

# A BILL

To provide preventive and remedial measures to promote the early identification, notification, access to affected areas, and cooperation necessary to mitigate future pandemic and protect the homeland.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Pandemic Non-Proliferation and Homeland Security Act of 2022”.

## **SEC. 2. PREAMBLE.**

(a) Recognizing that pathogenic, highly infective and transmittable diseases, such as (SARS-CoV-2), are a threat to the global human community;

(b) Determined to mitigate the threat of pathogenic, highly infective and transmittable diseases through cooperative international measures, including those that facilitate multilateral efforts to identify, isolate, mitigate and eradicate these diseases;

(c) Determined for the sake of humankind to implement through legislation or other means the laws, regulations or other authorities required to facilitate mitigation of pathogenetic, infective and transmittable diseases, to include a requirement for early notification of a disease outbreak, immediate access by specialists to the area of the disease outbreak, sharing of information concerning the disease, and working cooperatively to isolate the outbreak, and other measures;

(d) Recognizing that a nation failing to provide notice, right of access, and cooperation in connection with a disease outbreak poses a significant health, economic and national security threat to the United States and other nations; and

(e) Recognizing that Congress can benefit by further review on how the United States can provide leadership in identifying the different mechanisms and support to encourage and promote nations to provide early notification, the right of access, and cooperation during an outbreak of a transmittable disease.

(f) The Pandemic Non-Proliferation and Homeland Protection Act of 2022 is a step forward to accomplish these objectives.

### SEC. 3. DEFINITIONS.

In this Act:

(a) “Right of Access” means the right of entry to a Geographic Area immediately upon Notification, including and the freedom of movement within the Geographic Area of Outbreak without undue restrictions.<sup>1</sup>

(b) “Cooperation” means the timely granting all visas, permits or other required permissions or authority necessary to facilitate Access.

(c) “Geographic Area of Outbreak” means the physical boundaries defined by a country, state, providence, district, city, town, territory, region, or locality that has or is experiencing an Outbreak.

(d) “Country or Governmental Authority” means any foreign sovereign state and/or any foreign government, agency or instrumentality thereof, and/or any subset or sub-level government,

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<sup>1</sup> Right of Access is left rather ‘undefined’ to allow reasonable conditions on Right of Access that a state might require, such as those that would not allow foreign specialists access to military installations or other areas subject to national security concerns. The Secretaries could determine on a case-by-case basis if a country’s restrictions are reasonable and consonant with the purposes of this Act.

agency, or instrumentality thereof at any level, which has full or partial jurisdiction or de facto control over the Geographic Area of Outbreak.

(e) “Notification” means a writing sent immediately on identification of an Outbreak and received by the Director-General of the World Health Organization (WHO) and to the Secretaries.

(f) “Outbreak” means an infectious, transmittable pathogen expressed in a number of cases that exceeds normal expectations in a given population. This definition does not include pathogens that are subject to the Biological Weapons Convention.<sup>2</sup>

(g) “Secretaries” shall mean the Secretary of United States Department of Health and Human Services and the Secretary of the Department of State.

(h) “Specialists” means person or persons designated by the WHO Director General to travel to the Geographic Area of Outbreak to gather information and data relevant and necessary to assist with isolation and mitigation of the Outbreak.<sup>3</sup>

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<sup>2</sup> This limitation is to avoid conflating this with more complex defense issues presented by bioweapons systems.

<sup>3</sup> The Secretaries could arrange with WHO conditions governing the roster of specialists, to include criteria for inclusion on the roster, terms of engagement, including any confidentiality/non-disclosure limitations on the Specialists and diplomatic immunity protections for the Specialists while in the Geographic Area of Outbreak.

**SEC. 4. FOREIGN ASSISTANCE AND PANDEMIC MITIGATION PLANS. –**

(a) Not later than 100 days after the date of enactment of this Act, the President shall require that amounts authorized to be appropriated under chapters 1 and 10 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 ([22 U.S.C. 2151 et seq.](#)), or any other appropriated funds spent on foreign assistance for the purpose of mitigating any Outbreak, to contain a commitment by the Country or Governmental Organization receiving such appropriated funds to implement measures requiring Notification, Right of Access, and Cooperation.

**SEC. 5. PANDEMIC RISK-OFFSET TARIFF.**

(a) After 365 days from the date of this Act, and to the extent consistent with existing laws, treaties, and executive agreements, if the Secretaries determine that a Country or Governmental Authority has not established by law, agreement, or policy means of Notification, Access, and Cooperation consistent with the goals of this Act, the President may impose Pandemic Risk-Offset Tariffs on goods originating from that Country or Governmental Authority.

(b) “Pandemic Risk-Offset Tariff” means a tariff on imports of a percent ad valorem as established in consultation with the United States Office of the Trade Representative and United States Customs and Border Protection, the revenue from which will be transferred to the United States Department of Treasury to support pandemic preparedness and mitigation measures.

(c) The President, in consultation with the Secretaries, the United States Office of the Trade Representative, and United States Customs and Border Protection, may suspend, withdraw, or modify a Pandemic Risk-Offset Tariff in a manner consistent with the goals of this Act.

#### **SEC. 6. REPORTS TO CONGRESS.**

(a) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes the efforts by President’s administration to:

(1) work to establish agreements or other mechanisms to encourage and promote a requirement that a Country or Governmental Authority provide Notification, Right of Access, and Cooperation;

(2) identify appropriate remedial measures consistent with the purpose of this Act to impose on a Country or Governmental Authority that does not agree or fails to provide Notification, Right of Access, and Cooperation; and

(3) identify the possible sources of domestic and international financial, technical, and other aid and support to a Country or Governmental Authority that provides Notification, Right of Access, and Cooperation.