AMENDMENT TO H.R. 391
OFFERED BY MR. McCaul OF TEXAS

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

SEC. 8. ESTABLISHMENT OF FUND FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREPAREDNESS.

(a) NEGOTIATIONS FOR ESTABLISHMENT OF A FUND FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREPAREDNESS.—The Secretary of State, in coordination with the Secretary of the Treasury, the Administrator of the United States Agency for International Development, the Secretary of Health and Human Services, and the heads of other relevant Federal departments and agencies as necessary and appropriate, should seek to enter into negotiations with donors, relevant United Nations agencies, including the World Health Organization, and other 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
(2) an Advisory Board to the Fund in accordance with section 9.

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

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

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

(3) leverages government, nongovernment, and private sector investments;

(4) regularly responds to and evaluates progress based on clear metrics and benchmarks, such as the Joint External Evaluation and Global Health Security 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 fulfillment of the Global Health Security Agenda 2024 Framework, in coordination with the ongoing Joint External Evaluation national action planning process.

(e) EXECUTIVE BOARD.—

(1) IN GENERAL.—The Fund should be governed by an Executive Board, which should be composed of not more than 20 representatives of donor governments, foundations, academic institutions, civil society, and the private sector that meet a minimum threshold in annual contributions and agree to uphold transparency measures.

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

(A) be comprised only of contributors to the Fund at not less than the minimum threshold to be established pursuant to paragraph (1);
(B) determine operational procedures such that the Fund is able to effectively fulfill its mission; and

(C) provide oversight and accountability for the Fund in collaboration with the Inspector General to be established pursuant to section 10(e)(1)(A).

(3) COMPOSITION.—The Executive Board should include—

(A) representatives of the governments of founding permanent member countries who, in addition to the requirements in paragraph (1), qualify based upon meeting an established initial contribution threshold, which should be not less than 10 percent of total initial contributions, and a demonstrated commitment to supporting the International Health Regulations (2005);

(B) term members, who are from academic institutions, civil society, and the private sector and are selected by the permanent members on the basis of their experience and commitment to innovation, best practices, and the advancement of global health security objectives; and
(C) representatives of the World Health Organization, and the chair of the Global Health Security Steering Group.

(4) QUALIFICATIONS.—Individuals appointed to the Executive Board should have demonstrated knowledge and experience across a variety of sectors, including human and animal health, agriculture, development, defense, finance, research, and academia.

(5) CONFLICTS OF INTEREST.—

(A) TECHNICAL EXPERTS.—The Executive Board may include independent technical experts, provided they are not affiliated with or employed by a recipient country or organization.

(B) MULTILATERAL BODIES AND INSTITUTIONS.—Executive Board members appointed under paragraph (3)(C) should recuse themselves from matters presenting conflicts of interest, including financing decisions relating to such bodies and institutions.

(6) UNITED STATES REPRESENTATION.—

(A) IN GENERAL.—

(i) FOUNDING PERMANENT MEMBER.—The Secretary of State shall seek to
establish the United States as a founding permanent member of the Fund.

(ii) COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO ADVANCE GLOBAL HEALTH SECURITY.—The United States shall be represented on the Executive Board by an officer or employee of the United States appointed by the President.

(B) EFFECTIVE AND TERMINATION DATES.—

(i) EFFECTIVE DATE.—This paragraph shall take effect upon the date the Secretary of State, certifies and transmits to Congress an agreement establishing the Fund.

(ii) TERMINATION DATE.—The membership established pursuant to subparagraph (A) shall terminate upon the date of termination of the Fund.

(7) REMOVAL PROCEDURES.—The Fund should establish procedures for the removal of members of the Executive Board who engage in a consistent pattern of human rights abuses, fail to uphold global health data transparency requirements, or otherwise
violate the established standards of the Fund, in-
cluding in relation to corruption.

(8) ENFORCEABILITY.—Any agreement con-
cluded under the authorities provided by this section
shall be legally effective and binding upon the
United States, as may be provided in the agreement,
upon—

(A) the enactment of appropriate imple-
menting legislation which provides for the ap-
proval of the specific agreement or agreements,
including attachments, annexes, and supporting
documentation, as appropriate; or

(B) if concluded and submitted as a treaty,
receiving the necessary consent of the Senate.

(9) ELIGIBLE PARTNER COUNTRY DEFINED.—
In this section, the term “eligible partner country”
means a country with demonstrated—

(A) need, as identified through the Joint
External Evaluation process, the Global Health
Security Index classification of health systems,
national action plans for health security, and
other complementary or successor indicators of
global health security and pandemic prepared-
ness; and
(B) commitment to transparency, including budget and global health data transparency, complying with the International Health Regulations (2005), investing in domestic health systems, and achieving measurable results, and in which the Fund for Global Health Security and Pandemic Preparedness established under this section may finance global health security and pandemic preparedness assistance programs under this Act.

SEC. 9. FUND AUTHORITIES.

(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
successor indicators of global health security and pandemic preparedness; and

(B) support measures that enable such countries, at both national and sub-national levels, and in partnership with civil society and the private sector, to strengthen and sustain resilient health systems and supply chains with the resources, capacity, and personnel required to prevent, detect, mitigate, and respond to infectious disease threats before they become pandemics.

(2) Activities Supported.—The activities to be supported by the Fund should include efforts to—

(A) enable eligible partner countries to formulate and implement national health security and pandemic preparedness action plans, advance action packages under the Global Health Security Agenda, and adopt and uphold commitments under the International Health Regulations (2005) and other related international health agreements, as appropriate;

(B) support global health security budget planning in eligible partner countries, including
training in financial management and budget and global health data transparency;

(C) strengthen the health security workforce, including hiring, training, and deploying experts to improve frontline preparedness for emerging epidemic and pandemic threats;

(D) improve infection control and the protection of healthcare workers within healthcare settings;

(E) combat the threat of antimicrobial resistance;

(F) strengthen laboratory capacity and promote biosafety and biosecurity through the provision of material and technical assistance;

(G) reduce the risk of bioterrorism, zoonotic disease spillover, and accidental biological release;

(H) build technical capacity to manage global health security related supply chains, including for personal protective equipment, oxygen, testing reagents, and other lifesaving supplies, through effective forecasting, procurement, warehousing, and delivery from central warehouses to points of service in both the public and private sectors;
(I) enable bilateral, regional, and international partnerships and cooperation, including through pandemic early warning systems and emergency operations centers, to identify and address transnational infectious disease threats exacerbated by natural and man-made disasters, human displacement, and zoonotic infection;

(J) establish partnerships for the sharing of best practices and enabling eligible countries to meet targets and indicators under the Joint External Evaluation process, the Global Health Security Index classification of health systems, and national action plans for health security relating to the detection, treatment, and prevention of neglected tropical diseases;

(K) build the technical capacity of eligible partner countries to prepare for and respond to second order development impacts of infectious disease outbreaks, while accounting for the differentiated needs and vulnerabilities of marginalized populations;

(L) develop and utilize metrics to monitor and evaluate programmatic performance and identify best practices, including in accordance
with Joint External Evaluation benchmarks, Global Health Security Agenda targets, and Global Health Security Index indicators;

(M) develop and deploy mechanisms to enhance the transparency and accountability of global health security and pandemic preparedness programs and data, in compliance with the International Health Regulations (2005), including through the sharing of trends, risks, and lessons learned; and

(N) develop and implement simulation exercises, produce and release after action reports, and address related gaps.

(3) IMPLEMENTATION OF PROGRAM OBJECTIVES.—In carrying out the objectives of paragraph (1), the Fund should work to eliminate duplication and waste by upholding strict transparency and accountability standards and coordinating its programs and activities with key partners working to advance global health security and pandemic preparedness, including—

(A) governments, civil society, faith-based, and nongovernmental organizations, research and academic institutions, and private sector entities in eligible partner countries;
(B) the pandemic early warning systems and international emergency operations centers to be established under title II;

(C) the World Health Organization;

(D) the Global Health Security Agenda;

(E) the Global Health Security Initiative;

(F) the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(G) the United Nations Office for the Coordination of Humanitarian Affairs, UNICEF, and other relevant funds, programs, and specialized agencies of the United Nations;

(H) Gavi, the Vaccine Alliance;

(I) the Coalition for Epidemic Preparedness Innovations (CEPI);

(J) the Global Polio Eradication Initiative;

and

(K) the Coordinator of United States Government Activities to Advance Global Health Security and Diplomacy, established pursuant to section 103.

(b) PRIORITY.—In providing assistance under this section, the Fund should give priority to low-and lower-middle income countries with—
(1) low scores on the Global Health Security Index classification of health systems;

(2) measurable gaps in global health security and pandemic preparedness identified under Joint External Evaluations and national action plans for health security;

(3) demonstrated political and financial commitment to pandemic preparedness; and

(4) demonstrated commitment to upholding global health budget and data transparency and accountability standards, complying with the International Health Regulations (2005), investing in domestic health systems, and achieving measurable results.

(c) ELIGIBLE GRANT RECIPIENTS.—Governments and nongovernmental organizations should be eligible to receive grants as described in this section.

SEC. 10. FUND ADMINISTRATION.

(a) APPOINTMENT OF AN ADMINISTRATOR.—The Executive Board of the Fund should appoint an Administrator who should be responsible for managing the day-to-day operations of the Fund.

(b) AUTHORITY TO SOLICIT AND ACCEPT CONTRIBUTIONS.—The Fund should be authorized to solicit and accept contributions from governments, the private sector,
foundations, individuals, and nongovernmental entities of all kinds.

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

(1) take such actions as are necessary to ensure that the Fund will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Fund, including the 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.

(d) SELECTION OF PARTNER COUNTRIES, PROJECTS, AND RECIPIENTS.—The Executive Board should establish—

(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 eligible partner country ownership and commitment to long-
term results, including requirements for domestic budgeting, resource mobilization, and co-investment;

(3) criteria for the selection of projects to receive support from the Fund;

(4) standards and criteria regarding qualifications of recipients of such support;

(5) such rules and procedures as may be necessary for cost-effective management of the Fund; and

(6) such rules and procedures as may be necessary to ensure transparency and accountability in the grant-making process.

(e) ADDITIONAL TRANSPARENCY AND ACCOUNTABILITY REQUIREMENTS.—

(1) INSPECTOR GENERAL.—

(A) IN GENERAL.—The Secretary of State shall seek to ensure that the Fund maintains an independent Office of the Inspector General and ensure that the office has the requisite resources and capacity to regularly conduct and publish, on a publicly accessible website, rigorous financial, programmatic, and reporting audits and investigations of the Fund and its grantees.
(B) Sense of Congress on Corruption.—It is the sense of Congress that—

(i) corruption within global health programs contribute directly to the loss of human life and cannot be tolerated; and

(ii) in making financial recoveries relating to a corrupt act or criminal conduct under a grant, as determined by the Inspector General, the responsible grant recipient should be assessed at a recovery rate of up to 150 percent of such loss.

(2) Administrative Expenses.—The Secretary of State shall seek to ensure the Fund establishes, maintains, and makes publicly available a system to track the administrative and management costs of the Fund on a quarterly basis.

(3) Financial Tracking Systems.—The Secretary of State shall ensure that the Fund establishes, maintains, and makes publicly available a system to track the amount of funds disbursed to each grant recipient and sub-recipient during a grant’s fiscal cycle.

(4) Exemption from Duties and Taxes.—The Secretary should ensure that the Fund adopts 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.

SEC. 11. FUND ADVISORY BOARD.

(a) In General.—There should be an Advisory
Board to the Fund.

(b) Appointments.—The members of the Advisory
Board should be composed of—

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

(2) representatives of relevant United Nations
agencies, including the World Health Organization,
and nongovernmental organizations with on-the-
ground experience in implementing global health
programs in low and lower-middle income countries.

(c) Responsibilities.—The Advisory Board should
provide advice and guidance to the Executive Board of the
Fund on the development and implementation of programs
and projects to be assisted by the Fund and on leveraging
donations to the Fund.
(d) Prohibition on Payment of Compensation.—

(1) In general.—Except for travel expenses (including per diem in lieu of subsistence), no member of the Advisory Board should receive compensation for services performed as a member of the Board.

(2) United States representative.—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board may not accept compensation for services performed as a member of the Board, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative’s home or regular place of business in the performance 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.

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 negotiations to establish the Fund.

(b) Annual Report.—

(1) In general.—Not later than 1 year after the date of the establishment of the Fund, and annually thereafter for the duration of the Fund, the Secretary of State, shall submit to the appropriate congressional committees a report on the Fund.

(2) Report elements.—The report shall include a description of—

(A) the goals of the Fund;

(B) the programs, projects, and activities supported by the Fund;

(C) private and governmental contributions to the Fund; and

(D) the criteria utilized to determine the programs and activities that should be assisted 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 report evaluating the effectiveness of the Fund, including—

(1) the effectiveness of the programs, projects, and activities supported by the Fund; and

(2) an assessment of the merits of continued United States participation in the Fund.

SEC. 13. UNITED STATES CONTRIBUTIONS.

(a) IN GENERAL.—Subject to submission of the certification under this section, the President is authorized to make available for United States contributions to the Fund such funds as may be authorized to be made available 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—

(1) the amount of the proposed contribution;

(2) the total of funds contributed by other donors; and

(3) the national interests served by United 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.

(d) WITHHOLDINGS.—

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

(2) EXCESSIVE SALARIES.—If at any time during the five years after enactment of this Act, the Secretary of State determines that the salary of any individual employed by the Fund exceeds the salary of the Vice President of the United States for that fiscal year, then the United States should withhold from its contribution for the next fiscal year an amount equal to the aggregate amount by which the salary of each such individual exceeds the salary of the Vice President of the United States.
(3) ACCOUNTABILITY CERTIFICATION REQUIREMENT.—The Secretary of State may withhold not more than 20 percent of planned United States contributions to the Fund until the Secretary certifies to the appropriate congressional committees that the Fund has established procedures to provide access by the Office of Inspector General of the Department of State, as cognizant Inspector General, the Inspector General of the Department of Health and Human Services, the Inspector General of the United States Agency for International Development, and the Comptroller General of the United States to the Fund’s financial data and other information relevant to United States contributions to the Fund (as determined by the Inspector General of the Department of State, in consultation with the Secretary of State).


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

(1) in subparagraph (C), by striking “and” at the end;
(2) in subparagraph (D), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(E) the Global Health Security Act of 2021.”.

SEC. 15. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional Committees” means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) GLOBAL HEALTH SECURITY.—The term “global health security” means activities supporting epidemic and pandemic preparedness and capabilities at the country and global levels in order to minimize vulnerability to acute public health events that can endanger the health of populations across geographical regions and international boundaries.
SEC. 16. SUNSET.

This Act, and the amendments made by this Act shall cease to be effective 5 fiscal years after the enactment of this Act.