

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

DAVID M. WEINBERG, STAFF DIRECTOR  
WILLIAM E. HENDERSON III, MINORITY STAFF DIRECTOR  
LAURA W. KILBRIDE, CHIEF CLERK

September 5, 2023

The Honorable Xavier Becerra  
Secretary  
Department of Health and Human Services

Dear Secretary Becerra:

I write regarding your failure to fully respond to my April 20, 2023 letter regarding the Health Resources and Services Administration's (HRSA) review process for determining who is eligible to receive compensation for COVID-19 vaccine injuries.<sup>1</sup>

In my April 2023 letter I included eleven requests for information about HRSA's administration of the Countermeasures Injury Compensation Program (CICP) which provides compensation to eligible individuals injured by certain vaccines, medicines, and other treatments, including the COVID-19 vaccines.<sup>2</sup> On June 23, 2023, I received the Department of Health and Human Services' (HHS) one-and-a-half-page response that ignored *all* of my information requests.<sup>3</sup> For nearly eight weeks, between June 28, 2023 and August 22, 2023, officials in HHS's office of legislative affairs ignored multiple emails from my office seeking clarity on when HHS will provide complete responses to my initial letter. Finally, on August 23, 2023, an HHS legislative affairs official confirmed that HHS's inadequate and insufficient June 23, 2023 letter, "reflects the Department's response to the Senator's April 20th letter."<sup>4</sup>

I am disappointed—but not surprised—by your agency's continued lack of transparency regarding COVID-19 vaccine injuries. Your refusal to even explain the necessary criteria for an individual to receive CICP compensation for a COVID-19 vaccine injury reflects the dismissive attitude the Biden administration has consistently and callously displayed toward the vaccine injured.

When I sent my April 2023 letter to you and Ms. Carole Johnson, the administrator of HRSA, three claims connected to COVID-19 vaccine injuries had received compensation. Since then, as of August 1, 2023, CICP staff have only compensated one more individual for a COVID-19 vaccine injury as identified in the table below:<sup>5</sup>

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<sup>1</sup> Letter from Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Secretary, Dep't of Health and Human Services, and Carole Johnson, Administrator, Health Resources and Services Admin., Apr. 20, 2023, <https://www.ronjohnson.senate.gov/services/files/A80C5322-F694-4803-BC15-BE3B0D4708D1> (enclosed).

<sup>2</sup> *Id.*; Covered Countermeasures, Health Resources and Services Administration, Dec. 2022, <https://www.hrsa.gov/cicp/covered-countermeasures>.

<sup>3</sup> Letter from Melanie Anne Egorin, Assistant Secretary for Legislation, Dep't of Health and Human Services, to Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, June 23, 2023 (enclosed).

<sup>4</sup> Email from HHS Office of Legislative Affairs to Subcomm. staff, Aug. 23, 2023 (on file with Subcomm.).

<sup>5</sup> Table 4. CICP Claims Compensated (Fiscal Years 2010 – 2023), Health Resources and Services Administration, Aug. 2023, <https://www.hrsa.gov/cicp/cicp-data/table-4>.

<b>Alleged Countermeasure</b>	<b>Alleged Injury</b>	<b>Compensation Amount</b>
COVID-19 Vaccine	Anaphylaxis	\$2,019.55
COVID-19 Vaccine	Myocarditis	\$1,582.65
COVID-19 Vaccine	Myocarditis	\$1,032.69
COVID-19 Vaccine	Myocarditis	\$3,957.66
<b>Total Compensation:</b>		<b>\$8,592.55</b>

According to CICIP data, as of August 1, 2023, 8,534 claims have been filed relating to COVID-19 vaccine injuries or deaths.<sup>6</sup> CICIP staff have identified 24 claims that are “eligible for compensation, and that the program is either waiting for documentation from the requester to determine benefits or benefits determination is in progress.”<sup>7</sup> Understanding HHS’s process for how it determines compensation eligibility would be particularly helpful to those who have experienced a COVID-19 vaccine injury especially, in light of the 1,589,970 adverse events and 36,080 deaths associated with the COVID-19 vaccines as of September 1, 2023, according to the Vaccine Adverse Event Reporting System.<sup>8</sup>

During your February 24, 2021 nomination hearing in front of the Senate Finance Committee, Chairman Wyden asked if you would “commit to provide a prompt response in writing to any questions addressed to you by any senator of this committee?”<sup>9</sup> You testified, “Certainly, Mr. Chairman.”<sup>10</sup> As a member of the Senate Finance Committee and as ranking member of the Senate’s top investigative subcommittee, your agency’s June 23, 2023 response is completely unacceptable and calls into question the veracity of the commitment you made before the Senate during your confirmation hearing. I call on you to immediately revise HHS’s incomplete response and provide the requested information below:

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<sup>6</sup> Countermeasures Injury Compensation Program (CICIP) Data, Health Resources and Services Administration, Aug. 2023, <https://www.hrsa.gov/cicp/cicp-data>.

<sup>7</sup> Table 3. CICIP Claims Pending Compensation, Health Resources and Services Administration, Aug. 2023, <https://www.hrsa.gov/cicp/cicp-data/table-3>.

<sup>8</sup> See VAERS database query: United States Department of Health and Human Services (DHHS), Public Health Service (PHS), Centers for Disease Control (CDC) / Food and Drug Administration (FDA), Vaccine Adverse Event Reporting System (VAERS) 1990 - 8/25/2023, CDC WONDER On-line Database. Accessed at <http://wonder.cdc.gov/vaers.html> on September 5, 2023 3:30:57 PM. Query criteria –Vaccine Products: COVID-19 Vaccine (COVID19); COVID-19-2 (COVID-192). Group By: Month Received. State/Territory: All locations. Event Category: All Events. Show Totals: True. Show Zero Values: False; VAERS database query: United States Department of Health and Human Services (DHHS), Public Health Service (PHS), Centers for Disease Control (CDC) / Food and Drug Administration (FDA), Vaccine Adverse Event Reporting System (VAERS) 1990 - 8/25/2023, CDC WONDER On-line Database. Accessed at <http://wonder.cdc.gov/vaers.html> on September 5, 2023 3:30:57 PM. Query criteria – Vaccine Products: COVID-19 Vaccine (COVID19); COVID-19-2 (COVID-192). Group By: Month Received. State/Territory: All locations. Event Category: Death. Show Totals: True. Show Zero Values: False.

<sup>9</sup> *Hearing to Consider the Nomination of The Honorable Xavier Becerra, of California, to be Secretary of Health and Human Services*, 117th Cong. (2021) video available at <https://www.finance.senate.gov/hearings/hearing-to-consider-the-nomination-of-xavier-becerra-of-california-to-be-secretary-of-health-and-human-services>.

<sup>10</sup> *Id.*

1. How would an individual know to file a CICIP claim if they believe they were injured from a COVID-19 vaccine? Has HRSA conducted an advertising campaign about the CICIP? If not, why not?
2. It is surprising to see such a low number of COVID-19 vaccine CICIP claims because according to the Vaccine Adverse Event Reporting System, as of September 1, 2023 there have been 1,589,970 adverse events and 36,080 deaths associated with the COVID-19 vaccines.<sup>11</sup> Does HRSA expect an increase in COVID-19 vaccine CICIP claims?
3. What criteria is necessary for an individual to receive CICIP compensation for a COVID-19 vaccine injury?
4. Is there a cap on the amount of money an individual can receive as compensation?
5. How many HRSA or contracted employees review CICIP claims?
6. Provide all records<sup>12</sup> referring or relating to COVID-19 vaccine CICIP claims, between and among HHS employees or representatives and employees or representatives of COVID-19 vaccine manufacturers, including but not limited to Pfizer, BioNTech, Moderna, and Johnson & Johnson.
7. Why does the CICIP “not maintain its aggregated data concerning alleged countermeasures, including vaccines, by a specific manufacturer?”<sup>13</sup>
8. Does the CICIP collect data on vaccine lot numbers associated with filed claims? If so, please provide the vaccine lot numbers for the 19 COVID-19 vaccine CICIP claims listed above.
9. Because the CICIP data has been updated as of August 1, 2023, this request has been modified: As of April 1, 2023, “Table 3” listed 19 “claims pending compensation”

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<sup>11</sup> See VAERS database query: United States Department of Health and Human Services (DHHS), Public Health Service (PHS), Centers for Disease Control (CDC) / Food and Drug Administration (FDA), Vaccine Adverse Event Reporting System (VAERS) 1990 - 8/25/2023, CDC WONDER On-line Database. Accessed at <http://wonder.cdc.gov/vaers.html> on September 5, 2023 3:30:57 PM. Query criteria –Vaccine Products: COVID-19 Vaccine (COVID19); COVID-19-2 (COVID-192). Group By: Month Received. State/Territory: All locations. Event Category: All Events. Show Totals: True. Show Zero Values: False; VAERS database query: United States Department of Health and Human Services (DHHS), Public Health Service (PHS), Centers for Disease Control (CDC) / Food and Drug Administration (FDA), Vaccine Adverse Event Reporting System (VAERS) 1990 - 8/25/2023, CDC WONDER On-line Database. Accessed at <http://wonder.cdc.gov/vaers.html> on September 5, 2023 3:30:57 PM. Query criteria – Vaccine Products: COVID-19 Vaccine (COVID19); COVID-19-2 (COVID-192). Group By: Month Received. State/Territory: All locations. Event Category: Death. Show Totals: True. Show Zero Values: False.

<sup>12</sup> “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

<sup>13</sup> Countermeasures Injury Compensation Program (CICIP) Data, Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data>.

associated with alleged injuries connected to the COVID-19 vaccines. These injuries included myocarditis, pericarditis, angioedema, and myopericarditis. As of August 1, 2023, “Table 3” listed 24 “claims pending compensation” associated with alleged injuries connected to the COVID-19 vaccines. Unlike the April 1 list, this list included the following additional injuries: Myalgia / Pancytopenia / Systemic Inflammatory Response Syndrome (SIRS), Anaphylactic Shock, Dizziness and Palpitations, Blood Clots and Pulmonary Embolus.<sup>14</sup> For each claim listed in “Table 3”, please provide when the individual received the COVID-19 vaccine and the onset of the alleged injury.

10. When did HRSA receive its first CICIP claim regarding an alleged COVID-19 vaccine injury? When did HRSA receive its first CICIP claim regarding an alleged COVID-19 vaccine death?

11. Of the four COVID-19 vaccine CICIP claims that have received compensation as of August 2023, please provide the dates for when each claim was filed and the requested amount of compensation for each claim.<sup>15</sup> Additionally, for each claim, please provide when the individual received the COVID-19 vaccine and the onset of the alleged injury.

Please provide this information as soon as possible but no later than September 19, 2023. Thank you for your attention to this matter.

Sincerely,



Ron Johnson  
Ranking Member  
Permanent Subcommittee on Investigations

Enclosure

cc: The Honorable Richard Blumenthal  
Chairman  
Permanent Subcommittee on Investigations

Ms. Carole Johnson  
Administrator  
Health Resources and Services Administration

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<sup>14</sup> Table 3. CICIP Claims Pending Compensation, Health Resources and Services Administration, Aug. 2023, <https://www.hrsa.gov/cicp/cicp-data/table-3>.

<sup>15</sup> Table 4. CICIP Claims Compensated (Fiscal Years 2010 – 2023), Health Resources and Services Administration, Aug. 2023, <https://www.hrsa.gov/cicp/cicp-data/table-4>.

The Honorable Xavier Becerra  
September 5, 2023  
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The Honorable Christi A. Grimm  
Inspector General  
Department of Health and Human Services

**Enclosure**

# United States Senate

DAVID M. WEINBERG, STAFF DIRECTOR  
WILLIAM E. HENDERSON III, MINORITY STAFF DIRECTOR  
LAURA W. KILBRIDE, CHIEF CLERK

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

April 20, 2023

The Honorable Xavier Becerra  
Secretary  
Department of Health and Human Services  
200 Independence Ave S.W.  
Washington, D.C. 20201

Ms. Carole Johnson  
Administrator  
Health Resources and Services Administration  
5600 Fishers Lane  
Rockville, MD 20857

Dear Secretary Becerra and Administrator Johnson:

I am writing regarding the Health Resources and Services Administration's (HRSA) review process for determining who is eligible to receive compensation for COVID-19 vaccine injuries.

HRSA administers the Countermeasures Injury Compensation Program (CICP) which "provides compensation for covered serious injuries or deaths that, based on compelling, reliable, valid, medical and scientific evidence, are found to be directly caused by the administration or use of a covered countermeasure or are determined to meet the requirements of a countermeasure injury table."<sup>1</sup> One such countermeasure that is covered by the CICP are the COVID-19 vaccines.<sup>2</sup>

If an individual believes they suffered an injury by a covered countermeasure, such as the COVID-19 vaccines, they can file a claim through the CICP within one year of receiving the vaccine.<sup>3</sup> According to HRSA, after an individual submits a "Request for Benefits Package, which should include proof of administration or use of a covered countermeasure" as well as complete medical records, then "CICP medical staff will review the package and decide if [the individual] is eligible for program benefits. If found eligible, [the individual] will be asked to submit additional documentation to determine how much compensation [that person] should receive."<sup>4</sup>

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<sup>1</sup> Countermeasures Injury Compensation Program (CICP) Data, Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data>.

<sup>2</sup> Covered Countermeasures, Health Resources and Services Administration, Dec. 2022, <https://www.hrsa.gov/cicp/covered-countermeasures>.

<sup>3</sup> Countermeasures Injury Compensation Program (CICP), Health Resources and Services Administration, Jan. 2023, <https://www.hrsa.gov/cicp>.

<sup>4</sup> *Id.*

According to CACP data, as of April 1, 2023, 8,133 claims have been filed relating to COVID-19 vaccine injuries or deaths.<sup>5</sup> CACP staff have apparently identified 22 claims connected to COVID-19 vaccines injuries that are “eligible for compensation and pending benefits determination.”<sup>6</sup> HRSA reported that one those claims had “no eligible reported expenses.”<sup>7</sup> The following three claims have been compensated as indicated below:<sup>8</sup>

Alleged Countermeasure	Alleged Injury	Compensation Amount
COVID-19 Vaccine	Anaphylaxis	\$2,019.55
COVID-19 Vaccine	Myocarditis	\$1,582.65
COVID-19 Vaccine	Myocarditis	\$1,032.69
<b>Total Compensation:</b>		<b>\$4,634.89</b>

According to HRSA, the following table displays 19 COVID-19 vaccine claims that are “eligible for compensation and the program is either waiting for documentation from the requester to determine benefits or benefits determination is in progress.”<sup>9</sup>

Number	Alleged Countermeasure	Alleged Injury
1	COVID-19 Vaccine	Myocarditis
2	COVID-19 Vaccine	Myocarditis
3	COVID-19 Vaccine	Myocarditis
4	COVID-19 Vaccine	Myocarditis
5	COVID-19 Vaccine	Myocarditis
6	COVID-19 Vaccine	Myocarditis
7	COVID-19 Vaccine	Myocarditis
8	COVID-19 Vaccine	Myocarditis
9	COVID-19 Vaccine	Myocarditis

<sup>5</sup> Table 1. Alleged COVID-19 Countermeasure Claims Filed, Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data/table-1>. In addition to the 8,133 claims filed relating to COVID-19 vaccine injuries, there are 3,292 claims relating to other COVID-19 countermeasures. Of the 11,425 total claims filed relating to COVID-19 countermeasures, 10,719 are pending review or in review. CACP staff have made decisions on 706 claims, including 22 claims that are “eligible for compensation and pending benefits determination,” and 684 claims that have been denied. Of the 22 claims that are eligible for compensation, 3 claims have been compensated, 1 claim has “no eligible reported expenses;” and 18 claims are “pending compensation.” Of the 684 denied claims HRSA reports that 47 claims were denied based on “requested medical records not submitted;” 117 claims were denied based on “standard of proof not met and/or covered injury not sustained;” 269 claims were denied based on “missed filing deadline;” and 251 claims were denied based on being “not CACP covered product/not specified.” Countermeasures Injury Compensation Program (CACP) Data, Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* According to HRSA, the alleged injury associated with this claim was myocarditis. See Table 5. CACP Claims Eligible for Compensation, but No Eligible Reported Losses or Expenses (Fiscal Years 2010 – 2023), Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data/table-5>.

<sup>8</sup> Table 4. CACP Claims Compensated (Fiscal Years 2010 – 2023), Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data/table-4>.

<sup>9</sup> Table 3. CACP Claims Pending Compensation, Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data/table-3>.



Number	Alleged Countermeasure	Alleged Injury
10	COVID-19 Vaccine	Myocarditis and Pericarditis
11	COVID-19 Vaccine	Pericarditis
12	COVID-19 Vaccine	Myopericarditis
13	COVID-19 Vaccine	Angioedema
14	COVID-19 Vaccine	Myocarditis
15	COVID-19 Vaccine	Myopericarditis
16	COVID-19 Vaccine	Myocarditis
17	COVID-19 Vaccine	Myopericarditis
18	COVID-19 Vaccine	Myopericarditis
19	COVID-19 Vaccine	Myocarditis

While HRSA publicly lists alleged COVID-19 vaccine injuries, it apparently does not aggregate its data by specific manufacturer.<sup>10</sup> In order to better understand HRSA's review process for CICIP claims, please provide the following information:

1. How would an individual know to file a CICIP claim if they believe they were injured from a COVID-19 vaccine? Has HRSA conducted an advertising campaign about the CICIP? If not, why not?
2. It is surprising to see such a low number of COVID-19 vaccine CICIP claims because according to the Vaccine Adverse Event Reporting System, as of March 31, 2023, there have been 1,541,275 adverse events and 35,048 deaths associated with the COVID-19 vaccines.<sup>11</sup> Does HRSA expect an increase in COVID-19 vaccine CICIP claims?
3. What criteria is necessary for an individual to receive CICIP compensation for a COVID-19 vaccine injury?
4. Is there a cap on the amount of money an individual can receive as compensation?
5. How many HRSA or contracted employees review CICIP claims?

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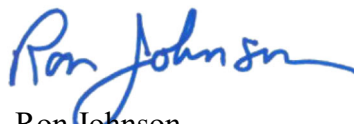
<sup>10</sup> Countermeasures Injury Compensation Program (CICIP) Data, Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data>.

<sup>11</sup> See VAERS database query: United States Department of Health and Human Services (DHHS), Public Health Service (PHS), Centers for Disease Control (CDC) / Food and Drug Administration (FDA), Vaccine Adverse Event Reporting System (VAERS) 1990 - 3/31/2023, CDC WONDER On-line Database. Accessed at <http://wonder.cdc.gov/vaers.html> on Apr 12, 2023 3:23:49 PM. Query criteria –Vaccine Products: COVID-19 Vaccine (COVID19); COVID-19-2 (COVID-192). Group By: Month Received. State/Territory: All locations. Event Category: All Events. Show Totals: True. Show Zero Values: False; VAERS database query: United States Department of Health and Human Services (DHHS), Public Health Service (PHS), Centers for Disease Control (CDC) / Food and Drug Administration (FDA), Vaccine Adverse Event Reporting System (VAERS) 1990 - 3/31/2023, CDC WONDER On-line Database. Accessed at <http://wonder.cdc.gov/vaers.html> on Apr 12, 2023 3:28:50 PM. Query criteria – Vaccine Products: COVID-19 Vaccine (COVID19); COVID-19-2 (COVID-192). Group By: Month Received. State/Territory: All locations. Event Category: Death. Show Totals: True. Show Zero Values: False.

6. Provide all records<sup>12</sup> referring or relating to COVID-19 vaccine CICP claims, between and among HHS employees or representatives and employees or representatives of COVID-19 vaccine manufacturers, including but not limited to Pfizer, BioNTech, Moderna, and Johnson & Johnson.
7. Why does the CICP “not maintain its aggregated data concerning alleged countermeasures, including vaccines, by a specific manufacturer”?<sup>13</sup>
8. Does the CICP collect data on vaccine lot numbers associated with filed claims? If so, please provide the vaccine lot numbers for the 19 COVID-19 vaccine CICP claims listed above.
9. As of April 1, 2023, HRSA reported that there are 18 CICP claims related to COVID-19 vaccines that are “pending compensation.”<sup>14</sup> However, HRSA displayed 19 COVID-19 vaccine claims that are “eligible for compensation and the program is either waiting for documentation from the requester to determine benefits or benefits determination is in progress.”<sup>15</sup> Please clarify the difference in the reported number of CICP claims.
10. When did HRSA receive its first CICP claim regarding an alleged COVID-19 vaccine injury? When did HRSA receive its first CICP claim regarding an alleged COVID-19 vaccine death?
11. Of the three COVID-19 vaccine CICP claims that have received compensation as of April 2023, please provide the dates for when each claim was filed and the requested amount of compensation for each claim.<sup>16</sup>

Please provide this information as soon as possible but no later than May 4, 2023. Thank you for your attention to this matter.

Sincerely,



Ron Johnson  
Ranking Member  
Permanent Subcommittee on Investigations

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<sup>12</sup> “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

<sup>13</sup> Countermeasures Injury Compensation Program (CICP) Data, Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data>.

<sup>14</sup> *Id.*

<sup>15</sup> Table 3. CICP Claims Pending Compensation, Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data/table-3>.

<sup>16</sup> Table 4. CICP Claims Compensated (Fiscal Years 2010 – 2023), Health Resources and Services Administration, Apr. 2023, <https://www.hrsa.gov/cicp/cicp-data/table-4>.

April 20, 2023

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cc: The Honorable Richard Blumenthal  
Chairman  
Permanent Subcommittee on Investigations

The Honorable Christi A. Grimm  
Inspector General  
Department of Health and Human Services



June 23, 2023

The Honorable Ron Johnson  
Ranking Member  
Permanent Subcommittee on Investigations  
United States Senate  
Washington, DC 20510

Dear Ranking Member Johnson:

Thank you for your April 20, 2023, letter regarding the Health Resources and Services Administration's (HRSA) Countermeasures Injury Compensation Program (CICP or the Program). I am pleased to respond on behalf of the Secretary and Administrator Johnson.

More than 676 million COVID-19 vaccine doses have been administered in the United States, and alleged injuries remain rare. Individuals who believe that they may have been injured by a COVID-19 vaccine may file a CICP claim in order to be considered for compensation. As of June 1, 2023, 8,372 claims alleging injury related to COVID-19 vaccines have been filed with CICP. HRSA maintains detailed information regarding CICP claims on its website, which also includes user-friendly resources explaining how the Program works, the declarations that have been issued for medical countermeasures covered by the CICP, who may be eligible to file a claim, and how to request benefits, among other information.<sup>1</sup>

With respect to claims filed, CICP is committed to ensuring that all requesters have the opportunity to have their full circumstances reviewed. The criteria for compensation under the Public Readiness and Emergency Preparedness (PREP) Act require that the CICP determine the injury sustained was the direct result of the administration or use of a covered countermeasure. The PREP Act and associated declarations define covered countermeasures, which can include vaccines, medications, devices, or other items used to diagnose, mitigate, prevent, treat, or cure a pandemic or epidemic or to limit the harm such pandemic or epidemic might otherwise cause.<sup>2</sup> The CICP may make a determination that an injury was the direct result of administration or use of a covered countermeasure based only on compelling, reliable, valid, medical, and scientific evidence, as required by statute.<sup>3</sup>

Because the statutory evidence standard for eligibility for compensation is high, it is important for CICP to have the most complete and detailed medical records from requesters, so as to provide them with the opportunity for a full analysis of whether their claim meets this standard.

<sup>1</sup> <https://www.hrsa.gov/cicp/cicp-data>

<sup>2</sup> 42 U.S.C. § 247d-6d(i)(1) and (7).

<sup>3</sup> 42 U.S.C. § 247d-6e(b)(4) and (5)(A).

The Honorable Ron Johnson

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The Program actively works with requesters to ensure that all required records are submitted to the Program to help ensure a robust review, including by providing requesters with ample time to provide these materials.

The PREP Act requires that all other coverage such as health insurance or workers' compensation pay first, with the CICP as the payer of last resort. Additionally, the types of expenses eligible for compensation under the CICP are limited to out-of-pocket medical expenses, a percentage of lost employment income, and a death benefit for certain survivors. Individuals found medically eligible for compensation are required by statute to submit documentation to support their request for benefits.

Thank you again for your interest in the CICP. If you or your staff have any questions, please feel free to contact the Office of the Assistant Secretary for Legislation at (202) 690-7627.

Sincerely,

A handwritten signature in cursive script that reads "Melanie Anne Egorin".

Melanie Anne Egorin, PhD  
Assistant Secretary for Legislation