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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

February 6, 1984

MEMORANDUM TO: ✓ Ed Meese
Jack Svahn
Jay Keyworth
B. Oglesby

FROM: Mike Horowitz **MY**

SUBJECT: H.R. 1961, "Agent Orange and Atomic Veterans Relief Act"

1. On Monday of last week H.R. 1961 passed the House on the suspension calendar. This was in keeping with our strategy to take a low-key approach in the House, and avoid a lopsided record vote. By allowing it to pass on the calendar, we also preempted efforts by Representative Daschle and others to broaden substantially the compensation provisions of the bill.

2. H.R. 1961 provides disability compensation and survivors' benefits to all 2.5 million veterans who served in Southeast Asia (on the theory of alleged Agent Orange exposure) and to the 240,000 so-called "atomic veterans" who participated in the 1950's and early 60's atmospheric testing program. All Southeast Asia veterans are compensated -- as if they had been killed or wounded in combat -- if they develop any of three diseases, and the "atomic veterans" receive like compensation if they develop any of three different diseases (including leukemia). The radiation portion of the bill was sponsored by Representative Hammerschmidt, and was added by the Committee without any notice or hearings (had we received notice from the Committee or the VA we might have been able to prevent its inclusion).

- o The Agent Orange portion of the bill passed despite the recently issued RANCH HAND mortality report that showed no greater incidence of death among Air Force personnel who actually sprayed the herbicide and handled it daily, and the soon to be issued RANCH HAND morbidity report which, it is anticipated, will show no higher incidence of disease. The Ranchhanders were by far the most heavily exposed Vietnam veterans.

- o 88% of the veterans exposed to low-level radiation received a total of less than 1 rem; the average exposure was 1/2 rem -- the internationally recognized safe standard for occupational exposures. In comparison, a heavy smoker exposes his lungs to 5 rem per year, and a single gastrointestinal x-ray exposes a person to .7 rem.
- o The bill expressly states that compensation is to be provided for these diseases "notwithstanding that there is insufficient medical evidence to conclude that such diseases are service connected." The statutory term is "insufficient"; this is not a typographical error.
- o Illustrative of the "logic" of this bill is the fact that the radiation portion of H.R. 1961, like the Agent Orange portion, is scheduled to sunset when a \$70 million VA/CDC Agent Orange epidemiological study is completed (circa 1988), even though the study does not deal in any way with radiation exposure.

3. The radiation portion of H.R. 1961 will have serious adverse consequences.

- o Many residents near the test sites received cumulative exposures far in excess of the single doses to which veterans were exposed. These residents will undoubtedly demand compensation for these far greater levels of cumulative exposure. As you know, one case alone, the Allens case, involves \$2 billion in claims against the U.S. for radiation exposure, and is still under advisement before a Utah federal judge. There is understandable concern at Justice that H.R. 1961 will effect the outcome of that case.
- o The bill will certainly be used by anti-nuclear extremists as providing credibility for their alarmist claims on the dangers to the public from nuclear weapons facilities, nuclear reactors, transportation of nuclear materials, underground testing, etc. This may have serious national security ramifications.

4. Our strategy in the Senate is to work with Chairman Simpson on drafting an Agent Orange/radiation rulemaking bill which may be added to the VA education COLA bill. The details of the rulemaking have yet to be worked out, but essentially the VA

would be statutorily required to initiate a rulemaking into whether compensation for the six specific diseases in H.R. 1961 is warranted. It is our judgment, shared by Simpson's staff, that some veterans compensation bill will have to pass the Senate; we are hoping that this type of bill will allow Senators to vote for veterans without doing the serious damage H.R. 1961 would accomplish. Harry Walters shares our concerns about the H.R. 1961, and has stated that he will strongly and publicly urge its veto if it passes; he believes that a veto is politically feasible, given the overreach of the bill. Walters notes that the Disabled American Veterans and the Paralyzed Veterans of America, the two principal veterans groups comprised of service-disabled persons, strongly oppose the bill.

5. We have informally briefed the press, and in the next several weeks hope for editorials and articles exposing H.R. 1961 as a scientific and medical pork-barrel fraud. This may facilitate our efforts in the Senate.

Attachment

cc: Joe Wright
John Cogan