

Understanding the Critical Role of the National Vaccine Injury Compensation Program (VICP)

In the 1980s, increasing litigation against vaccines drove many manufacturers out of the U.S. market. The National Vaccine Injury Compensation Program (VICP) was created by an act of Congress in 1986, under President Reagan, to: Ensure an adequate supply of vaccines; Stabilize vaccine costs; and Establish an efficient way to provide adequate compensation for those who have been injured by vaccines. 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. These people, to some extent, have assumed the risk of adverse events on behalf of the society in which they live. Therefore, many governments have adopted the position that it is fair and reasonable to compensate those who are harmed by properly manufactured vaccines.¹

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.

1. What is the VICP? The VICP is a federal program that:

- 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.
- Incentivizes the continued production and delivery of vaccines by providing an alternative and more simplistic form of compensation to individuals who may be harmed by a vaccine. The federal government, rather than manufacturers or physicians, must first be sued for damages.
- Encourages vaccine confidence by providing a safety net for rare adverse reactions.

2. How Does the VICP Work?

- **Filing a Claim:** Individuals file a petition with the U.S. Court of Federal Claims. Parents and legal representatives can file on behalf of children, disabled adults, and deceased individuals.
- **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

¹ <https://historyofvaccines.org/vaccines-101/ethical-issues-and-vaccines/vaccine-injury-compensation-programs>

“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.²
- **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 health care provider who administered the vaccine.

3. Funding the VICP

- The VICP is funded by a \$0.75 excise tax on each dose of a vaccine included in the program, ensuring financial sustainability without additional burden on taxpayers. The Department of Treasury collects the taxes and manages the funds.

4. Vaccine Safety and the VICP

- The VICP highlights the U.S. commitment to vaccine safety and transparency.
- Vaccines have an incredibly high safety profile. As they are given to prevent diseases from spreading throughout our nation, the federal government offers a federally backed program to address the rare cases of adverse events, reinforcing trust in immunization programs.

5. VICP Successes

- Since its inception, the VICP has awarded over \$4.9 billion in compensation for vaccine-related injuries (including the costs of legal services for claimants).
- 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.

Reliable Resources for More Information:

- **Health Resources & Services Administration (HRSA):** hrsa.gov/vaccine-compensation
- **National Vaccine Injury Compensation Program (VICP):** justice.gov/civil/vicp
- **History of Vaccines:** historyofvaccines.org/vaccines-101/ethical-issues-and-vaccines/vaccine-injury-compensation-programs

For more details, visit **Vaccinate Your Family** at vaccinateyourfamily.org.

² <https://www.uscfc.uscourts.gov/vaccine-claims-office-special-masters>