Amendment to H.R. 391 Offered by Mr. McCaul of Texas

Strike sections 8, 9, and 10 and insert the following:

1SEC. 8. ESTABLISHMENT OF FUND FOR GLOBAL HEALTH2SECURITY AND PANDEMIC PREPAREDNESS.

3 (a) Negotiations for Establishment of a Fund FOR GLOBAL HEALTH SECURITY AND PANDEMIC PRE-4 5 PAREDNESS.—The Secretary of State, in coordination 6 with the Secretary of the Treasury, the Administrator of 7 the United States Agency for International Development, the Secretary of Health and Human Services, and the 8 9 heads of other relevant Federal departments and agencies as necessary and appropriate, should seek to enter into 10 11 negotiations with donors, relevant United Nations agencies, including the World Health Organization, and other 12 13 key multilateral stakeholders, for the establishment of—

(1) a multilateral, catalytic financing mechanism for global health security and pandemic preparedness, which may be known as the Fund for
Global Health Security and Pandemic Preparedness
(in this title referred to as "the Fund"), in accordance with the provisions of this section; and

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(2) an Advisory Board to the Fund in accord ance with section 9.

3 (b) PURPOSE.—The purpose of the Fund should be 4 to close critical gaps in global health security and pan-5 demic preparedness and build capacity in eligible partner 6 countries in the areas of global health security, infectious 7 disease control, and pandemic preparedness, such that 8 it—

9 (1) prioritizes capacity building and financing
10 availability in eligible partner countries;

(2) incentivizes countries to prioritize the use of
domestic resources for global health security and
pandemic preparedness;

14 (3) leverages government, nongovernment, and15 private sector investments;

16 (4) regularly responds to and evaluates progress
17 based on clear metrics and benchmarks, such as the
18 Joint External Evaluation and Global Health Secu19 rity Index;

(5) aligns with and complements ongoing bilateral and multilateral efforts and financing, including
through the World Bank, the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and Gavi, the Vaccine Alliance;
and

(6) accelerates country compliance with the
 International Health Regulations (2005) and fulfill ment of the Global Health Security Agenda 2024
 Framework, in coordination with the ongoing Joint
 External Evaluation national action planning proc ess.

7 (c) EXECUTIVE BOARD.—

8 (1) IN GENERAL.—The Fund should be gov-9 erned by an Executive Board, which should be com-10 posed of not more than 20 representatives of donor 11 foundations, academic institutions, governments, 12 civil society, and the private sector that meet a min-13 imum threshold in annual contributions and agree to 14 uphold transparency measures.

15 (2) DUTIES.—The Executive Board should be
16 charged with approving strategies, operations, and
17 grant-making authorities, such that it is able to con18 duct effective fiduciary, monitoring, and evaluation
19 efforts, and other oversight functions. In addition,
20 the Executive Board should—

21 (A) be comprised only of contributors to
22 the Fund at not less than the minimum thresh23 old to be established pursuant to paragraph (1);

1	(B) determine operational procedures such
2	that the Fund is able to effectively fulfill its
3	mission; and
4	(C) provide oversight and accountability
5	for the Fund in collaboration with the Inspector
6	General to be established pursuant to section
7	10(e)(1)(A).
8	(3) COMPOSITION.—The Executive Board
9	should include—
10	(A) representatives of the governments of
11	founding permanent member countries who, in
12	addition to the requirements in paragraph (1) ,
13	qualify based upon meeting an established ini-
14	tial contribution threshold, which should be not
15	less than 10 percent of total initial contribu-
16	tions, and a demonstrated commitment to sup-
17	porting the International Health Regulations
18	(2005);
19	(B) term members, who are from academic
20	institutions, civil society, and the private sector
21	and are selected by the permanent members on
22	the basis of their experience and commitment to
23	innovation, best practices, and the advancement
24	of global health security objectives; and

1	(C) representatives of the World Health
2	Organization, and the chair of the Global
3	Health Security Steering Group.
4	(4) QUALIFICATIONS.—Individuals appointed to
5	the Executive Board should have demonstrated
6	knowledge and experience across a variety of sectors,
7	including human and animal health, agriculture, de-
8	velopment, defense, finance, research, and academia.
9	(5) Conflicts of interest.—
10	(A) TECHNICAL EXPERTS.—The Executive
11	Board may include independent technical ex-
12	perts, provided they are not affiliated with or
13	employed by a recipient country or organiza-
14	tion.
15	(B) Multilateral bodies and institu-
16	TIONS.—Executive Board members appointed
17	under paragraph (3)(C) should recuse them-
18	selves from matters presenting conflicts of in-
19	terest, including financing decisions relating to
20	such bodies and institutions.
21	(6) UNITED STATES REPRESENTATION.—
22	(A) IN GENERAL.—

23 (i) FOUNDING PERMANENT MEM24 BER.—The Secretary of State shall seek to

1	establish the United States as a founding
2	permanent member of the Fund.
3	(ii) Coordinator of united states
4	GOVERNMENT ACTIVITIES TO ADVANCE
5	GLOBAL HEALTH SECURITY.—The United
6	States shall be represented on the Execu-
7	tive Board by an officer or employee of the
8	United States appointed by the President.
9	(B) EFFECTIVE AND TERMINATION
10	DATES.—
11	(i) Effective date.—This para-
12	graph shall take effect upon the date the
13	Secretary of State, certifies and transmits
14	to Congress an agreement establishing the
15	Fund.
16	(ii) TERMINATION DATE.—The mem-
17	bership established pursuant to subpara-
18	graph (A) shall terminate upon the date of
19	termination of the Fund.
20	(7) Removal procedures.—The Fund should
21	establish procedures for the removal of members of
22	the Executive Board who engage in a consistent pat-
23	tern of human rights abuses, fail to uphold global
24	health data transparency requirements, or otherwise

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1	violate the established standards of the Fund, in-
2	cluding in relation to corruption.
3	(8) ENFORCEABILITY.—Any agreement con-
4	cluded under the authorities provided by this section
5	shall be legally effective and binding upon the
6	United States, as may be provided in the agreement,
7	upon—
8	(A) the enactment of appropriate imple-
9	menting legislation which provides for the ap-
10	proval of the specific agreement or agreements,
11	including attachments, annexes, and supporting
12	documentation, as appropriate; or
13	(B) if concluded and submitted as a treaty,
14	receiving the necessary consent of the Senate.
15	(9) ELIGIBLE PARTNER COUNTRY DEFINED.—
16	In this section, the term "eligible partner country"
17	means a country with demonstrated—
18	(A) need, as identified through the Joint
19	External Evaluation process, the Global Health
20	Security Index classification of health systems,
21	national action plans for health security, and
22	other complementary or successor indicators of
23	global health security and pandemic prepared-
24	ness; and

1 (B) commitment to transparency, including 2 budget and global health data transparency, 3 complying with the International Health Regu-4 lations (2005), investing in domestic health sys-5 tems, and achieving measurable results, and in 6 which the Fund for Global Health Security and 7 Pandemic Preparedness established under this 8 section may finance global health security and 9 pandemic preparedness assistance programs 10 under this Act.

11 SEC. 9. FUND AUTHORITIES.

12 (a) PROGRAM OBJECTIVES.—

(1) IN GENERAL.—In carrying out the purpose
set forth in section 8, the Fund, acting through the
Executive Board, should provide grants, including
challenge grants, technical assistance, concessional
lending, catalytic investment funds, and other innovative funding mechanisms, as appropriate, to—

(A) help eligible partner countries close
critical gaps in health security, as identified
through the Joint External Evaluation process,
the Global Health Security Index classification
of health systems, and national action plans for
health security and other complementary or

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successor indicators of global health security and pandemic preparedness; and

3 (B) support measures that enable such 4 countries, at both national and sub-national lev-5 els, and in partnership with civil society and the 6 private sector, to strengthen and sustain resilient health systems and supply chains with the 7 8 resources, capacity, and personnel required to 9 prevent, detect, mitigate, and respond to infec-10 tious disease threats before they become 11 pandemics.

12 (2) ACTIVITIES SUPPORTED.—The activities to
13 be supported by the Fund should include efforts
14 to—

15 (A) enable eligible partner countries to for-16 mulate and implement national health security 17 and pandemic preparedness action plans, ad-18 vance action packages under the Global Health 19 Security Agenda, and adopt and uphold com-20 mitments under the International Health Regu-21 lations (2005) and other related international 22 health agreements, as appropriate;

23 (B) support global health security budget24 planning in eligible partner countries, including

1	training in financial management and budget
2	and global health data transparency;
3	(C) strengthen the health security work-
4	force, including hiring, training, and deploying
5	experts to improve frontline preparedness for
6	emerging epidemic and pandemic threats;
7	(D) improve infection control and the pro-
8	tection of healthcare workers within healthcare
9	settings;
10	(E) combat the threat of antimicrobial re-
11	sistance;
12	(F) strengthen laboratory capacity and
13	promote biosafety and biosecurity through the
14	provision of material and technical assistance;
15	(G) reduce the risk of bioterrorism,
16	zoonotic disease spillover, and accidental bio-
17	logical release;
18	(H) build technical capacity to manage
19	global health security related supply chains, in-
20	cluding for personal protective equipment, oxy-
21	gen, testing reagents, and other lifesaving sup-
22	plies, through effective forecasting, procure-
23	ment, warehousing, and delivery from central
24	warehouses to points of service in both the pub-
25	lic and private sectors;

(I) enable bilateral, regional, and inter-1 2 national partnerships and cooperation, including through pandemic early warning systems 3 4 and emergency operations centers, to identify 5 and address transnational infectious disease 6 threats exacerbated by natural and man-made 7 disasters, human displacement, and zoonotic in-8 fection;

9 (J) establish partnerships for the sharing 10 of best practices and enabling eligible countries 11 to meet targets and indicators under the Joint 12 External Evaluation process, the Global Health 13 Security Index classification of health systems, 14 and national action plans for health security re-15 lating to the detection, treatment, and preven-16 tion of neglected tropical diseases;

17 (K) build the technical capacity of eligible 18 partner countries to prepare for and respond to 19 second order development impacts of infectious 20 disease outbreaks, while accounting for the dif-21 ferentiated needs and vulnerabilities of 22 marginalized populations;

(L) develop and utilize metrics to monitor
and evaluate programmatic performance and
identify best practices, including in accordance

1	with Joint External Evaluation benchmarks,
2	Global Health Security Agenda targets, and
3	Global Health Security Index indicators;
4	(M) develop and deploy mechanisms to en-
5	hance the transparency and accountability of
6	global health security and pandemic prepared-
7	ness programs and data, in compliance with the
8	International Health Regulations (2005), in-
9	cluding through the sharing of trends, risks,
10	and lessons learned; and
11	(N) develop and implement simulation ex-
12	ercises, produce and release after action re-
13	ports, and address related gaps.
14	(3) Implementation of program objec-
15	TIVES.—In carrying out the objectives of paragraph
16	(1), the Fund should work to eliminate duplication
17	and waste by upholding strict transparency and ac-
18	countability standards and coordinating its programs
19	and activities with key partners working to advance
20	global health security and pandemic preparedness,
21	including—
22	(A) governments, civil society, faith-based,
23	and nongovernmental organizations, research
24	and academic institutions, and private sector
25	entities in eligible partner countries;

1	(B) the pandemic early warning systems
2	and international emergency operations centers
3	to be established under title II;
4	(C) the World Health Organization;
5	(D) the Global Health Security Agenda;
6	(E) the Global Health Security Initiative;
7	(F) the Global Fund to Fight AIDS, Tu-
8	berculosis, and Malaria;
9	(G) the United Nations Office for the Co-
10	ordination of Humanitarian Affairs, UNICEF,
11	and other relevant funds, programs, and spe-
12	cialized agencies of the United Nations;
13	(H) Gavi, the Vaccine Alliance;
14	(I) the Coalition for Epidemic Prepared-
15	ness Innovations (CEPI);
16	(J) the Global Polio Eradication Initiative;
17	and
18	(K) the Coordinator of United States Gov-
19	ernment Activities to Advance Global Health
20	Security and Diplomacy, established pursuant
21	to section 103.
22	(b) PRIORITY.—In providing assistance under this
23	section, the Fund should give priority to low-and lower-
24	middle income countries with—

1	(1) low scores on the Global Health Security
2	Index classification of health systems;
3	(2) measurable gaps in global health security
4	and pandemic preparedness identified under Joint
5	External Evaluations and national action plans for
6	health security;
7	(3) demonstrated political and financial com-
8	mitment to pandemic preparedness; and
9	(4) demonstrated commitment to upholding
10	global health budget and data transparency and ac-
11	countability standards, complying with the Inter-
12	national Health Regulations (2005), investing in do-
13	mestic health systems, and achieving measurable re-
14	sults.
15	(c) ELIGIBLE GRANT RECIPIENTS.—Governments
16	and nongovernmental organizations should be eligible to
17	receive grants as described in this section.
18	SEC. 10. FUND ADMINISTRATION.
19	(a) Appointment of an Administrator.—The Ex-
20	ecutive Board of the Fund should appoint an Adminis-
21	trator who should be responsible for managing the day-
22	to-day operations of the Fund.
23	(b) Authority to Solicit and Accept Contribu-
24	TIONS.—The Fund should be authorized to solicit and ac-
25	cept contributions from governments, the private sector,

foundations, individuals, and nongovernmental entities of
 all kinds.

3 (c) ACCOUNTABILITY OF FUNDS AND CRITERIA FOR
4 PROGRAMS.—As part of the negotiations described in sec5 tion 8(a), the Secretary of the State, shall, consistent with
6 subsection (d)—

7 (1) take such actions as are necessary to ensure
8 that the Fund will have in effect adequate proce9 dures and standards to account for and monitor the
10 use of funds contributed to the Fund, including the
11 cost of administering the Fund; and

(2) seek agreement on the criteria that should
be used to determine the programs and activities
that should be assisted by the Fund.

15 (d) SELECTION OF PARTNER COUNTRIES, PROJECTS,
16 AND RECIPIENTS.—The Executive Board should estab17 lish—

(1) eligible partner country selection criteria, to
include transparent metrics to measure and assess
global health security and pandemic preparedness
strengths and vulnerabilities in countries seeking assistance;

(2) minimum standards for ensuring eligiblepartner country ownership and commitment to long-

1	term results, including requirements for domestic
2	budgeting, resource mobilization, and co-investment;
3	(3) criteria for the selection of projects to re-
4	ceive support from the Fund;
5	(4) standards and criteria regarding qualifica-
6	tions of recipients of such support;
7	(5) such rules and procedures as may be nec-
8	essary for cost-effective management of the Fund;
9	and
10	(6) such rules and procedures as may be nec-
11	essary to ensure transparency and accountability in
12	the grant-making process.
13	(e) Additional Transparency and Account-
14	ABILITY REQUIREMENTS.—
15	(1) INSPECTOR GENERAL.—
16	(A) IN GENERAL.—The Secretary of State
17	shall seek to ensure that the Fund maintains
18	an independent Office of the Inspector General
19	and ensure that the office has the requisite re-
20	sources and capacity to regularly conduct and
21	publish, on a publicly accessible website, rig-
22	orous financial, programmatic, and reporting
23	audits and investigations of the Fund and its
24	grantees.

1	(B) SENSE OF CONGRESS ON CORRUP-
2	TION.—It is the sense of Congress that—
3	(i) corruption within global health
4	programs contribute directly to the loss of
5	human life and cannot be tolerated; and
6	(ii) in making financial recoveries re-
7	lating to a corrupt act or criminal conduct
8	under a grant, as determined by the In-
9	spector General, the responsible grant re-
10	cipient should be assessed at a recovery
11	rate of up to 150 percent of such loss.
12	(2) Administrative expenses.—The Sec-
13	retary of State shall seek to ensure the Fund estab-
14	lishes, maintains, and makes publicly available a sys-
15	tem to track the administrative and management
16	costs of the Fund on a quarterly basis.
17	(3) FINANCIAL TRACKING SYSTEMS.—The Sec-
18	retary of State shall ensure that the Fund estab-
19	lishes, maintains, and makes publicly available a sys-
20	tem to track the amount of funds disbursed to each
21	grant recipient and sub-recipient during a grant's
22	fiscal cycle.
23	(4) EXEMPTION FROM DUTIES AND TAXES.—
24	The Secretary should ensure that the Fund adopts
25	rules that condition grants upon agreement by the

relevant national authorities in an eligible partner
 country to exempt from duties and taxes all products
 financed by such grants, including procurements by
 any principal or sub-recipient for the purpose of car rying out such grants.

6 SEC. 11. FUND ADVISORY BOARD.

7 (a) IN GENERAL.—There should be an Advisory8 Board to the Fund.

9 (b) APPOINTMENTS.—The members of the Advisory10 Board should be composed of—

(1) individuals with experience and leadership
in the fields of development, global health, epidemiology, medicine, biomedical research, and social
sciences; and

15 (2) representatives of relevant United Nations 16 agencies, including the World Health Organization, 17 and nongovernmental organizations with on-the-18 ground experience in implementing global health 19 programs in low and lower-middle income countries. 20 (c) RESPONSIBILITIES.—The Advisory Board should 21 provide advice and guidance to the Executive Board of the 22 Fund on the development and implementation of programs 23 and projects to be assisted by the Fund and on leveraging donations to the Fund. 24

1 (d) Prohibition on Payment of Compensa-2 tion.—

3 (1) IN GENERAL.—Except for travel expenses
4 (including per diem in lieu of subsistence), no mem5 ber of the Advisory Board should receive compensa6 tion for services performed as a member of the
7 Board.

8 (2) UNITED STATES REPRESENTATIVE.—Not-9 withstanding any other provision of law (including 10 an international agreement), a representative of the 11 United States on the Advisory Board may not accept 12 compensation for services performed as a member of 13 the Board, except that such representative may ac-14 cept travel expenses, including per diem in lieu of 15 subsistence, while away from the representative's 16 home or regular place of business in the perform-17 ance of services for the Board.

(e) CONFLICTS OF INTEREST.—Members of the Advisory Board should be required to disclose any potential
conflicts of interest prior to serving on the Advisory
Board.

22 SEC. 12. REPORTS TO CONGRESS ON THE FUND.

(a) STATUS REPORT.—Not later than 6 months after
the date of enactment of this Act, the Secretary of State,
in coordination with the Administrator of the United

States Agency for International Development, and the
 heads of other relevant Federal departments and agencies,
 shall submit to the appropriate congressional committees
 a report detailing the progress of international negotia tions to establish the Fund.

6	(b)	ANNUAL I	Report.—
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7 (1) IN GENERAL.—Not later than 1 year after
8 the date of the establishment of the Fund, and an9 nually thereafter for the duration of the Fund, the
10 Secretary of State, shall submit to the appropriate
11 congressional committees a report on the Fund.

12 (2) REPORT ELEMENTS.—The report shall in13 clude a description of—

14 (A) the goals of the Fund;
15 (B) the programs, projects, and activities
16 supported by the Fund;

17 (C) private and governmental contributions18 to the Fund; and

19 (D) the criteria utilized to determine the
20 programs and activities that should be assisted
21 by the Fund.

(c) GAO REPORT ON EFFECTIVENESS.—Not later
than 2 years after the date that the Fund comes into effect, the Comptroller General of the United States shall

submit to the appropriate congressional committees a re port evaluating the effectiveness of the Fund, including—

- 3 (1) the effectiveness of the programs, projects,
 4 and activities supported by the Fund; and
- 5 (2) an assessment of the merits of continued
 6 United States participation in the Fund.

7 SEC. 13. UNITED STATES CONTRIBUTIONS.

8 (a) IN GENERAL.—Subject to submission of the cer-9 tification under this section, the President is authorized 10 to make available for United States contributions to the 11 Fund such funds as may be authorized to be made avail-12 able for such purpose.

(b) NOTIFICATION.—The Secretary of State shall notify the appropriate congressional committees not later
than 15 days in advance of making a contribution to the
Fund, including—

- 17 (1) the amount of the proposed contribution;
- 18 (2) the total of funds contributed by other do-19 nors; and
- 20 (3) the national interests served by United21 States participation in the Fund.

(c) LIMITATION.—At no point during the five years
after enactment of this Act shall a United States contribution to the Fund cause the cumulative total of United

States contributions to the Fund to exceed 33 percent of
 the total contributions to the Fund from all sources.

3 (d) WITHHOLDINGS.—

4 (1) SUPPORT FOR ACTS OF INTERNATIONAL 5 TERRORISM.—If at any time the Secretary of State 6 determines that the Fund has provided assistance to 7 a country, the government of which the Secretary of 8 State has determined, for purposes of section 620A 9 of the Foreign Assistance Act of 1961 (22 U.S.C. 10 2371) has repeatedly provided support for acts of 11 international terrorism, the United States shall with-12 hold from its contribution to the Fund for the next 13 fiscal year an amount equal to the amount expended 14 by the Fund to the government of such country.

15 (2) EXCESSIVE SALARIES.—If at any time dur-16 ing the five years after enactment of this Act, the 17 Secretary of State determines that the salary of any 18 individual employed by the Fund exceeds the salary 19 of the Vice President of the United States for that 20 fiscal year, then the United States should withhold 21 from its contribution for the next fiscal year an 22 amount equal to the aggregate amount by which the 23 salary of each such individual exceeds the salary of the Vice President of the United States. 24

1 (3) Accountability certification require-2 MENT.—The Secretary of State may withhold not 3 more than 20 percent of planned United States con-4 tributions to the Fund until the Secretary certifies 5 to the appropriate congressional committees that the 6 Fund has established procedures to provide access 7 by the Office of Inspector General of the Depart-8 ment of State, as cognizant Inspector General, the 9 Inspector General of the Department of Health and 10 Human Services, the Inspector General of the 11 United States Agency for International Develop-12 ment, and the Comptroller General of the United 13 States to the Fund's financial data and other infor-14 mation relevant to United States contributions to 15 the Fund (as determined by the Inspector General 16 of the Department of State, in consultation with the 17 Secretary of State). 18 SEC. 14. COMPLIANCE WITH THE FOREIGN AID TRANS-

19PARENCY AND ACCOUNTABILITY ACT OF202016.

21 Section 2(3) of the Foreign Aid Transparency and
22 Accountability Act of 2016 (Public Law 114–191; 22
23 U.S.C. 2394c note) is amended—

24 (1) in subparagraph (C), by striking "and" at
25 the end;

1	(2) in subparagraph (D), by striking the period
2	at the end and inserting "; and"; and
3	(3) by adding at the end the following:
4	"(E) the Global Health Security Act of
5	2021.".
6	SEC. 15. DEFINITIONS.
7	In this Act:
8	(1) Appropriate congressional commit-
9	TEES.—The term "appropriate congressional Com-
10	mittees" means—
11	(A) the Committee on Foreign Affairs and
12	the Committee on Appropriations of the House
13	of Representatives; and
14	(B) the Committee on Foreign Relations
15	and the Committee on Appropriations of the
16	Senate.
17	(2) GLOBAL HEALTH SECURITY.—The term
18	"global health security" means activities supporting
19	epidemic and pandemic preparedness and capabili-
20	ties at the country and global levels in order to mini-
21	mize vulnerability to acute public health events that
22	can endanger the health of populations across geo-
23	graphical regions and international boundaries.

1 SEC. 16. SUNSET.

2 This Act, and the amendments made by this Act shall

3 cease to be effective 5 fiscal years after the enactment of

4 this Act.

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