



U.S. SENATOR
GARY PETERS



THE PACT ACT AND YOUR VA BENEFITS

U.S. Senator Gary Peters (MI) helped enact the bipartisan *Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act*, to deliver all generations of toxic-exposed veterans the health care and benefits they earned for the first time in our nation's history. Gary, a member of the Senate Armed Services Committee and former Lieutenant Commander in the U.S. Navy Reserve, helped pass the legislation in the Senate.

Gary has pushed for years to pass legislation that will provide generations of veterans exposed to burn pits and other toxic substances — and their survivors — with VA benefits they've earned through service to our nation.

The following information from the VA will help answer your questions about what the PACT Act means for you or your loved ones. You can also call the VA at 800-698-2411 (TTY: 711). And you can file a claim for PACT Act-related disability compensation or apply for VA health care now.

- **[File a disability claim online](#)**
- **[Apply for VA health care](#)**

Q: 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;



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- Helps VA improve research, staff education, and treatment related to toxic exposures; and
- If you're a veteran or survivor, you can file claims now to apply for PACT Act-related benefits.

Q: 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, VA will automatically assume (or “presume”) that your service caused your condition. VA calls these “presumptive conditions.”
- The VA considers 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

Q: 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.



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Q: 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 has determined that you had exposure to burn pits or other toxins. The VA calls this 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.

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

- The VA is extending and expanding VA health care eligibility based on the PACT Act. The VA encourages you to apply, no matter your separation date. Your eligibility depends on your service history and other factors.
- If you meet the requirements listed here, the VA has said 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.
- The VA encourages you to enroll now so the VA can provide any care you may need now or in the future. Enrollment is free.





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Q: 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.
 - The VA encourages you to apply during this 1-year period so they 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

Q: What new Agent Orange presumptive conditions will VA add?

- Based on the PACT Act, the 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, the VA encourages you to apply now.

Q: What new Agent Orange presumptive locations will VA add?

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



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- 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; or
- If you served on active duty in any of these locations, the VA will automatically assume (or “presume”) that you had exposure to Agent Orange.

Q: What new radiation presumptive locations will VA add?

- The 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; or
 - 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, the VA will automatically assume (or “presume”) that you had exposure to radiation.





GETTING BENEFITS

Q: 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.
- **File for VA disability compensation online**
- **Learn more about how to file a disability compensation claim**

Q: What if VA denied my claim but now considers my condition presumptive?

- The VA encourages you to file a Supplemental Claim. When VA receives a Supplemental Claim, VA will review the claim again.
- **Find out how to file a Supplemental Claim**
- ***Note: If VA denied your claim in the past and VA thinks you may be eligible now, VA will try to contact you. But you don't need to wait for VA to contact you before you file a Supplemental Claim.***

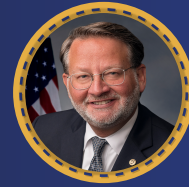
Q: What if I have a pending claim for a condition that's now presumptive?

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

Q: Can I apply now?

- Yes. VA is considering all presumptive conditions established by the PACT Act presumptive on the date the bill became law, August 10, 2022.
- If you think you may be eligible for VA health care or benefits, VA encourages you to apply now.





Q: When can I expect VA to make a decision on my PACT Act claim?

- VA encourages all veterans and survivors to file for benefits now. The VA will start to process PACT Act-related benefits in January 2023. VA must wait for funding approval from Congress and put the needed systems in place before processing these claims.
- If you apply for benefits at any time in the next year and VA grants your application, VA has said they'll likely backdate your benefits to the date of the bill signing, August 10, 2022. This means VA would pay you the amount you would have received from August 10, 2022, to the date VA grants your application.

INFORMATION FOR SURVIVORS

Q: Can Veterans' survivors get compensation payments under the PACT Act?

- Yes. If you're a surviving family member of a veteran, you may be eligible for these benefits:
 - **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.
Learn how to apply for VA DIC
 - **A one-time accrued benefits payment.** You may qualify if you're the surviving spouse, dependent child, or dependent parent of a veteran who we owed unpaid benefits at the time of their death.
Learn about evidence needed for accrued benefits
 - **A Survivors Pension.** You may qualify if you're the surviving spouse or child of a veteran with wartime service.
Learn how to apply for a Survivors Pension

Q: What if VA denied my DIC claim and I think I'm now eligible?

- You can submit a new application for VA dependency and indemnity compensation (VA DIC).
- **Learn about VA DIC and how to apply**



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- **Note:** *If VA denied your claim in the past and VA thinks you may be eligible now, VA will try to contact you. VA may be able to reevaluate your claim. But you don't need to wait for VA to contact you before you reapply.*

Q: What other VA benefits are survivors eligible for?

- You may be eligible for these VA benefits as the surviving family member of a Veteran:
 - **Burial benefits and memorial items** such as a gravesite in a VA national cemetery or a free headstone, marker, or medallion.
 - **A burial allowance** to help with the veteran's burial and funeral costs. You may qualify if you're the veteran's surviving spouse, partner, child, or parent.
 - **Education and training.** You may qualify if you're the survivor of a veteran who died in the line of duty or as a result of service-connected disabilities.
 - **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 VA-backed home loan.** You may qualify if you're the surviving spouse of a Veteran.
- **Learn more about family member benefits**



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