



Written by [Veronika Kyrylenko](#) on July 16, 2025

Reps. Massie and Gosar Target PREP Act's Liability Shield for Pandemic Products

On Tuesday, Congressmen Thomas Massie (R-Ky.) and Paul Gosar (R-Az.) [introduced](#) the PREP Repeal Act ([H.R. 4388](#)), a bill aiming to dismantle the sweeping liability protections granted to pharmaceutical companies during public health emergencies. These protections, created under the [Public Readiness and Emergency Preparedness \(PREP\) Act of 2005](#), have long shielded manufacturers of pandemic-related products from civil lawsuits. Now, Massie and Gosar seek to change that.

"The PREP Act is medical malpractice martial law," said Rep. Massie in a press release, adding,



Matt Hunt/iStock/Getty Images Plus

The 2005 *PREP Act* prevents people from holding corporations accountable for the pain and suffering they cause during Presidentially declared emergencies. Americans deserve the right to seek justice when injured by government-mandated products. The *PREP Repeal Act* will restore that right.

The bill proposes a full repeal of sections 319F-3 and 319F-4 of the Public Health Service Act. These sections establish liability immunity and a government-run compensation fund. If passed, the bill would restore the right of individuals to seek civil remedies against vaccine manufacturers and related actors — retroactively and going forward.

Origins of the PREP Act

The PREP Act (PREPA) was born in 2005, in the shadow of post-9/11 bioterrorism fears and amid growing anxiety over avian flu outbreaks. Pitched as a national security measure, it was quietly inserted into a Department of Defense spending bill and signed into law by President George W. Bush on December 30.

The law gave the secretary of Health and Human Services (HHS) extraordinary power: the ability to declare a public health emergency and, in doing so, grant full legal immunity to any company or person involved in producing or administering a "covered countermeasure." This includes vaccines, drugs, devices, and even tests.

[The key language](#) is blunt:

[A] covered person shall be immune from suit and liability ... if a declaration under subsection (b) has been issued.



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The premise was that in order to encourage vaccine development during a crisis, manufacturers needed assurance they wouldn't be sued. Pharmaceutical firms pushed hard for it, warning they wouldn't produce new vaccines unless protected from liability. Congress obliged, and the act effectively neutralized state vaccine safety laws in the process.

PREPA set aside \$3.8 billion for pandemic preparedness. Most of that went to federal programs to stockpile drugs and fast-track vaccine development. It also created a compensation fund for those injured by countermeasures. Yet, it offered no clear path to access it and no funding guarantees.

Oversight of all this was consolidated under the unconstitutional machinery of the HHS. The same office that declares the emergency also decides what qualifies as a countermeasure, who gets immunity, and who — if anyone — gets compensated.

The PREP Act remained mostly dormant for years. Then Covid hit. What was once a little-known biodefense law became the legal fortress shielding Big Pharma, hospital systems, and nursing homes from a flood of lawsuits.

PREP Shield

Thousands of Americans have alleged harm from Covid vaccines, but PREPA blocks nearly every case. Even in clear instances of injury, victims are funneled into a little-known administrative program — the Countermeasures Injury Compensation Program ([CICP](#)). As of [June 1](#), out of more than 13,000 Covid claims, just 75 were found eligible, and only 35 were compensated.

The Covid crisis also revealed the act's most troubling feature: an emergency doesn't have to be real. It only has to be declared. [As uncovered](#) by medical expert Dr. Meryl Nass this March, the Centers for Disease Control and Prevention (CDC) openly admitted that an Emergency Use Authorization (EAU) for bird-flu testing kits was issued "as a preparedness measure," and that no actual emergency existed in the U.S. Yet the emergency declaration from 2013 still stood, despite the virus never infecting a single American in years.

Worse still, PREPA allows the HHS secretary to invoke liability shields preemptively — based not on active threats, but on the possibility that an emergency *might* occur. In the case of Covid, the formal public health emergency [ended in 2023](#). Yet, the HHS's 2020 [declaration](#) that triggered PREPA protections was never revoked, so the liability shield remains in place. Then last December — for the [12th time](#) — HHS [quietly extended](#) Covid-related immunity through 2029, citing a "credible risk of a future public health emergency."

In practical terms, these loopholes have staggering consequences. PREPA allows experimental and unapproved medical products to flood the market with no fear of legal consequences for the companies that make or distribute them.

What began as a temporary wartime measure has morphed into a durable shield against accountability.

Kennedy's Inaction

As the pandemic faded, another crisis emerged — one of trust, injury, and unacknowledged harm. For millions of Americans, justice for Covid vaccine victims has become a defining issue, cutting across party lines and ideological divides. What was once dismissed as a fringe concern is now a mainstream demand: accountability, not excuses.

At the center of that hope stood Robert F. Kennedy Jr. Once a long-shot presidential candidate and



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fierce critic of Big Pharma, Kennedy endorsed Donald Trump in 2024. Soon after, he was appointed secretary of Health and Human Services. That position gives him direct control over the very machinery that shields vaccine manufacturers from liability — and the legal authority to dismantle it.

[The law](#) is unambiguous:

The Secretary may ... amend any portion of a declaration under paragraph (1).

In other words, Kennedy could revoke the PREP Act declarations today, without asking Congress. And his supporters expected him to use this power.

After all, he knew the stakes. For years, Kennedy had publicly denounced the Covid vaccines, citing their catastrophic safety profile and calling out pharmaceutical companies for what he described as “[mass murder](#).”

But once in office, he failed to act.

He has not yet endorsed the PREP Repeal Act.

Endorsements

The PREP Repeal Act quickly gained traction among medical-freedom advocates, who praised the lawmakers for finally taking a stand. Across social and independent media platforms, advocates urged their audiences to support the bill. They framed it as a long-overdue move to restore accountability, medical choice, and civil rights.

Prominent voices joined the push, including Dr. Mary Talley Bowden, [Sasha Latypova](#), Toby Rogers of the Brownstone Institute, and Nicolas Hulscher of the McCullough Foundation. Many others rallied behind the effort as well.

They called the bill a vital step toward justice for the vaccine-injured — and a necessary check on runaway government power.

□ BREAKING: Rep. Massie Files Bill to REPEAL the PREP Act and Strip Big Pharma of Legal Immunity

The PREP Repeal Act (H.R. 4388) would:

□ End liability shields for experimental pandemic countermeasures like mRNA injections

□ Restore the right to sue for vaccine injury —... <https://t.co/h7g68EpS1G>
[pic.twitter.com/XKJ7suvul4](https://t.co/h7g68EpS1G)

— Nicolas Hulscher, MPH (@NicHulscher) [July 16, 2025](#)

PREP act has been a near-impossible hurdle to overcome for patients harmed during the pandemic and doesn't expire until 2029. Thank you [@RepThomasMassie](#) for introducing HR 4388 to repeal it. <https://t.co/VKljxhaWHf>

— Mary Talley Bowden MD (@MdBreathe) [July 16, 2025](#)



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Safe & effective medicines do not need a liability shield, only bad ones. I 100% support this Act by [@RepThomasMassie](#) <https://t.co/7KvJ337gFS>

— Chris Martenson (@chrismartenson) [July 15, 2025](#)

Yes. Repeal the PREP act. Tell your legislators to vote yes. It is time to remove liability protections for pharmaceutical companies. This is a huge component of how COVID mania tyranny happened. <https://t.co/PdCIsFCzFQ>

— Irene Mavrakakis, M.D. "CTCCCTTTGTTGTGTTGT" (@IreneMavrakakis) [July 15, 2025](#)

Let's go!!!! ☐ <https://t.co/s7Y3y6FTWl>

— Toby Rogers (@uTobian) [July 15, 2025](#)



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