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## **Bipartisan Members Introduce Legislation to Modernize Vaccine Program**

*Washington, D.C.*—Today, U.S. Representative Lloyd Doggett (D-TX), Chair of the House Ways & Means Health Subcommittee, U.S. Representative Fred Upton (R-MI), former Chair of the House Energy & Commerce Committee, and U.S. Representative Mike Kelly (R-PA), Ranking Member of the House Ways & Means Oversight Subcommittee, announced the introduction of important legislation to provide much-needed updates and improvements to the Vaccine Injury Compensation Program (VICP). Established in 1986, the VICP provides a no-fault alternative to the traditional legal system through which consumers can be compensated for very rare vaccine-related injuries. The VICP provides necessary protections and certainty for patients, vaccine administrators, and vaccine manufacturers alike, but has not been significantly updated since first established.

The Vaccine Injury Compensation Modernization Act, legislation introduced by Rep. Doggett and Rep. Upton, is among several vaccine-related measures which will be heard before the House Energy & Commerce Health Subcommittee at 10:30 am, next Tuesday, June 15.

“This legislation updates an important consumer protection tool to assure it is capable of fairly addressing the one-in-a-million injuries that may be associated with COVID-19 vaccines,” **said Congressman Doggett**. “Though misinformation spreads and anti-vaxxers continue to fearmonger, vaccine-related injuries are extremely rare, usually caused by an error in administration rather than the vaccine itself. Providing complete information and assuring a prompt and fair response to any lasting injury represents an effective way of addressing vaccine hesitancy.”

“The number of new vaccines we’ve seen over the past year highlights the urgent need for us to update the Vaccine Injury Compensation Program as we work to ensure vaccines remain safe and effective tools to combat public health challenges,” **Congressman Upton said**. “The government, vaccine producers, and the general public all share an interest in ensuring the vaccines we bring to market

are always safe. The bipartisan Vaccine Injury Compensation Modernization Act would help us do just that.”

“Right now, it takes an act of Congress to add vaccines to the Vaccine Injury Compensation Program. This bipartisan legislation will allow the Department of Health and Human Services to add to the list of eligible vaccines covered by the program, including the new COVID-19 shot. This will give Americans more peace of mind and help put this pandemic behind us even faster!” **said Congressman Kelly.**

**The Vaccine Injury Compensation Modernization Act, introduced by Rep. Doggett and Rep. Upton, would:**

- Reduce case backlog by expanding the number of Special Masters (judges for the VICP) from a ceiling of 8 to a floor of 10.
- Increase transparency by requiring the Special Masters to provide an annual report on caseload, number of pending cases and whether hearings have been scheduled, how many days it took for cases to receive a judgment, how many cases received a judgment and the results, and any recommendations regarding the need for more Special Masters.
- Provide fair compensation by increasing the cap on damages to the amount it would be today based on inflation increases and establish an inflation-based formula to automatically increase the cap moving forward.
- Ensure consumers have sufficient time to file claims by increasing the statute of limitations from 3 years to 5 years.
- Expedite the addition of new vaccines to the program by requiring HHS to promulgate rulemaking to add a CDC-recommended vaccine or injury to the injury table within 6 months of a recommendation rather than 2 years.
- Expand the types of vaccines eligible for coverage under the VICP by including vaccines and injuries recommended by the CDC for routine administration in adults.

**The Vaccine Access Improvement Act, introduced by Rep. Doggett and Rep. Kelly, would:**

- Streamline the application of the 75-cent excise tax on covered-vaccine doses by eliminating the requirement that Congress pass legislation to apply the tax each time a new vaccine is added to the VICP. The tax would now be automatically applied once HHS adds a vaccine to the injury table.

“This legislation provides critical updates to the National Vaccine Injury Compensation Program ensuring the public has a vibrant safety net for all those who protect their families and communities by getting vaccinated. The increase in

the number of Special Masters will dramatically reduce the overburdened dockets and the increased compensation brings the 32-year-old Program up-to-date, as Congress promised,” said **Prof. Renée Gentry**, Director of the Vaccine Injury Litigation Clinic, George Washington University Law School.

The Vaccine Injury Compensation Modernization Act and the Vaccine Access Improvement Act are endorsed by BIO, American Pharmacists Association, and National Community Pharmacists Association.

In February, Congressman Doggett chaired the first Health Subcommittee hearing of the 117th Congress, “The Path Forward on COVID-19 Immunizations.” During this hearing, Dr. Ashish Jha, Dean of the Brown University School of Public Health, testified in support of modernizing the VICP and noted its importance in promoting vaccine confidence. You can view Dr. Jha’s oral testimony [here](#) and read his written testimony [here](#).

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