

# **PACT Act 2022 GULF WAR BURN PITS AND TOXINS**

## **SEC. 405. IMPROVING COMPENSATION FOR DISABILITIES OCCURRING IN PERSIAN GULF WAR VETERANS.**

**(a) Reduction In Threshold Of Eligibility.**—Subsection (a)(1) of section 1117 is amended by striking “became manifest—” and all that follows through the period at the end and inserting “became manifest to any degree at any time.”.

**(b) Permanent Extension Of Period Of Eligibility.**—Such section is further amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (a)(2)(C), by striking “under subsection (d)” and inserting “under subsection (c)”.

**(c) Establishing Singular Disability-Based Questionnaire.**—Such section is further amended by inserting after subsection (c) (as redesignated by subsection (b)) the following new subsection (d):

“(d) If a Persian Gulf veteran at a medical facility of the Department presents with any one symptom associated with Gulf War Illness, the Secretary shall ensure that health care personnel of the Department use a disability benefits questionnaire, or successor questionnaire, designed to identify Gulf War Illness, in addition to any other diagnostic actions the personnel determine appropriate.”.

**(d) Expansion Of Definition Of Persian Gulf Veteran.**—Subsection (f) of such section is amended by inserting “, Afghanistan, Israel, Egypt, Turkey, Syria, or Jordan,” after “operations”.

**(e) Training.**—Such section is further amended by adding at the end the following new subsection:

“(i) (1) The Secretary shall take such actions as may be necessary to ensure that health care personnel of the Department are appropriately trained to effectively carry out this section.

“(2) Not less frequently than once each year, the Secretary shall submit to Congress a report on the actions taken by the Secretary to carry out paragraph (1).”.

## **SEC. 406. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN PITS AND OTHER TOXINS.**

(a) *Short Title.*—This section may be cited as the “Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2022”.

(b) *In General.*—Subchapter II of chapter 11, as amended by [section 302](#), is further amended by inserting after section 1119 the following new section:

**“§ 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) Lymphomatic cancer of any type.

“(H) Kidney cancer.

“(I) Brain cancer.

“(J) Melanoma.

“(K) 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.*

*(d) Effective Date And Applicability.—The amendments made by this section shall take effect on the date of the enactment of this Act 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), (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), (G), and (K) 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) and (J) of section 1120(b)(2) of such title, as so added.*

**SEC. 407. RULE OF CONSTRUCTION.**

(a) *Generally.*—Nothing in this Act shall be construed to prevent the Secretary of Veterans Affairs from processing claims for benefits under title 38, United States Code, for a condition or disease for which this Act establishes a presumption of service connection, as a claim for benefits for a condition or disease with direct service connection.

(b) *Effective Dates And Applicability.*—The Secretary shall not deny a claim for benefits under title 38, United States Code, for a condition or disease for which this Act establishes a presumption of service connection because the claimant filed the claim prior to the effective date or date of applicability for that particular condition or disease

(b) *Covered Veteran Defined.*—In this section, the term “covered veteran” means any veteran who—

(1) *on or after August 2, 1990, served on active duty in—*

(A) *Bahrain*

(B) *Iraq*

(C) *Kuwait*

(D) *Oman*

(E) *Qatar*

(F) *Saudi Arabia*

(G) *Somalia; or*

(H) *the United Arab Emirates; or*

(2) *on or after September 11, 2001, served on active duty in—*

(A) *Afghanistan*

(B) *Djibouti*

(C) *Egypt*

(D) *Jordan*

(E) *Lebanon*

(F) *Syria; or*

(G) *Yemen.*