

101ST CONGRESS
1ST SESSION

H. R. 3004

To amend title 38, United States Code, to provide a presumption of service-connection between certain diseases experienced by veterans of active service in Vietnam during the Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for permanent benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study", and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 1989

Mr. EVANS (for himself, Mr. LANCASTER, Mr. BONIOR, Mr. FLORIO, Mr. JOHNSON of South Dakota, Mr. JONTZ, Ms. LONG, Mr. MORRISON of Connecticut, Mr. STAGGERS, Mr. PALLONE, Mr. PANETTA, Mr. AU COIN, Mr. BEREUTER, Mr. DEFazio, Mr. HOAGLAND, Mr. LAUGHLIN, Mr. LIPINSKI, Mr. MRAZEK, Mr. POSHARD, Mr. SKAGGS, Mrs. UNSOELD, Mr. WEISS, Mr. ACKERMAN, Mr. BEVILL, Mrs. BOXER, Mr. DE LUGO, Mr. DYMALLY, Mr. FAUNTROY, Mr. FRANK, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Ms. KAPTUR, Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. ROSE, Mr. STARK, Mr. TRAFICANT, Mr. WISE, Mr. DOWNEY, Mr. BROWN of California, Mr. BRYANT, Ms. SLAUGHTER of New York, Mr. HUGHES, Ms. PELOSI, Mr. ATKINS, Mr. KOSTMAYER, Mr. BORSKI, Mr. BATES, Mr. SHARP, Mr. OWENS of New York, Mr. BRUCE, Mr. NAGLE, Mr. GLICKMAN, Mr. BUSTAMANTE, Mr. TORRES, Mr. ORTIZ, Mr. MARKEY, Mr. WOLPE, Mr. HERTEL, Mr. RUSSO, Mr. KOLTER, Mr. WHEAT, Mr. SYNAR, Mr. LEVIN of Michigan, Mr. RICHARDSON, Mr. VISCLOSKY, Mr. BOUCHER, Mr. DELLUMS, Mr. LELAND, Mr. BERMAN, Mr. FEIGHAN, Mr. SCHUMER, Mr. TOWNS, Mr. STOKES, Mr. JACOBS, Mr. LEWIS of Georgia, and Mr. MOODY) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide a presumption of service-connection between certain diseases experi-

enced by veterans of active service in Vietnam during the Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for permanent benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study", and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Veterans Agent Orange
5 Exposure and Vietnam Service Benefits Act of 1989".

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) There is sufficient scientific evidence and expe-
9 rience to warrant a presumption that certain diseases
10 suffered by veterans of service in the Republic of Viet-
11 nam during the Vietnam era are connected to such
12 service.

13 (2) There is sufficient scientific evidence to war-
14 rant a presumption that exposure to dioxin or other
15 toxic agents in herbicides used in support of United
16 States and allied military operations in the Republic of
17 Vietnam during the Vietnam era causes a range of sig-
18 nificant adverse health effects associated with carcino-
19 genicity, reproductive toxicity, and immunotoxicity in
20 humans.

1 (3) The Secretary of Veterans Affairs has deter-
2 mined that it is reasonable to presume that any veteran
3 who performed active military, naval, or air service in
4 the Republic of Vietnam during the Vietnam era was
5 exposed to dioxin and other toxic agents in herbicides
6 during such service.

7 (4) It is also reasonable to presume that any vet-
8 eran who performed active military, naval, or air serv-
9 ice in the Republic of Vietnam during the Vietnam era
10 was exposed, during such service, to other causes of
11 disease.

12 **SEC. 3. PRESUMPTION OF SERVICE CONNECTION FOR CHLOR-**
13 **ACNE.**

14 Section 312 of title 38, United States Code, is amended
15 by adding at the end the following new subsection:

16 “(d) For the purposes of section 310 of this title, and
17 subject to the provisions of section 313 of this title, in the
18 case of a veteran who, during active military, naval, or air
19 service, served in the Republic of Vietnam during the Viet-
20 nam era, the disease of chloracne shall be considered to have
21 been incurred in or aggravated by such Vietnam service, not-
22 withstanding there is no record of evidence of such disease
23 during the period of such Vietnam service, if such disease or
24 another acneform disease consistent with chloracne became
25 manifest to a 10 percent degree of disability or more within