

Approved: March 2, 2011
Date

MINUTES OF THE HOUSE COMMITTEE ON VETERANS, MILITARY AND HOMELAND
SECURITY

The meeting was called to order by Representative Mario Goico, Chairman, at 9:00 a.m. on February 22, 2011 in Room 546-S of the Capitol.

All members were present except:
Representative Dennis Hedke - excused

Committee staff present:
Dennis Hodgins, Legislative Research
Doug Taylor, Revisor
Ann Deitcher, Committee Assistant

Conferees appearing before the Committee:
Jack Fowler, Executive Director, Kansas Commission of Veterans Affairs
Representative Jim Fawcett

HCR 5016 – urging Congress to extend equal benefits for the treatment of Agent Orange exposure to Vietnam veterans who served outside Vietnam.

The Chair introduced Jack Fowler who addressed the Committee in support of **HCR 5016**. (Attachment 1). He said that the American Legion had sent information regarding this bill and what it was trying to achieve to every American Legion post in the country.

Questions and answers followed.

Next on the agenda, Representative Fawcett spoke in support of **HCR 5016** and of his own experiences from his contact with Agent Orange. (Attachment 2).

He told the Committee that when he was diagnosed with Parkinson's disease he questioned the diagnosis because of his family history. It was then that it was attributed to his exposure to Agent Orange.

Representative Fawcett said that he applied for and received medical benefits and compensation for his disease from the VA, and it wasn't until last summer when he learned there were many veterans who served in support of the Vietnam war but in surrounding areas, such as Thailand, who were exposed to Agent Orange and were now inflicted with a number of diseases attributable to their exposure. These veterans however, were being denied medical benefits and compensation because they didn't have "boots on the ground" in Vietnam. He also learned that at this time, the effects of the exposure to Agent Orange have to be diagnosed within 2 years of leaving Vietnam in order to proceed with any claims.

Asking for the Committee's support in the passage of **HCR 5016**, Representative Fawcett said that this was an injustice that Congress and the VA needed to correct.

The hearing on **HCR 5016** was closed.

A motion was made by Representative Fawcett and seconded by Representative O'Brien to work **HCR 5016**. The motion passed on a voice vote.

Representative Holmes addressed the Committee regarding the following amendments to **HCR 5016**:

In line 2, following the word "benefits", the insertion of "and compensation".

In line 3, following the word "Vietnam", the insertion of "era".

In line 18, following the word "benefits", the insertion of "and compensation".

In line 23, following the word "Vietnam", the insertion of "era". Following the word "in", the deletion of "areas surrounding" and the insertion of "support of the". Following the word "Vietnam", the deletion of "itself" to be replaced with "war".

In line 24, following the word "benefits", the insertion of "and compensation".

Representative Holmes made the motion to accept these amendments to **HCR 5016**. Representative Montgomery seconded the motion that passed on a voice vote.

A motion was made by Representative Holmes and seconded by Representative Garber to amend line 15 of **HCR 5016** following the word "country", with the deletion of "in these surrounding areas". The motion passed on a voice vote.

A motion was made by Representative Fawcett and seconded by Representative O'Brien to pass **HCR 5016** out of Committee. The motion passed on a voice vote.

The meeting was adjourned at 9:50. There are no other meetings scheduled at this time.

**Testimony to the House Veterans, Military
and Homeland Security Committee
by Jack Fowler
Executive Director, Kansas Commission on Veterans' Affairs
Tuesday, February 22, 2011**

KCVA supports the passage of HCR 5016, that urges Congress to extend equal benefits for the treatment of Agent Orange exposure to Vietnam veterans who served outside of Vietnam.

Veteran/Military/Homeland Security Comm

Date: 2-22-11

Attachment #: 1

Ann Deitcher

From: LaVerne Engelhardt
Sent: Tuesday, February 22, 2011 1:47 PM
To: Ann Deitcher
Subject: Testimony

TESTIMONY OF REPRESENTATIVE JAMES FAWCETT

In support of House Concurrent Resolution No. 5016
February 22, 2010
To the House Veterans, Military and Homeland Security Committee

Thank you Mr. Chairman, Members of the Committee –

I am a veteran of the Vietnam War, having served with the 101st Airborne Division. As with many veterans, I came home after my tour of duty and got on with my life.

Three years ago, I began to experience problems with my back and legs which I attributed to arthritis. After numerous visits with my doctor, chiropractor, and others, I was referred to a neurologist who correctly diagnosed me as having Parkinson's disease. Because I had no family history, my disease was attributed to my exposure to Agent Orange while serving in Vietnam. I subsequently applied for and received medical benefits and compensation for my disease from the Veterans Administration.

Last summer, I learned that there are many veterans who served in support of the war in surrounding areas, such as Thailand, who were exposed to Agent Orange and are now inflicted with a number of diseases attributable to their exposure. These veterans, however, are being denied medical benefits and compensation because they did not "have boots on the ground" in Vietnam.

Mr. Chairman and members of the Committee, I am asking for your support of House Concurrent Resolution No. 5016 urging Congress and the Veterans Administration to grant the same benefits to those veterans as to those who served "boots on the ground" in Vietnam. Their exposure to Agent Orange was no less than those who were in country, and to deny them the same benefits is an injustice that Congress and the VA need to correct.

LaVerne Engelhardt
Office Assistant to
Rep. James Fawcett
Rep. Rey Mesa
Rep. Caryn Tyson

Veteran/Military/Homeland Security Comm

Date: 2-22-11

Attachment #: 2