H. R. 3655

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
JUNE 1, 2021
Mr. Doggett (for himself and Mr. Upton) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2021”.

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) 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) by striking “within 2 years of” and inserting “within 6 months of”; and

(2) in subparagraph (A), by inserting “adults, or pregnant women” after “to children,”.

(c) INCREASE IN COMPENSATION.—
(1) Compensating 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—

“(A) if judgment on an award of compensation is entered in calendar year 2021, $600,000; or

“(B) if judgment on an award of compensation is entered in a subsequent calendar year, the amount equal to the dollar amount applicable under this paragraph for the preceding calendar year, adjusted by the total percentage change that occurred during such preceding calendar year in the Consumer Price Index for all urban consumers (all items; U.S. city average).”.

(2) Compensating 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—
“(A) if judgment on an award of compensation is entered in calendar year 2021, $600,000; or

“(B) if judgment on an award of compensation is entered in a subsequent calendar year, the amount equal to the dollar amount applicable under this paragraph for the preceding calendar year, adjusted by the total percentage change that occurred during such preceding calendar year in the Consumer Price Index for all urban consumers (all items; U.S. city average).”.

(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”.