

118TH CONGRESS
1ST SESSION

S. 2093

To establish a program at BARDA for developing medical countermeasures
for viral threats with pandemic potential.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2023

Ms. BALDWIN (for herself and Mr. TILLIS) introduced the following bill; which
was read twice and referred to the Committee on Health, Education,
Labor, and Pensions

A BILL

To establish a program at BARDA for developing medical
countermeasures for viral threats with pandemic potential.

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 “Disease X Act of
5 2023”.

6 **SEC. 2. MEDICAL COUNTERMEASURES FOR VIRAL THREATS**
7 **WITH PANDEMIC POTENTIAL.**

8 (a) IN GENERAL.—Section 319L(c)(4) of the Public
9 Health Service Act (42 U.S.C. 247d–7e(c)(4)) is amend-
10 ed—

1 (1) in subparagraph (D)—

2 (A) in clause (ii), by striking “; and” and
3 inserting a semicolon;

4 (B) by redesignating clause (iii) as clause
5 (v); and

6 (C) by inserting after clause (ii) the fol-
7 lowing:

8 “(iii) the identification and develop-
9 ment of platform manufacturing tech-
10 nologies needed for advanced development
11 and manufacturing of medical counter-
12 measures for viral families which have sig-
13 nificant potential to cause a pandemic;

14 “(iv) advanced research and develop-
15 ment of flexible medical countermeasures
16 against priority respiratory virus families
17 and other respiratory viral pathogens with
18 a significant potential to cause a pandemic,
19 with both pathogen-specific and pathogen-
20 agnostic approaches; and”; and

21 (2) in subparagraph (F)—

22 (A) in clause (ii), by striking “; and” at
23 the end and inserting a semicolon;

24 (B) in clause (iii), by striking the period
25 and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(iv) priority virus families and other
3 viral pathogens with a significant potential
4 to cause a pandemic.”.

5 (b) FUNDING.—Section 319L(d)(2) of the Public
6 Health Service Act (42 U.S.C. 247d–7e(d)(2)) is amend-
7 ed—

8 (1) by striking “To carry out” and inserting
9 the following:

10 “(i) IN GENERAL.—To carry out”;

11 and

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

13 “(ii) ADDITIONAL FUNDING.—

14 “(I) IN GENERAL.—In addition
15 to the amounts appropriated under
16 clause (i), there is authorized to be
17 appropriated to the Fund
18 \$40,000,000 for each of fiscal years
19 2024 through 2028, which amounts
20 shall be used solely for purposes of
21 carrying out clauses (iii) and (iv) of
22 subsection (c)(4)(D), such amounts to
23 remain available until expended.

24 “(II) RESTRICTION ON USE OF
25 FUNDS.—Any product developed using

1 funding appropriated pursuant to sub-
2 clause (I) shall be substantially manu-
3 factured in the United States. The
4 Secretary may waive the requirements
5 of this subclause with respect to indi-
6 vidual entities if the Secretary deter-
7 mines that requiring domestic re-
8 search and development operations
9 would be inconsistent with the public
10 interest.”.

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