

118TH CONGRESS
2^D SESSION

S. 4581

To require the Secretary of State, in coordination with the Secretary of Health and Human Services, the Administrator of the United States Agency for International Development, and such other heads of departments and agencies as the Secretary of State considers appropriate, to formulate a strategy for the Federal Government to secure support from foreign countries, multilateral organizations, and other appropriate entities to facilitate the development and commercialization of qualified pandemic or epidemic products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2024

Mr. KELLY (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require the Secretary of State, in coordination with the Secretary of Health and Human Services, the Administrator of the United States Agency for International Development, and such other heads of departments and agencies as the Secretary of State considers appropriate, to formulate a strategy for the Federal Government to secure support from foreign countries, multilateral organizations, and other appropriate entities to facilitate the development and commercialization of qualified pandemic or epidemic products, and for other purposes.

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 “Saving Us from Pan-
5 demic Era Resistance by Building a Unified Global Strat-
6 egy Act of 2024” or the “SUPER BUGS Act of 2024”.

7 **SEC. 2. INTERNATIONAL STRATEGY FOR DEVELOPMENT**
8 **AND COMMERCIALIZATION OF QUALIFIED**
9 **PANDEMIC OR EPIDEMIC PRODUCTS.**

10 (a) STRATEGY.—

11 (1) IN GENERAL.—Not later than 540 days
12 after the date of the enactment of this Act, the Sec-
13 retary of State, in coordination with the Secretary of
14 Health and Human Services, the Administrator of
15 the United States Agency for International Develop-
16 ment, and such other heads of departments and
17 agencies as the Secretary of State considers appro-
18 priate, shall—

19 (A) formulate a strategy for the Federal
20 Government to secure support from foreign
21 countries, multilateral organizations, and other
22 appropriate entities to facilitate the develop-
23 ment and commercialization of qualified pan-
24 demic or epidemic products, including such

1 products to address antimicrobial resistant
2 pathogens—

3 (i) with pandemic potential; or

4 (ii) that are priority pathogens; and

5 (B) submit such strategy to the appro-
6 priate committees of Congress.

7 (2) CONTENTS.—The strategy required by
8 paragraph (1) shall—

9 (A) provide for processes the Federal Gov-
10 ernment is using and would use to enter into
11 arrangements with foreign countries, multilat-
12 eral organizations, and other appropriate enti-
13 ties in certain circumstances to implement the
14 strategy;

15 (B) strive to ensure that the arrangements
16 described in subparagraph (A) promote equi-
17 table contributions based on the budgets and
18 technical expertise of participating countries,
19 organizations, and other entities, as appro-
20 priate;

21 (C) focus the arrangements described in
22 subparagraph (A) on global priorities while ena-
23 bling participating countries, organizations, and
24 other entities to emphasize national or regional
25 issues of importance;

1 (D) seek to ensure new and existing ar-
2 rangements described in subparagraph (A) are
3 harmonized with each other and with other rel-
4 evant existing or planned efforts to amplify im-
5 pact, address gaps, prevent duplication of ef-
6 fort, and efficiently distribute funds;

7 (E) provide for collaboration so that the
8 arrangements described in subparagraph (A)—

9 (i) allocate joint or individual respon-
10 sibility across participating countries, orga-
11 nizations, and other entities for the devel-
12 opment and commercialization of par-
13 ticular qualified pandemic or epidemic
14 products; and

15 (ii) describe such collaboration;

16 (F) encourage the stewardship of qualified
17 pandemic or epidemic products developed pur-
18 suant to the strategy;

19 (G) ensure that priority actions are identi-
20 fied in the arrangements described in subpara-
21 graph (A) so that scarce domestic and inter-
22 national funds are allocated to develop and
23 commercialize qualified pandemic or epidemic
24 products that can achieve the greatest positive
25 impact on human health, including unprece-

1 dented approaches to preventing, treating, and
2 diagnosing infectious diseases;

3 (H) consider approaches including—

4 (i) securing development, production,
5 and distribution contracts with the private
6 sector;

7 (ii) entering into public-private part-
8 nerships;

9 (iii) implementing alternative payment
10 models;

11 (iv) creating coverage and reimburse-
12 ment pathways; and

13 (v) streamlining regulatory approval
14 processes; and

15 (I) align with pandemic preparedness and
16 response priorities of the United States, such as
17 those articulated in—

18 (i) the National Strategy for Com-
19 bating Antibiotic-Resistant Bacteria (dated
20 September 2014); and

21 (ii) the National Biodefense Strategy
22 and Implementation Plan (dated October
23 2022) and the associated Action Plan
24 (dated October 2022).

1 (b) ARRANGEMENTS.—The Secretary of State, in
2 consultation with the Secretary of Health and Human
3 Services, the Administrator of the United States Agency
4 for International Development, and such other heads of
5 departments and agencies as the Secretary of State con-
6 siders appropriate, shall seek to enter into arrangements
7 with foreign countries, multilateral organizations, and
8 other appropriate entities to implement the strategy re-
9 quired by subsection (a).

10 (c) DEFINITIONS.—In this section:

11 (1) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Foreign Relations
15 and the Committee on Health, Education,
16 Labor, and Pensions of the Senate; and

17 (B) the Committee on Foreign Affairs and
18 the Committee on Energy and Commerce of the
19 House of Representatives.

20 (2) PRIORITY PATHOGENS.—The term “priority
21 pathogens” means pathogens identified in—

22 (A) the latest “Antibiotic Resistance
23 Threats Report” of the Centers for Disease
24 Control and Prevention (or any successor re-
25 port); or

1 (B) the latest global priority pathogens list
2 or fungal priority pathogens list of the World
3 Health Organization (or any successor list).

4 (3) QUALIFIED PANDEMIC OR EPIDEMIC PROD-
5 UCT.—The term “qualified pandemic or epidemic
6 product” has the meaning given that term in section
7 319F–3(i) of the Public Health Service Act (42
8 U.S.C. 247d–6d(i)).

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