

As created by COST of War Act

38 U.S.C. § 1120. Presumption of exposure to certain airborne hazards and substances from participation in contingency operations

(a) IN GENERAL.—For purposes of section 1110 and chapter 17 of this title, any veteran described in subsection (b) shall be considered to have been exposed to the substances, chemicals, and hazards listed in subsection (c), unless there is affirmative evidence to establish that the veteran was not exposed to any such substances, chemicals, or hazards during that service.

(b) VETERANS DESCRIBED.—

(1) A veteran described in this paragraph is any veteran who—

(A) during active military, naval, or air service, was deployed in support of a contingency operation while so serving and as part of such deployment served in a covered location during a corresponding period set forth under paragraph (2); or

(B) on or after August 2, 1990, was awarded any of the following:

(i) The Afghanistan Campaign Medal.

(ii) The Armed Forces Expeditionary Medal.

(iii) The Global War On Terrorism Expeditionary Medal.

(iv) The Inherent Resolve Campaign Medal.

(v) The Iraqi Campaign Medal.

(vi) The Southwest Asia Service Medal.

(2)(A) The covered locations and corresponding periods set forth under this subsection are as follows:

(i) Iraq and the following periods:

(I) The period beginning on August 2, 1990 and ending on February 28, 1991.

(II) The period beginning on March 19, 2003 and ending on such date as the Secretary determines burn pits are no longer used in Iraq.

(ii) The Southwest Asia Theater of operations, other than Iraq, and the period beginning on August 2, 1990, and ending on such date as the Secretary determines burn pits are no longer used in such location, including the following:

(I) Kuwait.

(II) Saudi Arabia.

(III) Oman.

(IV) Qatar.

(iii) Afghanistan and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Afghanistan.

(iv) Djibouti and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Djibouti.

(v) Syria and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Syria.

(vi) Jordan and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Jordan.

(vii) Egypt and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Egypt.

(viii) Lebanon and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Lebanon.

(ix) Yemen and the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Yemen.

(x) Such other locations as are set forth by the Airborne Hazards and Open Burn Pit Registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note) and corresponding periods set forth in such registry.

(xi) Such other locations and corresponding periods as the Secretary, in collaboration with the Secretary of Defense, may determine appropriate in a report the Secretary of Veterans Affairs shall submit to Congress not later than two years after the date of the enactment of the Veterans Burn Pits Exposure Recognition Act of 2021 and not less frequently than once every two years thereafter.

(B) A location set forth under this paragraph shall not include any body of water around or any airspace above such location.

(c) SUBSTANCES, CHEMICALS, AND AIRBORNE HAZARDS.—(1) Subject to paragraph (2), the substances, chemicals, and airborne hazards listed in this subsection are as follows:

(A) Particulate matter, including the following:

(i) PM-10.

(ii) PM-2.5.

(B) Polycyclic aromatic hydrocarbons (PAHs), including the following:

(i) Acenaphthene.

(ii) Acenaphthylene.

(iii) Anthracene.

(iv) Benzo(a)anthracene.

(v) Benzo(a)pyrene.

(vi) Benzo(b)fluoroanthene.

(vii) Benzo(g,h,i)perylene.

(viii) Benzo(k)fluoroanthene.

(ix) Chrysene.

(x) Dibenz(a,h)anthracene.

(xi) Fluoranthene.

(xii) Fluorene.

(xiii) Indeno(1,2,3-cd)pyrene.

(xiv) Naphthalene.

(xv) Phenanthrene.

(xvi) Pyrene.

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

(i) Acetone.

(ii) Acrolein.

(iii) Benzene.

(iv) Carbon Disulfide.

(v) Chlorodifluoromethane.

(vi) Chloromethane.

(vii) Ethylbenzene.

(viii) Hexane.

(ix) Hexachlorobutadiene.

(x) m/p-Xylene.

(xi) Methylene Chloride.

(xii) Pentane.

(xiii) Propylene.

(xiv) Styrene.

(xv) Toluene.

(D) 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) 1,2,3,4,7,8 HXCDF.

(vi) 1,2,3,6,7,8 HXCDD.

(vii) 1,2,3,6,7,8 HXCDF.

(viii) 1,2,3,7,8,9 HXCDD.

(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.

(E) Such other substances, chemicals, and airborne hazards as the Secretary, in collaboration with the Secretary of Defense, may add under paragraph (2).

(2) The Secretary may add to or remove from the list under paragraph (1) as the Secretary determines appropriate in a report the Secretary shall submit to Congress not later than two years after the date of the enactment of the True Cost of War Recognition Act of 2021, and not less frequently than once every two years thereafter.