

HR 3970

Bioterror and Pandemic Preparedness Protection Act

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Health

Introduced: Oct 6, 2005

Current Status: Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.

Latest Action: Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman. (Oct 17, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/3970>

Sponsor

Name: Rep. Issa, Darrell E. [R-CA-49]

Party: Republican • **State:** CA • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Oct 18, 2005
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		Oct 25, 2005

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Oct 17, 2005
Judiciary Committee	House	Referred To	Oct 6, 2005

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
109 S 1437	Related bill	Jul 20, 2005: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Bioterror and Pandemic Preparedness Protection Act - Amends the federal judicial code to establish an exclusive federal cause of action for all claims relating to a qualified pandemic or epidemic product or a security countermeasure.

Restricts all causes of action for such claims against a manufacturer, distributor, or health care provider and instead provides for sole and exclusive action against the United States. Gives jurisdiction over such an action to the U.S. District Court for the District of Columbia.

Establishes a rebuttable presumption of immunity for the federal government in any such action concerning: (1) a security countermeasure that has been procured for or donated to the National Strategic Stockpile; (2) a qualified pandemic or epidemic product that has been procured by or donated to the Secretary of Health and Human Services; or (3) a designated security countermeasure or qualified pandemic or epidemic product in an actual or potential public health emergency.

Allows a party to petition the Attorney General to investigate claims against a manufacturer, distributor, administrator, or health care provider. Disallows judicial review of the Attorney General's decision as to whether to undertake such an investigation.

Declares that the immunity presumption shall be overcome by a determination by the Attorney General, by finding clear and convincing evidence, that the manufacturer, distributor, administrator, or health care provider intentionally or with willful disregard violated the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act and that such violation: (1) caused the product to present a significant or unreasonable human health risk; and (2) proximately caused the injury alleged by the party.

Actions Timeline

- **Oct 17, 2005:** Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.
- **Oct 6, 2005:** Introduced in House
- **Oct 6, 2005:** Introduced in House
- **Oct 6, 2005:** Referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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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