



US Autism and Asperger Association, Inc. News Update
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Congress Set to Pass Law Eliminating Liability For Vaccine Injuries

"What this means is that if an American is injured by an experimental flu or anthrax vaccine he or she is mandated to take, that citizen will be banned from exercising the Constitutional right to a jury trial even if it is revealed that the vaccine maker engaged in criminal fraud and negligence in the manufacture of the vaccine," explained Barbara Loe Fisher, president of NVIC.

Fisher says that, "if the Burr bill passes, all economic incentives to insure mandated vaccines are safe will be removed and the American people are facing a future where government can force them to take poorly regulated experimental drugs and vaccines labeled as "countermeasures" or go to jail.

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WASHINGTON, Oct. 19 /PRNewswire/ -- The National Vaccine Information Center (NVIC) is calling the "Biodefense and Pandemic Vaccine and Drug Development Act of 2005" (S. 1873), which passed out of the U.S. Senate HELP Committee one day after it was introduced "a drug company stockholder's dream and a consumer's worst nightmare." The proposed legislation will strip Americans of the right to a trial by jury if harmed by an experimental or licensed drug or vaccine that they are forced by government to take whenever federal health officials declare a public health emergency. The legislation's architect, Senator Richard Burr (R-NC), Chairman of the HELP Subcommittee on Bioterrorism and Public Health Preparedness, told the full HELP Committee yesterday that the legislation "creates a true partnership" between the federal government, the pharmaceutical industry and academia to walk the drug companies "through the Valley of Death" in bringing a new vaccine or drug to market. Burr said it will give the Department of Health and Human Services "additional authority and resources to partner with the private sector to rapidly develop drugs and vaccines." The Burr bill gives the Secretary of DHHS the sole authority to decide whether a manufacturer violated laws mandating drug safety and bans citizens from challenging his decision in the civil court system. The bill establishes the Biomedical Advanced Research and Development Agency (BARDA), as the single point of authority within the government for the advanced research and development of drugs and vaccines in response to bioterrorism and natural disease outbreaks such as the flu. BARDA will operate in secret, exempt from the Freedom of Information Act and the Federal Advisory Committee Act, insuring that no evidence of injuries or deaths caused by drugs and vaccines labeled as "countermeasures" will become public. Nicknamed "Bioshield Two," the legislation is being pushed rapidly through Congress without time for voters to make their voices heard by their elected representatives. Co-sponsored by Republican Senate Majority Leader Bill Frist (R-TN),



Senate Health, Education, Labor and Pensions Committee Chairman Mike Enzi (R-WY), and Senate Budget Committee Chairman Judd Gregg (R-NH), the legislation will eliminate both regulatory and legal safeguards applied to vaccines as well as take away the right of children and adults harmed by vaccines and drugs to present their case in front of a jury in a civil court of law. "It is a sad day for this nation when Congress is frightened and bullied into allowing one profit making industry to destroy the seventh Amendment to the Constitution guaranteeing citizens their day in court in front of a jury of their peers," said Barbara Loe Fisher, president of NVIC. "This proposed legislation, like the power and money grab by federal health officials and industry in the Homeland Security Act of 2002 and the Project Bioshield Act of 2004, is an unconstitutional attempt by some in Congress to give a taxpayer- funded handout to pharmaceutical companies for drugs and vaccines the government can force all citizens to use while absolving everyone connected from any responsibility for injuries and deaths which occur. It means that, if an American is injured by an experimental flu or anthrax vaccine he or she is mandated to take, that citizen will be banned from exercising the Constitutional right to a jury trial even if it is revealed that the vaccine maker engaged in criminal fraud and negligence in the manufacture of the vaccine." The federal Food and Drug Administration (FDA) is legally responsible for regulating the pharmaceutical industry and ensuring that drugs and vaccines released to the public are safe and effective. Drug companies marketing painkillers, like Vioxx, and anti-depressants, which have resulted in the deaths and injuries of thousands of children and adults, are being held accountable in civil court while the FDA has come under intense criticism for withholding information about the drugs' dangers from the public. Since 1986, vaccine makers have been protected from most liability in civil court through the National Childhood Vaccine Injury Act in which Congress created a federal vaccine injury compensation program (VICP) that offers vaccine victims an alternative to the court system. Even though the program has awarded nearly \$2 billion to victims of mandated vaccines, two out of three plaintiffs are turned away. "The drug companies and doctors got all the liability protection they needed in 1986 but they are greedy and want more," said Fisher. "And the federal health agencies want more power to force citizens to use vaccines without having to worry about properly regulating them. If the Burr bill passes, all economic incentives to insure mandated vaccines are safe will be removed and the American people are facing a future where government can force them to take poorly regulated experimental drugs and vaccines labeled as "countermeasures" or go to jail. The only recourse for citizens will be to strike down mandatory vaccination laws so vaccines will be subject to the law of supply and demand in the marketplace. The health care consumer's cry will be: No liability? No mandates." The National Vaccine Information Center (NVIC) was founded by parents of vaccine injured children in 1982 and co-founders worked with Congress on the National Childhood Vaccine Injury Act of 1986. For more information, go to <http://www.nvic.org/> SOURCE National Vaccine Information Center Web Site: <http://www.nvic.org>