

107TH CONGRESS
1ST SESSION

H. R. 2069

To amend the Foreign Assistance Act of 1961 to authorize assistance to prevent, treat, and monitor HIV/AIDS in sub-Saharan African and other developing countries.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2001

Mr. HYDE introduced the following bill; which was referred to the Committee on International Relations

A BILL

To amend the Foreign Assistance Act of 1961 to authorize assistance to prevent, treat, and monitor HIV/AIDS in sub-Saharan African and other developing 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 “Global Access to HIV/
5 AIDS Prevention, Awareness, Education, and Treatment
6 Act of 2001”.

7 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

1 (1) The HIV/AIDS pandemic has claimed
2 22,000,000 lives since its inception.

3 (2) More than 17,000,000 individuals have died
4 from HIV/AIDS in sub-Saharan Africa alone.

5 (3) More than 36,000,000 individuals are in-
6 fected with HIV, of which approximately 25,000,000
7 individuals live in sub-Saharan Africa.

8 (4) The HIV/AIDS pandemic in sub-Saharan
9 Africa has grown beyond an international public
10 health issue to become a humanitarian and develop-
11 mental crisis.

12 (5) Although the HIV/AIDS pandemic has im-
13 pacted the sub-Saharan region of Africa dispropor-
14 tionately, HIV infection rates are rising rapidly in
15 India and other South Asian countries, Brazil, Car-
16 ibbean countries, and Russia, and pose a serious
17 threat to the security and stability in those coun-
18 tries.

19 (6) By 2010, it is estimated that approximately
20 40,000,000 children worldwide will have lost one or
21 both of their parents to HIV/AIDS.

22 (7) In January 2000, the United States Na-
23 tional Intelligence Council released an intelligence
24 estimate that framed the HIV/AIDS pandemic as a

1 security threat, noting the relationship between the
2 disease and political and economic instability.

3 (8) The overriding priority for responding to
4 the HIV/AIDS crisis should be to emphasize and en-
5 courage awareness, education, and prevention, in-
6 cluding prevention activities that promote behavioral
7 change. In so doing, priority and support should be
8 given to nongovernmental organizations, including
9 faith-based organizations.

10 (9) An effective response to the HIV/AIDS pan-
11 demic must also involve assistance to stimulate the
12 development of sound health service delivery infra-
13 structure systems in sub-Saharan African and other
14 developing countries.

15 (10) Access to effective treatment for HIV/
16 AIDS is determined by issues of price, health system
17 infrastructure, and sustainable financing and such
18 access can be inhibited by the stigma and discrimi-
19 nation associated with HIV/AIDS.

20 (11) An effective United States response to the
21 HIV/AIDS crisis must also focus on the development
22 of HIV/AIDS vaccines to prevent the spread of the
23 disease as well as the development of microbicides,
24 effective diagnostics, and simpler treatments.

1 (12) The innovative capacity of the United
2 States in the commercial and public pharmaceutical
3 research sectors is among the foremost in the world,
4 and the active participation of both these sectors
5 should be supported as it is critical to combat the
6 global HIV/AIDS pandemic.

7 (13) Appropriate treatment of individuals with
8 HIV/AIDS can prolong the lives of such individuals
9 and increase their productivity by allowing them to
10 lead active lives and reduce the need for costly hos-
11 pitalization for treatment of opportunistic infections
12 caused by HIV.

13 (14) United States volunteers with skills in
14 healthcare and HIV/AIDS counseling and prevention
15 programs have proven effective in combating the
16 HIV/AIDS pandemic and can be a resource in as-
17 sisting sub-Saharan African leaders of traditional,
18 political, business, and youth organizations in their
19 efforts to prevent the spread of HIV/AIDS through
20 awareness and educational programs.

21 (15) Most of the HIV infected poor of the de-
22 veloping world die of deadly opportunistic diseases
23 such as tuberculosis. Accordingly, effective HIV/
24 AIDS treatment programs should address the grow-
25 ing threat and spread of tuberculosis in the devel-

1 oping world. Malaria is also a major infectious dis-
2 ease that kills many individuals, particularly chil-
3 dren.

4 (16) Microenterprise development programs as-
5 sist communities afflicted by the HIV/AIDS pan-
6 demic and increase the productive capacity of com-
7 munities and afflicted households. Microenterprise
8 programs are also an effective means to support the
9 productive activities of healthy family members car-
10 ing for the sick and orphaned.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1)(A) combatting the HIV/AIDS pandemic in
14 sub-Saharan African and other developing countries
15 should be a global effort and include the financial
16 support of all developed countries and the coopera-
17 tion of governments and the private sector, including
18 faith-based organizations; and

19 (B) the United States should provide additional
20 funds for multilateral programs and efforts to com-
21 bat HIV/AIDS and also seek to leverage public and
22 private resources to combat HIV/AIDS on a global
23 basis through the Global Development Alliance Ini-
24 tiative of the United States Agency for International
25 Development and other public and private partner-

1 ships with an emphasis on HIV/AIDS awareness,
2 education, and prevention programs;

3 (2)(A) in addition to HIV/AIDS awareness,
4 education, and prevention programs, the United
5 States Government should support programs that
6 safely make available to public and private entities
7 in sub-Saharan African and other developing coun-
8 tries pharmaceuticals and diagnostics for HIV/AIDS
9 therapy in order—

10 (i) to effectively and safely and assist such
11 countries in the delivery of HIV/AIDS therapy
12 pharmaceuticals through the establishment of
13 adequate health care delivery systems and
14 treatment monitoring programs; and

15 (ii) to provide treatment for poor individ-
16 uals with HIV/AIDS in such countries; and

17 (B) in carrying out such programs, priority
18 consideration for participation should be given to
19 sub-Saharan African countries;

20 (3) the United States should promote efforts to
21 expand and develop programs that support the grow-
22 ing number of children orphaned by the HIV/AIDS
23 pandemic;

24 (4) treatment for HIV/AIDS should be a com-
25 ponent of a comprehensive international effort to

1 combat deadly infectious and opportunistic diseases,
2 including malaria and tuberculosis, that kill millions
3 annually in the developing world;

4 (5) the United States Agency for International
5 Development should carry out HIV/AIDS awareness,
6 prevention, and treatment programs in conjunction
7 with effective international tuberculosis and malaria
8 treatment and eradication programs; and

9 (6) the United States Agency for International
10 Development should expand and replicate successful
11 microenterprise programs in Uganda, Zambia,
12 Zimbabwe, and other African countries that provide
13 poor families affected by HIV/AIDS with financial
14 services, such as life, health care, and credit insur-
15 ance, and the means to care for themselves, their
16 children, and orphans.

17 **SEC. 3. ASSISTANCE TO COMBAT HIV/AIDS.**

18 (a) ASSISTANCE.—Section 104(c) of the Foreign As-
19 sistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

20 (1) by striking paragraphs (4) through (6); and

21 (2) by inserting after paragraph (3) the fol-
22 lowing:

23 “(4)(A) Congress recognizes that the alarming spread
24 of HIV/AIDS in sub-Saharan African and other devel-
25 oping countries is a major global health threat and hu-

1 humanitarian crisis. Accordingly, the United States and
2 other developed countries should provide assistance to sub-
3 Saharan and other developing countries to control this cri-
4 sis through HIV/AIDS prevention, treatment, monitoring,
5 and related activities.

6 “(B)(i) The Administrator of the United States
7 Agency for International Development is authorized to
8 provide assistance to prevent, treat, and monitor HIV/
9 AIDS, and carry out related activities, in sub-Saharan Af-
10 rican and other developing countries.

11 “(ii) It is the sense of Congress that the Adminis-
12 trator should provide an appropriate level of assistance
13 under clause (i) through nongovernmental organizations
14 in Sub-African and other developing countries affected by
15 the HIV/AIDS pandemic.

16 “(iii) The Administrator shall coordinate the provi-
17 sion of assistance under clause (i) with the provision of
18 related assistance by the Joint United Nations Pro-
19 gramme on HIV/AIDS (UNAIDS), the United Nations
20 Children’s Fund (UNICEF), the World Health Organiza-
21 tion (WHO), other similar international organizations, na-
22 tional, state, and local governments of foreign countries,
23 and other appropriate governmental and nongovernmental
24 organizations.

1 “(C) Assistance provided under subparagraph (B)
2 shall, to the maximum extent practicable, be used to carry
3 out the following activities:

4 “(i) Primarily the prevention of HIV/AIDS
5 through—

6 “(I) voluntary testing and counseling; and

7 “(II) assistance through nongovernmental
8 organizations, including faith-based organiza-
9 tions, particularly those organizations that uti-
10 lize volunteers, to establish and implement cul-
11 turally appropriate HIV/AIDS education and
12 prevention programs.

13 “(ii) The treatment of individuals with HIV/
14 AIDS, including—

15 “(I) assistance to establish and implement
16 programs to strengthen and broaden indigenous
17 health care systems infrastructure and the ca-
18 pacity of such systems to deliver HIV/AIDS
19 pharmaceuticals and otherwise provide for the
20 treatment of individuals with HIV/AIDS, in-
21 cluding clinical training for indigenous organi-
22 zations and health care providers; and

23 “(II) assistance aimed at the prevention of
24 transmission of HIV/AIDS from mother to
25 child.

1 “(iii) The monitoring of programs, projects, and
2 activities carried out pursuant to clauses (i) and (ii),
3 including—

4 “(I) monitoring to ensure that adequate
5 controls are established and implemented to
6 provide HIV/AIDS pharmaceuticals and other
7 appropriate medicines to poor individuals with
8 HIV/AIDS; and

9 “(II) appropriate evaluation and surveil-
10 lance activities.

11 “(iv) The conduct of related activities,
12 including—

13 “(I) the care and support of children who
14 are orphaned by the HIV/AIDS pandemic, in-
15 cluding through innovative programs modeled
16 on foster care and other services designed to
17 care for orphaned children in a family environ-
18 ment; and

19 “(II) the development and expansion of fi-
20 nancially-sustainable microfinance institutions
21 that strengthen the economic and social viabil-
22 ity of communities afflicted by the HIV/AIDS
23 pandemic, including support for the savings and
24 productive capacity of affected poor households
25 caring for orphans and the provision of finan-

1 cial services, such as life, health, and credit in-
2 surance.

3 “(D) The Administrator shall submit to Congress an
4 annual report of the implementation of this paragraph for
5 the prior year.

6 “(E)(i) There are authorized to be appropriated to
7 the President to carry out this paragraph \$469,000,000
8 for each of the fiscal years 2002 and 2003.

9 “(ii) Not more than three percent of the amount ap-
10 propriated pursuant to the authorization of appropriations
11 under clause (i) for a fiscal year may be used for the ad-
12 ministrative expenses of the Agency in carrying out this
13 paragraph.

14 “(iii) Amounts appropriated pursuant to the author-
15 ization of appropriations under clause (i) are in addition
16 to amounts otherwise available for such purposes and are
17 authorized to remain available until expended.

18 “(F) In this paragraph:

19 “(i) The term ‘HIV’ means infection with the
20 human immunodeficiency virus.

21 “(ii) The term ‘AIDS’ means acquired immune
22 deficiency syndrome.”.

23 (b) AVAILABILITY OF ASSISTANCE UNDER SECTION
24 104(c).—Section 104(c) of the Foreign Assistance Act of
25 1961 (22 U.S.C. 2151b(c)) is amended—

1 (1) by redesignating paragraph (7) as para-
2 graph (5); and

3 (2) by adding at the end the following:

4 “(6) Assistance made available under any paragraph
5 of this subsection, and assistance made available under
6 chapter 4 of part II of this Act to carry out the purposes
7 of any paragraph of this subsection, may be made avail-
8 able notwithstanding any other provision of law.”.

9 **SEC. 4. ASSISTANCE FOR PROCUREMENT AND DISTRIBUTION OF HIV/AIDS PHARMACEUTICALS AND RELATED MEDICINES.**

12 (a) ASSISTANCE.—The Administrator of the United
13 States Agency for International Development shall provide
14 assistance to sub-Saharan African and other developing
15 countries for—

16 (1) the procurement of HIV/AIDS pharma-
17 ceuticals, anti-viral therapies, and other appropriate
18 medicines; and

19 (2) the distribution of such HIV/AIDS pharma-
20 ceuticals, anti-viral therapies, and other appropriate
21 medicines to qualified national, regional, or local or-
22 ganizations for the treatment of individuals with
23 HIV/AIDS in accordance with appropriate HIV/
24 AIDS testing and monitoring requirements and for

1 the prevention of transmission of HIV/AIDS from
2 mother to child.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the President to carry
5 out this section \$50,000,000 for fiscal year 2002.

6 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR MULTI-**
7 **LATERAL EFFORTS TO PREVENT, TREAT, AND**
8 **MONITOR HIV/AIDS.**

9 There are authorized to be appropriated to the Presi-
10 dent for each of the fiscal years 2002 and 2003 such sums
11 as may be necessary for United States contributions to
12 multilateral efforts to prevent, treat, and monitor HIV/
13 AIDS in sub-Saharan African and other developing coun-
14 tries. The amount authorized to be appropriated under the
15 preceding sentence for any fiscal year may not exceed 25
16 percent of the aggregate amount proposed to be contrib-
17 uted for such fiscal year by all countries for such efforts.

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