

# WHAT DOES THE PACT ACT MEAN TO YOU?

Source: <https://www.va.gov/resources/the-pact-act-and-your-va-benefits/>

## **The Promise to Address Comprehensive Toxins (PACT) Act and your VA benefits**

The PACT Act is a new law that expands VA health care and benefits for Veterans exposed to burn pits and other toxic substances. This law helps us provide generations of Veterans—and their survivors—with the care and benefits they’ve earned and deserve.

This information will help answer questions about what the PACT Act means for you or your loved ones. You can also call [800-698-2411](tel:800-698-2411) (TTY: [711](tel:711)).

## **What’s the PACT Act and how will it affect my VA benefits and care?**

The PACT Act is perhaps the largest health care and benefit expansion in VA history. The full name of the law is The Sergeant First Class (SFC) Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act.

### **The PACT Act will bring these changes:**

- Expands and extends eligibility for VA health care for Veterans with toxic exposures and Veterans of the Vietnam, Gulf War, and post-9/11 eras
- Adds more than 20 new presumptive conditions for burn pits and other toxic exposures
- Adds more presumptive-exposure locations for Agent Orange and radiation
- Requires VA to provide a toxic exposure screening to every Veteran enrolled in VA health care
- Helps VA improve research, staff education, and treatment related to toxic exposures

## **What does it mean to have a presumptive condition for toxic exposure?**

To get a VA disability rating, your disability must connect to your military service. For many health conditions, you need to prove that your service caused your condition.

But for some conditions, we automatically assume (or “presume”) that your service caused your condition. We call these “presumptive conditions.”

We consider a condition presumptive when it’s established by law or regulation.

If you have a presumptive condition, you don’t need to prove that your service caused the condition. You only need to meet the service requirements for the presumption.

## **Gulf War era and post-9/11 Veteran eligibility**

## **What burn pit and other toxic exposure conditions are now presumptive?**

The VA has added more than 20 burn pit and other toxic exposure presumptive conditions based on the PACT Act. This change expands benefits for Gulf War era and post-9/11 Veterans.

### **These cancers are now presumptive:**

- Brain cancer
- Gastrointestinal cancer of any type
- Glioblastoma
- Head cancer of any type
- Kidney cancer
- Lymphatic cancer of any type
- Lymphoma of any type
- Melanoma
- Neck cancer
- Pancreatic cancer
- Reproductive cancer of any type
- Respiratory (breathing-related) cancer of any type

### **These illnesses are now presumptive:**

- Asthma that was diagnosed after service
- Chronic bronchitis
- Chronic obstructive pulmonary disease (COPD)
- Chronic rhinitis
- Chronic sinusitis
- Constrictive bronchiolitis or obliterative bronchiolitis
- Emphysema
- Granulomatous disease
- Interstitial lung disease (ILD)
- Pleuritis
- Pulmonary fibrosis
- Sarcoidosis

## **How do I know if I have a presumptive exposure to burn pits?**

If you served in any of these locations and time periods, the VA determined that you had exposure to burn pits or other toxins. This is called having a presumption of exposure.

### **On or after September 11, 2001, in any of these locations:**

- Afghanistan
- Djibouti
- Egypt
- Jordan
- Lebanon
- Syria
- Uzbekistan
- Yemen

- The airspace above any of these locations

**On or after August 2, 1990, in any of these locations:**

- Bahrain
- Iraq
- Kuwait
- Oman
- Qatar
- Saudi Arabia
- Somalia
- The United Arab Emirates (UAE)
- The airspace above any of these locations

**Am I eligible for free VA health care as a post-9/11 combat Veteran?**

Health care eligibility is being extended and expanded based on the PACT Act. You are encouraged to apply, no matter your separation date. Your eligibility depends on your service history and other factors.

If you meet the requirements listed here, you can get free VA health care for any condition related to your service for up to 10 years from the date of your most recent discharge or separation. You can also enroll at any time during this period and get any care you need, but you may owe a copay for some care.

**At least one of these must be true of your active-duty service:**

- You served in a theater of combat operations during a period of war after the Persian Gulf War, **or**
- You served in combat against a hostile force during a period of hostilities after November 11, 1998

**And this must be true for you:**

- You were discharged or released on or after October 1, 2013

You are encouraged to enroll now so the VA can provide any care you may need now or in the future. Enrollment is free.

**What if I was discharged or released before October 1, 2013?**

If you meet the requirements listed here, you can receive care and enroll during a special enrollment period between **October 1, 2022**, and **October 1, 2023**.

**At least one of these must be true of your active-duty service:**

- You served in a theater of combat operations during a period of war after the Persian Gulf War, **or**
- You served in combat against a hostile force during a period of hostilities after November 11, 1998

**And both of these must be true for you:**

- You were discharged or released between September 11, 2001, and October 1, 2013, **and**

- You haven't enrolled in VA health care before

You are encouraged to apply during this 1-year period so VA can provide you with any care you may need now or in the future. Enrollment is free. And your care may be free as well.

## **Vietnam era Veteran eligibility**

### **What new Agent Orange presumptive conditions will VA add?**

Based on the PACT Act, VA added 2 new Agent Orange presumptive conditions:

- High blood pressure (also called hypertension)
- Monoclonal gammopathy of undetermined significance (MGUS)

If you think you're eligible for VA health care and benefits, we encourage you to apply now.

### **What new Agent Orange presumptive locations will VA add?**

VA added these 5 new locations to the list of presumptive locations:

- Any U.S. or Royal Thai military base in Thailand from January 9, 1962, through June 30, 1976
- Laos from December 1, 1965, through September 30, 1969
- Cambodia at Mimot or Krek, Kampong Cham Province from April 16, 1969, through April 30, 1969
- Guam or American Samoa or in the territorial waters off of Guam or American Samoa from January 9, 1962, through July 30, 1980
- Johnston Atoll or on a ship that called at Johnston Atoll from January 1, 1972, through September 30, 1977

If you served on active duty in any of these locations, we'll automatically assume (or "presume") that you had exposure to Agent Orange.

### **What new radiation presumptive locations will VA add?**

VA added these 3 new response efforts to the list of presumptive locations:

- Cleanup of **Enewetak Atoll**, from January 1, 1977, through December 31, 1980
- Cleanup of the Air Force B-52 bomber carrying nuclear weapons off the coast of **Palomares, Spain**, from January 17, 1966, through March 31, 1967
- Response to the fire onboard an Air Force B-52 bomber carrying nuclear weapons near **Thule Air Force Base in Greenland** from January 21, 1968, to September 25, 1968

If you took part in any of these efforts, we'll automatically assume (or "presume") that you had exposure to radiation.

## **Getting benefits**

### **How do I file a disability claim for a new presumptive condition?**

**If you haven't filed a claim yet for the presumptive condition**, you can file a new claim online now. You can also file by mail, in person, or with the help of a trained professional.

**If VA denied your disability claim in the past and now considers your condition presumptive,** you can submit a Supplemental Claim. VA will review your case again.

### **What if VA denied my claim but now considers my condition presumptive?**

You are encouraged to file a Supplemental Claim. When VA receives a Supplemental Claim, they will review the claim again.

**Note:** If VA denied your claim in the past and they think you may be eligible now, they will try to contact you. But you don't need to wait for VA to contact you before you file a Supplemental Claim.

### **What if I have a pending claim for a condition that's now presumptive?**

You don't need to do anything. If VA added your condition after you filed your claim, they will still consider it presumptive. The VA will send you a decision notice when the VA completes their review.

### **Can I apply now?**

Yes. VA is considering all presumptive conditions established by the PACT Act presumptive on the date the bill becomes law.

If you think you may be eligible for VA health care or benefits, you are encouraged to apply now.

## **Information for survivors**

### **Will Veterans' survivors get any benefits based on the PACT Act?**

Survivors may be eligible for VA benefits based on the PACT Act. You'll need to meet requirements for each benefit to qualify:

- **A monthly VA dependency and indemnity compensation (VA DIC) payment.** You may qualify if you're the surviving spouse, dependent child, or parent of a Veteran who died from a service-connected disability.
- **A one-time accrued benefits payment.** You may qualify if you're the surviving spouse, dependent child, or dependent parent of a Veteran who VA owed unpaid benefits at the time of their death.
- **Health care** through the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA). You may qualify if you're the survivor or dependent of a Veteran with a service-connected disability.
- **A burial allowance** for help with the Veteran's burial and funeral costs. You may qualify if you're the Veteran's surviving spouse, partner, child, or parent.