

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3519
OFFERED BY MR. LEACH**

Strike all after the enacting clause and insert the following:

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.

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

7 (4) Although sub-Saharan Africa has only 10
8 percent of the world's population, it is home to
9 23,300,000—roughly 70 percent—of the world's
10 HIV/AIDS cases.

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

15 (6) According to testimony by the Office of Na-
16 tional AIDS Policy, an entire generation of children
17 in Africa is in jeopardy, with one-fifth to one-third
18 of all children already orphaned and the figure esti-
19 mated to rise to 40,000,000 by 2010.

20 (7) The 1999 annual report by the United Na-
21 tions Children's Fund (UNICEF) states “[t]he
22 number of orphans, particularly in Africa, con-
23 stitutes nothing less than an emergency, requiring
24 an emergency response” and that “finding the re-
25 sources needed to help stabilize the crisis and pro-

1 tect children is a priority that requires urgent action
2 from the international community.”

3 (8) A 1999 Bureau of the Census report states
4 that the average life expectancy in the Republic of
5 Botswana, the Republic of Zimbabwe, the Kingdom
6 of Swaziland, the Republic of Malawi, and the Re-
7 public of Zambia has decreased from approximately
8 age 65 to approximately age 40--the lowest life ex-
9 pectancy in the world--due to high mortality rates
10 from HIV/AIDS.

11 (9) A January 2000 declassified United States
12 National Intelligence Estimate (NIE) report on the
13 global infectious disease threat concluded that the
14 economic costs of infectious diseases—especially
15 HIV/AIDS—are already significant and could re-
16 duce GDP by as much as 20 percent or more by
17 2010 in some sub-Saharan African nations.

18 (10) According to the same NIE report, HIV
19 prevalence among militias in Angola and the Demo-
20 cratic Republic of the Congo are estimated at 40 to
21 60 percent, and at 15 to 30 percent in Tanzania.

22 (11) The HIV/AIDS epidemic is of increasing
23 concern in other regions of the world with UNAIDS
24 reporting, for example, that there are 6 million cases
25 in South and South-east Asia, that the rate of HIV

1 infection in the Caribbean is second only to sub-Sa-
2 haran Africa, and that HIV infections have doubled
3 in just two years in the former Soviet Union.

4 (12) Despite the grim statistics on the spread
5 of HIV/AIDS, some developing nations—such as
6 Uganda, Senegal, and Thailand—have implemented
7 prevention programs that have substantially curbed
8 the rate of HIV infection.

9 (13) AIDS, like all diseases, knows no bound-
10 aries, and there is no certitude that the scale of the
11 problem in one continent can be contained within
12 that region.

13 (14) According to a 1999 study prepared by
14 UNAIDS and the Francois-Xavier Bagnoud Center
15 for Health and Human Rights at the Harvard
16 School of Public Health, HIV/AIDS is spreading
17 three times faster than funding available to control
18 the disease.

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

1 (16) The World Bank, declaring AIDS not just
2 a public health problem but “the foremost and fast-
3 est-growing threat to development” in Africa, has
4 launched a new strategy for HIV/AIDS in Africa,
5 declaring it a top priority for the Bank on that con-
6 tinent.

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

12 (18) Accordingly, United States financial sup-
13 port for medical research, education, and disease
14 containment as a global strategy has beneficial rami-
15 fications for millions of Americans and their families
16 who are affected by this disease, and the entire pop-
17 ulation which is potentially susceptible.

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

1 (1) work with governments, civil society, non-
2 governmental organizations, the Joint United Na-
3 tions Program on HIV/AIDS (UNAIDS), the Inter-
4 national Partnership Against AIDS in Africa, other
5 international organizations, donor agencies, and the
6 private sector to intensify action against the HIV/
7 AIDS epidemic and to support essential field work
8 in the most affected countries to assist in the devel-
9 opment of AIDS vaccines; and

10 (2) seek to leverage financial commitments by
11 the United States in order to mobilize additional re-
12 sources from other donors, the private sector, non-
13 governmental organizations, and recipient countries
14 to combat the spread of HIV/AIDS.

15 **TITLE I—NEGOTIATIONS FOR**
16 **THE CREATION OF A WORLD**
17 **BANK AIDS TRUST FUND**

18 **SEC. 101. TRUST FUND TO ASSIST IN HIV/AIDS PREVEN-**
19 **TION, CARE AND TREATMENT, AND ERADI-**
20 **CATION.**

21 The Secretary of the Treasury shall seek to enter into
22 negotiations with the International Bank for Reconstruc-
23 tion or the International Development Association, and
24 with the member nations of such institutions and with
25 other interested parties for the creation of a trust fund

1 which would be authorized to solicit and accept contribu-
2 tions from governments, the private sector, and non-
3 governmental entities of all kinds and use the contribu-
4 tions to address the HIV/AIDS epidemic in countries eligi-
5 ble to borrow from such institutions, as follows:

6 (1) PROGRAM OBJECTIVES.—The trust fund
7 would provide grants (and only grants) to support
8 measures to build local capacity in national and local
9 government, civil society, and the private sector to
10 lead and implement effective HIV/AIDS prevention,
11 education, treatment and care services, and research
12 and development activities. In carrying out this ob-
13 jective, the trust fund would coordinate its activities
14 with governments, civil society, nongovernmental or-
15 ganizations, the Joint United Nations Program on
16 HIV/AIDS (UNAIDS), the International Partner-
17 ship Against AIDS in Africa, other international or-
18 ganizations, the private sector, and donor agencies
19 working to combat the HIV/AIDS crisis.

20 (2) PRIORITY.—In providing such grants, the
21 trust fund would give priority to countries that have
22 the highest HIV/AIDS prevalence rate or are at risk
23 of having a high HIV/AIDS prevalence rate, and
24 that have a national HIV/AIDS program which—

1 (A) has a government commitment at the
2 highest level and multiple partnerships with
3 civil society and the private sector;

4 (B) invests early in effective prevention ef-
5 forts;

6 (C) requires cooperation and collaboration
7 among many different groups and sectors, in-
8 cluding those who are most affected by the epi-
9 demic, religious and community leaders, non-
10 governmental organizations, researchers and
11 health professionals, and the private sector;

12 (D) is decentralized and uses participatory
13 approaches to bring prevention care programs
14 to national scale; and

15 (E) is characterized by community partici-
16 pation in government policymaking as well as
17 design and implementation of the program, in-
18 cluding implementation of such programs by
19 people living with HIV/AIDS, nongovernmental
20 organizations, civil society, and the private sec-
21 tor.

22 (3) GOVERNANCE.—

23 (A) IN GENERAL.—The trust fund would
24 be administered as a trust fund of the Inter-
25 national Bank for Reconstruction and Develop-

1 ment. Subject to general policy guidance from
2 the President of the United States and rep-
3 resentatives of the other donors to the trust
4 fund, the Trustee would be responsible for man-
5 aging the day-to-day operations of the trust
6 fund.

7 (B) SELECTION OF PROJECTS AND RECIPI-
8 ENTS.—In consultation with the President and
9 other donors to the trust fund, the Trustee
10 would establish criteria, that have been agreed
11 on by the donors, for the selection of projects
12 to receive support from the trust fund, stand-
13 ards and criteria regarding qualifications of re-
14 cipients of such support, as well as such rules
15 and procedures as would be necessary for cost-
16 effective management of the trust fund. The
17 trust fund would not make grants for the pur-
18 pose of project development associated with bi-
19 lateral or multilateral development bank loans.

20 (C) TRANSPARENCY OF OPERATIONS.—
21 The Trustee shall ensure full and prompt public
22 disclosure of the proposed objectives, financial
23 organization, and operations of the trust fund.

24 (D) ADVISORY BOARD.—

1 (i) APPOINTMENT.—The President of
2 the United States and representatives of
3 other participating donors to the trust
4 fund would establish an Advisory Board,
5 and appoint to the Advisory Board re-
6 nowned and distinguished international
7 leaders who have demonstrated integrity
8 and knowledge of issues relating to devel-
9 opment, health care (especially HIV/
10 AIDS), and Africa.

11 (ii) DUTIES.—The Advisory Board
12 would, in consultation with other inter-
13 national experts in related fields (including
14 scientists, researchers, and doctors), advise
15 and provide guidance for the trust fund on
16 the development and implementation of the
17 projects receiving support from the trust
18 fund. Once the Advisory Board is estab-
19 lished, the Secretary of the Treasury shall
20 ensure that the Trustee provides the Advi-
21 sory Board complete access to all informa-
22 tion and documents of the trust fund nec-
23 essary to the effective functioning of the
24 Advisory Board.

1 **TITLE II—UNITED STATES**
2 **FINANCIAL PARTICIPATION**

3 **SEC. 201. LIMITATIONS ON AUTHORIZATION OF APPRO-**
4 **PRIATIONS.**

5 In addition to any other funds authorized to be ap-
6 propriated for multilateral or bilateral programs related
7 to AIDS or economic development, there are authorized
8 to be appropriated to the Secretary of the Treasury
9 \$100,000,000 for each of fiscal years 2001 through 2005
10 for payment to the trust fund established as a result of
11 negotiations entered into pursuant to section 101.

12 **TITLE III—REPORTS**

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

14 (a) ANNUAL REPORTS.—Not later than 1 year after
15 the date of the enactment of this Act, and annually there-
16 after for the duration of the trust fund established pursu-
17 ant to section 101, the Secretary of the Treasury shall
18 submit to the appropriate committees of the Congress a
19 written report on the trust fund, the goals of the trust
20 fund, the programs, projects, and activities, including any
21 vaccination approaches, supported by the trust fund, and
22 the effectiveness of such programs, projects, and activities
23 in reducing the worldwide spread of AIDS.

24 (b) APPROPRIATE COMMITTEES DEFINED.—In sub-
25 section (a), the term “appropriate committees” means the

1 Committees on Appropriations, on International Rela-
2 tions, and on Banking and Financial Services of the
3 House of Representatives and the Committees on Appro-
4 priations, on Foreign Relations, and on Banking, Hous-
5 ing, and Urban Affairs of the Senate.