

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.)

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

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-197 effective Jan. 1, 1972, see section 10 of Pub. L. 92-197, set out as a note under section 1311 of this title.

§ 1122. Rates of wartime death compensation

(a) The monthly rates of death compensation shall be as follows:

- (1) Surviving spouse but no child, \$87;
- (2) Surviving spouse with one child, \$121 (with \$29 for each additional child);
- (3) No surviving spouse but one child, \$67;
- (4) No surviving spouse but two children, \$94 (equally divided);
- (5) No surviving spouse but three children, \$122 (equally divided) (with \$23 for each additional child, total amount to be equally divided);
- (6) Dependent parent, \$75;
- (7) Both dependent parents, \$40 each.

(b) The monthly rate of death compensation payable to a surviving spouse or dependent parent under subsection (a) of this section shall be increased by \$79 if the payee is (1) a patient in a nursing home or (2) blind, or so nearly blind or significantly disabled as to need or require the regular aid and attendance of another person.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, § 322; Pub. L. 91-96, § 7, Oct. 27, 1969, 83 Stat. 146; Pub. L. 91-588, § 3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 92-197, § 9, Dec. 15, 1971, 85 Stat. 662; Pub. L. 93-295, title II, § 204, May 31, 1974, 88 Stat. 183; Pub. L. 94-169, title II, § 202, Dec. 23, 1975, 89 Stat. 1021; Pub. L. 94-432, title IV, § 401, Sept. 30, 1976, 90 Stat. 1372; Pub. L. 94-433, title IV, § 404(13)-(17), Sept. 30, 1976, 90 Stat. 1378, 1379; Pub. L. 95-204, title III, § 301, Dec. 2, 1977, 91 Stat. 1459; renumbered § 1122, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109-233, title V, § 502(3), June 15, 2006, 120 Stat. 415.)

Editorial Notes

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109-233 substituted “blind, or so nearly blind or significantly disabled as to” for “helpless or blind, or so nearly helpless or blind as to”.

1991—Pub. L. 102-83 renumbered section 322 of this title as this section.

1977—Subsec. (b). Pub. L. 95-204 substituted “\$79” for “\$74”.

1976—Subsec. (a). Pub. L. 94-433, § 404(13)-(16), substituted “Surviving spouse” for “Widow” in pars. (1) and (2); “surviving spouse” for “widow” in pars. (3), (4), and (5); “parent” for “mother or father” in par. (6); and “Both dependent parents” for “Dependent mother and father” in par. (7).

Subsec. (b). Pub. L. 94-433, § 404(17), substituted “surviving spouse” for “widow”.

Pub. L. 94-432 substituted “\$74” for “\$69”.

1975—Subsec. (b). Pub. L. 94-169 substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, “\$69” for “\$64”.

1974—Subsec. (b). Pub. L. 93-295 substituted “\$64” for “\$55”.

1971—Subsec. (b). Pub. L. 92-197 extended benefits to dependent parents under subsec. (a) of this section and increased the increase in benefits from \$50 to \$55.

1970—Subsec. (b). Pub. L. 91-588 substituted “\$55” for “\$50”.

1969—Pub. L. 91-96 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95-204, title III, § 302, Dec. 2, 1977, 91 Stat. 1459, provided that: “The provisions of this Act [see Tables for classification] shall take effect January 1, 1978.”

EFFECTIVE DATE OF 1976 AMENDMENTS

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

Amendment by Pub. L. 94-432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94-432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Pub. L. 94-169, title II, § 202, Dec. 23, 1975, 89 Stat. 1021, as amended by section 101 of Pub. L. 94-432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-295 effective May 1, 1974, see section 401 of Pub. L. 93-295, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-197 effective Jan. 1, 1972, see section 10 of Pub. L. 92-197, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91-588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91-96, set out as a note under section 1302 of this title.

SUBCHAPTER IV—PEACETIME DISABILITY COMPENSATION**§ 1131. Basic entitlement**

For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, air, or space service, during other than a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, § 331; Pub. L. 101-508, title VIII, § 8052(a)(3), Nov. 5, 1990, 104 Stat. 1388-351; renumbered § 1131, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-178, title VIII, § 8202(b), June 9, 1998, 112 Stat.