

## HR 1770

Smallpox Emergency Personnel Protection Act of 2003

**Congress:** 108 (2003–2005, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** Apr 11, 2003

**Current Status:** Became Public Law No: 108-20.

**Latest Action:** Became Public Law No: 108-20. (Apr 30, 2003)

**Law:** 108-20 (Enacted Apr 30, 2003)

**Official Text:** <https://www.congress.gov/bill/108th-congress/house-bill/1770>

### Sponsor

**Name:** Rep. Burr, Richard [R-NC-5]

**Party:** Republican • **State:** NC • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Discharged From	Apr 11, 2003
Energy and Commerce Committee	House	Discharged From	Apr 11, 2003
Judiciary Committee	House	Referred to	Apr 11, 2003

### Subjects & Policy Tags

#### Policy Area:

Health

### Related Bills

Bill	Relationship	Last Action
108 HR 1413	Related bill	<b>Apr 10, 2003:</b> Referred to the Subcommittee on Health.
108 S 719	Related bill	<b>Apr 2, 2003:</b> Committee on Health, Education, Labor, and Pensions. Ordered to be reported with an amendment favorably.
108 HR 1463	Related bill	<b>Mar 31, 2003:</b> On motion to suspend the rules and pass the bill Failed by the Yeas and Nays: (2/3 required): 184 - 206 (Roll no. 92). (text: CR H2478-2480)

**(This measure has not been amended since it was introduced. The expanded summary of the House passed version is repeated here.)**

Smallpox Emergency Personnel Protection Act of 2003 - (Sec. 2) Amends Title II of the Public Health Service Act to add a new part, Part C (Smallpox Emergency Personnel Protection). Directs the Secretary of Health and Human Services to establish procedures for determining whether an individual is an eligible individual under this Act who qualifies for compensation for a covered injury or injuries.

Defines a covered injury as an injury, disability, illness, condition, or death arising in a specified time period from the administration of a smallpox vaccine or arising in specified circumstances from an accidental smallpox inoculation. Defines a covered individual as an individual from one of certain professions who is or will be functioning as part of a federally approved smallpox emergency response plan and who receives a smallpox vaccine. Defines an eligible individual as a covered individual who sustains a covered injury from a smallpox vaccine or as an individual who is accidentally inoculated and sustains a covered injury.

Permits the Secretary to make structured settlement agreements with individuals based on the reasonable likelihood that certain compensation under this Act will be required for a period in excess of one year from the date an individual is determined to be eligible for such compensation.

Allows the Secretary to review and affirm, vacate, or modify determinations of eligibility for compensation under this Act. Declares that no court shall have subject matter jurisdiction to review any such determination. Allows an officer or employee of the United States to review any such determination at the behest of the President.

Directs the Secretary to create a smallpox vaccine injury table identifying adverse effects that shall be presumed to result from the administration of (or exposure to) a smallpox vaccine and the time period in which the first symptom of each such adverse effect must occur for such presumption to apply. Permits the Secretary to amend the table by regulation.

Requires the Secretary to make payments for medical items and services as reasonable and necessary to treat a covered injury of an eligible individual.

Directs the Secretary to provide compensation according to a specified formula to an eligible individual for the loss of employment income incurred due to a covered injury. Limits such payments to a maximum of \$50,000 for any year, and sets a limit on the lifetime total of such compensation equal to the death benefit established below, but makes such lifetime limit inapplicable in the case of permanent and total disability. Terminates such payments once an individual reaches the age of 65.

Directs the Secretary to pay death benefits according to a specified formula to the survivor or survivors of an eligible individual whose death occurred due to a covered injury or injuries. Allows the legal guardian of any minor dependents of such a deceased individual to receive payments according to a specified formula on behalf of such dependents in lieu of a death benefit. Terminates any such payments once the youngest dependent reaches the age of 18.

Authorizes appropriations through FY 2007.

(Sec. 3) Amends Public Health Service Act provisions regarding: (1) tort liability for the administration of smallpox countermeasures; and (2) the administration of smallpox countermeasures by health professionals, including to modify the definitions of covered countermeasure, covered person, and qualified person.

## Actions Timeline

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- **Apr 30, 2003:** Signed by President.
- **Apr 30, 2003:** Signed by President.
- **Apr 30, 2003:** Became Public Law No: 108-20.
- **Apr 30, 2003:** Became Public Law No: 108-20.
- **Apr 24, 2003:** Presented to President.
- **Apr 24, 2003:** Presented to President.
- **Apr 12, 2003:** Message on Senate action sent to the House.
- **Apr 11, 2003:** Introduced in House
- **Apr 11, 2003:** Introduced in House
- **Apr 11, 2003:** Referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Apr 11, 2003:** Referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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- **Apr 11, 2003:** Referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Apr 11, 2003:** Committee on Energy and Commerce discharged.
- **Apr 11, 2003:** Committee on Energy and Commerce discharged.
- **Apr 11, 2003:** Committee on Education and the Workforce discharged.
- **Apr 11, 2003:** Committee on Education and the Workforce discharged.
- **Apr 11, 2003:** Committee on Judiciary discharged.
- **Apr 11, 2003:** Committee on Judiciary discharged.
- **Apr 11, 2003:** Considered by unanimous consent. (consideration: CR H3338-3343)
- **Apr 11, 2003:** Mr. Burr asked unanimous consent to discharge from committee and consider.
- **Apr 11, 2003:** Passed/agreed to in House: On passage Passed without objection.(text: CR H3340-3343)
- **Apr 11, 2003:** On passage Passed without objection. (text: CR H3340-3343)
- **Apr 11, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 11, 2003:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1770.
- **Apr 11, 2003:** Referred to the Subcommittee on Immigration, Border Security, and Claims.
- **Apr 11, 2003:** Passed/agreed to in Senate: Received in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent.(CR 4/12/2003 S5388-5390)
- **Apr 11, 2003:** Received in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent. (CR 4/12/2003 S5388-5390)