

As created by Honoring Our PACT Act

38 U.S.C. § 1119. Presumptions of toxic exposure

(a) CONSIDERATION OF INDIVIDUAL LONGITUDINAL EXPOSURE RECORD REQUIRED.—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, or air service, the Secretary shall, in adjudicating such claim, consider—

_____ (1) the Individual Longitudinal Exposure Record of the veteran; and

_____ (2) if the Individual Longitudinal Exposure Record of the veteran does not indicate that the veteran was subject to a toxic exposure during active military, naval, or air 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 hazards listed in 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)(A) Subject to subparagraph (B), the substances, chemicals, and airborne hazards listed in this paragraph are as follows:

_____ (i) Particulate matter, including the following:

_____ (I) PM-10.

_____ (II) PM-2.5.

_____ (ii) Polycyclic aromatic hydrocarbons (PAHs), including the following:

_____ (I) Acenaphthene.

_____ (II) Acenaphthylene.

_____ (III) Anthracene.

_____ (IV) Benzo(a)anthracene.

_____ (V) Benzo(a)pyrene.

_____ (VI) Benzo(b)fluoranthene.

_____ (VII) Benzo(g,h,i)perylene.

_____ (VIII) Benzo(k)fluoranthene.

_____ (IX) Chrysene.

_____ (X) Dibenz(a,h)anthracene.

_____ (XI) Fluoranthene. (

XII) Fluorene. 6 “(XIII) Indeno(1,2,3-cd)pyrene.

_____ (XIV) Naphthalene.

_____ (XV) Phenanthrene.

_____ (XVI) Pyrene.

(iii) Volatile organic compounds (VOCs), including the following:

- (I) Acetone.
- (II) Acrolein.
- (III) Benzene.
- (III) Carbon Disulfide.
- (V) Chlorodifluoromethane.
- (VI) Chloromethane.
- (VII) Ethylbenzene.
- (VIII) Hexachlorobutadiene.
- (IX) Hexane.
- (X) m/p-Xylene.
- (XI) Methylene Chloride.
- (XII) Pentane.
- (XIII) Propylene.
- (XIV) Styrene.
- (XV) Toluene.

(iv) Toxic organic halogenated dioxins and furans (dioxins), including the following:

- (I) 1,2,3,4,6,7,8 HPCDD.
- (II) 1,2,3,4,6,7,8 HPCDF.
- (III) 1,2,3,4,7,8,9 HPCDF.
- (IV) 1,2,3,4,7,8 HXCDD.
- (V) 1,2,3,6,7,8 HXCDD.
- (VI) 1,2,3,7,8,9 HXCDD.
- (VII) 1,2,3,4,7,8 HXCDF.
- (VIII) 1,2,3,6,7,8 HXCDF.
- (IX) 1,2,3,7,8,9 HXCDF.
- (X) 1,2,3,7,8 PECDD.
- (XI) 1,2,3,7,8 PECDF.
- (XII) 2,3,4,6,7,8 HXCDF.
- (XIII) 2,3,4,7,8 PECDF.
- (XIV) 2,3,7,8 TCDD.
- (XV) 2,3,7,8 TCDF.
- (XVI) Octachlorodibenzodioxin.
- (XVII) Octachlorodibenzofuran.

(v) Such other substances, chemicals, and airborne hazards as the Secretary, in collaboration with the Secretary of Defense, may determine appropriate.

(B)(i) The Secretary may add to or remove from the list under subparagraph (A) as the Secretary, in collaboration with the Secretary of Defense, determines appropriate.

(ii) Beginning not later than two years after the date of the enactment of the Honoring our Promise to Address Comprehensive Toxics Act of 2021, and not less frequently than once every two years thereafter, the Secretary shall submit to Congress a report identifying any additions or removals made pursuant to subparagraph (A) 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, or air service while assigned to a duty station in—

- (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, or air service while assigned to a duty station in—

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

(2) The term ‘Individual Longitudinal Exposure Record’ includes any pilot program or other program used by the Department of Veterans Affairs or the Department of Defense to track how members of the Armed Forces or veterans have been exposed to various occupational or environmental hazards.

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