

## As Amended by Honoring Our PACT Act

### 38 U.S.C. §1112. Presumptions relating to certain diseases and disabilities

(a) For the purposes of section 1110 of this title, and subject to the provisions of section 1113 of this title, in the case of any veteran who served for ninety days or more during a period of war-

- (1) a chronic disease becoming manifest to a degree of 10 percent or more within one year from the date of separation from such service;
- (2) a tropical disease, and the resultant disorders or disease originating because of therapy, administered in connection with such diseases, or as a preventative thereof, becoming manifest to a degree of 10 percent or more within one year from the date of separation from such service, or at a time when standard or accepted treatises indicate that the incubation period thereof commenced during such service;
- (3) active tuberculous disease developing a 10 percent degree of disability or more within three years from the date of separation from such service;
- (4) multiple sclerosis developing a 10 percent degree of disability or more within seven years from the date of separation from such service;
- (5) Hansen's disease developing a 10 percent degree of disability or more within three years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding there is no record of evidence of such disease during the period of service.

(b)(1) For the purposes of section 1110 of this title and subject to the provisions of section 1113 of this title, in the case of a veteran who is a former prisoner of war-

(A) a disease specified in paragraph (2) which became manifest to a degree of 10 percent or more after active military, naval, or air service shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service; and

(B) if the veteran was detained or interned as a prisoner of war for not less than thirty days, a disease specified in paragraph (3) which became manifest to a degree of 10 percent or more after active military, naval, or air service shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.

(2) The diseases specified in this paragraph are the following:

- (A) Psychosis.
- (B) Any of the anxiety states.
- (C) Dysthymic disorder (or depressive neurosis).
- (D) Organic residuals of frostbite, if the Secretary determines that the veteran was detained or interned in climatic conditions consistent with the occurrence of frostbite.
- (E) Post-traumatic osteoarthritis.
- (F) Osteoporosis, if the Secretary determines that the veteran has post-traumatic stress disorder (PTSD).

(3) The diseases specified in this paragraph are the following:

- (A) Avitaminosis.
- (B) Beriberi (including beriberi heart disease).
- (C) Chronic dysentery.
- (D) Helminthiasis.
- (E) Malnutrition (including optic atrophy associated with malnutrition).
- (F) Pellagra.
- (G) Any other nutritional deficiency.
- (H) Cirrhosis of the liver.
- (I) Peripheral neuropathy except where directly related to infectious causes.
- (J) Irritable bowel syndrome.
- (K) Peptic ulcer disease.
- (L) Atherosclerotic heart disease or hypertensive vascular disease (including hypertensive heart disease) and their complications (including myocardial infarction, congestive heart failure and arrhythmia).
- (M) Stroke and its complications.

(c)(1) For the purposes of [section 1110 of this title](#), and subject to the provisions of [section 1113 of this title](#), a disease specified in paragraph (2) of this subsection becoming manifest in a radiation-exposed veteran shall be considered to have been incurred in or aggravated during active military, naval, or air service, notwithstanding that there is no record of evidence of such disease during a period of such service.

(2) The diseases referred to in paragraph (1) of this subsection are the following:

- (A) Leukemia (other than chronic lymphocytic leukemia).
- (B) Cancer of the thyroid.
- (C) Cancer of the breast.
- (D) Cancer of the pharynx.
- (E) Cancer of the esophagus.
- (F) Cancer of the stomach.
- (G) Cancer of the small intestine.
- (H) Cancer of the pancreas.
- (I) Multiple myeloma.
- (J) Lymphomas (except Hodgkin's disease).
- (K) Cancer of the bile ducts.
- (L) Cancer of the gall bladder.
- (M) Primary liver cancer (except if cirrhosis or hepatitis B is indicated).
- (N) Cancer of the salivary gland.
- (O) Cancer of the urinary tract.
- (P) Bronchiolo-alveolar carcinoma.
- (Q) Cancer of the bone.
- (R) Cancer of the brain.
- (S) Cancer of the colon.
- (T) Cancer of the lung.
- (U) Cancer of the ovary.

(3) For the purposes of this subsection:

(A) The term "radiation-exposed veteran" means (i) a veteran who, while serving on active duty, participated in a radiation-risk activity, or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training.

(B) The term "radiation-risk activity" means any of the following:

- (i) Onsite participation in a test involving the atmospheric detonation of a nuclear device (without regard to whether the nation conducting the test was the United States or another nation).
- (ii) The occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945, and ending on July 1, 1946.
- (iii) Internment as prisoner of war in Japan (or service on active duty in Japan immediately following such internment) during World War II which (as determined by the Secretary) resulted in an opportunity for exposure to ionizing radiation comparable to that of veterans described in clause (ii) of this subparagraph.
- (iv) Service in a capacity which, if performed as an employee of the Department of Energy, would qualify the individual for inclusion as a member of the Special Exposure Cohort under section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)).
- (v) Cleanup of Enewetak Atoll during the period beginning on January 1, 1977, and ending on December 31, 1980.
- (vi) Onsite participation in the response effort following the collision of a United States Air Force B-52 bomber and refueling plane that caused the release of four thermonuclear weapons in the vicinity of Palomares, Spain, during the period beginning January 17, 1966, and ending March 31, 1967.

(4) A radiation-exposed veteran who receives a payment under the provisions of the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 [note](#)) shall not be deprived, by reason of the receipt of that payment, of receipt of compensation to which that veteran is entitled by reason of paragraph (1), but there shall be deducted from payment of such compensation the amount of the payment under that Act.