

June 16, 2026

VIA EMAIL

Jay Bhattacharya, MD, PhD
Acting Director, Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329
[REDACTED]

Re: *CDC Procurement of Pfizer and Moderna Covid-19 Vaccines (Contract Nos.: 75D30126D21001, 75D30126D21004, 75D30126D21003, 75D30126D21000)*

Dear Dr. Bhattacharya,

We write on behalf of ICAN, React19, and numerous others to express our deep concern and disappointment that CDC has agreed to purchase \$1.55 billion worth of pediatric and adult Covid-19 vaccines from Pfizer and Moderna, and to raise serious concern regarding a potential violation of federal law.¹

For the millions of Americans harmed by these products, this decision is deeply painful. Rather than directing resources towards treating those whose lives have been devastated, CDC has chosen to further enrich Pfizer and Moderna. The vaccine-injured deserve acknowledgement and care—not abandonment. The tens of thousands of individuals with serious injuries who have contacted our firm alone, and the over 40,000 members of just one group, React19,² with serious injuries represent real people whose suffering demands recognition. To allocate more than a billion and a half tax dollars to Pfizer and Moderna while offering those injured by their products nothing is a profound betrayal.

We struggle to comprehend how CDC's current leadership can continue to disregard, among others, the following established facts:

- CDC fought in court for over 2 years to prevent public disclosure of data which showed that over 7% of the 10 million V-safe users reported needing medical care after a Covid vaccine, on average 2 to 3 times each, with over 70% of those medical encounters resulting in hospitalization, emergency room visits, or urgent care.³

¹ Specifically, \$735.7 million for pediatric Pfizer (contract # 75D30126D21001), \$505.3 million for adult Pfizer (contract # 75D30126D21004), \$29.2 million for adult Moderna (contract # 75D30126D21003), and \$285 million for pediatric Moderna (contract # 75D30126D21000) Covid-19 vaccines FY26-27 Covid-19 Vaccines <https://sam.gov/workspace/contract/opp/ab3b1ada9fc34e05a0720007ff8e6a13/view>; <https://sam.gov/workspace/contract/opp/0377009585864cf58dbd7a3fe3f55414/view>; <https://sam.gov/workspace/contract/opp/b1e4b66586914d139880a395e5c7e05e/view>; <https://sam.gov/workspace/contract/opp/214b852615ee4e4bea66677f1f6d6adc4/view>.

² www.react19.org.

³ <https://icandecide.org/v-safe-data/>

- The fact that FDA fought for years to hide data, recently released, showing that when FDA adequately conducted empirical Bayesian analysis internally, it revealed significant safety signals that were hidden from the public.⁴
- In the clinical trial for Pfizer’s Covid-19 vaccine, there were 21 deaths in the vaccinated group and 17 deaths in the placebo group—meaning more deaths occurred in the vaccinated group—during the same time period, and where the placebo group contained more participants than the vaccinated group.⁵
- Those seriously injured by this product have been left without recourse because pharmaceutical companies have been granted complete immunity under the PREP Act, while the Countermeasure Injury Compensation Program (CICP) remains woefully underfunded and structurally designed to deny compensation (only 0.39% [56 of 14,152] of COVID-related CICP claims have been compensated, with an average payout, excluding three outliers, of a miserly \$5,052.57 per claimant)⁶—leaving the injured with nowhere to turn.
- Five years after assuring the world these products are safe, the manufacturers still require PREP Act immunity for the very harms they claim will not occur—an obvious contradiction that requires suspending reality and reason to believe.

Until PREP Act immunity is lifted and the full scope of harm is properly accounted for, the CDC should *not* direct over a billion and a half dollars to Pfizer and Moderna. These funds should instead be used to treat and compensate those who have already been seriously harmed—the people who have been waiting far too long for help. The people who the CDC assured this product was safe.

CDC should cancel these contracts on the basis that it would be the moral, ethical, and compassionate thing to do. But if it won’t do so on those bases then, in order to confirm these contracts do not violate federal law, and to avoid litigation, please confirm forthwith that the procurement contracts with Pfizer and Moderna were not in any manner related to the Vaccines for Children Program (VFC), and that absent Advisory Committee on Immunization Practices (ACIP) approval, they will not be part of this program.

As you are no doubt aware, absent approval from ACIP, the vaccines procured from Pfizer and Moderna pursuant to these contracts cannot be procured, distributed, or administered through the VFC, and any such conduct would be a clear violation of federal law.⁷ As provided in Section 1928 of the Social Security Act (42 U.S.C. § 1396s), the VFC mandates that only vaccines recommended by ACIP may be provided under the VFC. Specifically, 42 U.S.C. § 1396s(e)

⁴ <https://www.ronjohnson.senate.gov/wp-content/uploads/2026/05/Senate-PSI-Majority-Staff-Interim-Report-April-29-2026-FINAL.pdf>.

⁵ FDA, Summary Basis for Regulatory Action, Pfizer Comirnaty, <https://www.fda.gov/media/151733/download>.

⁶ <https://www.hrsa.gov/cicp/cicp-data>.

⁷ See, Section 1928 of the Social Security Act.

requires the Secretary to use “the list established (and periodically reviewed and as appropriate revised) by the Advisory Committee on Immunization Practices.”

Accordingly, unless and until ACIP affirmatively recommends these Covid-19 vaccines for the applicable pediatric populations, any distribution or administration of the vaccines procured under these contracts through the VFC would constitute a violation of Section 1928 and its implementing regulations.

Please confirm forthwith that the procurement contracts have been cancelled and that the funds will be reallocated to assist the vaccine injured. We hope, given your prior statements regarding these products, that you will take this approach. But if the moral and humane approach is not taken, at the very least please confirm forthwith that these procurement contracts are entirely unrelated to the VFC.

Very truly yours,

/s/ Aaron Siri

Aaron Siri, Esq.

Elizabeth A. Brehm, Esq.

SIRI & GLIMSTAD LLP

745 Fifth Avenue, Suite 500

New York, NY 10151

Main: (888) 747-4529

ebrehm@sirillp.com

Cc: Robert F. Kennedy Jr. - [REDACTED]