

119TH CONGRESS
1ST SESSION

H. R. 5865

To establish the Thalidomide Survivors Compensation Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2025

Mr. VAN DREW introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Energy and Commerce, Natural Resources, Agriculture, Education and Workforce, Financial Services, Transportation and Infrastructure, and Veterans' Affairs, 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

A BILL

To establish the Thalidomide Survivors Compensation Program, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Thalidomide Survivors
5 Compensation Act of 2025”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

1 (1) Thalidomide caused an estimated more than
2 10,000 birth defects and deaths worldwide during
3 the 1950s and 1960s.

4 (2) Thalidomide exposure in utero is known to
5 cause limb deformities and internal organ malforma-
6 tions.

7 (3) Although not formally approved in the
8 United States, approximately 5 million thalidomide
9 samples were distributed by over 1,200 physicians
10 through informal clinical trials.

11 (4) The number of U.S. individuals affected re-
12 mains undocumented, but research estimates ap-
13 proximately 100 thalidomide survivors are still living
14 in the United States.

15 (5) U.S. thalidomide survivors have faced dec-
16 ades of unreimbursed medical costs, limited accessi-
17 bility accommodations, and lack of formal diagnosis
18 recognition.

19 (6) 46 countries currently provide compensation
20 or medical assistance to thalidomide survivors, in-
21 cluding direct payments, pensions, and adaptive liv-
22 ing support.

23 (b) PURPOSE.—The purpose of this Act is to allow
24 our thalidomide survivors the ability to live the remainder
25 of their lives with independence and dignity.

1 **SEC. 3. THALIDOMIDE SURVIVORS COMPENSATION PRO-**
2 **GRAM.**

3 (a) ESTABLISHMENT OF PROGRAM.—Not later than
4 1 year after the date of enactment of this Act, the Sec-
5 retary of Health and Human Services (in this section re-
6 ferred to as the “Secretary”) shall establish a program
7 to be known as the Thalidomide Survivors Compensation
8 Program (in this section referred to as the “Program”)
9 for the purpose of providing compensation to individuals
10 injured by exposure to thalidomide.

11 (b) PETITIONS.—Subject to subsection (c), to receive
12 compensation under the Program, an individual shall sub-
13 mit to the Secretary a petition at such time, in such man-
14 ner, and containing such information as the Secretary may
15 require, which shall include documentation from a physi-
16 cian or other health professional showing that—

17 (1) the individual was exposed to thalidomide;
18 and

19 (2) the individual suffered injury as a result of
20 such exposure.

21 (c) LIMITATIONS.—

22 (1) DEADLINE FOR PETITIONS.—No petition
23 may be submitted under the Program after May 31,
24 2034.

1 (2) 1 PETITION PER INDIVIDUAL.—No indi-
2 vidual may submit more than 1 petition under the
3 Program.

4 (3) EXCLUSIVE TO AMERICAN CITIZENS, PER-
5 MANENT RESIDENTS.—No petition may be sub-
6 mitted under the Program by an individual who—

7 (A) is not an American citizen or perma-
8 nent resident at the time of such submission; or

9 (B) was not an American citizen or perma-
10 nent resident at the time of the individual's ex-
11 posure to thalidomide on which the petition is
12 based.

13 (d) COMPENSATION.—

14 (1) IN GENERAL.—For any petition for which
15 the expert panel described in paragraph (2) deter-
16 mines that the individual was exposed to thalidomide
17 and suffered injury as a result of such exposure, the
18 Secretary shall pay the individual \$150,000.

19 (2) EXPERT PANEL.—The expert panel de-
20 scribed in this paragraph is a panel of legal, medical,
21 and thalidomide experts and survivors, to be ap-
22 pointed by the Secretary for the purpose of review-
23 ing petitions under the Program.

24 (e) TREATMENT OF PAYMENTS RECEIVED FOR
25 MEANS-TESTED WELFARE PROGRAMS.—Compensation

1 provided under this section to an individual may not be
2 considered for the purpose of calculating such individual's
3 income or assets under any means-tested welfare program.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—For the
5 purpose of carrying out this section, there are authorized
6 to be appropriated to the Secretary, for each of fiscal years
7 2028 through 2034, such sums as the Secretary certifies
8 are necessary to carry out this section for each such fiscal
9 year.

10 **SEC. 4. ANNUAL REVIEW OF PROGRAM.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 establishment of the Thalidomide Survivors Compensation
13 Program under section 3, and annually thereafter, the
14 Secretary of Health and Human Services (in this section
15 referred to as the “Secretary”) shall conduct a comprehen-
16 sive review of all compensation provided under the Pro-
17 gram.

18 (b) CONGRESSIONAL REPORTS.—Not later than 60
19 days after the completion of each review under subsection
20 (a), the Secretary shall make publicly available and submit
21 to Congress a report, which shall include—

22 (1) an evaluation of whether the objectives of
23 this Act are being met;

24 (2) recommendations for modifications, im-
25 provements, support, compensation, or expansions to

1 better serve thalidomide survivors in the United
2 States;

3 (3) a detailed accounting of funds appropriated
4 and expended pursuant to this Act;

5 (4) the number of individuals receiving com-
6 pensation under this Act;

7 (5) an evaluation of the adequacy of the com-
8 pensation under the Thalidomide Survivors Com-
9 pensation Program to meet the medical and other
10 needs of thalidomide survivors;

11 (6) any recommendations for adjustments to
12 amounts appropriated to carry out this Act; and

13 (7) a summary of the feedback and satisfaction
14 of individuals receiving compensation under this Act.

15 **SEC. 5. ADDITIONAL COMPENSATION.**

16 (a) IN GENERAL.—Subject to the availability of ap-
17 propriations following an annual review under section 4,
18 the Secretary of Health and Human Services may pay to
19 individuals who received compensation under the Thalido-
20 mide Survivors Compensation Program established under
21 section 3 such additional compensation, as the Secretary
22 determines appropriate, to meet the ongoing medical or
23 other needs of such individuals.

24 (b) TREATMENT OF PAYMENTS RECEIVED FOR
25 MEANS-TESTED WELFARE PROGRAMS.—Compensation

1 provided under this section to an individual may not be
 2 considered for the purpose of calculating such individual's
 3 income or assets under any means-tested welfare program.

4 **SEC. 6. COMPENSATION UNDER THALIDOMIDE SURVIVORS**
 5 **COMPENSATION PROGRAM EXCLUDABLE**
 6 **FROM INCOME TAX.**

7 (a) IN GENERAL.—Part III of subchapter B of chap-
 8 ter 1 of the Internal Revenue Code of 1986 is amended
 9 by inserting after section 139L the following new section:
 10 **“SEC. 139M. COMPENSATION UNDER THE THALIDOMIDE**
 11 **SURVIVORS COMPENSATION PROGRAM.**

12 “Gross income shall not include compensation re-
 13 ceived by an individual under the Thalidomide Survivors
 14 Compensation Act of 2025.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 for part III of subchapter B of chapter 1 of such Code
 17 is amended by inserting after the item relating to section
 18 139L the following new item:

“Sec. 139M. Compensation under the Thalidomide Survivors Compensation
 Program.”.

19 (c) EFFECTIVE DATE.—The amendments made by
 20 this section shall apply to amounts received after the date
 21 of enactment of this Act, in taxable years ending after
 22 such date.

1 **SEC. 7. DEFINITION OF MEANS-TESTED WELFARE PRO-**
2 **GRAM.**

3 (a) MEANS-TESTED WELFARE PROGRAM.—In this
4 Act, the term “means-tested welfare program”—

5 (1) means any Federal program that is de-
6 signed to specifically provide assistance or benefits
7 exclusively to low-income Americans; and

8 (2) includes community and economic develop-
9 ment programs targeted to low-income communities
10 or populations.

11 (b) PROGRAMS INCLUDED.—For purposes of sub-
12 section (a), the following Federal programs shall be con-
13 sidered means-tested welfare programs:

14 (1) CASH AND GENERAL ASSISTANCE.—

15 (A) The Supplemental Security Income
16 program under title XVI of the Social Security
17 Act.

18 (B) The earned income tax credit deter-
19 mined under section 32 of the Internal Revenue
20 Code of 1986.

21 (C) The refundable portion of the child tax
22 credit determined under section 24 of the Inter-
23 nal Revenue Code of 1986.

24 (D) The program of block grants to States
25 for temporary assistance for needy families

1 under part A of title IV of the Social Security
2 Act.

3 (E) The foster care and adoption assist-
4 ance program under part E of title IV of the
5 Social Security Act.

6 (F) General Assistance to Indians.

7 (G) The programs operated under the As-
8 sets for Independence Act.

9 (2) MEDICAL.—

10 (A) The Medicare program under title
11 XVIII of the Social Security Act (42 U.S.C.
12 1395 et seq.).

13 (B) The Medicaid program under title XIX
14 of the Social Security Act.

15 (C) The State Children's Health Insurance
16 Program under title XXI of the Social Security
17 Act.

18 (D) Health programs operated by the In-
19 dian Health Service, Indian tribes, tribal orga-
20 nizations, and Urban Indian organizations (as
21 those terms are defined in section 4 of the In-
22 dian Health Care Improvement Act (25 U.S.C.
23 1603)).

1 (E) The health center programs under sec-
2 tion 330 of the Public Health Service Act (42
3 U.S.C. 254b).

4 (F) The Maternal and Child Health Serv-
5 ices Block Grant program under title V of the
6 Social Security Act (42 U.S.C. 701 et seq.).

7 (G) The Healthy Start Initiative under
8 section 330H of the Public Health Service Act
9 (42 U.S.C. 254c–8).

10 (H) Premium tax credits and cost sharing
11 reductions available pursuant to the Patient
12 Protection and Affordable Health Care Act
13 (PPACA) and the amendments made by such
14 Act.

15 (3) FOOD.—

16 (A) The supplemental nutrition assistance
17 program under the Food and Nutrition Act of
18 2008 (7 U.S.C. 2011 et seq.).

19 (B) The school lunch program under the
20 Richard B. Russell National School Lunch Act
21 (42 U.S.C. 1751 et seq.).

22 (C) The special supplemental nutrition
23 program for women, infants, and children under
24 section 17 of the Child Nutrition Act (42
25 U.S.C. 1786).

1 (D) The school breakfast program under
2 section 4 of the Child Nutrition Act of 1966
3 (42 U.S.C. 1773).

4 (E) The child and adult care food program
5 under section 17 of the Richard B. Russell Na-
6 tional School Lunch Act (42 U.S.C. 1766).

7 (F) The nutrition services programs under
8 the Older Americans Act of 1965 (42 U.S.C.
9 3001 et seq.).

10 (G) The summer food service program for
11 children under section 13 of the Richard B.
12 Russell National School Lunch Act (42 U.S.C.
13 1761).

14 (H) The commodity supplemental food
15 program under section 4 of the Agriculture and
16 Consumer Protection Act of 1973 (7 U.S.C.
17 612c note).

18 (I) Commodity distribution programs
19 under the Emergency Food Assistance Act of
20 1983 (7 U.S.C. 7501 et seq.).

21 (J) The seniors farmers' market nutrition
22 program under section 3007 of Public Law
23 107–171 (7 U.S.C. 3007).

1 (K) The special milk program established
2 under section 3 of the Child Nutrition Act of
3 1966 (42 U.S.C. 1772).

4 (4) HOUSING.—

5 (A) The rental assistance program under
6 section 8 of the United States Housing Act of
7 1937 (42 U.S.C. 1437f).

8 (B) The public housing program under
9 title I of the United States Housing Act of
10 1937 (42 U.S.C. 1437 et seq.).

11 (C) The Home Investment Partnerships
12 Program under title II of the Cranston-Gon-
13 zalez National Affordable Housing Act (42
14 U.S.C. 12721 et seq.).

15 (D) The programs for homeless assistance
16 under title IV of the McKinney-Vento Homeless
17 Assistance Act (42 U.S.C. 11360 et seq.).

18 (E) The rural housing programs under
19 title V of the Housing Act of 1949 (42 U.S.C.
20 1471 et seq.).

21 (F) The program for supportive housing
22 for elderly persons under section 202 of the
23 Housing Act of 1959 (12 U.S.C. 1701q).

24 (G) The program for Native American
25 housing block grants under the Native Amer-

1 ican Housing Assistance and Self-Determina-
2 tion Act of 1996 (25 U.S.C. 4101 et seq.).

3 (H) The program for supportive housing
4 for persons with disabilities under section 811
5 of the Cranston-Gonzalez National Affordable
6 Housing Act (42 U.S.C. 8013).

7 (5) ENERGY AND UTILITIES.—

8 (A) Low-income home energy assistance
9 under the Low-Income Home Energy Assist-
10 ance Act of 1981 (42 U.S.C. 8621 et seq.).

11 (B) The Lifeline Assistance Program of
12 the Federal Communications Commission and
13 the Tribal Link Up assistance program defined
14 in section 54.413 of title 47, Code of Federal
15 Regulations.

16 (C) Weatherization assistance for low-in-
17 come persons under part A of title IV of the
18 Energy Conservation and Production Act (42
19 U.S.C. 6861 et seq.).

20 (6) EDUCATION.—

21 (A) Federal Pell Grants under subpart 1
22 of part IV of the Higher Education Act of 1965
23 (20 U.S.C. 1070a et seq.).

24 (B) Grants for improving basic programs
25 operated by local educational agencies under

1 part A of title I of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 6311
3 et seq.).

4 (C) Federal TRIO programs under chapter
5 1 of subpart 2 of title IV of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1070a–11 et
7 seq.).

8 (D) Federal supplemental educational op-
9 portunity grants under subpart 3 of part A of
10 title IV the Higher Education Act of 1965 (20
11 U.S.C. 1070b et seq.).

12 (E) Programs for the education of migra-
13 tory children under part C of title 1 of the Ele-
14 mentary and Secondary Education Act of 1965
15 (20 U.S.C. 6391 et seq.).

16 (F) Gaining early awareness and readiness
17 for undergraduate programs under chapter 2 of
18 subpart 2 of part A of title IV of the Higher
19 Education Act of 1965 (20 U.S.C. 1070a–21 et
20 seq.).

21 (G) The education for homeless children
22 and youth program under subtitle B of title VII
23 of the McKinney-Vento Homeless Assistance
24 Act (42 U.S.C. 11431 et seq.).

1 (H) The leveraging educational assistance
2 partnership program of subpart 4 of part A of
3 title IV the Higher Education Act of 1965 (20
4 U.S.C. 1070e et seq.).

5 (7) TRAINING.—

6 (A) Job Corps under subtitle C of title I
7 of the Workforce Innovation and Opportunity
8 Act (29 U.S.C. 3191 et seq.).

9 (B) Adult employment and training activi-
10 ties under title I of the Workforce Innovation
11 and Opportunity Act (20 U.S.C. 3101 et seq.).

12 (C) Senior community service employment
13 programs under title V of the Older Americans
14 Act of 1965 (42 U.S.C. 3056 et seq.).

15 (D) Employment and training programs
16 under the Food and Nutrition Act of 2008 (7
17 U.S.C. 2011 et seq.).

18 (E) Migrant and seasonal farmworker pro-
19 grams under section 167 of the Workforce In-
20 novation and Opportunity Act (29 U.S.C.
21 3222).

22 (F) The YouthBuild Program under sec-
23 tion 171 of the Workforce Innovation and Op-
24 portunity Act (29 U.S.C. 3226).

1 (G) Native American Programs under sec-
2 tion 166 of the Workforce Innovation and Op-
3 portunity Act (29 U.S.C. 3221).

4 (8) SERVICES.—

5 (A) The Social Services Block Grant pro-
6 gram under title XX of the Social Security Act.

7 (B) Programs under the Community Serv-
8 ices Block Grant Act of 1981 (42 U.S.C. 9901
9 et seq.).

10 (C) Services for aliens admitted to the
11 United States as refugees or granted asylum in
12 the United States, and other special populations
13 of aliens.

14 (D) State and community programs on
15 aging that receive Federal funds.

16 (E) Legal Services Corporation.

17 (F) Family planning services under title X
18 of the Public Health Service Act (42 U.S.C.
19 300 et seq.).

20 (G) The Emergency Food and Shelter Pro-
21 gram for homeless persons under title III of the
22 McKinney-Vento Homeless Assistance Act (42
23 U.S.C. 11331 et seq.).

24 (H) The AmeriCorps VISTA program
25 under subtitle C of title I of the National and

1 Community Service Act of 1990 (42 U.S.C.
2 12571 et seq.).

3 (9) CHILD CARE AND CHILD DEVELOPMENT.—

4 (A) Head Start programs and Early Head
5 Start programs under the Head Start Act (42
6 U.S.C. 9831 et seq.).

7 (B) Programs under the Child Care and
8 Development Block Grant Act of 1990 (42
9 U.S.C. 9858 et seq.).

10 (10) COMMUNITY DEVELOPMENT.—

11 (A) The Community Development Block
12 Grant Program under title I of the Housing
13 and Community Development Act of 1974 (42
14 U.S.C. 5301 et seq.).

15 (B) Programs administered by the Eco-
16 nomic Development Administration under the
17 Public Works and Economic Development Act
18 of 1965 (42 U.S.C. 3121 et seq.).

19 (C) Programs administered by the Appa-
20 lachian Regional Commission under subtitle IV
21 of title 40, United States Code.

22 (D) Empowerment zones and enterprise
23 communities under subchapter U, and renewal
24 communities under subchapter X, of the Inter-
25 nal Revenue Code of 1986.

1 (11) VETERANS PROGRAMS.—A program de-
2 signed exclusively or primarily to provide to an indi-
3 vidual benefits under title 38, United States Code,
4 or other provisions of law administered by the Sec-
5 retary of Veterans Affairs.

6 (12) UNEMPLOYMENT COMPENSATION PRO-
7 GRAMS.—A program that provides for the receipt of
8 “regular compensation”, “extended compensation”,
9 or “additional compensation” (as such terms are de-
10 fined by section 205 of the Federal-State Extended
11 Unemployment Compensation Act (26 U.S.C. 3304
12 note)).

13 (13) SOCIAL SECURITY.—The Old-Age, Sur-
14 vivors, and Disability Insurance Benefit program
15 under title II of the Social Security Act (42 U.S.C.
16 401 et seq.).

17 (c) SPECIAL RULES.—

18 (1)(A) For purposes of subsection (a), only the
19 refundable portion of the following tax credits shall
20 be considered means-tested welfare programs:

21 (i) The earned income tax credit under sec-
22 tion 32 of the Internal Revenue Code of 1986.

23 (ii) The child tax credit under section
24 24(d) of the Internal Revenue Code of 1986.

1 (B) For purposes of subsection (a), only the re-
2 fundable portion of the premium and out-of-pocket
3 health care subsidies to be paid under the Patient
4 Protection and Affordable Health Care Act shall be
5 considered a means-tested welfare program.

6 (C) For purposes of this paragraph, the term
7 “refundable portion” means the portion of the credit
8 which is paid to an individual in excess of the
9 amount of Federal income tax owed by the indi-
10 vidual.

11 (2) For purposes of subsection (a), only the
12 costs of the free and reduced price segments of the
13 school lunch and school breakfast programs shall be
14 considered means-tested welfare programs.

15 (d) EXCLUSION OF CERTAIN STATE AND LOCAL EX-
16 PENDITURES.—For purposes of subsection (a), expendi-
17 tures by State and local governments of funds that are—

18 (1) obtained by the State and local government
19 from taxes, fees, or other sources of revenue estab-
20 lished by the State or local government; and

21 (2) not received as any form of grant from the
22 Federal Government,
23 shall not be considered means-tested welfare programs,
24 without regard to whether the State and local expenditures

- 1 take the form of contributions to a Federal program de-
- 2 scribed in subsection (a) or listed in subsection (b).

○