

Dear Congressman Dave Weldon,

My name is Sal Martingano, D.C., and I am one of your constituents. I would like to encourage your support of HR 3741, a bill to improve the National Vaccine Injury Compensation Program. This bill has the support of Republicans and Democrats alike, including Congressmen Burton, Waxman, Weldon, Nadler, and others.

HR 3741 is a crucial piece of legislation for a number of reasons. First of all, it corrects some of the problems with regard to the statute of limitations for filing claims in the program. Every state in the union has a tolling provision for minority, and many states have discovery rules. The NVICP does not. Under the NVICP, if a claim is not filed within three years of the onset of symptoms, it is too late. It does not matter that a child's parents do not know about the program until it is too late. It does not matter that a child's parents do not learn that vaccines caused their child's injuries until it is too late. The way the statute is currently written, Congress has said, "Tough luck. Go file a civil lawsuit." This was not what was intended when the statute was originally passed. Please support HR 3741 and change this injustice.

A second critical piece of HR 3741 is the provision which will allow for us to petition for interim fees and costs as we pursue our claim. We cannot afford to hire experts and do the things necessary to prove causation in our case without adequate resources and adequate representation. Most lawyers shun the system because they must wait years to be paid very modest fees, and they must wait years to be reimbursed for their costs. The attorneys who still work within the system have exhausted their resources, and they are only able to move cases forward if the clients can afford to pay the costs. This has resulted in a situation where the people who can afford to pay the costs of litigation are able to move cases through the system, while those who need help the most cannot afford to push their cases forward. Please support HR 3741 and change this injustice.

HR 3741 has some other benefits, such as providing counseling for families of vaccine victims and paying the costs of establishing guardianships. I implore you to support this bill and to work for its speedy passage. It is important to get a comparable bill introduced in the Senate as well. Thank you for anything you can do to help.

Sincerely,

Sal Martingano, D.C.