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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Vaccine Injury Compensation Modernization Act of 2025''.

SEC. 2. CHANGES TO VACCINE INJURY COMPENSATION PROGRAM.

(a) SPECIAL MASTERS.—

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

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

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

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

(A) by inserting after ''disposition of petitions,'' the following: ''the number of petitions filed that are pending disposition, the number of hearings scheduled with respect to a pending disposition,''; and

(B) by inserting ", including recommendations on whether additional special masters are needed to ensure an expeditious and fair resolution of petitions or otherwise improve the Program" after "in the Program".

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

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

(A) by striking "routine administration to children" and inserting "administration to children, adults, or pregnant women"

(B) by striking "within 2 years of" and inserting "within 6 months of"; and

(2) in subparagraph (A), by striking "routine administration to children" and inserting "administration to children, adults, or pregnant women".

(c) INCREASE IN COMPENSATION.—

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

"(2) In the event of a vaccine-related death, an award of $600,000.".

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

''(4) For actual and projected pain and suffering and emotional distress from the vaccine-related injury, an award not to exceed $600,000.''.

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

(e) PROGRAM INTEGRITY.—

(1) INCLUDING MEDICAL RECORDS IN PETITIONS.—Section 2111(a)(2)(A) of the Public Health Service Act (42 U.S.C. 300aa–11(a)(2)(A)) is amended, in the matter preceding clause (i), by inserting ''that includes the medical records and other information required under subsection (c) (including, if applicable, an identification of unavailable records and explanation of unavailability pursuant to subsection (c)(3))'' after ''unless a petition''.

(2) DECISION TIMING FOR SPECIAL MASTERS.—Section 2112(d)(3)(A)(ii) of the Public Health Service Act (42 U.S.C. 300aa–12(d)(3)(A)(ii)) is amended by striking ''the petition was filed'' and inserting

''on which the petition and the medical records and other information required to be filed with such petition under section 2111(c) was filed''.''

SEC. 3. TREATMENT OF COVID–19 VACCINES.

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

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

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

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

(d) VACCINE LIABILITY RULES.—

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

(2) COVID–19 VACCINES.—Any civil action (other than a petition for compensation under the National Vaccine Injury Compensation Program pursuant to section 2111 of the Public Health Service Act (42 U.S.C. 300aa–11)) that is related to the administration to an individual of a COVID–19 vaccine which was, at the time of administration, a covered countermeasure, will be subject to the procedures specified in section 319F–3 of the Public

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

(3) TIME-BARRED AND FINAL ACTIONS.—Nothing in this Act shall be construed to allow any civil action (other than a petition for compensation under the National Vaccine Injury Compensation Program pursuant to section 2111 of the Public Health Service Act (42 U.S.C. 300aa–11)) if, on the date of enactment of this Act, such civil action was time-barred under applicable law or that was the subject of a final judgment or order.

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

(21 U.S.C. 360bbb–3), regardless of the platform or technology used to produce such vaccine.

SEC. 4. PROFESSIONAL JUDGMENT BUDGET.

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

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

(2) shall submit a budget outlining resource needs for purposes of carrying out the Countermeasures Injury Compensation Program under section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) for fiscal years 2027 through 2031.

(b) INCLUSIONS.—The budgets described in paragraphs (1) and (2) of subsection (a) shall include estimates of both—

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

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

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

(a) DENGUE VACCINE.—

(1) IN GENERAL.—Section 4132(a)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(Q) Any vaccine against dengue.''.

(2) EFFECTIVE DATE.—

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

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

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

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

(b) SARS–CoV–2 VACCINE.—

(1) IN GENERAL.—Section 4132(a)(1) of the Internal Revenue Code of 1986, as amended by subsection (a)(1), is amended by adding at the end the following new subparagraph:

''(R) Any vaccine against SARS–CoV–2.''.

(2) EFFECTIVE DATE.—

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

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

(ii) the date on which the Secretary of Health and Human Services lists any vaccine against SARS–CoV–2 (other than any vaccine against SARS–CoV–2 listed by the Secretary prior to the date of the enact-

ment of this Act) for purposes of compensation for any vaccine-related injury or death through the Vaccine Injury Compensation Trust Fund.

(B) DELIVERIES.—

(i) IN GENERAL.—Except as provided in clause (ii), for purposes of subparagraph (A) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such subparagraph for which delivery is made after such date, the delivery date shall be considered the sale date.

(ii) EXCEPTION.—Clause (i) shall not apply to any sale to the United States Government.

(c) RESPIRATORY SYNCYTIAL VIRUS VACCINE.—

(1) IN GENERAL.—Section 4132(a)(1) of the Internal Revenue Code of 1986, as amended by subsection (b)(1), is amended by adding at the end the following new subparagraph:

''(S) Any vaccine against respiratory syncytial virus.''.

(2) EFFECTIVE DATE.—

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

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

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

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

(d) HERPES ZOSTER (SHINGLES) VACCINE.—

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

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

"(T) Any vaccine against herpes zoster (shingles).".

(2) EFFECTIVE DATE.—

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

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

(ii) the date on which the Secretary of Health and Human Services lists any vaccine against herpes zoster (shingles) (other than any vaccine against herpes zoster (shingles) listed by the Secretary prior to the date of the enactment of this Act) for purposes of compensation for any vaccine-related injury or death through the Vaccine Injury Compensation Trust Fund.

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

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

(e) ROUTINELY ADMINISTERED VACCINES.—

(1) IN GENERAL.—Section 4132(a)(1) of the Internal Revenue Code of 1986, as amended by subsection (d)(1), is amended by adding at the end the following new subparagraph:

''(U) Any vaccine not described in this paragraph—

''(i) which either—

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

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

''(ii) which is commercially distributed in the United States.''.

(2) EFFECTIVE DATE.—

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

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

(ii) the date on which the Secretary of Health and Human Services lists any such vaccine (other than any such vaccine listed by the Secretary prior to the date of the enactment of this Act) for purposes of compensation for any vaccine-related injury or death through the Vaccine Injury Compensation Trust Fund.

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

(f) CLARIFICATION OF DEFINITION OF VACCINE.—

(1) IN GENERAL.—Section 4132(a)(2) of the Internal Revenue Code of 1986 is amended by inserting ''by stimulating active immunity or by providing passive immunity for long-term protection through long-acting monoclonal antibody products 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,

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

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

SEC. 6. INCREASE IN VACCINE EXCISE TAX.

(a) IN GENERAL.—Section 4131(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''75 cents'' and inserting ''$2.20''.

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