

UNDERSTANDING THE CRITICAL ROLE OF THE NATIONAL VACCINE INJURY COMPENSATION PROGRAM (VICP)



Protect and Improve
the VICP



What is the National Vaccine Injury Compensation Program (VICP)?

The VICP is a federal program that [i]:

- ✓ Offers compensation to individuals who may have been injured by vaccines routinely recommended in the U.S.
- ✓ Is designed to be faster and easier to navigate than a traditional court system, as it requires a lower burden of proof.
- ✓ Encourages vaccine confidence by providing a safety net for rare adverse reactions.
- ✓ Incentivizes the continued production and delivery of vaccines by providing an alternative and more simplistic form of compensation for those who may be harmed by a vaccine.

Vaccines are incredibly safe and serious adverse events are extremely rare. [ii]

In the 1980s, increasing litigation against vaccines drove many manufacturers out of the U.S. market. The VICP was created by an act of Congress in 1986, under President Reagan, to stabilize vaccine costs, ensure adequate vaccine supply, and establish an efficient way to provide compensation for those who have been injured by vaccines.[i] While rare, vaccine injuries can be serious.

Because governments are interested in maintaining public health by vaccination, many, including the U.S. government, have developed no-fault systems for compensating people adversely affected by certain vaccines.[iii]

Claims are adjudicated at the U.S. Court of Federal Claims by a group of eight Special Masters. Special Masters are specifically told to make sure “proceedings [are] expeditious, flexible, and less adversarial” than civil court.[iv]

To fund the VICP, manufacturers pay an excise tax on each dose of vaccine administered. The excise tax ensures financial sustainability of the fund.

The VICP helps reinforce trust in our immunization programs and highlights our commitment to vaccine safety and transparency. It has maintained public confidence by showing accountability in vaccine safety while also effectively promoting the development and distribution of vaccines in the free market.

THE VICP IS INTENDED TO PROTECT OUR NATION'S VACCINE SUPPLY, NOT TO SHIELD MANUFACTURERS FROM LIABILITY. IF A PETITIONER DISAGREES WITH A RULING, THEY MAY STILL SUE A MANUFACTURER IN CIVIL COURT.

How does the VICP work? [i, v, vi]



File a Claim: Any individual who received a VICP-covered vaccine who believes they were injured can file a petition with the U.S. Court of Federal Claims. Filing does not require a lawyer.



Medical Review: The Department of Health and Human Services (HHS) reviews the claim, and the Department of Justice (DOJ) represents HHS in court.

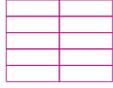


Table of Injuries: The program maintains a list of covered vaccines and injuries that could be caused by a vaccine. If a “petitioner,” someone who files a claim, can demonstrate they suffered one of these “table injuries” within the specified timeframe, they are compensated without going through a hearing.



Special Master Decision: A Special Master, who is appointed to a four-year term by the U.S. Court of Federal Claims, balances Congress’s vision of streamlined proceedings with the parties’ right to a fair opportunity to present their cases, determining whether compensation is warranted and at what amount.



Compensation: Awards cover medical expenses, lost wages, and pain and suffering.



Next Steps: The special master’s decision may be appealed, and petitioners who reject the decision of the Court (or withdraw their claims within certain timelines) may file a claim in civil court against the vaccine manufacturer and/or the healthcare provider who administered the vaccine.

OVER 5 BILLION VACCINE DOSES HAVE BEEN DISTRIBUTED IN THE U.S. FROM 2006-2022. [VII] IN THIS TIME, 12,320 PETITIONS WERE ADJUDICATED AND 8,946 WERE COMPENSATED. [VII]

Ways Congress Can Protect and Strengthen the VICP:



Expand the VICP to all adults: The program already covers some adults, but it should be expanded to cover all adults being vaccinated.



Increase awards to reflect inflation: The monetary cap for pain and suffering needs to be increased to properly compensate families.



Ensure the excise tax for new products is swiftly levied on manufacturers and those vaccines are included in the VICP.



Move COVID-19 vaccines: The VICP is better equipped to handle COVID-19 vaccine claims than the Countermeasure Injury Compensation Program.



Increase resources for the DOJ and increase the number of judges to ensure claims are handled quickly and efficiently.

References

- [i] HRSA. National Vaccine Injury Compensation Program. Accessed August 20, 2025. <https://www.hrsa.gov/vaccine-compensation>
- [ii] HHS. Vaccine Side Effects. Accessed August 20, 2025. <https://www.hhs.gov/immunization/basics/safety/side-effects/index.html>
- [iii] History of Vaccines. Vaccine Injury Compensation Programs. Accessed August 20, 2025. <https://historyofvaccines.org/vaccines-101/ethical-issues-and-vaccines/vaccine-injury-compensation-programs>
- [iv] Court of Federal Claims. Vaccine Rules Appendix B. Accessed August 20, 2025. https://www.uscfc.uscourts.gov/sites/cfc/files/rcfc_vaccine.pdf
- [v] Court of Federal Claims. Vaccine Claims/Office of Special Masters. Accessed August 20, 2025. <https://www.uscfc.uscourts.gov/vaccine-claims-office-special-masters>
- [vi] Department of Justice. Vaccine Injury Compensation Program. Accessed August 20, 2025. <https://www.justice.gov/civil/vicp>
- [vii] HRSA. Data & Statistics. Accessed August 20, 2025. <https://www.hrsa.gov/sites/default/files/hrsa/vicp/vicp-stats-11-01-24.pdf>