

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. DAVIDSON OF OHIO

At the end of subtitle C of title XVII, insert the following:

1 **SEC. 17__ . DEPARTMENT OF VETERANS AFFAIRS PRE-**
2 **SUMPTION OF SERVICE CONNECTION FOR**
3 **CERTAIN DISEASES ASSOCIATED WITH**
4 **COVID-19 VACCINE.**

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

8 **“§ 1120A. Presumption of service connection for cer-**
9 **tain diseases associated with COVID-19**
10 **vaccine**

11 “(a) IN GENERAL.—For the purposes of section 1110
12 of this title, and subject to section 1113 of this title, a
13 disease specified in subsection (b) becoming manifest in
14 a member of the Armed Forces who, during the period
15 beginning on August 24, 2021, and ending on January
16 10, 2023, received a COVID-19 vaccine under orders shall
17 be considered to have been incurred in or aggravated dur-
18 ing active military, naval, air, or space service, notwith-

1 standing that there is no record of evidence of such disease
2 during the period of such service.

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

5 “(1) Myocarditis.

6 “(2) Pericarditis.

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

9 “(4) Guillian-Barre Syndrome.

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

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

20 “(d) REPORT.—Not later than 60 days after the date
21 of enactment of this section, and every 60 days thereafter
22 for the subsequent four years-year period, the Secretary
23 shall submit to the Committees of Veterans’ Affairs of the
24 Senate and House of Representatives a report that con-
25 tains each of the following:

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

4 “(2) The status of each such claim,
5 disaggregated by—

6 “(A) the number of claims that were ap-
7 proved;

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

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

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

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

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

23 “(e) PUBLIC ACCESS TO REPORTS.—The Secretary
24 shall make each report required by subsection (d) publicly
25 available, including by making publicly available on an ap-

1 appropriate website of the Department each such report to-
2 gether with such additional information or comments as
3 the Secretary considers appropriate to provide context for
4 the report.

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

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

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

