

119TH CONGRESS  
2D SESSION

# H. R. 9672

To amend the Public Health Service Act to make updates to the Vaccine Injury Compensation Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2026

Mr. DOGGETT (for himself and Mr. SMUCKER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Public Health Service Act to make updates to the Vaccine Injury Compensation Program, and for other purposes.

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 Modernization Act of 2026”.

6 **SEC. 2. CHANGES TO VACCINE INJURY COMPENSATION**  
7 **PROGRAM.**

8 (a) SPECIAL MASTERS.—

1           (1) ESTABLISH MINIMUM NUMBER OF SPECIAL  
2           MASTERS.—Section 2112(c)(1) of the Public Health  
3           Service Act (42 U.S.C. 300aa–12(c)(1)) is amended  
4           by striking “not more than 8” and inserting “not  
5           less than 10”.

6           (2) TERMS.—Section 2112(c)(4) of the Public  
7           Health Service Act (42 U.S.C. 300aa–12(c)(4)) is  
8           amended to read as follows:

9           “(4) The appointment of any individual as a  
10          special master shall be for an initial term of 4 years,  
11          subject to termination under paragraphs (2) and  
12          (3). An individual appointed as special master may  
13          be reappointed to serve one or more additional terms  
14          of up to 8 years each, pursuant to paragraph (1),  
15          and subject to termination under paragraphs (2)  
16          and (3).”.

17          (3) ADDITIONAL REPORTING REQUIREMENTS.—  
18          Section 2112(c)(6)(E) of the Public Health Service  
19          Act (42 U.S.C. 300aa–12(c)(6)(E)) is amended—

20                 (A) by inserting after “disposition of peti-  
21                 tions,” the following: “the number of petitions  
22                 filed that are pending disposition, the number  
23                 of hearings scheduled with respect to a pending  
24                 disposition,”; and

1 (B) by inserting “, including recommenda-  
2 tions on whether additional special masters are  
3 needed to ensure an expeditious and fair resolu-  
4 tion of petitions or otherwise improve the Pro-  
5 gram” after “in the Program”.

6 (b) RECOMMENDATIONS FROM CDC.—Section  
7 2114(e)(2) of the Public Health Service Act (42 U.S.C.  
8 300aa–14(e)(2)) is amended—

9 (1) in the matter preceding subparagraph (A)—

10 (A) by striking “routine administration to  
11 children” and inserting “administration to chil-  
12 dren, adults, or pregnant women”; and

13 (B) by striking “within 2 years of” and in-  
14 serting “within 6 months of”; and

15 (2) in subparagraph (A), by striking “routine  
16 administration to children” and inserting “adminis-  
17 tration to children, adults, or pregnant women”.

18 (c) INCREASE IN COMPENSATION.—

19 (1) COMPENSATION FOR DEATH.—Section  
20 2115(a)(2) of the Public Health Service Act (42  
21 U.S.C. 300aa–15(a)(2)) is amended to read as fol-  
22 lows:

23 “(2) In the event of a vaccine-related death, an  
24 award of \$600,000.”.

1           (2) COMPENSATION FOR PAIN AND SUFFERING.—Section 2115(a)(4) of the Public Health  
2           Service Act (42 U.S.C. 300aa–15(a)(4)) is amended  
3           to read as follows:  
4

5           “(4) For actual and projected pain and suffering and emotional distress from the vaccine-re-  
6           lated injury, an award not to exceed \$600,000.”.

8           (d) INCREASE STATUTE OF LIMITATIONS.—Section  
9           2116(a)(2) of the Public Health Service Act (42 U.S.C.  
10          300aa–16(a)(2)) is amended by striking “36 months” and  
11          inserting “5 years”.

12          (e) PROGRAM INTEGRITY.—

13           (1) INCLUDING MEDICAL RECORDS IN PETI-  
14           TIONS.—Section 2111(a)(2)(A) of the Public Health  
15           Service Act (42 U.S.C. 300aa–11(a)(2)(A)) is  
16           amended, in the matter preceding clause (i), by in-  
17           serting “that includes the medical records and other  
18           information required under subsection (c) (including,  
19           if applicable, an identification of unavailable records  
20           and explanation of unavailability pursuant to sub-  
21           section (c)(3))” after “unless a petition”.

22           (2) DECISION TIMING FOR SPECIAL MASTERS.—  
23           Section 2112(d)(3)(A)(ii) of the Public Health Serv-  
24           ice Act (42 U.S.C. 300aa–12(d)(3)(A)(ii)) is amend-  
25           ed by striking “the petition was filed” and inserting

1 “on which the petition and the medical records and  
2 other information required to be filed with such peti-  
3 tion under section 2111(c) was filed”.

4 **SEC. 3. TREATMENT OF COVID-19 VACCINES.**

5 (a) VACCINE INJURY TABLE.—Not later than 60  
6 days after the date of the enactment of this Act, the Sec-  
7 retary of Health and Human Services shall promulgate  
8 regulations to add, in accordance with section 2114(c)(3)  
9 of the Public Health Service Act (42 U.S.C. 300aa–  
10 14(c)(3)), COVID-19 vaccines to the Vaccine Injury  
11 Table. In promulgating such regulations, the Secretary  
12 shall provide for notice and opportunity for a public hear-  
13 ing and at least 30 days of public comment.

14 (b) ELIGIBILITY FOR COMPENSATION.—Notwith-  
15 standing sections 319F–3 and 319F–4 of the Public  
16 Health Service Act (42 U.S.C. 247d–6d; 42 U.S.C. 247d–  
17 6e), any individual who received a COVID-19 vaccine, or  
18 any other vaccine that is added to the Vaccine Injury  
19 Table pursuant to section 2114 of such Act (42 U.S.C.  
20 300aa–14), shall be eligible to file a petition for compensa-  
21 tion under section 2111 of such Act (42 U.S.C. 300aa–  
22 11), subject to the requirements of section 2116 of such  
23 Act (42 U.S.C. 300aa–16).

24 (c) CONCURRENT REMEDY.—Section 2115(g) of the  
25 Public Health Service Act (42 U.S.C. 300aa–15(g)) is

1 amended by striking the period at the end and inserting  
2 “, or (3) under the Countermeasures Injury Compensation  
3 Program under sections 319F–3 and 319F–4, which shall  
4 be considered a concurrent remedy. Sections 319F–3 and  
5 319F–4 shall not otherwise impact the availability of com-  
6 pensation under this Act, with respect to a vaccine-related  
7 injury or vaccine-related death”.

8 (d) VACCINE LIABILITY RULES.—

9 (1) IN GENERAL.—Nothing in this section, or  
10 any amendment made by this Act, shall be construed  
11 to affect or limit the application of section 319F–3  
12 of the Public Health Service Act (42 U.S.C. 247d–  
13 6d) (including the liability protections for covered  
14 countermeasures provided under such section) and  
15 any declaration made under such section 319F–3, or  
16 any amendments made to such a declaration.

17 (2) COVID–19 VACCINES.—Any civil action  
18 (other than a petition for compensation under the  
19 National Vaccine Injury Compensation Program  
20 pursuant to section 2111 of the Public Health Serv-  
21 ice Act (42 U.S.C. 300aa–11)) that is related to the  
22 administration to an individual of a COVID–19 vac-  
23 cine which was, at the time of administration, a cov-  
24 ered countermeasure, will be subject to the proce-  
25 dures specified in section 319F–3 of the Public

1 Health Service Act (42 U.S.C. 247d–6d), regardless  
2 of whether the individual involved has filed a peti-  
3 tion for compensation pursuant to section 2111 of  
4 the Public Health Service Act (42 U.S.C. 300aa–11)  
5 and elects, pursuant to section 2121 of such Act (42  
6 U.S.C. 300aa–21), to withdraw the petition or to file  
7 a civil action instead of accepting the compensation  
8 or judgment on the petition.

9 (3) TIME-BARRED AND FINAL ACTIONS.—Noth-  
10 ing in this Act shall be construed to allow any civil  
11 action (other than a petition for compensation under  
12 the National Vaccine Injury Compensation Program  
13 pursuant to section 2111 of the Public Health Serv-  
14 ice Act (42 U.S.C. 300aa–11)) if, on the date of en-  
15 actment of this Act, such civil action was time-  
16 barred under applicable law or that was the subject  
17 of a final judgment or order.

18 (e) COVID–19 VACCINE DEFINED.—In this section,  
19 the term “COVID–19 vaccine” refers to any vaccine that  
20 is intended to prevent, mitigate, or limit the harm from  
21 COVID–19, or the transmission of SARS–CoV–2 or a  
22 virus mutating therefrom, including any vaccine that is  
23 licensed under section 351 of the Public Health Service  
24 Act (42 U.S.C. 262) or authorized for emergency use  
25 under section 564 of the Federal Food, Drug, and Cos-

1 metic Act (21 U.S.C. 360bbb–3), regardless of the plat-  
2 form or technology used to produce such vaccine.

3 **SEC. 4. PROFESSIONAL JUDGMENT BUDGET.**

4 (a) IN GENERAL.—The Secretary of Health and  
5 Human Services—

6 (1) in consultation with the Attorney General,  
7 shall submit a budget outlining the resource needs  
8 for each agency for purposes of carrying out the Na-  
9 tional Vaccine Injury Compensation Program under  
10 subtitle 2 of title XXI of such Act (42 U.S.C.  
11 300aa–10 et seq.) for fiscal years 2027 through  
12 2031; and

13 (2) shall submit a budget outlining resource  
14 needs for purposes of carrying out the Counter-  
15 measures Injury Compensation Program under sec-  
16 tion 319F–4 of the Public Health Service Act (42  
17 U.S.C. 247d–6e) for fiscal years 2027 through 2031.

18 (b) INCLUSIONS.—The budgets described in para-  
19 graphs (1) and (2) of subsection (a) shall include esti-  
20 mates of both—

21 (1) the resources necessary to process current  
22 backlogs under each program referred to in such  
23 subsection; and

1           (2) each program’s ability to reduce processing  
2           times for claims under the programs referred to in  
3           such paragraphs.

4 **SECTION 5. ADDITION OF MISCELLANEOUS VACCINES TO**  
5 **LIST OF TAXABLE VACCINES.**

6           (a) DENGUE VACCINE.—

7           (1) IN GENERAL.—Section 4132(a)(1) of the  
8           Internal Revenue Code of 1986 is amended by add-  
9           ing at the end the following new subparagraph:

10                   “(Q) Any vaccine against dengue.”.

11           (2) EFFECTIVE DATE.—

12           (A) SALES, ETC.—The amendment made  
13           by paragraph (1) shall apply to sales and uses  
14           on or after the later of—

15                   (i) the first day of the first month  
16                   which begins more than 4 weeks after the  
17                   date of the enactment of this Act, or

18                   (ii) the date on which the Secretary of  
19                   Health and Human Services lists any vac-  
20                   cine against dengue (other than any vac-  
21                   cine against dengue listed by the Secretary  
22                   prior to the date of the enactment of this  
23                   Act) for purposes of compensation for any  
24                   vaccine-related injury or death through the  
25                   Vaccine Injury Compensation Trust Fund.

1 (B) DELIVERIES.—For purposes of sub-  
 2 paragraph (A) and section 4131 of the Internal  
 3 Revenue Code of 1986, in the case of sales on  
 4 or before the effective date described in such  
 5 subparagraph for which delivery is made after  
 6 such date, the delivery date shall be considered  
 7 the sale date.

8 (b) SARS-CoV-2 VACCINE.—

9 (1) IN GENERAL.—Section 4132(a)(1) of the  
 10 Internal Revenue Code of 1986, as amended by sub-  
 11 section (a)(1), is amended by adding at the end the  
 12 following new subparagraph:

13 “(R) Any vaccine against SARS-CoV-2.”.

14 (2) EFFECTIVE DATE.—

15 (A) SALES, ETC.—The amendment made  
 16 by paragraph (1) shall apply to sales and uses  
 17 on or after the later of—

18 (i) the first day of the first month  
 19 which begins more than 4 weeks after the  
 20 date of the enactment of this Act, or

21 (ii) the date on which the Secretary of  
 22 Health and Human Services lists any vac-  
 23 cine against SARS-CoV-2 (other than any  
 24 vaccine against SARS-CoV-2 listed by the  
 25 Secretary prior to the date of the enact-

1           ment of this Act) for purposes of com-  
2           pensation for any vaccine-related injury or  
3           death through the Vaccine Injury Com-  
4           pensation Trust Fund.

5           (B) DELIVERIES.—

6                 (i) IN GENERAL.—Except as provided  
7           in clause (ii), for purposes of subparagraph  
8           (A) and section 4131 of the Internal Rev-  
9           enue Code of 1986, in the case of sales on  
10          or before the effective date described in  
11          such subparagraph for which delivery is  
12          made after such date, the delivery date  
13          shall be considered the sale date.

14                (ii) EXCEPTION.—Clause (i) shall not  
15          apply to any sale to the United States Gov-  
16          ernment.

17          (c) RESPIRATORY SYNCYTIAL VIRUS VACCINE.—

18                (1) IN GENERAL.—Section 4132(a)(1) of the  
19          Internal Revenue Code of 1986, as amended by sub-  
20          section (b)(1), is amended by adding at the end the  
21          following new subparagraph:

22                       “(S) Any vaccine against respiratory  
23                       syncytial virus.”.

24                (2) EFFECTIVE DATE.—

1 (A) SALES, ETC.—The amendment made  
2 by paragraph (1) shall apply to sales and uses  
3 on or after the later of—

4 (i) the first day of the first month  
5 which begins more than 4 weeks after the  
6 date of the enactment of this Act, or

7 (ii) the date on which the Secretary of  
8 Health and Human Services lists any vac-  
9 cine against respiratory syncytial virus  
10 (other than any vaccine against respiratory  
11 syncytial virus listed by the Secretary prior  
12 to the date of the enactment of this Act)  
13 for purposes of compensation for any vac-  
14 cine-related injury or death through the  
15 Vaccine Injury Compensation Trust Fund.

16 (B) DELIVERIES.—For purposes of sub-  
17 paragraph (A) and section 4131 of the Internal  
18 Revenue Code of 1986, in the case of sales on  
19 or before the effective date described in such  
20 subparagraph for which delivery is made after  
21 such date, the delivery date shall be considered  
22 the sale date.

23 (d) HERPES ZOSTER (SHINGLES) VACCINE.—

24 (1) IN GENERAL.—Section 4132(a)(1) of the  
25 Internal Revenue Code of 1986, as amended by sub-

1 section (c)(1), is amended by adding at the end the  
2 following new subparagraph:

3 “(T) Any vaccine against herpes zoster  
4 (shingles).”.

5 (2) EFFECTIVE DATE.—

6 (A) SALES, ETC.—The amendment made  
7 by paragraph (1) shall apply to sales and uses  
8 on or after the later of—

9 (i) the first day of the first month  
10 which begins more than 4 weeks after the  
11 date of the enactment of this Act, or

12 (ii) the date on which the Secretary of  
13 Health and Human Services lists any vac-  
14 cine against herpes zoster (shingles) (other  
15 than any vaccine against herpes zoster  
16 (shingles) listed by the Secretary prior to  
17 the date of the enactment of this Act) for  
18 purposes of compensation for any vaccine-  
19 related injury or death through the Vac-  
20 cine Injury Compensation Trust Fund.

21 (B) DELIVERIES.—For purposes of sub-  
22 paragraph (A) and section 4131 of the Internal  
23 Revenue Code of 1986, in the case of sales on  
24 or before the effective date described in such  
25 subparagraph for which delivery is made after

1           such date, the delivery date shall be considered  
2           the sale date.

3           (e) ROUTINELY ADMINISTERED VACCINES.—

4           (1) IN GENERAL.—Section 4132(a)(1) of the  
5           Internal Revenue Code of 1986, as amended by sub-  
6           section (d)(1), is amended by adding at the end the  
7           following new subparagraph:

8                   “(U) Any vaccine not described in this  
9           paragraph—

10                          “(i) which either—

11                                   “(I) is licensed under section 351  
12                                   of the Public Health Service Act, or

13                                   “(II) is authorized for emergency  
14                                   use under section 564 of the Federal  
15                                   Food, Drug, and Cosmetic Act, and

16                          “(ii) which is commercially distributed  
17                          in the United States.”.

18           (2) EFFECTIVE DATE.—

19                   (A) SALES, ETC.—The amendment made  
20           by paragraph (1) shall apply to sales and uses  
21           of vaccines described in subparagraph (U) of  
22           section 4132(a)(1) of the Internal Revenue  
23           Code of 1986, as amended by paragraph (1), on  
24           or after the later of—

1 (i) the first day of the first month  
2 which begins more than 4 weeks after the  
3 date of the enactment of this Act, or

4 (ii) the date on which the Secretary of  
5 Health and Human Services lists any such  
6 vaccine (other than any such vaccine listed  
7 by the Secretary prior to the date of the  
8 enactment of this Act) for purposes of  
9 compensation for any vaccine-related in-  
10 jury or death through the Vaccine Injury  
11 Compensation Trust Fund.

12 (B) DELIVERIES.—For purposes of sub-  
13 paragraph (A) and section 4131 of the Internal  
14 Revenue Code of 1986, in the case of sales on  
15 or before the effective date described in such  
16 subparagraph for which delivery is made after  
17 such date, the delivery date shall be considered  
18 the sale date.

19 (f) CLARIFICATION OF DEFINITION OF VACCINE.—

20 (1) IN GENERAL.—Section 4132(a)(2) of the  
21 Internal Revenue Code of 1986 is amended by in-  
22 serting “by stimulating active immunity or by pro-  
23 viding passive immunity for long-term protection  
24 through long-acting monoclonal antibody products  
25 included in recommendations of the Advisory Com-

mittee on Immunization Practices that have been adopted by the Director of the Centers for Disease Control and Prevention” before the period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to sales and uses on or after the date of the enactment of this Act.

(g) NOTIFICATION REQUIREMENT.—

(1) IN GENERAL.—Not later than 30 days after a vaccine—

(A) is either—

(i) licensed under section 351 of the Public Health Service Act, or

(ii) authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act, and

(B) is first commercially distributed in the United States,

the Secretary of Health and Human Services shall provide notice of such license or authorization to the appropriate recipients.

(2) APPROPRIATE RECIPIENTS.—For purposes of paragraph (1), the term “appropriate recipients” means—

(A) the Secretary of the Treasury,

1 (B) the Committees on Ways and Means  
2 and Energy and Commerce of the House of  
3 Representatives, and

4 (C) the Committees on Finance and  
5 Health, Education, Labor, and Pensions of the  
6 Senate.

7 **SEC. 6. INCREASE IN VACCINE EXCISE TAX.**

8 (a) IN GENERAL.—Section 4131(b)(1) of the Internal  
9 Revenue Code of 1986 is amended by striking “75 cents”  
10 and inserting “\$2.20”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 this section shall apply to sales and uses on or after the  
13 first day of the first month which begins more than 6  
14 months after the date of the enactment of this Act.

○