “the foremost and fast-  
21 est-growing threat to development” in Africa, has  
22 launched a new strategy for HIV/AIDS in Africa,  
23 declaring it a top priority for the Bank on that con-  
24 tinent.

1                         (17) The World Bank estimates that for Africa  
2                         alone \$1,000,000,000 to \$2,300,000,000 annually is  
3                         needed for prevention in contrast to the approxi-  
4                         mately \$300,000,000 a year in official assistance  
5                         currently available for HIV/AIDS in Africa.

6                         (18) Accordingly, United States financial sup-  
7                         port for medical research, education, and disease  
8                         containment as a global strategy has beneficial rami-  
9                         fications for millions of Americans and their families  
10                         who are affected by this disease, and the entire pop-  
11                         ulation which is potentially susceptible.

12                         (b) PURPOSES.—The purposes of this Act are to pre-  
13                         vent the spread of HIV/AIDS and promote its eradication,  
14                         prevent human suffering, and to mitigate the devastating  
15                         impact of the disease on economic and human develop-  
16                         ment, social stability, and security in the developing world,  
17                         through the creation of a trust fund which is designed  
18                         to—

19                         (1) work with governments, civil society, non-  
20                         governmental organizations, the Joint United Na-  
21                         tions Program on HIV/AIDS (UNAIDS), the Inter-  
22                         national Partnership Against AIDS in Africa, other  
23                         international organizations, donor agencies, and the  
24                         private sector to intensify action against the HIV/  
25                         AIDS epidemic and to support essential field work

1       in the most affected countries to assist in the devel-  
2       opment of AIDS vaccines; and

3               (2) seek to leverage financial commitments by  
4       the United States in order to mobilize additional re-  
5       sources from other donors, the private sector, non-  
6       governmental organizations, and recipient countries  
7       to combat the spread of HIV/AIDS.

8       **TITLE I—NEGOTIATIONS FOR**  
9       **THE CREATION OF A WORLD**  
10      **BANK AIDS TRUST FUND**

11     **SEC. 101. TRUST FUND TO ASSIST IN HIV/AIDS PREVEN-**  
12       **TION, CARE AND TREATMENT, AND ERADI-**  
13       **CATION.**

14       The Secretary of the Treasury shall seek to enter into  
15       negotiations with the International Bank for Reconstruc-  
16       tion and Development or the International Development  
17       Association, and with the member nations of such institu-  
18       tions and with other interested parties for the creation of  
19       a trust fund which would be authorized to solicit and ac-  
20       cept contributions from governments, the private sector,  
21       and nongovernmental entities of all kinds and use the con-  
22       tributions to address the HIV/AIDS epidemic in countries  
23       eligible to borrow from such institutions, as follows:

24               (1) **PROGRAM OBJECTIVES.**—The trust fund  
25       would provide only grants, including grants for tech-

1 nical assistance, to support measures to build local  
2 capacity in national and local government, civil soci-  
3 ety, and the private sector to lead and implement ef-  
4 fective and affordable HIV/AIDS prevention, edu-  
5 cation, treatment and care services, and research  
6 and development activities, including affordable  
7 drugs. Among the activities the trust fund would  
8 provide grants for would be programs to promote  
9 best practices in prevention, including health edu-  
10 cation messages that emphasize risk avoidance;  
11 measures to ensure a safe blood supply; voluntary  
12 HIV/AIDS testing and counseling; measures to stop  
13 mother-to-child transmission of HIV/AIDS, includ-  
14 ing through diagnosis of pregnant women, access to  
15 cost-effective treatment and counseling and access to  
16 infant formula or other alternatives for infant feed-  
17 ing; and deterrence of gender-based violence and  
18 provision of post-exposure prophylaxis to victims of  
19 rape and sexual assault. In carrying out these objec-  
20 tives, the trust fund would coordinate its activities  
21 with governments, civil society, nongovernmental or-  
22 ganizations, the Joint United Nations Program on  
23 HIV/AIDS (UNAIDS), the International Partner-  
24 ship Against AIDS in Africa, other international or-

1       ganizations, the private sector, and donor agencies  
2       working to combat the HIV/AIDS crisis.

3                 (2) PRIORITY.—In providing such grants, the  
4       trust fund would give priority to countries that have  
5       the highest HIV/AIDS prevalence rate or are at risk  
6       of having a high HIV/AIDS prevalence rate, and  
7       that have or agree to carry out a national HIV/  
8       AIDS program which—

9                         (A) has a government commitment at the  
10       highest level and multiple partnerships with  
11       civil society and the private sector;

12                         (B) invests early in effective prevention ef-  
13       forts;

14                         (C) requires cooperation and collaboration  
15       among many different groups and sectors, in-  
16       cluding those who are most affected by the epi-  
17       demic, religious and community leaders, non-  
18       governmental organizations, researchers and  
19       health professionals, and the private sector;

20                         (D) is decentralized and uses participatory  
21       approaches to bring prevention care programs  
22       to national scale; and

23                         (E) is characterized by community partici-  
24       pation in government policymaking as well as  
25       design and implementation of the program, in-

1           cluding implementation of such programs by  
2           people living with HIV/AIDS, nongovernmental  
3           organizations, civil society, and the private sec-  
4           tor.

5           (3) GOVERNANCE.—

6           (A) IN GENERAL.—The trust fund would  
7           be administered as a trust fund of the Intern-  
8           ational Bank for Reconstruction and Develop-  
9           ment. Subject to general policy guidance from  
10          the President of the United States and rep-  
11          resentatives of the other donors to the trust  
12          fund, the Trustee would be responsible for man-  
13          aging the day-to-day operations of the trust  
14          fund.

15          (B) SELECTION OF PROJECTS AND RECIPI-  
16          ENTS.—In consultation with the President and  
17          other donors to the trust fund, the Trustee  
18          would establish criteria, that have been agreed  
19          on by the donors, for the selection of projects  
20          to receive support from the trust fund, stand-  
21          ards and criteria regarding qualifications of re-  
22          cipients of such support, as well as such rules  
23          and procedures as would be necessary for cost-  
24          effective management of the trust fund. The  
25          trust fund would not make grants for the pur-

1 pose of project development associated with bi-  
2 lateral or multilateral development bank loans.

3 (C) TRANSPARENCY OF OPERATIONS.—

4 The Trustee shall ensure full and prompt public  
5 disclosure of the proposed objectives, financial  
6 organization, and operations of the trust fund.

7 (D) ADVISORY BOARD.—

8 (i) APPOINTMENT.—The President of  
9 the United States and representatives of  
10 other participating donors to the trust  
11 fund would establish an Advisory Board,  
12 and appoint to the Advisory Board re-  
13nowned and distinguished international  
14 leaders who have demonstrated integrity  
15 and knowledge of issues relating to devel-  
16 opment, health care (especially HIV/  
17 AIDS), and Africa.

18 (ii) DUTIES.—The Advisory Board  
19 would, in consultation with other inter-  
20 national experts in related fields (including  
21 scientists, researchers, and doctors), advise  
22 and provide guidance for the trust fund on  
23 the development and implementation of the  
24 projects receiving support from the trust  
25 fund. Once the Advisory Board is estab-

1                   lished, the Secretary of the Treasury shall  
2                   ensure that the Trustee provides the Advi-  
3                   sory Board complete access to all informa-  
4                   tion and documents of the trust fund nec-  
5                   essary to the effective functioning of the  
6                   Advisory Board.

7                   **TITLE II—UNITED STATES**  
8                   **FINANCIAL PARTICIPATION**

9                   **SEC. 201. LIMITATIONS ON AUTHORIZATION OF APPRO-**  
10                   **PRIATIONS.**

11                  In addition to any other funds authorized to be ap-  
12 propriated for multilateral or bilateral programs related  
13 to AIDS or economic development, there are authorized  
14 to be appropriated to the Secretary of the Treasury  
15 \$100,000,000 for each of fiscal years 2001 through 2005  
16 for payment to the trust fund established as a result of  
17 negotiations entered into pursuant to section 101.

18                  **TITLE III—REPORTS**

19                  **SEC. 301. REPORTS TO THE CONGRESS.**

20                  (a) ANNUAL REPORTS.—Not later than 1 year after  
21 the date of the enactment of this Act, and annually there-  
22 after for the duration of the trust fund established pursu-  
23 ant to section 101, the Secretary of the Treasury shall  
24 submit to the appropriate committees of the Congress a  
25 written report on the trust fund, the goals of the trust

1 fund, the programs, projects, and activities, including any  
2 vaccination approaches, supported by the trust fund, and  
3 the effectiveness of such programs, projects, and activities  
4 in reducing the worldwide spread of AIDS.

5       (b) APPROPRIATE COMMITTEES DEFINED.—In sub-  
6 section (a), the term “appropriate committees” means the  
7 Committees on Appropriations, on International Rela-  
8 tions, and on Banking and Financial Services of the  
9 House of Representatives and the Committees on Approp-  
10 priations, on Foreign Relations, and on Banking, Hous-  
11 ing, and Urban Affairs of the Senate.

## 12                   **TITLE IV—HIV/AIDS** 13                   **PREVENTION AND CARE**

### 14                   **SEC. 401. STRENGTHENING LOCAL CAPACITY IN SUB-SAHA-** 15                   **RAN AFRICA TO IMPLEMENT HIV/AIDS PRE-** 16                   **VENTION AND CARE PROGRAMS.**

17       Title XVI of the International Financial Institutions  
18 Act (22 U.S.C. 262p—262p-7) is amended by adding at  
19 the end the following:

### 20                   **“SEC. 1625. STRENGTHENING LOCAL CAPACITY IN SUB-SA-** 21                   **HARAN AFRICA TO IMPLEMENT HIV/AIDS** 22                   **PREVENTION AND CARE PROGRAMS.**

23       “The Secretary of the Treasury shall instruct the  
24 United States Executive Director at the International  
25 Bank for Reconstruction and Development to use the voice

1 and vote of the United States to encourage the Bank to  
2 work with sub-Saharan African countries to modify  
3 projects financed by the Bank and develop new projects  
4 to build local capacity to manage and implement programs  
5 for the prevention of human immunodeficiency virus  
6 (HIV) and acquired immune deficiency syndrome (AIDS)  
7 and the care of persons with HIV/AIDS, including  
8 through health care delivery mechanisms which facilitate  
9 the distribution of affordable drugs for persons infected  
10 with HIV.”.

Passed the House of Representatives May 15, 2000.

Attest:

*Clerk.*