

March 24, 2003

The Honorable Judd Gregg  
United States Senate  
Washington, DC 20510

The Honorable Bill Frist  
United States Senate  
Washington, DC 20510

Dear Senators Gregg and Frist:

I am writing on behalf of the Infectious Diseases Society of America (IDSA) and the 7,000 infectious diseases physicians and scientists we represent to thank you for your important leadership with respect to the Vaccine Injury Compensation Program (VICP). Your efforts to improve the VICP, through the "Improved Vaccine Affordability and Availability Act," are invaluable and will help to ensure the future stability and success of the national childhood immunization program. We particularly want to thank you and your staff for working so closely with the Advisory Commission on Child Vaccines and for incorporating many of its recommendations into the legislation.

The Act significantly improves the VICP's operation and provides a reasonable approach for balancing the needs of beneficiaries, vaccine administrators and manufacturers. This strategy will protect the vaccine system as well as promote the safety and efficacy of vaccines for all children and adolescents. Without such a comprehensive package, our fragile childhood immunization program is in jeopardy. Plaintiffs' actions that avoid first filing vaccine-related injury or death claims through the VICP, as had been envisioned when the VICP was enacted, is disturbing. The increasing number of individual and class action lawsuits that have been filed in State and Federal courts on behalf of hundreds of thousands of plaintiffs, and in particular, those alleging potential thimerosal-related injuries from childhood vaccines, is of great concern. If left unchecked, the mounting legal actions will significantly undermine the delivery of childhood immunizations and put the viability of the VICP at considerable risk.

Finally, we are grateful to you for including in the Act provisions intended to strengthen the government's pandemic influenza preparedness and response activities. IDSA has long sought a more focused, comprehensive strategy to help the United States and the world prepare for a pandemic influenza outbreak. Your legislation and the President's fiscal year 2004 budget proposal, which calls for \$100 million to fight pandemic influenza, will help move us closer to this goal.

IDSA leaders are available to work with you and your staffs to achieve quick passage and enactment of the *Improved Vaccine Affordability and Availability Act*. Thank you again for the leadership you have shown in moving this important legislation forward.

Sincerely,

W. Michael Scheld  
President

cc: Senators Christopher Dodd, Jim Jeffords, Jack Reed, Mike DeWine, and Hillary Clinton.