

Impact of recent public funding and policy changes on response to infectious disease outbreaks and public health emergencies

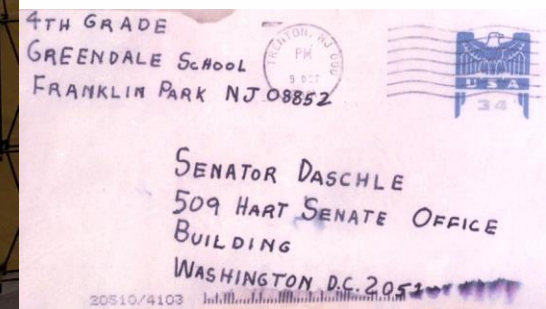
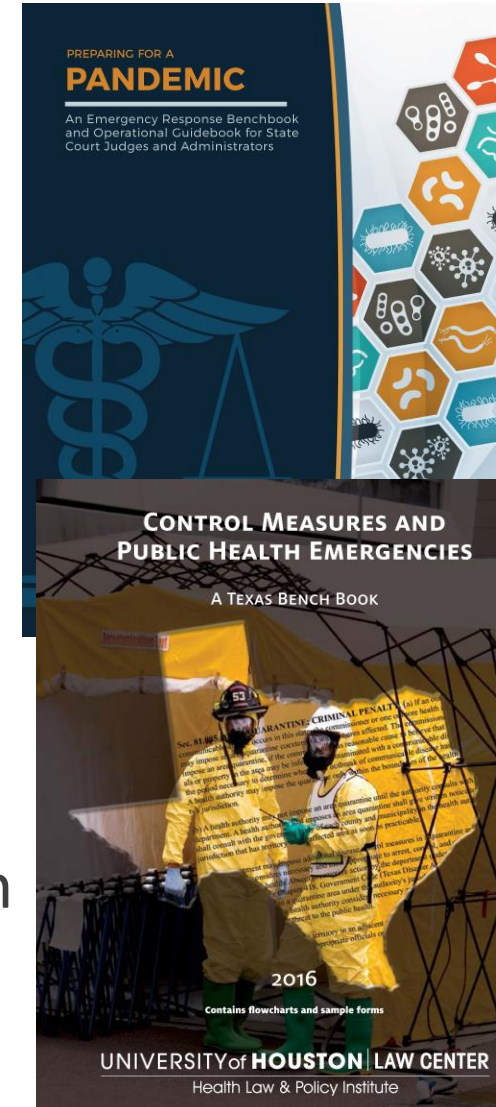
Vaccines

What is happening?

Allison Winnike, J.D.

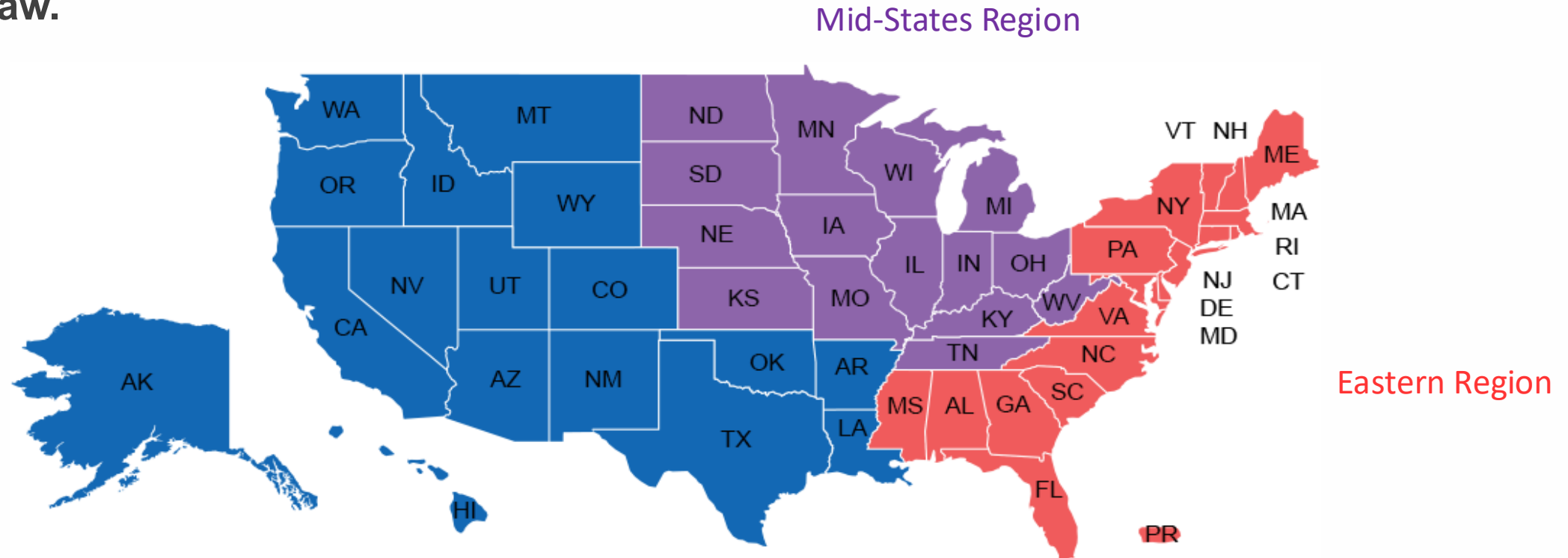
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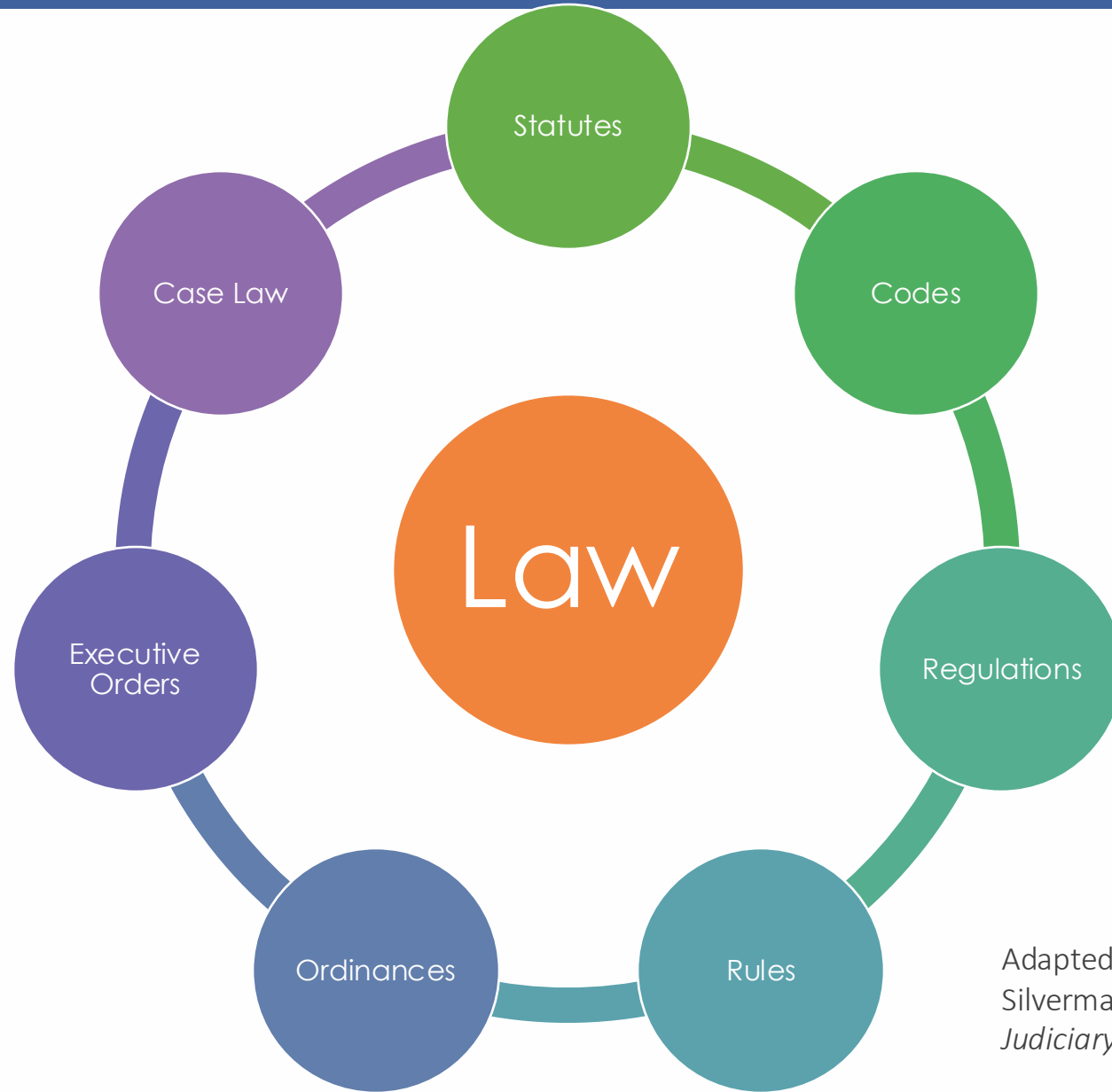
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Adapted with permission from Ross D. Silverman, *Public Health Law & Ethics for the Judiciary* (2015), on file with author. 6

Federal Executive Orders

- › Written directive from the president to federal executive agencies to take specific actions to implement federal statutes
- › Cannot override federal statutes passed by Congress



FAQ on Executive Orders

Act for Public Health

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Executive Orders & Public Health Practice: FAQs



DOGE Funding Cuts and Agency Restructuring

- › EO 14158: *Establishing and Implementing the President's "Department of Government Efficiency"*
- › EO 14210: *Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative*
- › EO 14222: *Implementing the President's "Department of Government Efficiency" Cost Efficiency Initiative*

Litigation: CDC's \$11.4 billion Claw Backs

- › *Colorado et al. v. HHS et al.*
 - › May 16th preliminary injunction on cuts to plaintiff states
- › *Harris County, Texas et al. v. Kennedy et al.*
 - › June 17th preliminary injunction on cuts to Harris County, Columbus, Nashville, and Kansas City, Missouri

State of Colorado et al. v. U.S. Department of Health and Human Services, et al., (1:25-cv-00121) D.R.I., (filed Apr. 1, 2025), <https://www.rid.uscourts.gov/state-colorado-et-al-v-us-department-health-and-human-services-et-al-25-cv-00121-msm-lda>;

Harris County, Texas et al. v. Robert F. Kennedy Jr. et al., (1:25-cv-01275) D.D.C. (filed Apr. 24, 2025), <https://www.courtlistener.com/docket/69940313/harris-county-texas-v-robert-f-kennedy-jr/>.

Litigation: HHS Reorganization

- › *New York et al. v. Kennedy et al.*
 - › July 1st preliminary injunction
- › *AFGE AFL-CIO et al. v. Trump et al.*
 - › May 9th temporary restraining order
 - › May 22nd preliminary injunction
 - › June 13th scope of injunctive relief order

State of New York et al. v. Robert F. Kennedy Jr. et al., (1:25-cv-00196) D.R.I. (filed May 5, 2025), <https://www.rid.uscourts.gov/state-new-york-et-al-v-kennedy-et-al-25-cv-00196-mrd-pas>;

Am. Fed'n Gov't Emp., AFL-CIO, et al., vs. Donald J. Trump, et al., (3:25-cv-03698) N.D. Cal. (filed Apr. 28, 2025), <https://www.courtlistener.com/docket/69961059/american-federation-of-government-employees-afl-cio-v-trump/>.

Cancelled NIH Grants for “Vaccine Hesitancy” and “COVID-related” Research

- › *APHA et al. vs. NIH et al.*
- › *Massachusetts et al. vs. Kennedy et al.*
- › August 21st Supreme Court 5-4 partial stay of District Court of Massachusetts orders
- › NIH may stop funding contested \$783 million grants until adjudicated in Court of Federal Claims

APHA et al. v. NIH et al., (1:25-cv-10787) D. Mass. (filed Apr. 2, 2025),

<https://www.courtlistener.com/docket/69835536/american-public-health-association-v-national-institutes-of-health/>;

Commonwealth of Massachusetts et al. v. Robert F. Kennedy Jr. et al., (1:25-cv-10814) D. Mass. (filed Apr. 4, 2025),

<https://www.courtlistener.com/docket/69843493/commonwealth-of-massachusetts-v-kennedy-jr/>.

Cancelled BARDA Contracts for mRNA Vaccine Research

- › \$766 million in H5N1 avian influenza mRNA vaccine research contracts to Moderna terminated on May 28th
- › \$500 million terminated on August 5th for 22 mRNA vaccine development investments
- › No new mRNA projects will be funded

Moderna Announces Update on Investigational Pandemic Influenza Program, Moderna (May 28, 2025), <https://feeds.issuereirect.com/news-release.html?newsid=5696979480296745>; HHS Winds Down mRNA Vaccine Development Under BARDA, HHS Press Office (Aug. 5, 2025), <https://www.hhs.gov/press-room/hhs-winds-down-mrna-development-under-barda.html>.

Entrenching Political Oversight Over Scientific Recommendations

- › EO 14332: *Improving Oversight of Federal Grantmaking*
 - › Grants must be reviewed by senior political appointees to ensure they “demonstrably advance the President's policy priorities.”
 - › Prohibits peer review recommendations from being “ministerially ratified” or “routinely deferred to.”

Federal Agency Roles

FDA

- Vaccine license approval
- Monitors safety & effectiveness

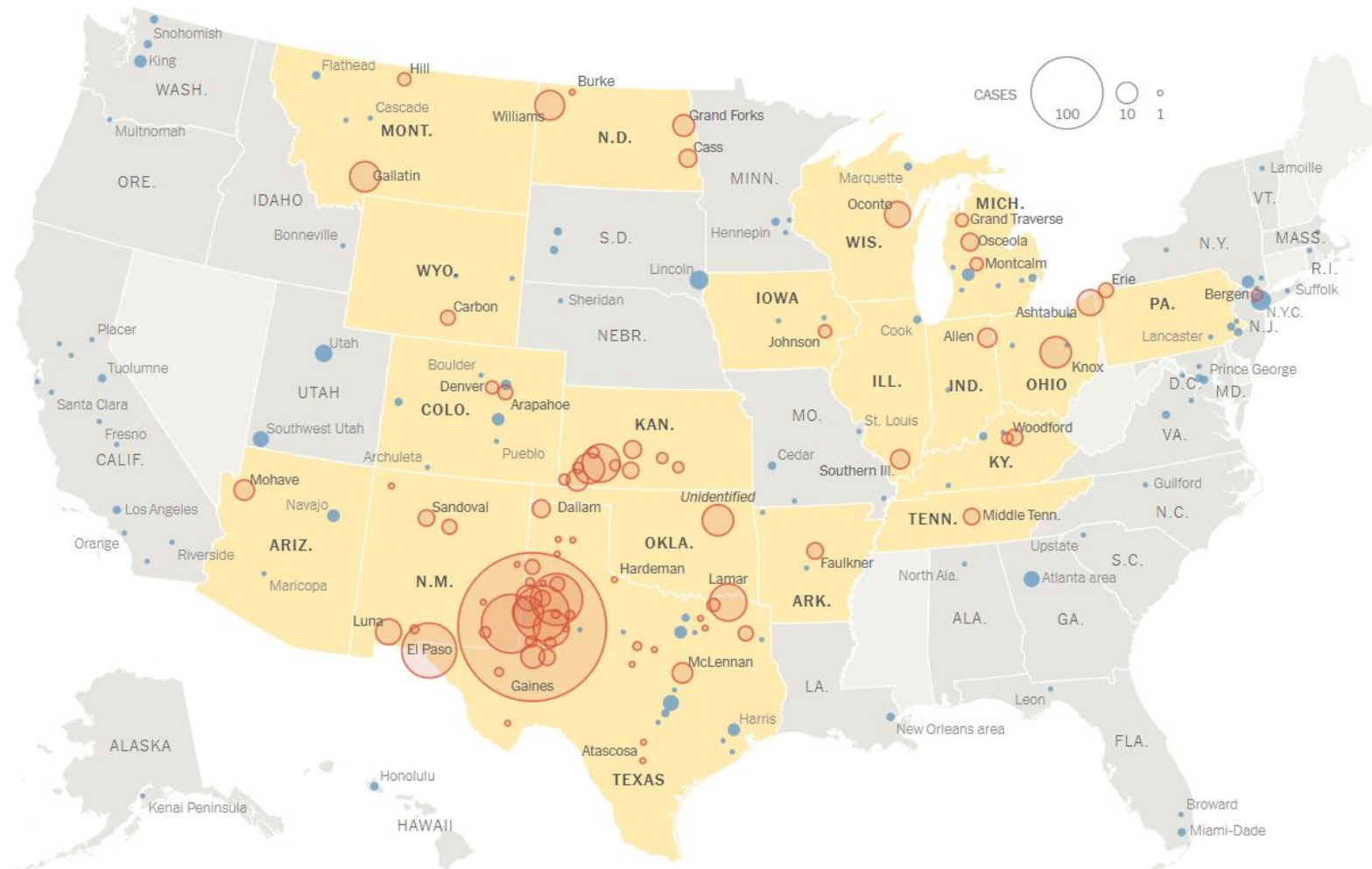
CDC

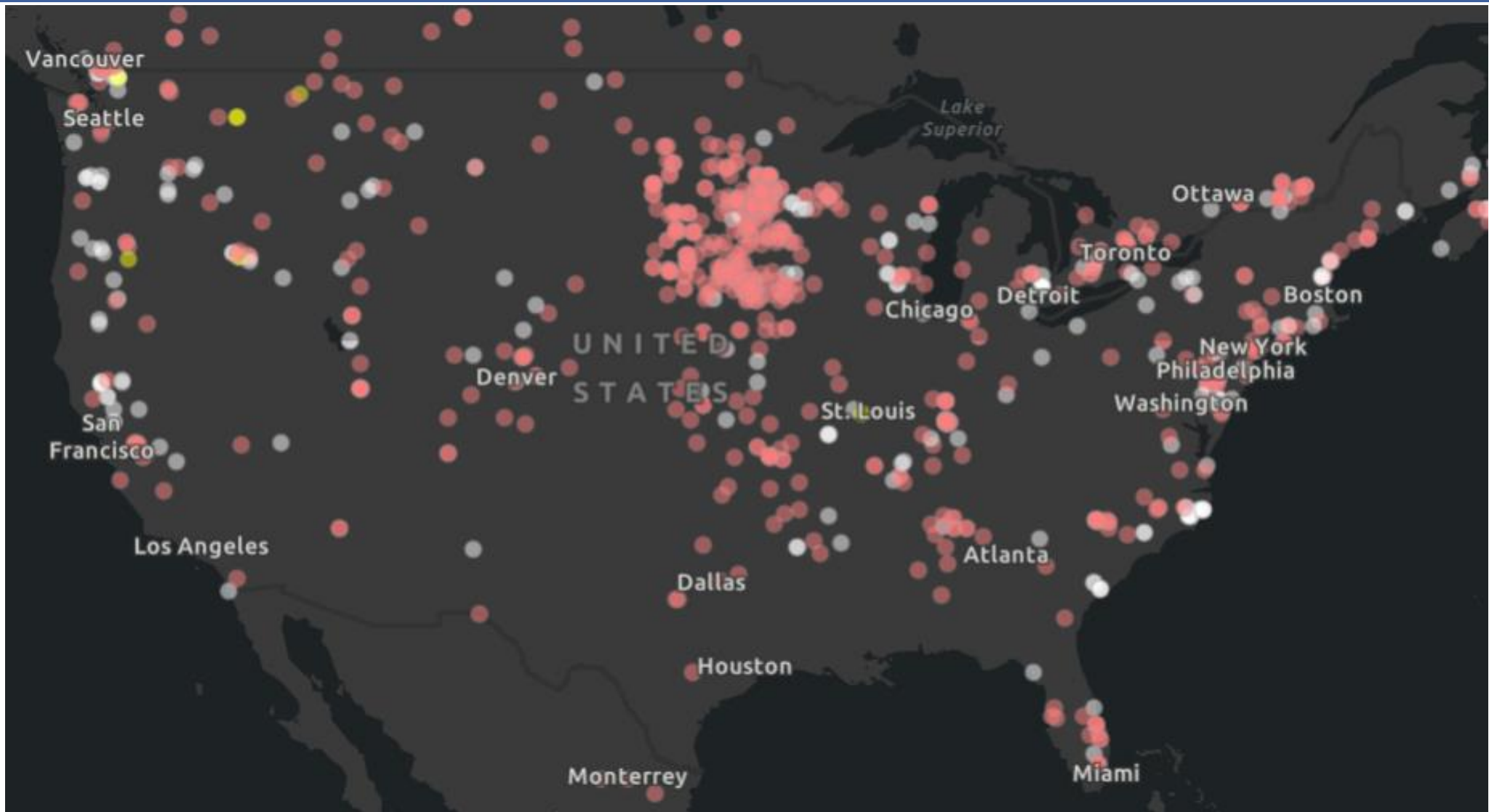
- Evidence-based* recommendations for use in age & risk groups

The New York Times

Measles cases by county in 2025

○ Outbreaks ● Isolated cases





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