2022 PACT ACT: UNDERSTANDING HEALTH CARE ELIGIBILITY AND BENEFITS

PACT ACT OVERVIEW

What is the PACT Act? Why is it important?

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.**

The Act (1) expands and extends eligibility for VA health care for Veterans with toxic exposures and Veterans of the Vietnam era, Gulf War era, and Post-9/11 era, and (2) expands eligibility for benefits for Veterans exposed to toxic substances.

What does the acronym, PACT, stand for?

Sergeant First Class Heath Robinson Honoring Our **Promise to Address Comprehensive Toxics** (PACT) Act of 2022.

When does the law go into effect?

While some provisions take effect at different times, VA considers the presumptive conditions established in the PACT Act to be applicable on the date the PACT Act was signed into law (August 10, 2022). **All Veterans and survivors who believe they may be entitled to benefits are encouraged to apply today.**

What are the PACT Act key components?

- The Act **expands and extends eligibility for VA health care** for Veterans with toxic-exposures and Veterans of the Vietnam era, Gulf War era, and Post-9/11 era.
- VA **will improve the decision-making process** for determining what medical conditions will be considered for presumptive status.
- Every enrolled Veteran will receive an initial **toxic exposure screening** and a follow-up screening at least every five years. Veterans who are not enrolled, but who are eligible to enroll, will have an opportunity to enroll and receive the screening.
- VA health care staff and claims processors will receive **toxic exposure-related education and training**.
- The Act requires **research studies** on mortality of Veterans who served in Southwest Asia during the Gulf War, Post-9/11 Veteran health trends, and Veteran cancer rates.
- The Act will help VA **build a stronger, more skilled workforce** to meet the growing demand for benefits and services.
- The Act authorizes **31 new facilities** across the country, providing greater access to VA health care.

What is Toxic Exposure?

As a general matter, there are several types of possible exposures or hazards Veterans may have experienced during their military service, including:

- **AIR POLLUTANTS:** Burn pits, oil well fires, sulfur fire, sand, dust, and particulates
- **CHEMICALS:** Agent Orange or other herbicides, burn pits, Camp Lejeune water supplies, pesticides, depleted uranium, chromium, or industrial solvents
- **RADIATION:** Nuclear weapons testing, x-rays, or depleted uranium
- **WARFARE AGENTS:** Chemical warfare agents, nerve agents, mustard gas, herbicide tests, and storage
- **OCCUPATIONAL HAZARDS:** Asbestos, lead, fuels, industrial solvents, radiation, vibration, noise, special paint on military vehicles, and some coolants or insulating fluids



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PACT ACT BENEFITS

AUGUST 10, 2022:
PACT Act signed into law.

EFFECTIVE NOW:
Adds 20+ new presumptive conditions. Applies to benefits eligibility for Veterans and survivors.

For Gulf War and Post-9/11 Veterans: Brain cancer, Glioblastoma, Respiratory (breathing-related) cancer of any type, Gastrointestinal cancer of any type, Head cancer of any type, Lymphoma of any type, Lymphomatic cancer of any type, Neck cancer, Pancreatic cancer, Reproductive cancer of any type, Kidney cancer, Melanoma, Asthma (diagnosed after service), Chronic rhinitis, Chronic sinusitis, Constrictive bronchiolitis or obliterative bronchiolitis, Emphysema, Granulomatous disease, Interstitial lung disease (ILD), Pleuritis, Pulmonary fibrosis, Sarcoidosis, Chronic bronchitis, Chronic obstructive pulmonary disease (COPD).

For Vietnam Veterans and other Veterans exposed to tactical herbicides, that includes two Agent Orange presumptive conditions: Monoclonal gammopathy of undetermined significance (MGUS), High blood pressure (hypertension).

JANUARY 1, 2023:
VBA will begin processing claims.

What is a presumption of service connection?

VA assumes certain diseases or illnesses can be related to a Veteran's military service. **Veterans and their survivors may be eligible for benefits and health care services** for these conditions.

What new or expanded presumptions will the Act create and when will they be in effect?

Veterans and survivors can file claims for all conditions outlined in the PACT Act immediately.

For Gulf War and Post-9/11 Veterans, that includes:
Brain cancer, Glioblastoma, Respiratory (breathing-related) cancer of any type, Gastrointestinal cancer of any type, Head cancer of any type, Lymphoma of any type, Lymphomatic cancer of any type, Neck cancer, Pancreatic cancer, Reproductive cancer of any type, Kidney cancer, Melanoma, Asthma that was diagnosed after service, Chronic rhinitis, Chronic sinusitis, Constrictive bronchiolitis or obliterative bronchiolitis, Emphysema, Granulomatous disease, Interstitial lung disease (ILD), Pleuritis, Pulmonary fibrosis, Sarcoidosis, Chronic bronchitis, Chronic obstructive pulmonary disease (COPD).

For Vietnam Veterans and other Veterans exposed to tactical herbicides, that includes two Agent Orange presumptive conditions:
Monoclonal gammopathy of undetermined significance (MGUS), High blood pressure (also called hypertension).

Can Veterans apply now?

VA is considering the presumptive conditions established in the PACT Act to be applicable on the date the bill becomes law. **We encourage all Veterans who believe they may be entitled to benefits to apply now.**

What evidence must Veterans submit when filing a claim?

Veterans should submit any supportive evidence along with their claims. The PACT Act states that in processing claims for compensation related to toxic exposure, VA may **consider any Veteran record in an exposure tracking record system**. If no record exists, VA may consider the totality of circumstances. Claims processors can also assist Veterans filing a claim by gathering any identified medical evidence and requesting an examination or medical opinion to substantiate the claim.

Veterans now eligible for benefits based on a presumption of service connection are encouraged to file a claim using **VA Form 21-526EZ**, Application for Disability Compensation and Related Compensation Benefits, or a supplemental claim using **VA Form 20-0995**, Decision Review Request: Supplemental Claim.

If a Veteran was previously denied a claim for any of these conditions, what can they do?

VA will contact Veterans when a presumption of service connection is established or changed. However, Veterans previously denied a toxic-exposure related claim are encouraged to file a supplemental claim. **Once a supplemental claim is received, VA will review the claim under the new law.**

What actions should Veterans take who have never filed a claim for one of these conditions?

Veterans who are diagnosed with one of the new presumptive conditions and meet eligibility requirements should **submit a new claim** for consideration using VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits.

How can a Veteran file a disability claim?

Learn more at
VA.gov/disability/how-to-file-claim/

Call the Benefits hotline (for specific questions)
at 1-800-827-1000

Visit a VBA Regional Office
VA.gov/benefits/offices.asp

Work with an accredited VSO
VA.gov/ogc/apps/accreditation/index.asp

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PACT ACT BENEFITS

Will family members or dependents—those who lost a loved one during the re-adjudication process or those who lost a loved one who was previously denied a claim—receive any benefits because of the PACT Act?

Family members or dependents of a deceased Veteran **may qualify for various VA benefits** due to the additional disabilities defined in the PACT Act if they meet eligibility requirements. Benefits available include Dependency and Indemnity Compensation (DIC), Accrued, and Burial benefits.

» **DIC** is a monthly payment for the eligible surviving spouse, dependent child(ren) or parent(s) of a deceased Veteran who died in the line of duty or from a service-connected disability or disabilities. Evidence must show the Veteran's death was caused by, or related to, the Veteran's time in service. Survivors who wish to file a claim must complete VA Form 21P-534EZ to apply for benefits and submit any supportive evidence.

» **Accrued benefits** are one-time payments to an eligible surviving spouse, dependent child(ren) or dependent parent(s) of a deceased Veteran based on the relationship when the evidence of record shows benefits, such as disability compensation or Veterans pension, were due but unpaid prior to the Veteran's passing. A family member of the deceased Veteran may also qualify by providing evidence of payment for the Veteran's final expenses or burial. Survivors who wish to file a claim must complete VA Form 21P-534EZ OR VA Form 21P-601 to apply for benefits and submit any supportive evidence.

» **Burial benefits** are a flat-rate payment to assist in covering eligible Veteran burial in a national cemetery and funeral costs. VA may provide burial benefits to a family member or dependent of a deceased Veteran who met the qualifications at the time of their passing. VA pays service-connected burial, non-service-connected burial, plot or interment allowance, and transportation reimbursement. Individuals who wish to file a claim must complete VA Form 21P-530EZ to apply for benefits and submit any supportive evidence.

» **Health care through the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA)** may also be available for survivors and dependents of Veterans who are now, or who would have been, eligible for a service-connected disability.



2022 PACT ACT: UNDERSTANDING HEALTH CARE ELIGIBILITY AND BENEFITS

PACT ACT HEALTH CARE ELIGIBILITY

What are the new health care eligibility criteria?

The PACT Act helps advance a top VA priority: getting more Veterans into VA care by expanding eligibility for, and the availability of, health care services for Veterans. The law **expands health care eligibility** to several groups of Veterans who may not have been eligible before and requires VA to **phase in hospital care, medical services, and nursing home care for any illness to three new categories** of Veterans.

» **CATEGORY 1:** Veterans who participated in a toxic exposure risk activity (as defined by law) while serving on active duty, active duty for training, or inactive duty training.

» **CATEGORY 2:** Veterans who were assigned to a duty station in (including airspace above) certain locations during specific periods of time:

- On or after August 2, 1990, in: Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, Somalia, or the United Arab Emirates
- On or after September 11, 2001, in: Afghanistan, Djibouti, Egypt, Jordan, Lebanon, Syria, Yemen, Uzbekistan, or any other country determined relevant by VA.

» **CATEGORY 3:** Veterans who deployed in support of Operation Enduring Freedom, Operation Freedom's Sentinel, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve, or Resolute Support Mission.

» **EFFECTIVE ON ENACTMENT (AUGUST 10, 2022):** Veterans who served in the **Republic of Vietnam** (from 1/9/62–5/7/75), **Thailand** at any US or Royal Thai base (from 1/9/62–6/30/76), **Laos** (from 12/1/65–9/30/69), certain provinces in **Cambodia** (from 4/16/69–4/30/69), **Guam**, or **American Samoa** or their territorial waters (from 1/9/62–7/31/80), or the **Johnston Atoll** or a ship that called there (from 1/1/72–9/30/77) may enroll in VA health care.

» **BETWEEN OCTOBER 1, 2022, AND OCTOBER 1, 2023:** Veterans who served on active duty in a theater of combat operations during a period of war **after the Persian Gulf War** or in combat against a hostile force during a period of hostilities after November 11, 1998, and who were discharged or released between September 11, 2001, and October 1, 2013, may enroll in VA health care. Enrollment is free, there are no annual costs, and care may be free as well.

PACT ACT ELIGIBILITY KEY DATES

AUGUST 10, 2022:
PACT Act signed into law.

ON ENACTMENT (AUGUST 10, 2022):
Veterans who served in the Republic of Vietnam, Thailand, Laos, certain provinces in Cambodia, Guam, or American Samoa (or their territorial waters), or the Johnston Atoll (or a ship that called there) during specific time periods may enroll in VA health care.

OCTOBER 1, 2022 - OCTOBER 1, 2023:
Veterans who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War or in combat against a hostile force during a period of hostilities after 11/11/98, and who were discharged or released between 9/11/01–10/1/13 may enroll in VA health care.

NOVEMBER 8, 2022:
Begin incorporating toxic exposure screening for enrolled Veterans.

OCTOBER 1, 2024:
Phase in enrollment for health care for Veterans identified in Categories 1 and 2 who were discharged or released August 2, 1990 - September 11, 2001.

OCTOBER 1, 2026:
Phase in enrollment for health care for Veterans identified in Categories 1 and 2 who were discharged or released September 12, 2001 - December 31, 2006.

OCTOBER 1, 2028:
Phase in enrollment for health care for Veterans identified in Categories 1 and 2 who were discharged or released January 1, 2007 - December 31, 2012.

OCTOBER 1, 2030:
Phase in enrollment for health care for Veterans identified in Categories 1 and 2 who were discharged or released January 1, 2013 - December 31, 2018.

OCTOBER 1, 2032:
Phase in enrollment for health care for Veterans identified in Category 3.

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PACT ACT HEALTH CARE ELIGIBILITY

What is a toxic exposure screening? How will it help Veterans?

Veterans will be **asked questions about potential exposure** to an open burn pit or other hazards commonly associated with military environmental exposure. This will help VA identify other potential risks for Veterans and inform future policy decisions.

How will a Gulf War or Post-9/11 Combat Veteran's eligibility be impacted?

The PACT Act extends and expands VA health care eligibility. **All Veterans are encouraged to apply for VA health care, regardless of separation date.** VA health care eligibility depends on service history and other factors.

Veterans who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War or in combat against a hostile force during a period of hostilities after November 11, 1998, and who were discharged or released:

- Between September 11, 2001, and October 1, 2013, will have a special enrollment period between October 1, 2022, and October 1, 2023 (if not previously enrolled in VA health care). During this one-year period, Veterans will have another opportunity to apply for enrollment. We strongly encourage them to do so to ensure health care is available now and in the future. Enrollment is free, there are no annual costs, and care may be free as well.
- After October 1, 2013, are eligible to enroll in VA health care during the 10 year period from the most recent discharge or separation date.



What is the Burn Pit Registry? How can a Veteran register?

The VA Airborne Hazards and Open Burn Pit Registry aims to help VA **better understand potential health effects of exposures** and proactively identify health concerns Veterans can discuss with their health care providers for follow-up care.

Veterans deployed to **Southwest Asia or Egypt** after August 2, 1990, or **Afghanistan, Djibouti, Syria, or Uzbekistan** on or after September 11, 2001, are eligible to participate in the registry.

Participation is voluntary and **cannot negatively impact VA health care access or compensation and benefits claims.** Exposure to specific airborne hazards or having related health concerns is not required to participate in the registry.

How can a Veteran apply for VA health care?

Apply online at VA.gov/health-care/apply/application/introduction

Call the toll-free hotline at 877-222-8387
Monday – Friday, 8:00 a.m. – 8:00 p.m. ET

Mail a completed, signed Application for Health Benefits VA Form 10-10EZ

Bring a completed, signed VA Form 10-10EZ to the nearest VA Medical Center or clinic.