

that the veteran was not exposed to the agent, hazard, or medicine or vaccine by reason of such service.

(4) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness include the signs and symptoms listed in section 1117(g) of this title.

(b) The Secretary shall ensure that any determination made on or after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 regarding a presumption of service connection based on a toxic exposure under this section is made pursuant to subchapter VII of this chapter.

(Added Pub. L. 105-277, div. C, title XVI, §1602(a)(1), Oct. 21, 1998, 112 Stat. 2681-742; amended Pub. L. 107-103, title II, §202(b)(2), (d)(1), Dec. 27, 2001, 115 Stat. 989; Pub. L. 117-168, title II, §202(d)(3), Aug. 10, 2022, 136 Stat. 1775.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, referred to in subsec. (b), is the date of enactment of Pub. L. 117-168, which was approved Aug. 10, 2022.

AMENDMENTS

2022—Subsecs. (b) to (e). Pub. L. 117-168 added subsec. (b) and struck out former subsecs. (b) to (e) which related to determinations of presumptions of service connection between illnesses and exposure to toxic agents during the Persian Gulf War.

2001—Subsec. (a)(4). Pub. L. 107-103, §202(b)(2), added par. (4).

Subsec. (e). Pub. L. 107-103, §202(d)(1), substituted “on September 30, 2011” for “10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 1603 of the Persian Gulf War Veterans Act of 1998”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 202(b)(2) of Pub. L. 107-103 effective Mar. 1, 2002, see section 202(c) of Pub. L. 107-103, set out as a note under section 1117 of this title.

§ 1119. Presumptions of toxic exposure

(a) CONSIDERATION OF RECORDS.—If a veteran submits to the Secretary a claim for compensation for a service-connected disability under section 1110 of this title with evidence of a disability and a toxic exposure that occurred during active military, naval, air, or space service, the Secretary may, in adjudicating such claim, consider—

(1) any record of the veteran in an exposure tracking record system; and

(2) if no record of the veteran in an exposure tracking record system indicates that the veteran was subject to a toxic exposure during active military, naval, air, or space service, the totality of the circumstances of the service of the veteran.

(b) PRESUMPTION OF SPECIFIC TOXIC EXPOSURE FOR MEMBERS WHO SERVED IN CERTAIN LOCATIONS.—(1) The Secretary shall, for purposes of

section 1110 and chapter 17 of this title, presume that any covered veteran was exposed to the substances, chemicals, and airborne hazards identified in the list under paragraph (2) during the service of the covered veteran specified in subsection (c)(1), unless there is affirmative evidence to establish that the covered veteran was not exposed to any such substances, chemicals, or hazards in connection with such service.

(2) The Secretary shall—

(A) establish and maintain a list that contains an identification of one or more such substances, chemicals, and airborne hazards as the Secretary, in collaboration with the Secretary of Defense, may determine appropriate for purposes of this section; and

(B) determine, using procedures consistent with section 1172 of this title and through the conduct of a formal evaluation under section 1173 of this title, whether to establish an end date for a covered veteran to qualify for presumptions of exposure under this section, if appropriate, but in no case establish an end date earlier than the last day of the period specified in section 101(33) for the Persian Gulf War.

(3) Beginning not later than two years after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, and not less frequently than once every two years thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report identifying any additions or removals to the list under paragraph (2) during the period covered by the report.

(c) DEFINITIONS.—In this section:

(1) The term “covered veteran” means any veteran who—

(A) on or after August 2, 1990, performed active military, naval, air, or space service while assigned to a duty station in, including airspace above—

- (i) Bahrain;
- (ii) Iraq;
- (iii) Kuwait;
- (iv) Oman;
- (v) Qatar;
- (vi) Saudi Arabia;
- (vii) Somalia; or
- (viii) United Arab Emirates; or

(B) on or after September 11, 2001, performed active military, naval, air, or space service while assigned to a duty station in, including airspace above—

- (i) Afghanistan;
- (ii) Djibouti;
- (iii) Egypt;
- (iv) Jordan;
- (v) Lebanon;
- (vi) Syria;
- (vii) Yemen;
- (viii) Uzbekistan; or
- (ix) any other country determined relevant by the Secretary.

(2) The term “exposure tracking record system”—

(A) means any system, program, or pilot program used by the Secretary of Veterans

Affairs or the Secretary of Defense to track how veterans or members of the Armed Forces have been exposed to various occupational or environmental hazards; and

(B) includes the Individual Longitudinal Exposure Record, or successor system.

(3) The term “toxic exposure risk activity” has the meaning given such term in section 1710(e)(4) of this title.

(Added Pub. L. 117-168, title III, §302, Aug. 10, 2022, 136 Stat. 1777.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, referred to in subsec. (b)(3), is the date of enactment of Pub. L. 117-168, which was approved Aug. 10, 2022.

§ 1120. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins

(a) PRESUMPTION OF SERVICE CONNECTION.—For the purposes of section 1110 of this title, and subject to section 1113 of this title, a disease specified in subsection (b) becoming manifest in a covered veteran shall be considered to have been incurred in or aggravated during active military, naval, air, or space service, notwithstanding that there is no record of evidence of such disease during the period of such service.

(b) DISEASES SPECIFIED.—The diseases specified in this subsection are the following:

(1) Asthma that was diagnosed after service of the covered veteran as specified in subsection (c).

(2) The following types of cancer:

- (A) Head cancer of any type.
- (B) Neck cancer of any type.
- (C) Respiratory cancer of any type.
- (D) Gastrointestinal cancer of any type.
- (E) Reproductive cancer of any type.
- (F) Lymphoma cancer of any type.
- (G) Kidney cancer.
- (H) Brain cancer.
- (I) Melanoma.
- (J) Pancreatic cancer.

(3) Chronic bronchitis.

(4) Chronic obstructive pulmonary disease.

(5) Constrictive bronchiolitis or obliterative bronchiolitis.

(6) Emphysema.

(7) Granulomatous disease.

(8) Interstitial lung disease.

(9) Pleuritis.

(10) Pulmonary fibrosis.

(11) Sarcoidosis.

(12) Chronic sinusitis.

(13) Chronic rhinitis.

(14) Glioblastoma.

(15) Any other disease for which the Secretary determines, pursuant to regulations prescribed under subchapter VII that a presumption of service connection is warranted based on a positive association with a substance, chemical, or airborne hazard identified in the list under section 1119(b)(2) of this title.

(c) COVERED VETERAN DEFINED.—In this section, the term “covered veteran” has the mean-

ing given that term in section 1119(c) of this title.

(Added Pub. L. 117-168, title IV, §406(b), Aug. 10, 2022, 136 Stat. 1784; amended Pub. L. 117-263, div. E, title LI, §5124(a), Dec. 23, 2022, 136 Stat. 3211.)

Editorial Notes

AMENDMENTS

2022—Subsec. (b)(2)(G) to (K). Pub. L. 117-263 redesignated subpars. (H) to (K) as (G) to (J), respectively, and struck out former subpar. (G) which read as follows: “Lymphomatic cancer of any type.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117-263, div. E, title LI, §5124(d), Dec. 23, 2022, 136 Stat. 3211, provided that: “The amendments made by this section [amending this section and sections 8103 and 8104 of this title] shall take effect as if included in the enactment of the Honoring our PACT Act of 2022 (Public Law 117-168).”

EFFECTIVE DATE

Pub. L. 117-168, title IV, §406(d), Aug. 10, 2022, 136 Stat. 1784, provided that: “The amendments made by this section [enacting this section and amending section 1113 of this title] shall take effect on the date of the enactment of this Act [Aug. 10, 2022] and shall apply as follows:

“(1) On the date of the enactment of this Act for claimants for dependency and indemnity compensation under chapter 13 of title 38, United States Code, and veterans whom the Secretary of Veterans Affairs determines are—

“(A) terminally ill;

“(B) homeless;

“(C) under extreme financial hardship;

“(D) more than 85 years old; or

“(E) capable of demonstrating other sufficient cause.

“(2) On the date of the enactment of this Act for everyone not described in paragraph (1), with respect to paragraphs (1), (2)(C), (2)(I) [now (2)(H)], (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14), of section 1120(b) of title 38, United States Code, as added by subsection (b).

“(3) On October 1, 2023, for everyone not described in paragraph (1), with respect to paragraphs (3) and (4) of section 1120(b) of such title, as so added.

“(4) On October 1, 2024, for everyone not described in paragraph (1), with respect to subparagraphs (A), (B), (D), (E), (F), [former] (G), and (K) [now (J)] of section 1120(b)(2) of such title, as so added.

“(5) On October 1, 2025, for everyone not described in paragraph (1), with respect to subparagraphs (H) [now (G)] and (J) [now (I)] of section 1120(b)(2) of such title, as so added.”

SUBCHAPTER III—WARTIME DEATH COMPENSATION

§ 1121. Basic entitlement

The surviving spouse, child or children, and dependent parent or parents of any veteran who died before January 1, 1957 as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during a period of war, shall be entitled to receive compensation at the monthly rates specified in section 1122 of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, §321; Pub. L. 92-197, §6, Dec. 15, 1971, 85 Stat. 662; Pub. L. 94-433, title IV, §404(12), Sept. 30, 1976, 90 Stat.