

# PACT Act Benefits, Exposures, and Presumptive Diseases.



DAV Florida Chapter 123  
Merritt Island, Fl. 32952  
02/22/2023

# PACT Act



- The PACT Act was signed by President Biden on August 10, 2022.
- The Sergeant First Class, Heath Robinson, Honoring our Promise to Address: **Comprehensive Toxics Act** of 2022.
- PACT Act: A new law expanding VA Health Care and Benefits for Veterans exposed to burn pits and other toxic substances.
- VA LINK: [The PACT Act And Your VA Benefits | Veterans Affairs](#)

# PACT Act Benefits, Exposures, and Presumptive Diseases



## Agent Orange and Presumptive Diseases

The PACT Act (Passed into Law 8/10/2022) includes **new locations conceding Agent Orange exposure** in:

- **Thailand** - At any United States or Royal Thai base during the period **beginning on January 9, 1962, and ending on June 30, 1976**, without regard to where on the base the veteran was located or what military job specialty the veteran performed.
- **Laos** - During the period **beginning on December 1, 1965, and ending on September 30, 1969**.
- **Cambodia** - At Mimot or Krek, Kampong Cham Province during the period **beginning on April 16, 1969, and ending on April 30, 1969**.
- **Guam, American Samoa, or in the territorial waters thereof** - during the period **beginning on January 9, 1962, and ending on July 31, 1980**.
- **Johnston Atoll** - Served on Johnston Atoll or on a ship that called at Johnston Atoll during the period **beginning on January 1, 1972, and ending on September 30, 1977**.

These locations will be effective the date of the enactment and **Nehmer** should be for application as this includes all current presumptive diseases for Agent Orange.



# Effective Dates



On the date of the enactment (08/10/2022) of this Act for claimants for dependency and indemnity compensation and for veterans whom the VA determines are:

- Terminally ill
- Homeless
- Under extreme financial hardship
- More than 85 years old
- Capable of demonstrating other sufficient cause
- **On October 1, 2022**, for everyone not described.
- ❑ **Monoclonal Gammopathy of Undetermined Significance (MGUS)** effective October 1, 2022.
  - ❑ [Nehmer](#) is for application
- ❑ **Hypertension** is added as a presumptive disease, but **will not be effective until October 1, 2026**.
  - ❑ **The bill states that [Nehmer](#) does NOT apply for hypertension.**
- ❑ Presumptive diseases based on burn pits and toxic exposures for those who served: **on or after August 2, 1990**. Performed active military, naval, air, or space service while assigned to a duty station in, including airspace above:
  - ❑ Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, Somalia, United Arab Emirates.
- ❑ Presumptive diseases based on burn pits and toxic exposures for those who served: **on or after September 11, 2001**. Performed active military, naval, air, or space service while assigned to a duty station in, including airspace above:
  - ❑ Afghanistan; Djibouti; Egypt; Jordan; Lebanon; Syria; Yemen; Uzbekistan; or any other country determined relevant by the Secretary.
- ❑ Covered veterans also includes the term 'exposure tracking record system' - including the Individual Longitudinal Exposure Record, or successor system.

# PACT Act Benefits, Exposures, and Presumptive Diseases



## Burn Pits/Toxic Exposure Locations and Presumptive Diseases

Presumptive diseases based on burn pits and toxic exposures for those who served: **on or after August 2, 1990**, performed active military, naval, air, or space service while assigned to a duty station in, including airspace above:

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

Presumptive diseases based on burn pits and toxic exposures for those who served: **on or after September 11, 2001**, performed active military, naval, air, or space service while assigned to a duty station in, including airspace above:

- Afghanistan; Djibouti; Egypt; Jordan; Lebanon; Syria; Yemen; Uzbekistan; or any other country determined relevant by the Secretary.

Covered veterans also includes the term 'exposure tracking record system'—including the Individual Longitudinal Exposure Record, or successor system.

### The diseases, including Asthma and the following types of cancer:

- Neck cancer of any type.
- Respiratory cancer of any type.
- Lymphatic cancer of any type.
- Kidney cancer.
- Gastrointestinal cancer of any type
- Brain cancer.
- Melanoma.
- Reproductive cancer of any type.
- Head cancer of any type.
- Pancreatic cancer

# PACT Act Benefits, Exposures, and Presumptive Diseases



## The Diseases:

- Chronic Sinusitis
  - Granulomatous disease
  - Chronic Rhinitis
  - Glioblastoma
  - Constrictive Bronchiolitis or Obliterative Bronchiolitis
  - Sarcoidosis
  - Chronic Obstructive Pulmonary Disease
  - Emphysema
  - Pulmonary Fibrosis
  - Interstitial Lung disease
  - Pleuritis
- **Any other disease for which the Secretary determines is warranted based on a positive association with a substance, chemical, or airborne hazard.**

**Effective on Oct. 10, 2022** – asthma that was diagnosed after service, respiratory cancer of any type, brain cancer, Constrictive bronchiolitis or obliterative bronchiolitis, emphysema, granulomatous disease, interstitial lung disease, pleuritis, pulmonary fibrosis, sarcoidosis, chronic rhinitis, chronic sinusitis, and glioblastoma.

**Effective Oct 1, 2023** - chronic bronchitis, and chronic obstructive pulmonary disease.

**Effective Oct 1, 2024** - head cancer of any type, neck cancer of any type, gastrointestinal cancer of any type, reproductive cancer of any type, lymphoma cancer of any type, lymphoma cancer of any type, and pancreatic cancer.

**Effective Oct 1, 2025** – kidney cancer and melanoma

On the date of the enactment of this Act for claimants for dependency and indemnity compensation and for veterans whom the VA determines are:

- **Terminally ill; homeless; under extreme financial hardship; more than 85 years old; or capable of demonstrating other sufficient cause.**



# The Processes



**Medical Examinations and Medical Opinions** - If a veteran submits a claim for compensation for a service-connected disability with evidence of a disability and evidence of participation in a toxic exposure risk activity during active military, naval, air, or space service, and such evidence is not sufficient to establish a service connection for the disability, the Secretary shall—provide the veteran with a medical examination and obtain a medical opinion as to whether it is at least as likely as not that there is a nexus between the disability and the toxic exposure risk activity.

- ✓ **When providing the Secretary with a medical opinion a veteran, the health care provider shall consider—the total potential exposure through all applicable military deployments of the veteran; and the synergistic, combined effect of all toxic exposure risk activities of the veteran.**
- ✓ **The requirement shall not be construed as requiring a health care provider to consider the synergistic, combined effect of each of the substances, chemicals, and airborne hazards identified.**

**EXCEPTION** - **Shall not apply if the Secretary determines there is no indication of an association between the disability claimed by the veteran and the toxic exposure risk activity for which the veteran submitted evidence.**

# PACT Act Benefits, Exposures, and Presumptive Diseases



## Radiation Risk Activities

- Cleanup of **Enewetak Atoll** during the period **beginning on January 1, 1977, and ending on December 31, 1980.**
- Onsite participation in the response effort following the collision of a United States Air Force **B-52 bomber** and refueling plane that caused the release of four thermonuclear weapons in the vicinity of **Palomares, Spain**, during the period **beginning January 17, 1966, and ending March 31, 1967.**
- Onsite participation in the response effort following the on-board fire and crash of a United States Air Force **B-52 bomber** that caused the release of four thermonuclear weapons in the vicinity of **Thule Air Force Base, Greenland**, during the **period beginning January 21, 1968, and ending September 25, 1968.**