

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 meaning 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.)

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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. 1378; renumbered §1121 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

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AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 321 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted “1122” for “322”.

1976—Pub. L. 94-433 substituted “spouse” for “widow”.

1971—Pub. L. 92-197 struck out eligibility clause when the veteran died after April 30, 1957, under circumstances described in section 417(a) of this title.