

RFK Jr. wants to change program that stopped vaccine makers from leaving US market

Dr. Paul Offit, a co-inventor of a rotavirus vaccine and director of the Vaccine Education Center at Children's Hospital of Philadelphia, for years has sparred with Kennedy over vaccines. Offit fears that Kennedy will use flawed studies to justify adding autism and other common medical problems to the injury table, no matter how much they conflict with robust scientific research.

"You can do that, and you will bankrupt the program," he said. "These are ways to end vaccine manufacturing in this country."

If the trust fund were to run out of money, Congress would have to act, said Dorit Reiss, a law professor at University of California Law San Francisco who has studied the Vaccine Injury Compensation Program. Congress could increase the excise tax on vaccines, she said, or pass a law limiting what's on the injury table. Or Congress could abolish the program, and the vaccine makers would find themselves back in the situation they faced in the 1980s.

"That's not unrealistic," Reiss said.

Rep. Paul Gosar, an Arizona Republican, last year proposed the End the Vaccine Carveout Act, which would have allowed people to bypass the no-fault system and head straight to civil court. His press release for the bill—written in September, before Kennedy's ascension to HHS secretary—quoted Kennedy saying, "If we want safe and effective vaccines, we need to end the liability shield."

The legislation never came up for a vote. A spokesperson for the congressman said he expects to introduce it again “in the very near future.”

Renée Gentry, director of the George Washington University Law School’s Vaccine Injury Litigation Clinic, thinks it’s unlikely Congress will blow up the no-fault program. But Gentry, who represents people filing claims for injuries, said it’s hard to predict what Congress, faced with a doomsday scenario, would do.

“Normally Democrats are friends of plaintiffs’ lawyers,” she said. “But talking about vaccines on the Hill is like walking on a razor blade that’s on fire.”

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