

117TH CONGRESS  
1ST SESSION

# H. R. 3655

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

JUNE 1, 2021

Mr. DOGGETT (for himself and Mr. UPTON) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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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 2021”.

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

8 (a) SPECIAL MASTERS.—

9 (1) ESTABLISH MINIMUM NUMBER OF SPECIAL  
10 MASTERS.—Section 2112(c)(1) of the Public Health

1 Service Act (42 U.S.C. 300aa–12(c)(1)) is amended  
2 by striking “not more than 8” and inserting “not  
3 less than 10”.

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

7 (A) by inserting after “disposition of peti-  
8 tions,” the following: “the number of petitions  
9 filed that are pending disposition, the number  
10 of hearings scheduled with respect to a pending  
11 disposition,”; and

12 (B) by inserting “, including recommenda-  
13 tions on whether additional special masters are  
14 needed to ensure an expeditious and fair resolu-  
15 tion of petitions or otherwise improve the Pro-  
16 gram” after “in the Program”.

17 (b) RECOMMENDATIONS FROM CDC.—Section  
18 2114(e)(2) of the Public Health Service Act (42 U.S.C.  
19 300aa–14(e)(2)) is amended—

20 (1) by striking “within 2 years of” and insert-  
21 ing “within 6 months of”; and

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

24 (c) INCREASE IN COMPENSATION.—

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

5           “(2) In the event of a vaccine-related death, an  
6           award of—

7                   “(A) if judgment on an award of com-  
8                   pensation is entered in calendar year 2021,  
9                   \$600,000; or

10                   “(B) if judgment on an award of com-  
11                   pensation is entered in a subsequent calendar  
12                   year, the amount equal to the dollar amount  
13                   applicable under this paragraph for the pre-  
14                   ceding calendar year, adjusted by the total per-  
15                   centage change that occurred during such pre-  
16                   ceding calendar year in the Consumer Price  
17                   Index for all urban consumers (all items; U.S.  
18                   city average).”.

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

23           “(4) For actual and projected pain and suf-  
24           fering and emotional distress from the vaccine-re-  
25           lated injury, an award not to exceed—

1           “(A) if judgment on an award of com-  
2           pensation is entered in calendar year 2021,  
3           \$600,000; or

4           “(B) if judgment on an award of com-  
5           pensation is entered in a subsequent calendar  
6           year, the amount equal to the dollar amount  
7           applicable under this paragraph for the pre-  
8           ceding calendar year, adjusted by the total per-  
9           centage change that occurred during such pre-  
10          ceding calendar year in the Consumer Price  
11          Index for all urban consumers (all items; U.S.  
12          city average).”.

13          (d) INCREASE STATUTE OF LIMITATIONS.—Section  
14          2116(a)(2) of the Public Health Service Act (42 U.S.C.  
15          300aa–16(a)(2)) is amended by striking “36 months” and  
16          inserting “5 years”.

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