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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. DOGGETT introduced the following bill; which was referred to the Committee on _____

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 2025”.

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”

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 SUF-
2 FERING.—Section 2115(a)(4) of the Public Health
3 Service Act (42 U.S.C. 300aa–15(a)(4)) is amended
4 to read as follows:

5 “(4) For actual and projected pain and suf-
6 fering and emotional distress from the vaccine-re-
7 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 virus
22 mutating therefrom, including any vaccine that is licensed
23 under section 351 of the Public Health Service Act (42
24 U.S.C. 262) or authorized for emergency use under sec-
25 tion 564 of the Federal Food, Drug, and Cosmetic Act

1 (21 U.S.C. 360bbb–3), regardless of the platform or tech-
2 nology 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-

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

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

7 (g) NOTIFICATION REQUIREMENT.—

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

10 (A) is either—

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

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

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

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

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

24 (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.