

JULY 25, 1990

TO: LANE
FROM: LORI
RE: REP. PENNY SUBSTITUTE

General Comments

This substitute is nothing like your bill. A question to ask Rep. Penny would be, "Where is the improvement over H.R. 3004 in your substitute?"

The National Academy of Science provision is the most important part of H.R. 3004 and Rep. Penny has taken away all of its significant parts. Rep. Penny should be put in a position to show why he has changed your provisions.

The presumption for chloracne in H.R. 3004 was originally thought of by Senators Cranston and Murkowski. They believed that there was a need to liberalize that provision.

Point out the fact that H.R. 3004 has been worked on for years, carefully thought out. The House and Senate have worked together to have the exact same language with regards to the NAS provision in both bills. This substitute was only written in the past couple of days and no hearings have been held on it.

In addition, no one has talked to you about a compromise (if that is what they think this is) except in this attempt to gut H.R. 3004.

THE FOLLOWING IS A BREAKDOWN OF REP. PENNY'S SUBSTITUTE COMPARED TO H.R. 3004: (The subtitles are the Sections in the substitute)

Section 303 - Outreach Services

H.R. 3004 would have had the Secretary of DVA update the information of the program each year and provide it to the individuals listed on the DVA's Agent Orange Registry. (Pg. 27, Line 19 of H.R. 3004.

The substitute has the Secretary updating the information each year but will only furnish the information "to interested persons who request that information." This is very ambiguous, does this include the Registry or not.

Section 304 - Extension of Health-Care Eligibility Based on Agent Orange or Ionizing Radiation Exposure

H.R. 3004 makes the extension to December 31, 2000 (Pg. 28, Line 15).

The substitute makes the extension to December 31, 1992 (Pg. 5, Line 18)

Section 306 - Independent Review of Evidence (NAS)

H.R. 3004 has provisions to correlate the review done by the National Academy of Sciences (NAS) to the Department of Veterans' Affairs (DVA) standard for "the presumption of service connection for diseases associated with effects of exposure to certain herbicide agents." (Pg. 6, Line 6 of H.R. 3004).

The Rep. Penny substitute does not have any correlation between NAS's review and the Secretary of the DVA will be doing.

H.R. 3004 would have a report given by NAS every two years which would cost \$1 million.

The substitute is only on report which would cost \$2 million.

Section 307 - Expansion of Advisory Committee

The substitute recommends that two individuals recommended jointly by the DAV, VFW, the American Legion, PVA, AMVETS and VVA. (Pg. 11, Line 24).

Would they have to all get together to make this decision?

Why did you leave out such organizations as: The Military Order of the Purple Heart, Jewish War Veterans, Ex-POWs, and the National Coalition of Vietnam Veterans?

Ranch Hand Provisions of H.R. 3004

"The Advisory Committee may consult directly with and provide information and recommendations directly to the Department of the Air Force scientists conducting the Ranch Hand Study, and such scientists may consult directly with and provide information and recommendations directly to the Advisory Committee. No officer or employee of the Federal Government may intervene in or impair direct communication between the Advisory Committee and such scientists under this section except as may be necessary to prevent an inappropriate disclosure of classified information. (Pg. 29, Line 3)

This language came straight from the Ranch Hand Proposal. Who can disagree that there should not have interference with scientific procedures?