

# United States Senate

WASHINGTON, DC 20510

January 27, 2026

The Honorable Robert F. Kennedy, Jr.  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Secretary Kennedy:

We write regarding your potential changes to the Vaccine Injury Compensation Program (VICP) that could enrich your close allies, threaten the domestic vaccine supply, and undermine public health.

VICP was created by Congress in 1986 and signed into law by President Ronald Reagan to compensate patients in the rare event of a vaccine injury, while ensuring the availability of the country's vaccine supplies.<sup>1</sup>

The VICP program is not perfect. As experts have noted, VICP has a significant backlog and caps on the amount of damages to which injured claimants are entitled have not been changed since the 1980s.<sup>2</sup> But instead of addressing these concerns, you appear to be undertaking a dangerous backroom overhaul of the vaccine courts that is hidden from public scrutiny and raises significant conflict of interest concerns.

You announced in July that you were working with the Department of Justice (DOJ) and Attorney General Bondi to "fix" the vaccine court (also referred to as the "Office of Special Masters").<sup>3</sup> The VICP changes potentially under consideration - which include expanding the list of eligible vaccine injuries based on debunked science while attempting to remove vaccines from VICP's jurisdiction - would not make the program work better.<sup>4</sup> Instead, they would precipitate vaccine shortages if vaccine makers exit the market, endanger public health, and could potentially enrich your immediate family and close allies.<sup>5</sup>

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<sup>1</sup> Health Resources and Services Administration, "National Vaccine Injury Compensation Program," December 2025, <https://www.hrsa.gov/vaccine-compensation>; 42 USC 300aa-1 et seq.

<sup>2</sup> STAT News, "The Vaccine Injury Compensation Program needs to be updated, not eliminated," Dorit R. Reiss and Arthur L. Caplan, July 31, 2025, opinion, <https://www.statnews.com/2025/07/31/vaccine-injury-compensation-program-vicp-rfk-jr-paul-gosar/>.

<sup>3</sup> Post on X by Secretary Robert F. Kennedy, Jr., July 28, 2025, <https://x.com/SecKennedy/status/1949875225904005367>. United States Court of Federal Claims, "Vaccine Claims/Office of Special Masters," <https://www.uscfc.uscourts.gov/vaccine-claims-office-special-masters>.

<sup>4</sup> Fox News, "RFK Jr. Provides an Update on His Mission to End Skyrocketing Autism and Declassifying Kennedy Files", Tucker Carlson, June 30, 2025, 00:49:52-00:50:12'; ProPublica, "RFK Jr. Wants to Change a Program That Stopped Vaccine Makers From Leaving the U.S. Market. They Could Flee Again," Patricia Callahan, July 17, 2025, <https://www.propublica.org/article/rfk-childhood-vaccines-vicp>.

<sup>5</sup> *Id.*; 42 USC 300aa-14(c).

Your recent decision to fire at least half of the members of the Advisory Commission on Childhood Vaccines (ACCV), which makes recommendations to inform the VICP, adds fresh urgency to these concerns.<sup>6</sup> This move appears to be similar to the actions you took when you fired key members of the Advisory Committee on Immunization Practices (ACIP), which experts have criticized as “stok[ing] distrust in lifesaving vaccines” and “undermining vaccine safety and public health.”<sup>7</sup> Similarly unjustified dismissals from the ACCV represent a dangerous erosion of expertise in the vaccine court system, jeopardize its credibility, and threaten public health.

Vaccines are one of the top public health achievements of the twentieth century, saving 154 million lives over 50 years globally.<sup>8</sup> Yet, these changes appear to be part of a systemic effort to undermine vaccine access and trust in vaccine safety that would ultimately put children at risk. Given these threats, the Department of Health and Human Services (HHS) and DOJ should immediately cease any attempts to put these changes in place. Any reform of VICP should be transparent, free of ethics questions, based on the advice of legitimate public health and vaccine experts, and consistent with congressional intent.

### **Background on VICP**

Congress authorized the National Vaccine Injury Compensation Program in 1986 after a wave of injury lawsuits against vaccine makers threatened to create a national vaccine shortage.<sup>9</sup> From 1980-1990, the number of vaccine manufacturers in the United States had plummeted from 18 to only 4.<sup>10</sup> To address the public health crisis a vaccine shortage could cause, and to make compensation easier for claimants, Congress created VICP to provide compensation in the rare event of a vaccine injury while extending limited liability protections to vaccine makers.<sup>11</sup> Importantly, VICP covers reasonable attorney fees and legal costs for claimants.<sup>12</sup> This means that a person who believes they were injured by a vaccine typically pays nothing out-of-pocket, even if their claim was denied, as long as the claim was made in good faith.

Though imperfect, the program has worked. VICP stabilized national vaccine production, and since 1988, VICP has paid out around \$4.9 billion to more than 12,000 claimants, paid for with funds that are raised through a 75 cents tax on each vaccine dose.<sup>13</sup> Importantly, the protections Congress extended to manufacturers are not absolute; plaintiffs are still able to sue vaccine

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<sup>6</sup> STAT News, “HHS dismisses member of vaccine injury advisory panel,” January 13, 2025, [Chelsea Cirruzzo, https://www.statnews.com/2026/01/13/hhs-dismisses-veronica-mcnally-advisory-commission-on-childhood-vaccinations/#](https://www.statnews.com/2026/01/13/hhs-dismisses-veronica-mcnally-advisory-commission-on-childhood-vaccinations/#).

<sup>7</sup> National Foundation for Infectious Diseases, “Experts Sound Alarm after ACIP Members Removed,” June 10, 2025, <https://www.nfid.org/experts-sound-alarm-after-acip-members-removed/>.

<sup>8</sup> World Health Organization, “Global immunization efforts have saved at least 154 million lives over the past 50 years,” April 24, 2024, <https://www.who.int/news-room/24-04-2024-global-immunization-efforts-have-saved-at-least-154-million-lives-over-the-past-50-years>.

<sup>9</sup> Health Resources and Services Administration, “About the National Vaccine Injury Compensation Program,” January, 2026, <https://www.hrsa.gov/vaccine-compensation>.

<sup>10</sup> Quartz, “RFK Jr. takes aim at court that protects vaccine makers from lawsuits,” Catherine Arnst, September 17, 2025, <https://qz.com/rfk-jr-federal-vaccine-court-lawsuits-hhs>.

<sup>11</sup> Health Resources and Services Administration, “National Vaccine Injury Compensation Program,” December 2025, <https://www.hrsa.gov/vaccine-compensation>.

<sup>12</sup> Health Resources and Services Administration, “What You Need to Know About the National Vaccine Injury Compensation Program (VICP),” April 2019, p. 6, 12, <https://www.hrsa.gov/sites/default/files/hrsa/vicp/about-vaccine-injury-compensation-program-booklet.pdf>.

makers in civil courts if they are unsatisfied with the result of their claim – creating a balance between vaccine availability and producer accountability.<sup>14</sup> To be sure, there is room to update VICP since its inception four decades ago, but any such reforms should be deliberated by Congress, informed by legitimate experts on the ACCV, and prioritize patients and transparency, not the financial interests of the anti-vaccine litigation industry.

Your decisions as HHS Secretary have significant financial implications for vaccine injury lawsuits and should be scrutinized in light of your longstanding ties to vaccine injury litigation, as summarized below. The HHS Secretary can propose changes to the kinds of injuries that are eligible for compensation,<sup>15</sup> while Attorney General Bondi oversees the DOJ litigators who represent the government before VICP’s judges and can influence the government’s posture in defending public funds from false injury claims.<sup>16</sup> Given your key role in this process, it is imperative that you affirm to Congress and the American people that you are making decisions in the best interest of the public, and not your or your allies’ pocketbooks.

### **Your Potential Conflicts of Interest Related to VICP**

Over the course of the last two decades, you, your former associates, and your family have all personally profited from vaccine injury litigation – and some of these individuals continue to do so. These financial and personal conflicts of interest raise questions about your impartiality in reforming a system that was built to serve the public good, not vaccine lawyers. These conflicts include:

**You, your family, and Wisner Baum LLP:** Before your confirmation, you made millions of dollars referring hundreds of cases to the injury firm Wisner Baum.<sup>17</sup> During your confirmation, you refused to disclose which VICP cases you had referred to Wisner Baum and which vaccines were involved.<sup>18</sup> Wisner Baum is currently seeking awards from the federal government in VICP in more than a dozen lawsuits.<sup>19</sup> This presents an apparent conflict of interest: many of your former associates could have cases before the vaccine compensation program you now oversee. Nonetheless, you have not recused yourself from work related to VICP even as Wisner Baum

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<sup>13</sup> U.S. Department of Health and Human Services, “VICP Data & Statistics,” Health Resources and Services Administration, September 1, 2025, <https://www.hrsa.gov/sites/default/files/hrsa/vicp/vicp-stats-09-01-25.pdf>. 26 USC § 4131.

<sup>14</sup> Congressional Research Service, “The National Vaccine Injury Compensation Program and the Office of Special Masters”, Hannah-Alise Rogers, September 14, 2022, <https://www.congress.gov/crs-product/IF12213>; 42 USC 300aa-11(a)(2)(A); 42 USC 300aa-21(a).

<sup>15</sup> ProPublica, “RFK Jr. Wants to Change a Program That Stopped Vaccine Makers From Leaving the U.S. Market. They Could Flee Again,” Patricia Callahan, July 17, 2025, <https://www.propublica.org/article/rfk-childhood-vaccines-vicp>; 42 USC 300aa-14(c).

<sup>16</sup> U.S. Department of Justice, “Vaccine Injury Compensation Program,” January 25, 2023, <https://www.justice.gov/civil/vicp>.

<sup>17</sup> Axios, “RFK Jr. earned millions from law work, book deals,” Tina Reed, Jan 22, 2025, <https://www.axios.com/2025/01/22/rfk-jr-financial-disclosures>.

<sup>18</sup> Letter from Senators Elizabeth Warren and Tim Kaine to Robert F. Kennedy, February 5, 2025, [https://www.warren.senate.gov/imo/media/doc/warren\\_kaine\\_letter\\_to\\_rfkm\\_on\\_ethics.pdf](https://www.warren.senate.gov/imo/media/doc/warren_kaine_letter_to_rfkm_on_ethics.pdf).

<sup>19</sup> Court Listener, [https://www.courtlistener.com/?q=%22Wisner%20Baum%22&type=o&order\\_by=score%20desc&stat\\_Unpublished=on&filed\\_after=06%2F01%2F2025](https://www.courtlistener.com/?q=%22Wisner%20Baum%22&type=o&order_by=score%20desc&stat_Unpublished=on&filed_after=06%2F01%2F2025); Data on file with the Office of Senator Elizabeth Warren.

continues to seek damages before the vaccine courts – including with regard to cases that you may have referred.<sup>20</sup>

Your family also has potential conflicts of interest because of its stake in ongoing Wisner Baum cases in civil court. During your confirmation process, you revealed that you retained a 10 percent stake in any successful payouts to clients you referred to Wisner Baum in its civil court lawsuit against Merck over the human papillomavirus (HPV) vaccine Gardasil –currently the only HPV vaccine available in the United States.<sup>21</sup> According to the firm’s website you were a “co-counsel with Wisner Baum in the Gardasil litigation.”<sup>22</sup> After significant pushback against this arrangement, you agreed to divest this interest. But legal observers noted that you only did so through exploiting “a loophole” in ethics law, passing your Gardasil stake on to your son.<sup>23</sup>

Any reasonable observer would have questions about whether your son and Wisner Baum’s clear financial interest in civil HPV litigation raises conflict of interest concerns about your attempts to modify VICP policies.<sup>24</sup> These questions are even more urgent in light of your refusal to commit to not accept compensation from any lawsuits, including vaccine injury lawsuits, against drug companies during your time as Secretary and for four years afterwards.<sup>25</sup>

You have also refused to recuse yourself from agency decision-making related to Gardasil claims despite multiple Gardasil cases that are pending before the civil court, all of which have previously gone through VICP.<sup>26</sup> You have rejected calls to abstain from HHS, Centers for Disease Control and Prevention (CDC), and Food and Drug Administration (FDA) communications related to Gardasil, even as they could materially impact the outcome of the lawsuit.<sup>27</sup> Undercutting established science around the efficacy of HPV immunizations, for example, could bolster your family’s and allies’ position in court.<sup>28</sup> Indeed, a lawyer at Wisner Baum was the attorney of record for at least 41 HPV cases before VICP in 2024 and 19 HPV cases before VICP in 2025.<sup>29</sup>

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<sup>20</sup> U.S. Senate Committee on Finance, “Responses to Questions for the Record, Robert F. Kennedy, Jr. Part 2,” p 46, [https://www.finance.senate.gov/imo/media/doc/responses\\_to\\_questions\\_for\\_the\\_record\\_to\\_robert\\_f\\_kennedy\\_jrpart2.pdf](https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpart2.pdf).

<sup>21</sup> New York Times, “Kennedy Says He Will Not Keep Fees From HPV Vaccine Litigation,” January 30, 2025, <https://www.nytimes.com/2025/01/30/health/rfk-jr-hpv-vaccine-fees.html>.

<sup>22</sup> NPR, “RFK Jr. plans to keep a financial stake in lawsuits against the drugmaker Merck,” Sydney Lupkin, January 22, 2025, <https://www.npr.org/sections/shots-health-news/2025/01/22/nx-s1-5271582/rfk-hpv-vaccine-merck>.

<sup>23</sup> Politico, “RFK Jr. to revise ethics pledge, direct stake in vaccine lawsuit to his son,” Lauren Gardner and Adam Cancryn, January 31, 2025, <https://www.politico.com/live-updates/2025/01/31/congress/rfk-jr-to-revise-ethics-pledge-00201813>.

<sup>24</sup> *Id.*

<sup>25</sup> Office of Senator Elizabeth Warren, At Hearing, Warren Slams RFK Jr. for Dangerous Conflicts of Interest, Profiting From Anti-Vaccine Conspiracies, January 29, 2025, <https://www.warren.senate.gov/newsroom/press-releases/at-hearing-warren-slams-rfk-jr-for-dangerous-conflicts-of-interest-profiting-from-anti-vaccine-conspiracies>.

<sup>26</sup> U.S. Senate Committee on Finance, “Responses to Questions for the Record, Robert F. Kennedy, Jr. Part 2,” p 41, [https://www.finance.senate.gov/imo/media/doc/responses\\_to\\_questions\\_for\\_the\\_record\\_to\\_robert\\_f\\_kennedy\\_jrpart2.pdf](https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpart2.pdf).

<sup>27</sup> *Id.* p. 39.

<sup>28</sup> Letter from Senators Elizabeth Warren and Tim Kaine to Robert F. Kennedy, February 5, 2025, [https://www.warren.senate.gov/imo/media/doc/warren\\_kaine\\_letter\\_to\\_rfk\\_on\\_ethics.pdf](https://www.warren.senate.gov/imo/media/doc/warren_kaine_letter_to_rfk_on_ethics.pdf).

<sup>29</sup> Data on file with the Office of Senator Elizabeth Warren.

As the nation's top health official, you are in a "position to potentially profit from vaccine litigation while also regulating drugmakers and exercising authority over federal vaccine policy."<sup>30</sup> The direct financial stake your family and Wisner Baum may have in pending vaccine litigation casts a cloud over any changes you may make to VICP.

**Your close allies, Drew Downing and Aaron Siri:** You are not undertaking changes to VICP by yourself: at least one key advisor is a longtime vaccine injury lawyer who has his own history of appearing before VICP. In June, you announced that you had charged Drew Downing, a senior adviser at HHS, with "revolutionizing the Vaccine Injury Compensation Program."<sup>31</sup> Since June, HHS has awarded a contract worth more than \$400,000 to Brueckner Spitzer Shultz PLC – a firm where Mr. Downing is listed as partner – for legal advice pertaining to VICP.<sup>32</sup> Mr. Downing has also partnered with your former law firm Wisner Baum on the Gardasil HPV vaccine litigation, steering clients to the firm.<sup>33</sup>

Mr. Downing has spent over a decade representing dozens of clients seeking monetary awards before the vaccine program he is now tasked with overhauling.<sup>34</sup> In 2024 alone, Mr. Downing was the attorney of record for at least 60 clients seeking compensation from VICP, often through his law firm Downing, Alison, and Jorgenson.<sup>35</sup> Whether Downing, Alison, and Jorgenson continues to operate and the extent to which Mr. Downing has resolved himself of conflicts of interest before taking on his position at HHS, remains unclear. In past cases, judges have found that Mr. Downing may have attempted to take advantage of VICP's attorney compensation fees through "duplicative" and "excessive" billing practices.<sup>36</sup> Were Mr. Downing to propose changes that might then work to his financial benefit in his law practice, it would raise serious concerns.

Mr. Siri, a long-time vaccine injury lawyer and a staff member of your presidential campaign, has pushed for the end of VICP's limited liability shield for vaccine manufacturers, which some have noted would be "a gold rush for personal injury attorneys."<sup>37</sup> Though Mr. Siri does not hold

<sup>30</sup> NPR, "RFK Jr. plans to keep a financial stake in lawsuits against the drugmaker Merck," Sydney Lupkin, January 22, 2025, <https://www.npr.org/sections/shots-health-news/2025/01/22/nx-s1-5271582/rfk-hpv-vaccine-merck>.

<sup>31</sup> Fox News, "RFK Jr. Provides an Update on His Mission to End Skyrocketing Autism and Declassifying Kennedy Files", Tucker Carlson, June 30, 2025, 00:48:28-00:48:38', [https://www.youtube.com/watch?v=w\\_fzLwxJZAA](https://www.youtube.com/watch?v=w_fzLwxJZAA).

<sup>32</sup> USASpending, "Award from the Department of Health and Human Services to Brueckner Spitzer Shultz PLC," [https://www.usaspending.gov/award/CONT\\_AWD\\_75P00125P00036\\_7570\\_-NONE--NONE](https://www.usaspending.gov/award/CONT_AWD_75P00125P00036_7570_-NONE--NONE); Brueckner, Spitzer, Shultz, PLC "Drew D. Downing" as of January 15, 2025, <https://bss.law/team-member/drew-downing/>.

<sup>33</sup> U.S. Senate Committee on Finance, "COSTS, CHAOS, AND CORRUPTION: 203 DAYS OF ROBERT F. KENNEDY JR.'S DISASTROUS LEADERSHIP", September 3, 2025, p. 21-22, [https://www.finance.senate.gov/imo/media/doc/rfk\\_report\\_203\\_days.pdf](https://www.finance.senate.gov/imo/media/doc/rfk_report_203_days.pdf); The POTScast, "E171: Post-Gardasil POTS Litigation with Attorney Drew Downing," Cathy Pederson and Jill Brook, 00:43:16-00:44:17, <https://the-potscast.castos.com/episodes/e171-post-gardasil-pots-litigation-with-attorney-drew-downing>.

<sup>34</sup> NOTUS, "HHS Award Indicates Changes May Be Coming for Vaccine Injury Compensation Program," Margaret Manto, June 16, 2025, <https://www.notus.org/health-science/hhs-award-vaccine-injury-compensation-program>; The POTScast, "E171: Post-Gardasil POTS Litigation with Attorney Drew Downing," Cathy Pederson and Jill Brook, 00:06:42-00:09:58, <https://the-potscast.castos.com/episodes/e171-post-gardasil-pots-litigation-with-attorney-drew-downing>; Facebook, "Downing, Allison, & Jorgenson," <https://www.facebook.com/DowningAllisonJorgenson>.

<sup>35</sup> Data on file with the Office of Senator Elizabeth Warren.

<sup>36</sup> United States Office of Federal Claims, Office of Special Masters, "DECISION ON INTERIM ATTORNEYS' FEES AND COSTS," June 25, 2025, [https://ecf.cofc.uscourts.gov/cgi-bin/show\\_public\\_doc?2022vv1220-79-0](https://ecf.cofc.uscourts.gov/cgi-bin/show_public_doc?2022vv1220-79-0).

<sup>37</sup> Politico, "The big plan behind Kennedy's overhaul of childhood vaccines," January 7, 2026, Lauren Gardner, <https://www.politico.com/news/2026/01/07/the-big-plan-behind-kennedys-overhaul-of-childhood-vaccines-00713852>; Politico, "RFK Jr. is bringing the GOP and the trial bar together," Amanda Chu, January 19, 2026,

a formal government position, reports reveal that his law firm, Siri Glimstad, appears to have vetted appointees to key vaccine policy committees at HHS.<sup>38</sup> Siri Glimstad is also active before the vaccine courts with at least 190 cases in 2024 and 146 cases in 2025.<sup>39</sup> Siri Glimstad has also taken on at least 54 cases Mr. Downing previously represented before VICP.<sup>40</sup> Downing’s law firm site now redirects clients to Siri Glimstad.<sup>41</sup>

The web of overlapping vaccine injury litigation interests between yourself, Mr. Siri, and Mr. Downing raises a host of ethics questions. Without transparency and clear ethics disclosures, Mr. Downing could be in position to recommend reforms to VICP that advantage his associates. The changes he is reportedly seeking – such as adding unproven vaccine injuries to the list of compensable claims for which the courts can award damages<sup>42</sup> – may affect the outcome of current litigation pending before the vaccine courts, while making it even harder for individuals with legitimate injury claims to receive compensation. Moreover, Mr. Downing’s ties to the Gardasil lawsuit raise additional concerns about how his decisions could affect pending litigation.<sup>43</sup>

HHS and DOJ should publicly disclose how many of Mr. Downing’s former clients await decisions before VICP, how many of his former VICP clients and referred clients are now part of the Gardasil litigation before the courts (and whether he collected VICP fees for those cases), Mr. Downing’s divestments and recusal commitments since taking on his HHS role, and a full public accounting of the proposed changes Mr. Downing has sought to make to VICP since June 2025.

### **Proposed Changes to VICP Could Benefit Your Family and Allies by Making It Easier To Secure Payouts From Junk, Anti-Vaccine Lawsuits in VICP and in Civil Courts**

Since you announced in July that you planned to “fix” the vaccine court with Attorney General Bondi, the public has received little to no information from HHS or DOJ on the changes that you might make.<sup>44</sup> But several reports have indicated the possibilities under consideration – nearly all of which could more easily allow monetary awards to flow to your family, associates, and former employers. These potential changes include:

- **Expanding the injury table by “enlarg[ing]” VICP’s list of vaccine injuries.**<sup>45</sup> You have suggested that medical conditions that have not been tied to vaccines, including

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<https://www.politico.com/news/2026/01/19/rfk-lawyers-plaintiffs-tort-trial-bar-00735148>; Axios, “Leading anti-vaccine lawyer to brief CDC advisers,” Caitlin Owens, December 4, 2025, <https://wwwaxios.com/2025/12/04/rfk-jr-ally-anti-vaccine-cdc-testimony>.

<sup>38</sup> New York Times, “Kennedy’s Ties to Ally Leading Vaccine Lawsuits Raise Ethical Concerns,” Christina Jewett, October 3, 2025, <https://www.nytimes.com/2025/10/03/health/kennedy-aaron-siri-vaccines-lawsuits.html>.

<sup>39</sup> Data on file with the Office of Senator Elizabeth Warren.

<sup>40</sup> *Id.*

<sup>41</sup> Facebook, “Downing, Allison, & Jorgenson,” <https://www.facebook.com/DowningAllisonJorgenson>.

<sup>42</sup> Politico, “RFK Jr. adviser: We’re trying to get kids with autism into vaccine injury program,” Lauren Gardner, September 29, 2025, <https://www.politico.com/news/2025/09/25/rfk-jr-adviser-were-trying-to-get-kids-with-autism-into-vaccine-injury-program-00580940>.

<sup>43</sup> The POTScast, “E171: Post-Gardasil POTS Litigation with Attorney Drew Downing,” Cathy Pederson and Jill Brook, 00:43:16-00:44:17, <https://the-potscast.castos.com/episodes/e171-post-gardasil-pots-litigation-with-attorney-drew-downing>.

<sup>44</sup> Post on X by Secretary Robert F. Kennedy, Jr., July 28, 2025, <https://x.com/SecKennedy/status/1949875225904005367>.

autism, “diabetes, rheumatoid arthritis, seizure disorders, ADHD, speech delay, language delay, tics, Tourette syndrome, narcolepsy, peanut allergies and eczema” could be added to the vaccine injury table.<sup>46</sup> Mr. Downing has also publicly stated that he is helping you make policy changes to, in effect, add autism to the vaccine injury list.<sup>47</sup> This change could spur a wave of frivolous claims, even though the court concluded more than a decade ago that vaccines do not cause autism following years of hearings and expert testimonies.<sup>48</sup> As one legal expert noted, adding unproven injuries to VICP would result in “an exorbitant number of claims that would threaten the viability of the program.”<sup>49</sup> Such an outcome would only serve to further harm individuals with proven vaccine-related injuries who rely on a functional program to get the compensation to which they are entitled.

- **Attempting to remove vaccines currently covered by VICP.** If you attempt to eliminate vaccines covered by VICP, you could make it “easier to bring lawsuits against vaccine-makers” in civil court and seek monetary awards before juries by eliminating VICP’s limited liability shield for manufacturers and health care providers, a long-time goal of the anti-vaccine movement.<sup>50</sup> Legal experts have warned that HHS may have taken a step in this direction through its decision to remove recommendations for four childhood vaccines, including for influenza and hepatitis A.<sup>51</sup> Any attempt to inappropriately remove vaccines from VICP’s jurisdiction could open a floodgate of potentially frivolous litigation against vaccine manufacturers that could threaten domestic vaccine supplies, force manufacturers out of certain vaccine markets altogether, and imperil children’s health.<sup>52</sup>
- **Changing the government’s posture in response to claims.** Vaccine law experts warn that you could direct the vaccine court judges to “concede – effectively approving automatically” unsubstantiated claims made about vaccines causing injuries like autism or allergies in court.<sup>53</sup> As one vaccine law expert warned, you and the Attorney General,

<sup>45</sup> Fox News, “RFK Jr. Provides an Update on His Mission to End Skyrocketing Autism and Declassifying Kennedy Files”, Tucker Carlson, June 30, 2025, 00:49:52-00:50:12’, [https://www.youtube.com/watch?v=w\\_fzlwJZAA](https://www.youtube.com/watch?v=w_fzlwJZAA). USASpending, “Award from the Department of Health and Human Services to Brueckner Spitzer Sheltz PLC,” [https://www.usaspending.gov/award/CONT\\_AWD\\_75P00125P00036\\_7570\\_-NONE\\_-NONE-](https://www.usaspending.gov/award/CONT_AWD_75P00125P00036_7570_-NONE_-NONE-).

<sup>46</sup> ProPublica, “RFK Jr. Wants to Change a Program That Stopped Vaccine Makers From Leaving the U.S. Market. They Could Flee Again,” Patricia Callahan, July 17, 2025, <https://www.propublica.org/article/rfk-childhood-vaccines-vicp>.

<sup>47</sup> Politico, “RFK Jr. adviser: We’re trying to get kids with autism into vaccine injury program,” Lauren Gardner, September 29, 2025, <https://www.politico.com/news/2025/09/25/rfk-jr-adviser-were-trying-to-get-kids-with-autism-into-vaccine-injury-program-00580940>.

<sup>48</sup> KFF Health News, “Inside the High-Stakes Battle Over Vaccine Injury Compensation, Autism, and Public Trust,” <https://kffhealthnews.org/news/article/autism-vaccine-injury-compensation-program-public-health-trust/>.

<sup>49</sup> *Id.*

<sup>50</sup> Associated Press, “RFK Jr.’s vow to overhaul vaccine injury program echoes grievances of anti-vaccine movement,” Matthew Perone, August 7, 2025, <https://apnews.com/article/rfk-kennedy-vaccines-injury-compensation-lawsuit-gardasil-4a8ff2cec127d6ae7ddaf0f4f3479283>.

<sup>51</sup> Politico, “The big plan behind Kennedy’s overhaul of childhood vaccines,” Lauren Gardner, January 7, 2026, <https://www.politico.com/news/2026/01/07/the-big-plan-behind-kennedys-overhaul-of-childhood-vaccines-00713852>.

<sup>52</sup> STAT News, “How RFK Jr. could strip legal protections from vaccine makers as HHS Secretary,” Rachel Cohrs Zhang, November 15, 2024, <https://www.statnews.com/2024/11/15/rfk-jr-hhs-could-end-legal-liability-protection-vaccine-manufacturers/>.

<sup>53</sup> The Guardian, “RFK Jr says he’ll ‘fix’ a vaccine program - by canceling compensation for people with vaccine injuries,” Melody Schreiber, August 31, 2025, <https://www.theguardian.com/us-news/2025/aug/31/rfk-jr-vaccine-injuries>

“could certainly direct... employees to stop contesting a lot of things, and just let as much as possible go through.”<sup>54</sup> This could force “the program [to] compensate cases out of hand without actually evaluating the cases, including cases that are almost certainly false.”<sup>55</sup>

Instituting any of these changes could enrich your associates with active vaccine litigation practices and imperil domestic vaccine supplies.

By expanding the injury table beyond what scientific evidence recommends, you “would dramatically increase the number of compensable cases” that could be brought before VICP.<sup>56</sup> This could financially benefit your close associates and former law firm partners that have a vested interest in vaccine injury litigation, and who have long pushed for debunked vaccine harms to be included as part of VICP’s payouts. By removing vaccines from VICP’s limited liability shield, you could open vaccine manufacturers to frivolous, mass lawsuits in civil courts that could reward your allies with higher financial awards or lucrative settlements, while adversely affecting those with true vaccine injuries who will be forced to endure a lengthy civil court process.<sup>57</sup> And by directing the government to concede vaccine court cases, DOJ and HHS could increase the likelihood of payouts for vaccine injury claims that are based on debunked science.<sup>58</sup>

On top of benefitting your close associates, these proposed changes could do grievous harm to public health, threatening to bankrupt the VICP program, and cause a domestic vaccine shortage. Vaccine experts agree that adding disproven vaccine harms, like autism, to the vaccine injury table and removing limited liability shields could invite a wave of litigation that could bankrupt VICP and threaten the availability of funds for those with legitimate injury claims.<sup>59</sup> The spike in potentially frivolous lawsuits could “once again drive vaccine makers from the market” and cause vaccine manufacturers to shut down operations as they did in the 1980s.<sup>60</sup> Making it harder

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injury-compensation.

<sup>54</sup> *Id.*

<sup>55</sup> New York Times, “Kennedy Intends to Overhaul Federal Compensation for Vaccine Injuries,” Christina Jewett, July 28, 2025, <https://www.nytimes.com/2025/07/28/health/kennedy-vaccine-injury-court.html>.

<sup>56</sup> Associated Press, “RFK Jr.’s vow to overhaul vaccine injury program echoes grievances of anti-vaccine movement,” Matthew Perone, August 7, 2025, <https://apnews.com/article/rfk-kenndy-vaccines-injury-compensation-lawsuit-gardasil-4a8ff2cec127d6ae7ddaf0f4f3479283>.

<sup>57</sup> Wall Street Journal, “Why RFK Jr. Is Dangerous to Public Health,” The Editorial Board, January 26, 2025, opinion, [https://www.wsj.com/opinion/rfk-jr-senate-hearing-heath-and-human-services-vaccines-trial-lawyers-ce7703cf?gaa\\_at=eafs&gaa\\_n=AWEtsqcX7OWeE7KF-NtRv5QLQQKxKXIPyAyY1XtBMAiltONXQT-Uo6rjLESZ83Zy9FE](https://www.wsj.com/opinion/rfk-jr-senate-hearing-heath-and-human-services-vaccines-trial-lawyers-ce7703cf?gaa_at=eafs&gaa_n=AWEtsqcX7OWeE7KF-NtRv5QLQQKxKXIPyAyY1XtBMAiltONXQT-Uo6rjLESZ83Zy9FE)

<sup>58</sup> <https://www.nytimes.com/2025/07/28/health/kennedy-vaccine-injury-court.html> 8CuIRZWNW-1AQXXd9Mr35RMaP6Ug%3D%3D; Congressional Research Service, “Compensation for COVID-19 Vaccine Injuries,” Kevin J Hickey and Hannah-Alise Rogers, April 16, 2025, [https://crs.gov/Reports/R46982?source=search#\\_Toc195698842](https://crs.gov/Reports/R46982?source=search#_Toc195698842).

<sup>59</sup> New York Times, “Kennedy Intends to Overhaul Federal Compensation for Vaccine Injuries,” Christina Jewett, July 28, 2025, <https://www.nytimes.com/2025/07/28/health/kennedy-vaccine-injury-court.html>.

<sup>60</sup> ProPublica, “RFK Jr. Wants to Change a Program That Stopped Vaccine Makers From Leaving the U.S. Market. They Could Flee Again,” Patricia Callahan, July 17, 2025, <https://www.propublica.org/article/rfk-childhood-vaccines-vicp>; <https://apnews.com/article/rfk-kenndy-vaccines-injury-compensation-lawsuit-gardasil-4a8ff2cec127d6ae7ddaf0f4f3479283>.

<sup>61</sup> Politico, “RFK Jr. is overhauling the program that helps preserve Americans’ access to vaccines,” Lauren Gardner, November 29, 2025, <https://www.politico.com/news/2025/11/29/rfk-vaccine-court-overhaul-to-include-autism->

to produce and develop new vaccines in the United States would have serious adverse effects on the nation's public health.

## **Conclusion**

Your potential changes to the country's vaccine courts would undermine public health and threaten the domestic vaccine supply. Once again, we agree that improvements to VICP may be warranted, but any process to reform the program must be public, transparent, and free of potential conflicts of interest. Under your leadership, HHS appears to be doing the opposite. As one observer noted, despite your promises of "radical" transparency, "[t]he conflicts didn't disappear. They rotated from pharma to the litigation-wellness complex. And now they're hidden."<sup>61</sup>

You have pursued what appears to be an anti-vaccine playbook for decades. Legal experts have assessed that your vaccine court proposals "foment skepticism" and "undercut recommendations" in vaccines more broadly.<sup>62</sup> These reported changes to VICP could enrich your close allies – many of whom could see windfalls from an advantageous litigation environment: one where the science that underpins vaccines is routinely questioned by government officials, and judges are directed to expedite bogus and costly settlements.

To assist us in fulfilling our legislative responsibilities to protect public health, we ask that you provide answers to following questions by February 10, 2026:

## **Questions**

1. What changes, if any, has HHS made to VICP since January 20, 2025?
  - a. Does HHS intend to expand the list of vaccine injuries eligible for federal compensation? If so, which injuries are under consideration?
  - b. Does HHS intend to expand or reduce the list of vaccines covered under VICP?
  - c. Does HHS plan to change the government's posture in response to certain injury claims before VICP?
  - d. Please provide a list of any and all rules, policies, and regulations - proposed or enacted - that have been made to VICP.
  - e. Please provide transcripts, meeting agendas, and notes of all DOJ-HHS discussions with regards to changes to VICP from January 20, 2025.
  - f. In addition to Mr. Andrew Downing, who else serves on the team that is examining changes to VICP?
  - g. Which individuals or organizations have you met with regarding these changes?
2. Is HHS coordinating changes to the VICP program with DOJ or other government agencies? If so, please describe the nature of this coordination.
  - a. What changes, if any, have DOJ made to VICP since January 20, 2025?

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[cases-could-bankrupt-the-program-00670561](#).

<sup>61</sup> Post on X by Dr. Jake Scott, December 8, 2025, <https://x.com/jakescottMD/status/1997921981824385071?s=20>.

<sup>62</sup> The Guardian, "RFK Jr says he'll 'fix' a vaccine program - by canceling compensation for people with vaccine injuries," Melody Schreiber, August 31, 2025, <https://www.theguardian.com/us-news/2025/aug/31/rfk-jr-vaccine-injury-compensation>.

3. Moving forward, what process will HHS use to make any changes to VICP?
  - a. 42 USC 300aa-14(c) requires at least 180 days for comments and an oral hearing.<sup>63</sup> Will you commit to a transparent process, with a full notice and comment period as required by law for any potential rule changes?
4. Given widespread personnel terminations and resignations across HHS, is the Health Resources and Services Administration (HRSA) adequately staffed to process VICP claims and ensure timely compensation to claimants?<sup>64</sup>
  - a. How many full-time HRSA staff are dedicated to processing VICP claims?
  - b. How many HRSA personnel were affected by HHS's reductions in force in 2025?
  - c. How many HRSA personnel resigned or retired in 2025?
  - d. Please provide a count of HRSA staff as of January 21, 2024, 2025, and 2026.
5. When was Andrew Downing appointed as a Senior Advisor at HHS?
  - a. Under what authority has Mr. Downing been appointed to his position?
    - i. Was Mr. Downing appointed as a special government employee?
  - b. What, if any, ethics rules is Mr. Downing subject to in his role with HHS?
  - c. Has Mr. Downing divested from any financial conflicts of interest upon the assumption of his role? Please provide any conflict of interest and ethics forms completed by Mr. Downing.
  - d. Has Mr. Downing recused himself from any matters due to conflicts of interest in his role at HHS? If so, please list the matters and corresponding conflicts.
  - e. Has Mr. Downing received any ethics waivers? If so, on what matters and why?
  - f. Is Mr. Downing being compensated by HHS for his role as a Senior Advisor?
  - g. Is Mr. Downing being compensated through HHS's contract with Brueckner Spitler Shelt PLC?
  - h. Is Mr. Downing still a party to ongoing litigation regarding the Gardasil vaccine, either before VICP or before any state or federal court? If so, list all instances.
6. Has Aaron Siri or any representative from Siri Glimstad provided any form of input or guidance, either formally or informally, to HHS or the DOJ on any pending changes to VICP? If so, please provide a list of any proposed changes.
  - a. Has Drew Downing or any representatives from HHS or the DOJ met with Mr. Siri or representatives from Siri Glimstad?
  - b. Were Mr. Siri or Siri Glimstad involved in recent personnel dismissals from the ACCV? If so, please provide copies of any correspondence, meeting notes, and officials records of exchanges between HHS or DOJ and Siri Glimstad.
  - c. Are Mr. Siri or Siri Glimstad involved with personnel decisions, including vetting candidates for the ACCV?
7. Why was Brueckner Spitler Shelt PLC selected for a contract with regards to the VICP?
  - a. Has HHS contracted with any other private law firms on VICP or vaccines more generally? If so, please provide a list of any firms.

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<sup>63</sup> 42 U.S. Code § 300aa-14 (c); 5 U.S. Code § 553

<sup>64</sup> 42 U.S. Code § 300aa-12

- b. Why did HHS increase the contract award for Brueckner Spitzer Shelt PLC from \$150,000 in June 2025 to \$250,000 in August 2025?<sup>65</sup> Please provide any documentation related to this award change.
  - c. Why did HHS increase the contract award for Brueckner Spitzer Shelt PLC from \$250,000 in August to \$400,000 in September?<sup>66</sup> Please provide any documentation related to this award change.
8. Since June 6, 2025, has Brueckner Spitzer Shelt LPC or any of its attorneys, been the attorney on record for any cases pending before VICP?
  - a. If so, provide a list of all cases where Brueckner Spitzer Shelt LPC and its attorneys represent litigants.
  - b. Since June 6, 2025, has Andrew Downing remained the attorney on record for clients seeking vaccine injury awards pending before VICP?
  - c. As of June 6, 2025, how many former clients represented by Brueckner Spitzer Shelt LPC had award decisions pending before VICP?
9. Since June 6, 2025, has the firm of Downing, Allison & Jorgenson been the attorney of record in cases pending before VICP?
  - a. If so, provide a list of all cases where Downing, Allison & Jorgenson and its attorneys represent litigants.
  - b. Since June 6, 2025, has Andrew Downing remained the attorney on record for clients seeking vaccine injury awards pending before VICP?
  - c. As of June 6, 2025, how many former clients represented by Downing, Allison & Jorgenson had award decisions pending before VICP?
10. Will you commit to not accept compensation from any lawsuits, including vaccine injury lawsuits, against drug companies in your time as Secretary and for four years afterwards?

Sincerely,



Elizabeth Warren  
United States Senator



Richard Blumenthal  
United States Senator

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<sup>65</sup> USASpending, “Award from the Department of Health and Human Services to Brueckner Spitzer Shelt PLC,” [https://www.usaspending.gov/award/CONT\\_AWD\\_75P00125P00036\\_7570\\_-NONE\\_-NONE-](https://www.usaspending.gov/award/CONT_AWD_75P00125P00036_7570_-NONE_-NONE-).

<sup>66</sup> *Id.*

Edward J. Markey

Edward J. Markey  
United States Senator

Angela D. Alsobrooks

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United States Senator

CC:

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