

118TH CONGRESS  
2D SESSION

# H. R. 8202

To amend title 38, United States Code, to provide for a presumption of service-connection under the laws administered by the Secretary of Veterans Affairs for certain diseases associated with the COVID–19 vaccine that become manifest during the one-year period following the receipt of the vaccine, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2024

Mr. DAVIDSON (for himself, Mr. GRIFFITH, Mr. CRANE, Mr. WEBER of Texas, Mr. BISHOP of North Carolina, Mr. MOORE of Alabama, Mr. POSEY, Mr. NEHLS, Mr. MASSIE, Mrs. HARSHBARGER, Mr. BIGGS, Ms. GREENE of Georgia, Mr. ROSENDALE, Mr. STEUBE, Mr. MAST, Mr. BURLISON, Mrs. MILLER of Illinois, Mr. DUNN of Florida, Ms. BOEBERT, Mr. CAREY, Mr. FALLON, Mrs. LUNA, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 38, United States Code, to provide for a presumption of service-connection under the laws administered by the Secretary of Veterans Affairs for certain diseases associated with the COVID–19 vaccine that become manifest during the one-year period following the receipt of the vaccine, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Justice for Vaccine  
3 Injured Veterans Act of 2024”.

4 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) On August 24, 2021, Secretary of Defense  
7 Lloyd Austin issued a memorandum titled, “Manda-  
8 tory Coronavirus Disease 2019 Vaccination of De-  
9 partment of Defense Service Members”.

10 (2) This memorandum stated, “I therefore di-  
11 rect the Secretaries of the Military Departments to  
12 immediately begin full vaccination of all members of  
13 the Armed Forces under DoD authority on active  
14 duty or in the Ready Reserve, including the National  
15 Guard, who are not fully vaccinated against  
16 COVID–19”.

17 (3) In December 2022, the Department of De-  
18 fense reported that “98 percent of active duty serv-  
19 ice members and 96 percent of the total force have  
20 been vaccinated” from COVID–19.

21 (4) As a result of this memorandum, more than  
22 8,400 members of the Armed Forces were forced out  
23 of the military for refusing to get the COVID–19  
24 vaccine.

25 (5) On January 10, 2023, Secretary Austin was  
26 forced to rescind this memorandum as a requirement

1 of section 525 of the James M. Inhofe National De-  
2 fense Authorization Act for Fiscal Year 2023 (Pub-  
3 lic Law 117–263).

4 (b) SENSE OF CONGRESS.—It is the sense of Con-  
5 gress that the actions referred to in subsection (a) that  
6 were taken by the Department of Defense under the Biden  
7 administration caused irreparable harm to the health and  
8 readiness of the United States Armed Forces.

9 **SEC. 3. DEPARTMENT OF VETERANS AFFAIRS PRESUMP-**  
10 **TION OF SERVICE-CONNECTION FOR CER-**  
11 **TAIN DISEASES ASSOCIATED WITH COVID-19**  
12 **VACCINE.**

13 (a) IN GENERAL.—Subchapter II of chapter 11 of  
14 title 38, United States Code, is amended by adding at the  
15 end the following new section:

16 **“§ 1120A. Presumption of service-connection for cer-**  
17 **tain diseases associated with COVID-19**  
18 **vaccine**

19 “(a) IN GENERAL.—For the purposes of section 1110  
20 of this title, and subject to section 1113 of this title, a  
21 disease specified in subsection (b) becoming manifest in  
22 a member of the Armed Forces who, during the period  
23 beginning on August 24, 2021, and ending on January  
24 10, 2023, received a COVID–19 vaccine under orders shall  
25 be considered to have been incurred in or aggravated dur-

1 ing active military, naval, air, or space service, notwith-  
2 standing that there is no record of evidence of such disease  
3 during the period of such service.

4 “(b) COVERED DISEASES.—The diseases specified in  
5 this subsection are the following:

6 “(1) Myocarditis.

7 “(2) Pericarditis.

8 “(3) Thrombosis with thrombocytopenia syn-  
9 drome.

10 “(4) Guillian-Barre Syndrome.

11 “(5) Any other disease for which the Secretary  
12 determines that a presumption of service connection  
13 is warranted based on a positive association with the  
14 COVID–19 vaccine.

15 “(c) CONGRESSIONAL NOTICE REQUIREMENT.—If  
16 the Secretary determines that an additional disease should  
17 be specified pursuant to subsection (b)(4), the Secretary  
18 shall submit to the Committees on Veterans Affairs’ of  
19 the Senate and the House of Representatives notice of  
20 such determination.

21 “(d) REPORT.—Not later than 60 days after the date  
22 of enactment of the Justice for Vaccine Injured Veterans  
23 Act of 2024, and every 60 days thereafter for the subse-  
24 quent four year-period, the Secretary shall submit to the  
25 Committees of Veterans’ Affairs of the Senate and the

1 House of Representatives a report that contains each of  
2 the following:

3 “(1) The total number of claims for compensa-  
4 tion under this chapter related to a disease associ-  
5 ated with the COVID–19 vaccine.

6 “(2) The status of each such claim,  
7 disaggregated by—

8 “(A) the number of claims that were ap-  
9 proved;

10 “(B) the number of claims that were de-  
11 nied and for which the claimant took no further  
12 action;

13 “(C) the number of claims that were de-  
14 nied and for which the claimant filed a supple-  
15 mental claim;

16 “(D) the number of claims that were de-  
17 nied and for which the claimant requested a  
18 higher level review; and

19 “(E) the number of claims that were de-  
20 nied and for which the claimant filed an appeal  
21 to the Board of Veterans’ Appeals.

22 “(3) The total number of such claims that, as  
23 of the date of the submission of the report, had been  
24 submitted but were pending a decision.

1       “(e) PUBLIC ACCESS TO REPORTS.—The Secretary  
2 shall make each report required by subsection (d) publicly  
3 available, including by making publicly available on an ap-  
4 propriate website of the Department each such report to-  
5 gether with such additional information or comments as  
6 the Secretary considers appropriate to provide context for  
7 the report.

8       “(f) COVID–19 VACCINE DEFINED.—In this section,  
9 the term ‘COVID–19 vaccine’ means vaccine licensed  
10 under section 351 of the Public Health Service Act (42  
11 U.S.C. 262) or authorized for emergency use under sec-  
12 tion 564 of the Federal Food, Drug, and Cosmetic Act  
13 (21 U.S.C. 360bbb–3) for immunization against the virus  
14 responsible for COVID–19.”.

15       (b) CLERICAL AMENDMENT.—The table of sections  
16 at the beginning of such chapter is amended by inserting  
17 after the item relating to section 1120 the following new  
18 item:

“3320A. Presumption of service-connection for certain diseases associated with  
COVID–19 vaccine.”.

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