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**Report/Article Title** Correspondence with attachment: Between William E. Hazeltine, Ph.D. and The Honorable Harold T. (Bizz) Johnson, Congress of the United States, House of Representatives, dated May 12, 1980, with bill H.R. 6377, 96th Congress, 2nd Session

**Journal/Book Title**

**Year** 1980

**Month/Day** May

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60068

26 Rosita Way  
Groville, California 95965  
May 7, 1980

The Honorable Harold T. (Bizz) Johnson  
Room 2347, House Office Building  
Washington, D.C. 20515

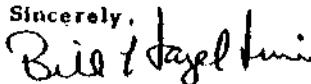
Dear Bizz:

The news last night reported that you were going to carry a bill to declare that any military veteran of the Vietnam conflict would be considered as damaged by herbicides used there, unless someone could prove otherwise. I hope this was incorrectly reported, because it is obvious that such proof is not possible, and such a precedent does not seem reasonable.

If the report is accurate, I wish to voice my disappointment in your decision to provide this authorship. The whole herbicide issue is so mixed with the "anti-war - drug producers - back to nature - media hype" syndrome that such a declaration by the Congress seems more aimed at election support than at finding real causes for concern and compensating for real damages.

I would appreciate a copy of your legislation, and I will reserve final judgment until I can study it.

Sincerely,



William E. Hazeltine, Ph. D., R. P. E.

WEH:ls

HAROLD T. (D122) JOHNSON  
1ST DISTRICT, CALIFORNIA

COMMITTEE  
PUBLIC WORKS AND  
TRANSPORTATION  
CHAIRMAN

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

May 12, 1980

William E. Hazelcine, Ph.D.  
26 Rosita Way  
Oroville, California 95965

Dear Dr. Hazelcine:

In response to your letter of May 7, I am pleased to enclose a copy of H. R. 6377, the Vietnam Era Veterans Agent Orange Act, which I joined in cosponsoring.

I hope that you will feel free to be in touch with me if you still have concerns after reading the provisions of the bill.

Sincerely yours,

HAROLD T. (D122) JOHNSON  
Member of Congress

J:P  
Enclosure

96TH CONGRESS  
2D SESSION

# H. R. 6377

To amend title 38, United States Code, to provide a presumption of service connection for the occurrence of certain diseases in veterans who were exposed to phenoxy herbicides contaminated by dioxins.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1980

Mr. DASCHLE introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide a presumption of service connection for the occurrence of certain diseases in veterans who were exposed to phenoxy herbicides contaminated by dioxins.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 *That this Act may be cited as the "Vietnam Era Veterans*  
4 *Agent Orange Act".*

5 SEC. 2. Section 312 of title 38, United States Code, is  
6 amended by adding at the end thereof the following new  
7 subsection:

1       “(d)(1) For the purposes of section 810 of this title and  
2 subject to the provisions of section 813 of this title, in the  
3 case of any veteran who served for ninety days or more  
4 during the Vietnam era (A) who is suffering from a disease  
5 developed to a 10 per centum degree of disability or more  
6 that has been determined under paragraph (3)(A) of this sub-  
7 section to be a disease that may be caused by exposure to  
8 phenoxy herbicides contaminated by dioxins, and (B) who  
9 during such service was exposed to phenoxy herbicides con-  
10 taminated by dioxins, as determined in accordance with regu-  
11 lations prescribed by the Administrator under paragraph  
12 (3)(C) of this subsection, such disease shall be considered to  
13 have been incurred in or aggravated by such service, not-  
14 withstanding that there is no record of evidence of such dis-  
15 ease during the period of service.

16       “(2) If the Administrator determines under paragraph  
17 (3)(B) of this subsection that exposure to phenoxy herbicides  
18 contaminated by dioxins may cause birth defects in the natu-  
19 ral children of persons so exposed, then in the case of any  
20 person who—

21       “(A) is the natural son or daughter of a veteran  
22 who served for ninety days or more during the Viet-  
23 nam era and during such service was exposed to phe-  
24 noxy herbicides contaminated by dioxins, as determined  
25 in accordance with regulations prescribed by the Ad-

1 administrator under paragraph (3)(C) of this subsection;  
2 and

3 "(B) is suffering from a birth defect that in an  
4 adult is disabling to a degree of 10 per centum or more  
5 and that has been determined by the Administrator  
6 under paragraph (3)(B) of this subsection to be a birth  
7 defect that may be caused by exposure of one of the  
8 parents of a child to phenoxy herbicides contaminated  
9 by dioxins;

10 such person shall be deemed for the purposes of this chapter  
11 to be a veteran of a period of war and such birth defect shall  
12 be deemed for the purposes of this chapter to be an aggrava-  
13 tion of a preexisting injury suffered in line of duty in the  
14 active military, naval, or air service during a period of war.

15 "(3)(A) The Administrator shall determine, and shall  
16 promulgate by regulation, what diseases medical research  
17 has shown may be due to exposure to phenoxy herbicides  
18 contaminated by dioxins. The Administrator shall include in  
19 such regulations a specification of the standards used by the  
20 Administrator in making such determination.

21 "(B) The Administrator shall determine, and shall pro-  
22 mulgate by regulation, what birth defects, if any, may be  
23 mutagenic birth defects resulting from exposure of the parent  
24 of a child to phenoxy herbicides contaminated by dioxins. The  
25 Administrator shall include in such regulations a specification

1 of the standards used by the Administrator in making such  
2 determination.

3       “(C) The Administrator shall promulgate by regulation  
4 the conditions of service during the Vietnam era required to  
5 establish exposure of a veteran to phenoxy herbicides con-  
6 taminated by dioxins for the purposes of paragraphs (1) and  
7 (2) of this subsection. Such regulations may not require that a  
8 veteran be required to provide any information to the Veter-  
9 ans' Administration for the purpose of determining such ex-  
10 posure beyond the information contained in the veteran's dis-  
11 charge papers and shall establish a presumption of exposure  
12 of a veteran to phenoxy herbicides contaminated by dioxins  
13 when Department of Defense records, information supplied  
14 by the veteran, and other information establish a possibility  
15 of such exposure. The Administrator shall include in such  
16 regulations a specification of the standards used by the Ad-  
17 ministrator in establishing what conditions of service are re-  
18 quired to establish such exposure to phenoxy herbicides con-  
19 taminated by dioxins.

20       “(4) Notwithstanding any other provision of law, section  
21 553 of title 5, relating to agency rulemaking, shall apply to  
22 the promulgation of regulations under paragraph (3) of this  
23 subsection, and such regulations shall be made on the record  
24 after opportunity for an agency hearing in accordance with  
25 sections 556 and 557 of such title. Such regulations shall be



1 subject to judicial review in accordance with chapter 7 of  
2 such title.

3       “(5) The Administrator shall complete final agency  
4 action on the regulations required to be promulgated by para-  
5 graph (3) of this subsection not later than the end of the one-  
6 year period beginning on the date of the enactment of the  
7 Vietnam Era Veterans Agent Orange Act and shall publish  
8 such regulations at the same time as one set of regulations.”.

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