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THE PRESIDENT HAS SEEN....

THE WHITE HOUSE

WASHINGTON

August 5, 1976

FACT SHEET

X Swine Flu Influenza Immunization Program Legislation

The bill would amend the Public Health Service Act to establish a mechanism to handle claims and if necessary, compensate persons injured as a result of inoculation with vaccine under the Swine Flu National Influenza Immunization Program. It would provide that persons injured as a result of inoculation under the Program would have as their exclusive remedy a suit against the Federal government under the Federal Tort Claims Act.

Under this bill, the Federal government would be liable for claims against "program participants", including the vaccine manufacturers and distributors who participate in the Program, the public and private agencies or organizations that participate in the Program without charge for the vaccine or its administration, and the medical and paramedical personnel who, without charge for the vaccine or its administration, administer or assist in administering inoculations with such vaccine.

At the same time, the government retains the right to recover for any negligent act of a "program participant" that results in a settlement or court judgment.

Physicians who administer the vaccine in their normal practice for a fee would be covered by their regular malpractice insurance and would not be included in this Program.

This approach is similar to the Administration's draft to provide indemnity under the Federal Tort Claims Act which Secretary Mathews presented to the subcommittee. The only amendment made in subcommittee was to change the term "agent of the government" to "program participant".

