

S 3373

Honoring our PACT Act of 2022

Congress: 117 (2021–2023, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: Dec 9, 2021

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Latest Action: Became Public Law No: 117-168. (Aug 10, 2022)

Law: 117-168 (Enacted Aug 10, 2022)

Official Text: <https://www.congress.gov/bill/117th-congress/senate-bill/3373>

Sponsor

Name: Sen. Kaine, Tim [D-VA]

Party: Democratic • **State:** VA • **Chamber:** Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cortez Masto, Catherine [D-NV]	D · NV		Dec 9, 2021
Sen. Tester, Jon [D-MT]	D · MT		Dec 9, 2021

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Discharged From	Feb 18, 2022

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
117 HR 6482	Related bill	Nov 1, 2022: Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.
117 HCONRES 98	Related bill	Jul 14, 2022: Received in the Senate.
117 HRES 1224	Related bill	Jul 13, 2022: Motion to reconsider laid on the table Agreed to without objection.
117 HR 3967	Related bill	Jun 16, 2022: Message on Senate action sent to the House.
117 HR 6131	Related bill	Mar 29, 2022: Subcommittee Hearings Held.
117 S 3176	Related bill	Nov 4, 2021: Read twice and referred to the Committee on the Judiciary.
117 HR 913	Related bill	Jul 14, 2021: Subcommittee Hearings Held.
117 HR 1585	Related bill	Apr 29, 2021: Referred to the Subcommittee on Health.
117 S 565	Related bill	Apr 28, 2021: Committee on Veterans' Affairs. Hearings held.
117 S 1039	Related bill	Apr 28, 2021: Committee on Veterans' Affairs. Hearings held.
117 S 1393	Related bill	Apr 27, 2021: Read twice and referred to the Committee on Veterans' Affairs.

Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 or the Honoring our PACT Act of 2022

This bill addresses health care, presumption of service-connection, research, resources, and other matters related to veterans who were exposed to toxic substances during military service.

TITLE I--EXPANSION OF HEALTH CARE ELIGIBILITY

Conceding Our Veterans' Exposure Now and Necessitating Training Act of 2022 or the COVENANT Act of 2022

Subtitle A--Toxic-Exposed Veterans

(Sec. 103) This section provides eligibility for Department of Veterans Affairs (VA) medical care, including mental health services and counseling, to veterans who (1) participated in a toxic exposure risk activity (e.g., a qualifying activity that requires a corresponding entry in an exposure tracking record system, such as the Individual Longitudinal Exposure Record); (2) served in specified locations on specified dates; or (3) deployed in support of a specified contingency operation.

(Sec. 104) The VA must complete an assessment to determine (1) the personnel and material resources necessary to implement the expanded provision of care to the veterans specified in Section 103 of this bill (e.g., veterans who participated in a toxic exposure risk activity), and (2) the total number of veterans who served in specified locations on specified dates and receive hospital care or medical services from the VA, disaggregated by priority group.

Subtitle B--Certain Veterans Of Combat Service And Other Matters

(Sec. 111) This section extends the eligibility period for VA hospital care, medical services, and nursing home care for combat veterans who served after September 11, 2001, and are toxic-exposed veterans, including those who did not enroll to receive VA care during the eligibility period.

TITLE II--TOXIC EXPOSURE PRESUMPTION PROCESS

Toxic Exposure in the American Military Act of 2022 or the TEAM Act of 2022

(Sec. 202) This section prescribes the procedures for establishing or removing presumptions of service-connection based on toxic exposure, including by providing for public notice and comment periods and the establishment of a working group to advise and make recommendations regarding toxic exposures during military service.

(Sec. 203) The VA must conduct outreach to certain claimants when a law establishes or modifies a presumption of service-connection. Specifically, the VA must identify and conduct outreach for all claims for compensation for a service-connected disability that (1) were submitted to the VA, (2) were evaluated and denied before the new law went into effect, and (3) might have been evaluated differently if the modification had been applicable to the claim.

(Sec. 204) The VA must conduct outreach to certain claimants when a law establishes or modifies a presumption of service-connection in relation to dependency and indemnity compensation. Specifically, the VA must identify and conduct outreach for all claims for dependency and indemnity compensation related to service-connected conditions that (1) were submitted to the VA, (2) were evaluated and denied before the new law went into effect, and (3) might have been

evaluated differently if the modification had been applicable to the claim.

TITLE III--IMPROVING THE ESTABLISHMENT OF SERVICE CONNECTION PROCESS FOR TOXIC-EXPOSED VETERANS

Veterans Burn Pits Exposure Recognition Act of 2022

(Sec. 302) This section establishes a presumption that veterans were exposed to certain substances, chemicals, and airborne hazards during military service in specified locations in specified time frames (e.g., on or after August 2, 1990, in Bahrain).

(Sec. 303) The VA must provide a veteran with a medical examination regarding the nexus between a disability and toxic exposure risk activity if a veteran submits a disability compensation claim for a service-connected disability with insufficient evidence.

TITLE IV--PRESUMPTIONS OF SERVICE CONNECTION

Mark Takai Atomic Veterans Healthcare Parity Act of 2022

(Sec. 401) This section includes veterans who participated in the cleanup of Enewetak Atoll in the Marshall Islands between January 1, 1977, and December 31, 1980, as radiation-exposed veterans for purposes of the VA presumption of service-connection for specified cancers.

Palomares or Thule Veterans Act of 2022

(Sec. 402) This section includes veterans who participated in the cleanup of radioactive materials at Palomares, Spain, or in the response effort following the on-board fire and crash of a U.S. Air Force B-52 bomber in the vicinity of Thule Air Force Base, Greenland, as radiation-exposed veterans for purposes of the presumption of service-connection for specified cancers.

Veterans Agent Orange Exposure Equity Act of 2022

(Sec. 403) This section expands the presumption of service-connection for diseases associated with exposure to certain herbicide agents for veterans who served in Vietnam between January 9, 1962, and May 7, 1975. Specifically, the bill expands the presumption to cover veterans who served during specified time frames in Thailand at any U.S. or Royal Thai bases, Laos, Cambodia, Guam or American Samoa or the waters thereof, or on Johnson Atoll. Under the bill, such veterans are eligible for VA hospital care, medical services, and nursing home care.

Fair Care for Vietnam Veterans Act of 2022

(Sec. 404) This section provides a presumption of service-connection for hypertension and monoclonal gammopathy of undetermined significance (MGUS) for veterans who performed service specified in Section 403 of this bill (e.g., in Thailand).

(Sec. 405) This section addresses disability compensation and care issues for Persian Gulf War veterans, including by expanding who qualifies as a Persian Gulf Veteran.

Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2022

(Sec. 406) This section establishes a presumption of service-connection for specified diseases associated with exposure to specified substances, chemicals, or airborne hazards becoming manifest in veterans who served in specified locations during specified times (e.g., Iraq on or after August 2, 1990).

TITLE V--RESEARCH MATTERS

(Sec. 501) The VA must collaborate with various entities, such as the Department of Defense (DOD), to establish the Toxic Exposure Research Working Group to (1) identify collaborative research activities and resources and conduct such research related to health consequences of toxic exposure during military service, and (2) develop a five-year strategic plan for collaborative research activities.

(Sec. 502) The VA must continually analyze all clinical data obtained in connection with its provision of hospital care, medical services, and nursing home care for toxic-exposed veterans that is likely to be scientifically useful in determining the association between a veteran's medical condition and a toxic exposure.

(Sec. 503) The VA must conduct an updated analysis of total and respiratory disease mortality in veterans who served in specified locations at specified times, such as in Kuwait on or after August 2, 1990.

(Sec. 504) The VA must conduct an epidemiological study on the health trends of veterans who served in the Armed Forces after September 11, 2001.

(Sec. 505) The VA must study the incidence of cancer in veterans to determine trends in the rates of incidence of cancer in veterans.

(Sec. 506) The VA must enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (NASEM) to study the health trends of veterans who, during active service, participated in activities relating to the Manhattan Project or resided near specified locations proximate to waste arising from activities in connection with the Manhattan Project.

(Sec. 507) The VA must enter an agreement with NASEM to study possible relationships between toxic exposures experienced during service in the Armed Forces and mental health conditions.

(Sec. 508) The Government Accountability Office must study the state of access and barriers to benefits and services furnished by the Veterans Benefits Administration (VBA) and the Veterans Health Administration (VHA) to veterans in territories and Freely Associated States of the United States.

(Sec. 509) The VA must establish and maintain a publicly accessible website to serve as a clearinghouse for the publication of all toxic exposure research carried out or funded by the executive branch of the federal government.

(Sec. 510) The VA must report to Congress on the health effects of jet fuels used by the Armed Forces.

TITLE VI--IMPROVEMENT OF RESOURCES AND TRAINING REGARDING TOXIC-EXPOSED VETERANS

Fairly Assessing Service-related Toxic Exposure Residuals Presumptions Act of 2022 or the FASTER Presumption Act of 2022

(Sec. 602) The VA must publish a list of its resources for toxic-exposed veterans and veterans who report toxic exposure, families and caregivers of such veterans, and survivors of such veterans who are receiving death benefits. The VA must also develop an informative outreach program for veterans on illnesses that may be related to toxic exposures.

(Sec. 603) The VA must incorporate a screening to help determine potential toxic exposures during active military service as part of the health care screening furnished to veterans enrolled in the VA health care system.

(Sec. 604) The VA must provide its health care personnel with education and training to identify, treat, and assess the impact on veterans of illnesses related to toxic exposures. Additionally, the VA must incorporate an annual training program for processors of claims for disability benefits relating to service-connected disabilities based on toxic exposures.

TITLE VII--RESOURCING

(Sec. 701) The VA is authorized to use funds appropriated to the Cost of War Toxic Exposures Fund to continue the modernization, development, and expansion of capabilities and capacity of information technology systems and infrastructure of the VBA to support expected increased claims processing for newly eligible veterans. The VA must submit a plan to Congress for the modernization of the information technology systems of the VBA.

(Sec. 702) This section authorizes the VA to carry out various medical facility leases at specified amounts in FY2023 (e.g., an outpatient clinic in Allentown, Pennsylvania).

(Sec. 703) This section prohibits funds from being appropriated, obligated, or expended for any major VA medical facility lease unless the congressional veterans affairs committees each adopt a resolution approving the lease.

Additionally, this section (1) modifies the requirements for the prospectus that must be submitted regarding a request for funding a major medical facility lease, and (2) authorizes the VA to carry out interim leasing actions as it considers necessary for approved major medical facility leases and replacement leases that do not require approval.

(Sec. 704) The VA may enter into a lease with an academic affiliate or other specified entity to acquire space for the purpose of providing health care resources to veterans.

(Sec. 705) This section modifies the enhanced-use lease authority of the VA, including by permanently authorizing such authority and extending the maximum term of such leases from 75 to 99 years. This section also provides appropriations for entering into enhanced-used leases and authorizes the VA to deposit unutilized funds received under an enhanced-use lease in the Medical Facilities or the Construction, Minor Projects accounts.

(Sec. 706) This section prescribes the authority for joint leasing actions between DOD and the VA.

(Sec. 707) This section provides specified appropriations for major medical facility leases through FY2031.

TITLE VIII--RECORDS AND OTHER MATTERS

(Sec. 801) The VA must conduct an epidemiological study on the health trends of veterans who served at Fort McClellan at any time between January 1, 1935, and May 20, 1999.

(Sec. 802) DOD must brief Congress on the quality of its databases that provide the information presented in the Individual Longitudinal Exposure Record and the usefulness of the record in supporting members of the Armed Forces and veterans in receiving health care and benefits.

(Sec. 803) The VA must provide a means for veterans to update their records as necessary to reflect exposures to occupational or environmental hazards in the Individual Longitudinal Exposure Record.

Camp Lejeune Justice Act of 2022

(Sec. 804) This section provides a federal cause of action for individuals who resided, worked, or were otherwise exposed (including in utero) for not less than 30 days to water at Camp Lejeune, North Carolina, between August 1, 1953, and December 31, 1987.

(Sec. 805) This section establishes the Cost of War Toxic Exposures Fund in the Treasury to be administered by the VA to invest in the delivery of veterans' health care and benefits associated with exposures to environmental hazards during military services and medical and other research relating to exposure to environmental hazards.

(Sec. 806) This section provides appropriations to the Cost of War Toxic Exposures Fund to remain available through FY2024. The VA must submit a plan for expending such amounts.

(Sec. 807) This section authorizes the VA to provide notice related to claims in an electronic format upon the election of the claimant, including for decisions by the Board of Veterans' Appeals.

(Sec. 808) The VA must annually submit a report related to veterans who submit a disability claim for a service-connected disability and were deployed at specified locations at specified times. Additionally, the VA must ensure that VA medical professionals inform a veteran of the Airborne Hazards and Open Burn Pit Registry if a veteran seeks treatment at a VA medical facility for issues related to, or ancillary to, the exposure to toxic airborne chemicals and fumes caused by open burn pits.

TITLE IX--IMPROVEMENT OF WORKFORCE OF DEPARTMENT OF VETERANS AFFAIRS

(Sec. 901) The VA must develop and implement a national rural recruitment and hiring plan for the VHA to, among other purposes, recruit health care professionals for rural and highly rural community-based outpatient clinics and medical centers.

(Sec. 902) The VA may buy out a non-VA service contract of certain health care professionals to whom the VA has offered employment in exchange for the individual agreeing to be employed at a rural or highly rural facility for at least four years.

(Sec. 903) The VA must establish qualifications for each of its human resources positions and establish standardized performance metrics for such positions. The VA must also establish or enhance its systems to monitor human resources actions that occur at local, regional, and national levels to improve performance of those actions. The VA must also submit a plan to Congress for the recruitment and retention of human resources employees within the VA.

(Sec. 904) This section increases the pay cap for certain employees of the VHA.

(Sec. 905) This section expands employment opportunities for housekeeping aides by removing the requirement that competition for VA housekeeping aide positions is restricted to preference eligibles.

(Sec. 906) This section modifies the authority of the VA related to hours, conditions and employment, and pay for certain employees of the VHA, specifically certain appointees and Senior Executive Service positions. Additionally, the section authorizes the VA to establish an awards program for certain appointed personnel, such as physicians.

(Sec. 907) The VA is authorized to waive any annual premium or aggregate limitation on pay for an employee of the VHA during the calendar year in which the official duty station of the employee is closed or the office, facility, activity, or

organization of the employee is realigned. Similarly, the VA may waive any annual premium or aggregate limitation on pay for an employee whose primary duties include providing expanded care for veterans exposed to open burn pits.

(Sec. 908) This section eliminates the limitation on aggregate amounts for awards and bonuses for employees of the VA.

(Sec. 909) Among other elements, this section provides additional authority for the VA to provide recruitment and relocation bonuses, retention bonuses, merit awards, incentives for critical skills, and student loan repayments. The section increases the cap on the number of college graduates and post-secondary students the VA may hire through an expedited process. The VA may authorize the fixing of the rate of pay for critical positions in the VA, with some limitations. Additionally, the VA may establish a rate for special pay and may waive the limitation on certain payments, such as bonuses.

Actions Timeline

- **Aug 10, 2022:** Signed by President.
- **Aug 10, 2022:** Became Public Law No: 117-168.
- **Aug 9, 2022:** Presented to President.
- **Aug 3, 2022:** Message on Senate action sent to the House.
- **Aug 2, 2022:** Considered by Senate (Message from the House considered). (consideration: CR S3845-3852)
- **Aug 2, 2022:** Motion by Senator Paul to concur in the House Amendment to S. 3373 with an amendment (SA 5184) made in Senate. (CR S3846)
- **Aug 2, 2022:** Motion by Senator Toomey to concur in the House Amendment to S. 3373 with an amendment (SA 5186) made in Senate. (CR S3848)
- **Aug 2, 2022:** Motion by Senator Paul to concur in the House Amendment to S. 3373 with an amendment (SA 5184), under the order of 8/2/22, not having achieved 60 votes in the affirmative, was not agreed to by Yea-Nay Vote. 7 - 90. Record Vote Number: 277.
- **Aug 2, 2022:** Motion by Senator Toomey to concur in the House Amendment to S. 3373 with an amendment (SA 5186), under the order of 8/2/22, not having achieved 60 votes in the affirmative, was not agreed to by Yea-Nay Vote. 47 - 48. Record Vote Number: 278.
- **Aug 2, 2022:** Motion by Senator Blackburn to concur in the House Amendment to S. 3373 with an amendment (SA 5185) made in Senate. (CR S3850)
- **Aug 2, 2022:** Motion by Senator Blackburn to concur in the House Amendment to S. 3373 with an amendment (SA 5185), under the order of 8/2/22, not having achieved 60 votes in the affirmative, was not agreed to by Yea-Nay Vote. 48 - 47. Record Vote Number: 279.
- **Aug 2, 2022:** Motion by Senator Schumer to refer to Senate Committee on Veterans' Affairs the House message to accompany S. 3373 with instructions to report back forthwith with the following amendment (SA 5150) withdrawn in Senate.
- **Aug 2, 2022:** Motion by Senator Schumer to concur in the House amendment to S. 3373 with an amendment (SA 5148) withdrawn in Senate.
- **Aug 2, 2022:** Resolving differences -- Senate actions: Senate agreed to the House amendment to S. 3373, under the order of 8/2/2022, having achieved 60 votes in the affirmative by Yea-Nay Vote. 86 - 11. Record Vote Number: 280.
- **Aug 2, 2022:** Senate agreed to the House amendment to S. 3373, under the order of 8/2/2022, having achieved 60 votes in the affirmative by Yea-Nay Vote. 86 - 11. Record Vote Number: 280.
- **Jul 27, 2022:** Considered by Senate (Message from the House considered). (consideration: S3715-3734)
- **Jul 27, 2022:** Cloture on the motion to concur in the House amendment to S. 3373 not invoked in Senate by Yea-Nay Vote. 55 - 42. Record Vote Number: 272.
- **Jul 27, 2022:** Motion by Senator Schumer to reconsider the vote by which cloture on the motion to concur in the House amendment to S. 3373 was not invoked (Record Vote No. 272) entered in Senate.
- **Jul 26, 2022:** Considered by Senate (Message from the House considered).
- **Jul 25, 2022:** Considered by Senate (Message from the House considered).
- **Jul 25, 2022:** Cloture motion on the motion to concur in the House amendment to S. 3373 presented in Senate.
- **Jul 21, 2022:** Measure laid before Senate by unanimous consent. (consideration: CR S3596)
- **Jul 21, 2022:** Motion by Senator Schumer to concur in the House amendment to S. 3373 made in Senate. (CR S3596)
- **Jul 21, 2022:** Motion by Senator Schumer to concur in the House amendment to S. 3373 with an amendment (SA 5148) made in Senate. (CR S3596)
- **Jul 21, 2022:** Motion by Senator Schumer to refer to Senate Committee on Veterans' Affairs the House message to accompany S. 3373 with instructions to report back forthwith with the following amendment (SA 5150) made in Senate. (CR S3596)
- **Jul 14, 2022:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Jul 13, 2022:** Rules Committee Resolution H. Res. 1224 Reported to House. Rule provides for consideration of H.R. 7900, S. 3373, H.R. 8296, H.R. 8297 and H.R. 6538 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. Measure will be considered read. Specified amendments are in order.
- **Jul 13, 2022:** Considered under the provisions of rule H. Res. 1224. (consideration: CR H6001-6025)
- **Jul 13, 2022:** Rule provides for consideration of H.R. 7900, S. 3373, H.R. 8296, H.R. 8297 and H.R. 6538 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to

recommit. Measure will be considered read. Specified amendments are in order.

- **Jul 13, 2022:** DEBATE - The House proceeded with one hour of debate on S. 3373.
- **Jul 13, 2022:** The previous question was ordered pursuant to the rule.
- **Jul 13, 2022:** Mr. Bost moved to commit to the Committee on Veterans' Affairs. (text: CR H6024-6025)
- **Jul 13, 2022:** The previous question on the motion to commit was ordered pursuant to clause 2(b) of rule XIX.
- **Jul 13, 2022:** POSTPONED PROCEEDINGS - The Chair put the question on the Bost motion to commit and by voice vote, announced that the noes had prevailed. Mr. Bost demanded the yeas and nays and the Chair postponed further proceedings until a time to be announced.
- **Jul 13, 2022:** Considered as unfinished business. (consideration: CR H6289-6290)
- **Jul 13, 2022:** On motion to commit Failed by the Yeas and Nays: 208 - 219 (Roll no. 308).
- **Jul 13, 2022:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 342 - 88 (Roll no. 309).
- **Jul 13, 2022:** On passage Passed by the Yeas and Nays: 342 - 88 (Roll no. 309). (text: CR H6001-6016)
- **Jul 13, 2022:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 18, 2022:** Message on Senate action sent to the House.
- **Feb 18, 2022:** Received in the House.
- **Feb 18, 2022:** Held at the desk.
- **Feb 17, 2022:** Senate Committee on Health, Education, Labor, and Pensions discharged by Unanimous Consent.
- **Feb 17, 2022:** Senate Committee on Health, Education, Labor, and Pensions discharged by Unanimous Consent. (consideration: CR S800-801)
- **Feb 17, 2022:** Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.
- **Feb 17, 2022:** Passed Senate without amendment by Unanimous Consent. (text: CR S800-801)
- **Dec 9, 2021:** Introduced in Senate
- **Dec 9, 2021:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.