

H.R. 4668, END THE VACCINE CARVEOUT ACT

Supported By: Autism Action Network, A Voice for Choice, Inc., Dr. Mary Talley Bowden, Children's Health Defense, Citizens for Renewing America, Feds for Freedom, Georgia Coalition for Vaccine Choice, Global Health Project, Global Wellness Forum, Guiding the Impact, Health Freedom Defense Fund, Independent Medical Alliance, Moms Across America, No College Mandates, NoDeception.org, Stand for Health Freedom, Teachers for Choice, U.S. Council on Domestic Relations, Transformational Healthcare, Weston A. Price Foundation

WHAT DOES THE BILL DO?

To promote the development of safer pharmaceuticals, the ***End the Vaccine Carveout Act***:

- **REPEALS vaccine manufacturers' liability shield**, empowering plaintiffs to pursue civil action against vaccine manufacturers if a vaccine-related injury or death occurs.
- **REMOVES the statute of limitations** for those seeking compensation for vaccine injuries.
 - Under current law, only those seeking compensation for a vaccine-related death or non-fatal injury can do so within 2-3 years of the death or injury, respectively.
- **ELIMINATES the COVID-19 vaccines' classification as "covered countermeasures"** under the Public Readiness and Emergency Preparedness (PREP) Act, enabling plaintiffs to pursue civil action for COVID-19 vaccine-related injuries.
- **PRESERVES the Vaccine Injury Compensation Program (VICP)**, allowing plaintiffs to choose whether to pursue civil action or seek compensation through the VICP. Plaintiffs are still prevented from "double dipping" to receive both awards.

WHY IS THE BILL NECESSARY?

- Under the National Childhood Vaccine Injury Act (NCVIA) of 1986, parties seeking compensation greater than \$1,000 for a vaccine-related injury or death must first seek compensation through the VICP.
- Even if a vaccine-injured party rejects the VICP's compensation, **vaccine manufacturers cannot be held liable for damages** arising from a vaccine-related injury or death if the outcome was "unavoidable" or "solely due to the manufacturer's failure to provide warnings" of "potential dangers."
- The PREP Act also **shields any vaccine used to treat, prevent, or mitigate COVID-19 from liability** by classifying any such vaccine, mRNA or otherwise, as a "covered countermeasure."
- Now-HHS Secretary Robert F. Kennedy, Jr. endorsed this legislation in 2024, stating, "If we want safe and effective vaccines, we need to end the liability shield."

BOTTOM LINE

The NCVIA of 1986 created a nearly unattainable standard for vaccine-injured plaintiffs, shielding vaccine manufacturers from civil liability by carving out a special immunity for Big Pharma.

The ***End the Vaccine Carveout Act*** restores accountability to manufacturers of vaccines that result in injury or death by applying the same standards that all other drug manufacturers are held to.