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March 19, 2003

The Honorable Judd Gregg  
Chairman  
Committee on Health, Education, Labor and Pensions  
U.S. Senate  
835 Hart Senate Office Building  
Washington, DC 20510-6300

Dear Mr. Chairman:

On behalf of our nearly 5,000 hospital, health system, network and other health care provider members of the American Hospital Association (AHA), I am writing to support the liability provisions of the "Project BioShield Act of 2003," (S. 15). The AHA applauds your leadership and efforts to work with the Administration to improve, among other things, the National Smallpox Vaccination Program. We believe your bill addresses many of the concerns initially raised by potential participants about the program and paves the way for a renewed interest in this important effort.

As you know, the National Smallpox Vaccination Program was recently initiated, but has been beset by lower-than-anticipated participation. Your bill answers many of the questions regarding the smallpox vaccine's virus (vaccinia) liability protections contained in the Homeland Security Act and other related guidance issued by the Administration. We believe that the improvements contained in your bill should allay many of these concerns by providing sufficient protections from the risk of increased liability resulting from participation in the smallpox vaccination program.

Your bill also begins to address the serious concerns expressed by many hospitals and their health care workers regarding the lack of a national "no-fault" injury compensation program to pay for the inevitable injuries or illnesses caused by administration of the smallpox vaccine. While we understand the desire to provide a more comprehensive benefit for participants, we support as a good first step your legislation's creation of a national injury compensation program for smallpox vaccination that is similar to the fund created for childhood vaccine injuries.

This legislation will allow hospitals to continue their work in preparing to respond to the threat of the previously unimaginable use of biological weapons such as smallpox. We stand ready to work with you and other members of the Committee as this bill moves through the legislative process. If you should have questions, please call Curtis Rooney at (202) 626-2678.

Sincerely,

Rick Pollack  
Executive Vice President