

105TH CONGRESS
2D SESSION

S. 2585

To amend the Public Health Service Act to eliminate a threshold requirement relating to unreimbursable expenses for compensation under the National Vaccine Injury Compensation Program.

IN THE SENATE OF THE UNITED STATES

OCTOBER 8 (legislative day, OCTOBER 2), 1998

Mr. DASCHLE (for himself and Mr. JOHNSON) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend the Public Health Service Act to eliminate a threshold requirement relating to unreimbursable expenses for compensation under the National Vaccine Injury Compensation Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Vaccine Injury Com-
5 pensation Program Modification Act”.

1 **SEC. 2. ELIMINATION OF THRESHOLD REQUIREMENT OF**
2 **UNREIMBURSABLE EXPENSES.**

3 Section 2111(c)(1)(D)(i) of the Public Health Service
4 Act (42 U.S.C. 300aa-11(c)(1)(D)(i)) is amended by
5 striking “and incurred unreimbursable expenses due in
6 whole or in part to such illness, disability, injury, or condi-
7 tion in an amount greater than \$1,000”.

8 **SEC. 3. INCLUSION OF ROTAVIRUS GASTROENTERITIS AS A**
9 **TAXABLE VACCINE.**

10 (a) **IN GENERAL.**—Section 4132(1) of the Internal
11 Revenue Code of 1986 (defining taxable vaccine) is
12 amended by adding at the end the following new subpara-
13 graph:

14 “(K) Any vaccine against rotavirus
15 gastroenteritis.”.

16 (b) **EFFECTIVE DATE.**—

17 (1) **SALES.**—The amendment made by this sec-
18 tion shall apply to sales after the date of the enact-
19 ment of this Act.

20 (2) **DELIVERIES.**—For purposes of paragraph
21 (1), in the case of sales on or before the date of the
22 enactment of this Act for which delivery is made
23 after such date, the delivery date shall be considered
24 the sale date.

1 **SEC. 4. VACCINE INJURY COMPENSATION TRUST FUND.**

2 (a) AMENDMENTS RELATED TO SECTION 904 OF
3 1997 ACT.—

4 (1) Paragraph (1) of section 9510(c) of the
5 1986 Code is amended to read as follows:

6 “(1) IN GENERAL.—Amounts in the Vaccine In-
7 jury Compensation Trust Fund shall be available, as
8 provided in appropriation Acts, only for—

9 “(A) the payment of compensation under
10 subtitle 2 of title XXI of the Public Health
11 Service Act (as in effect on August 6, 1997) for
12 vaccine-related injury or death with respect to
13 any vaccine—

14 “(i) which is administered after Sep-
15 tember 30, 1988, and

16 “(ii) which is a taxable vaccine (as de-
17 fined in section 4132(a)(1)) at the time
18 the vaccine was administered, or

19 “(B) the payment of all expenses of admin-
20 istration incurred by the Federal Government
21 in administering such subtitle.”.

22 (2) Section 9510(b) of the 1986 Code is amend-
23 ed by adding at the end the following new para-
24 graph:

25 “(3) LIMITATION ON TRANSFERS TO VACCINE
26 INJURY COMPENSATION TRUST FUND.—No amount

1 may be appropriated to the Vaccine Injury Com-
2 pensation Trust Fund on and after the date of any
3 expenditure from the Trust Fund which is not per-
4 mitted by this section. The determination of whether
5 an expenditure is so permitted shall be made without
6 regard to—

7 “(A) any provision of law which is not con-
8 tained or referenced in this title or in a revenue
9 Act, and

10 “(B) whether such provision of law is a
11 subsequently enacted provision or directly or in-
12 directly seeks to waive the application of this
13 paragraph.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect as if included in the provisions
16 of the Taxpayer Relief Act of 1997 to which they relate.

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