



**BOB WOODRUFF
FOUNDATION**

Understanding the PACT Act

ISSUE/CHALLENGE

Veterans are familiar with sacrifice, yet they should not have to sacrifice their health and well-being after serving our country. Veterans who were exposed to toxic substances during their service may later suffer from illness, disease, and associated crippling medical expenses. The historic law enacted last year, the PACT Act, will help deliver more timely benefits and services to over 5 million veterans from multiple generations who have been affected by exposure to toxic substances.

Officially the Sergeant First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxics (PACT) Act of 2022, the new law is one of the largest expansions of health care benefits for veterans in U.S. history.¹ It specifies a broad list of conditions and illnesses—such as respiratory conditions and certain cancers—that can now be presumed to be connected to toxic exposure during military service.

The PACT Act covers multiple eras of service, from the early 1960s to the present day. It also simplifies the process of screening and providing help to veterans.

The website of the Department of Veterans Affairs (VA) explains the expanded benefits offered by the new law and enables people to apply online for disability benefits or VA health care at no charge.² But despite VA's extensive efforts to raise awareness, a large amount of misinformation about the PACT Act has circulated, leaving many veterans and surviving spouses confused. Of 1,000 veterans polled last October, two months after the law was enacted, less than half were familiar with the newly offered benefits, and nearly one-third were unsure whether they were eligible for benefits. Only one-fourth of those veterans felt “very comfortable” navigating and accessing benefits.³

KEY ASPECTS

The PACT Act makes it easier in various ways for veterans who have been exposed to an array of toxins to qualify for free VA health care and financial benefits.

Mandating Toxic-Exposure Screenings

The PACT Act requires VA to give veterans enrolled in the VA health care system a five-minute toxic-exposure screening. Those screenings, which are intended to be easily accessible at local VA medical facilities, help establish the scale of health concerns related to a veteran's toxic exposures.

Expanding VA Health Care

More veterans will be eligible for free VA health care through the PACT Act. Benefits are now available to veterans with toxic exposures who served during the Vietnam War, Gulf War, or post-9/11 eras. Even if veterans are unsure whether they meet the requirements, VA encourages them to apply for the new benefits under the PACT Act. For instance, most post-9/11 veterans who were discharged or released on or after October 1, 2013, are eligible. Post-9/11 combat veterans also now have more time to enroll in VA health care: within 10 years of their discharge.

Adding Coverage for a Longer List of Presumptive Conditions

If a veteran has a health condition caused by military service, VA assigns a disability rating based on the severity of the condition; that rating determines the amount of a veteran's monthly disability benefits. Except for conditions officially “presumed” to be connected to military service, veterans must prove their conditions were caused by military service. The PACT Act expands the list of presumed conditions for veterans who served in specific locations with known environmental hazards. That expansion is important for veterans who file claims through VA, because otherwise it can be difficult for them to prove that a disease or diagnosis is service-connected. The PACT Act's reduction in procedures and paperwork eases the process for veterans seeking medical care and financial benefits.

The PACT Act lists more than 20 presumptive conditions. They include a dozen cancers and other respiratory illnesses linked to exposure to burn pits:

- Brain cancer
- Kidney cancer
- Pancreatic cancer
- Head or neck cancer
- Melanoma
- Cancer of the reproductive organs
- Chronic rhinitis
- Chronic sinusitis
- Chronic bronchitis
- Emphysema
- Asthma
- Pleuritis

The PACT Act also includes two new presumptive conditions related to exposure to Agent Orange: high blood pressure (hypertension) and monoclonal gammopathy of undetermined significance (MGUS).

KEY ASPECTS *CONT.*

Adding More Presumptive-Exposure Locations

Veterans are presumed to have been exposed to toxins if they served on or after September 11, 2001, in any of the following locations or in those locations' airspace:

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

Veterans are also presumed to have been exposed if they served on or after August 2, 1990, in any of the following locations or in those locations' airspace:

- Bahrain
- Iraq
- Kuwait
- Oman
- Qatar
- Saudi Arabia
- Somalia
- United Arab Emirates

In addition, veterans have a presumption of exposure to Agent Orange if they served at the following places and times:

- At any U.S. or Royal Thai military base in Thailand from January 9, 1962, through June 30, 1976
- In Laos from December 1, 1965, through September 30, 1969
- At Mimot, Krek, or Kampong Cham Province in Cambodia from April 16, 1969, through April 30, 1969
- On Guam or American Samoa or in territorial waters off the coast of those islands from January 9, 1962, through July 31, 1980
- On Johnston Atoll or on a ship that docked there from January 1, 1972, through September 30, 1977

IMPORTANT POINTS ABOUT HOW TO APPLY

Filing a claim under the PACT Act is free. All veterans and survivors should understand that legal support is not required. They should not hire an attorney who will require payment or a share of the client's benefits.

Veterans and survivors who need support should reach out for assistance to VA or to qualified organizations that serve the military and veteran communities.

Any veteran or surviving spouse with questions about eligibility can contact My VA 411 at 800-698-2411. VA has a call center with a network of experts ready to help. Veterans and survivors can also learn more at www.va.gov/resources/the-pact-act-and-your-va-benefits.

COMMON MISCONCEPTIONS ABOUT THE PACT ACT

Misinformation about eligibility rules and procedures for PACT Act benefits has been rife since the law's enactment. Here are the facts that refute three common myths about the PACT Act:

- **Myth.** I have to pay someone to apply for health care or financial benefits under the PACT Act.

Fact. Since the law was enacted, there has been an influx of scams targeting veterans' households and offering to submit benefit claims on their behalf. Unscrupulous lawyers and other individuals who take partial benefits as payment for their assistance have been targeting veterans and survivors. There are no fees associated with applying for benefits, and VA will never charge veterans for processing a claim.

- **Myth.** The PACT Act applies only to post-9/11 veterans.

Fact. The law expands health care and financial benefits related to toxic exposure to many groups of veterans who were not previously eligible, including those from the Vietnam era and the first Gulf War. Veterans who participated in an activity that put them at risk of toxic exposure while serving on active duty, training for active duty, or training for reserve duty are eligible.

- **Myth.** Veterans' survivors do not qualify for PACT Act benefits.

Fact. Surviving family members may be eligible for a variety of benefits. The law simplifies and eases the process for survivors to access Dependency and Indemnity Compensation (DIC), as well as other allowances, payments, and benefits. A one-time payment of accrued benefits may be made to a surviving family member if a veteran was due additional benefits before death.

RESOURCES

¹ A summary of the law and its full text are available at www.congress.gov/bill/117th-congress/senate-bill/3373.

² Department of Veterans Affairs, "The Pact Act and Your VA Benefits" (June 7, 2023), www.va.gov/resources/the-pact-act-and-your-va-benefits.

³ Unpublished poll conducted by Iraq and Afghanistan Veterans of America in October 2022 with funding from the Bob Woodruff Foundation.

About Stand SMART For Heroes

The Bob Woodruff Foundation is proud to partner with best-in-class scientific organizations to provide important research findings to the community of organizations that represent and serve post-9/11 veterans, service members, families, and caregivers.

For more information on the Bob Woodruff Foundation and Stand SMART For Heroes, please see bobwoodrufffoundation.org.