

# House Republicans Question Biden Over Liability Protections for COVID Vaccine Manufacturers Amid Mandates



A group of house republicans [in a letter](#) on Dec. 20, asked President Joe Biden when COVID vaccine manufacturers will face liability for the adverse reactions caused by their products, in light of the administration's sweeping vaccine mandates.

Rep. Michael Cloud (R-TX) and 15 colleagues told Biden the mandates raise "many concerns as to the ethics of the federal government requiring a vaccine which receives special liability protections normally afforded to developing drugs, financially benefiting the vaccine manufacturers."

In 2005, Congress passed the [Public Readiness and Emergency Preparedness Act](#) (PREP), which [authorized](#) the U.S. Department of Health and Human Services (HHS) to issue a declaration providing immunity from tort liability for claims of loss caused by medical countermeasures (e.g., vaccines, drugs,

products) against diseases or other threats of public health emergencies.

On Feb. 4, 2020, [HHS invoked the PREP Act](#) when it declared COVID-19 to be a public health emergency. On Jan. 21, HHS [amended the act](#), extending the liability shield to include additional categories of qualified persons authorized to prescribe, dispense and administer COVID vaccines authorized by the U.S. Food and Drug Administration.

In exchange for immunity for vaccine makers, under the PREP Act, the federal government pledged compensation for adverse reactions to COVID treatments and vaccines through a program called the [Countermeasures Injury Compensation Program](#) (CICP), run by HHS.

This program almost never awards damages. Since the CICP program's inception in 2010, [only 29 claims](#) have been paid, despite 5,242 claims having been filed. No COVID vaccine injuries have been compensated and vaccine makers are immune from claims except for those alleging "willful misconduct."

Only [about 8%](#) of people who applied to the CICP with vaccine injuries in the past received payouts, and there are no protections from the U.S. legal system.

As Renée Gentry, director of the Vaccine Injury Litigation Clinic at the George Washington University Law School said COVID vaccine [claimants have two rights](#): "You have the right to file," she said. "And you have the right to lose."

The invocation has been extended multiple times and is currently set to remain in place until Oct. 2024. Other vaccines are subject to the National Vaccine Injury Compensation Program.

"It is utterly unjust to the American people to not only use the coercive arm of the government to force vaccines upon them but to then provide little legal recourse for damages should

they be adversely affected. It is our belief that in the face of such mandates, the American people should be entitled to greater legal recourse to recoup damages brought on by the federal government,” the congressmen wrote.

“Our constituents oppose this vaccine mandate and are asking why the manufacturers of FDA-approved vaccines still benefit from special liability protections intended for experimental countermeasures,” they added.

“Trying to unconstitutionally mandate an experimental vaccine on Americans without allowing them legal recourse if they are adversely affected is one of the most egregiously tyrannical abuses of power in America’s history,” Cloud said in an [emailed statement](#) to The Epoch Times.

“Giving full-blown legal immunity to vaccine manufacturers while mandating the public to use their product is absurd,” Cloud said. “If the Biden administration continues to pursue forced injections, then vaccine manufacturers must have their legal immunity revoked, allowing Americans to take legal action if they experience harmful side effects.”

According to the latest data from the CDC’s Vaccine Adverse Event Reporting System (VAERS), there have been a total of [965,843 reports of adverse events](#) from all age groups following COVID vaccines, including [20,244 deaths](#) and [155,506 serious injuries](#) between Dec. 14, 2020, and Dec. 10, 2021. Historically, VAERS has been shown to report only [1% of actual vaccine adverse events](#).

The Congressmen posed three questions to the Biden Administration:

1. Now that a major COVID-19 vaccine has received FDA approval, are there any plans to rescind the current PREP Act declaration?
2. What criteria must be satisfied to rescind the current PREP Act declaration before its

October 2024 expiration date? How are these criteria decided upon?

3. Are you aware of any plans to move COVID-19 vaccine liability protections to the Vaccine Injury Compensation Program and away from the Countermeasure Injury Compensation Program?

Pfizer, Moderna Johnson & Johnson, the Department of Health and Human Services and the White House have not publically commented about the letter.

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