

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1373 Commemoration of the 40th Anniversary of the End of the United States' Involvement in the Vietnam War

SPONSOR(S): Economic Affairs Committee; Metz

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1632

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Affairs Committee	14 Y, 0 N, As CS	Tait	Tinker
2) State Affairs Committee	16 Y, 0 N	Camechis	Hamby

SUMMARY ANALYSIS

The United States Armed Forces began serving in an advisory role to South Vietnam in the mid-1950s, but became directly involved in the mid-1960s when troops were sent into Vietnam. United States ground troops were withdrawn from Vietnam on March 30, 1973, under the terms of the Paris Peace Accords. More than 58,000 United States service members lost their lives in the war, including 1,952 Floridians, and more than 153,000 were wounded and required hospital care. There are approximately 7.5 million living veterans of the Vietnam War, with approximately 454,000 living in Florida. Due to the controversy surrounding the Vietnam War, many veterans returned to the United States without formal recognition of their service.

Current Florida law establishes approximately 50 legal holidays and special observance days, including Memorial Day, Veterans' Day, and Patriots' Day. Legal holidays and special observances may apply throughout the state, or they may be limited to particular counties. Designation of a day as a legal holiday does not necessarily make that day a paid holiday for public employees. Current law does not designate a date on which the state commemorates the 40th anniversary of the end of the United States' involvement in the Vietnam War.

The bill designates March 30, 2013, as the date the State of Florida will commemorate the 40th anniversary of the end of the United States' involvement in the Vietnam War, and authorizes the Governor to issue a proclamation in honor of the anniversary. The bill requires the day to be suitably observed for the purpose of providing opportunities throughout the state to demonstrate and express appreciation for the honorable service and sacrifice of veterans from the Vietnam Era. The bill also requires the day to be suitably observed by such public exercises in the State Capitol and elsewhere as the Governor designates.

Additionally, the bill allows the statutorily created Florida Veterans' Foundation to collaborate with Florida's veterans' organizations to administratively promote and support the efforts of counties, municipalities, and bona fide veterans' organizations that voluntarily hold special community events to commemorate the anniversary. These events may include, but are not limited to, parades or ceremonies held on or about March 30, 2013.

The bill does not designate March 30, 2013, as a paid legal holiday for public employees, and does not have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

United States Involvement in the Vietnam War

The Geneva Accords were signed in July of 1954, dividing Vietnam into a communist north and democratic south. The rationale developed by the Eisenhower Administration to explain its economic and military support of South Vietnam became known as the "domino theory." Likening the countries of southeast Asia to a row of dominos, the President argued that if one country fell, it would trigger the fall of others.¹ Thus, the United States began to endorse and support South Vietnam's effort to defend against the communist North.

The U.S. initially supported South Vietnam in an advisory role but, by the mid-1960s, U.S. military forces were directly involved in combat operations against the North. More than 3 million Americans served in the Vietnam War, some 1.5 million of whom actually saw combat in Vietnam.² American involvement in the war began to decline after the Paris Peace Accords were signed on January 27, 1973. The U.S. completed withdrawal of its ground troops from Vietnam on March 30, 1973, but thousands of U.S. support personnel remained in Vietnam. All remaining U.S. personnel were evacuated when Saigon fell on April 30, 1975.³

The United States supported South Vietnam from the beginning of the war until its end on May 7, 1975. The U.S. Congress and President have defined the Vietnam era as beginning February 28, 1961, and ending on May 7, 1975.⁴ This is the period used to determine qualification for veterans' benefits. The Vietnam Veterans Association likewise uses this period to determine eligibility for membership.⁵

Military involvement in Vietnam, and the neighboring countries of Laos and Cambodia, resulted in the deaths of 58,220 U.S. service members, 1,952 of whom were from Florida.⁶ An additional 153,303 U.S. service members required hospital care as a result of wounds.⁷ There are approximately 7.5 million surviving veterans of the Vietnam War⁸, with approximately 454,000 residing in Florida.⁹

The Vietnam War was a divisive issue in the U.S., and many veterans did not return to the acknowledgment and appreciation of their service traditionally afforded veterans of other military conflicts.

Congressional Action

The National Defense Authorization Act of 2008 authorized the Secretary of Defense to commemorate the 50th anniversary of the Vietnam War.¹⁰ In doing so, the Secretary "shall coordinate, support, and facilitate other programs of the Federal Government, State and local governments, and other persons or organizations in the commemoration of the Vietnam War." The commemoration program consists of events

¹ *The War in Vietnam, 1954-1964*; <http://faculty.smu.edu/dsimon/Change-Viet.html>.

² *Echoes of Combat: The Vietnam War in American Memory*, Stanford University (June 2001).

³ U.S. Congress, President, and Florida Legislature recognize May 7, 1975, as the end of the Vietnam War (for purpose of veteran affairs). Text at: <http://www.gpo.gov/fdsys/pkg/CFR-2005-title45-vol3/pdf/CFR-2005-title45-vol3-sec506-10.pdf>; 14 Fla. Prac., Elder Law § 14:5 (2010-11 ed.).

⁴ U.S. Code of Federal Regulations, Title 45, Volume 3, Sec. 506.10, "Vietnam Conflict" defined, available at <http://frwebgate2.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=xr1v3B/30/1/0&WAIAction=retrieve>

⁵ Vietnam Veterans Association, *Membership Brochure*, http://www.vva.org/member_brochure.html

⁶ <http://thewall-usa.com/summary.asp>.

⁷ Anne Leland; Mari-Jana "M-J" Oboroceanu, *American War and Military Operations: Casualties: Lists and Statistics*, Congressional Research Service, <http://www.fas.org/sqp/crs/natsec/RL32492.pdf> (February 26, 2010); <http://siadapp.dmdc.osd.mil/personnel/CASUALTY/castop.htm>.

⁸ *Statistics at a Glance*, Dep't of Veterans Affairs (as of 8/12/2011) and *America's Wars*, Dep't of Veterans Affairs (May 2010) available at http://www1.va.gov/opa/publications/factsheets/fs_americas_wars.pdf.

⁹ *Fast Facts*, Fl. Dep't of Veterans' Affairs, <http://www.floridavets.org/>.

¹⁰ National Defense Authorization Act for Fiscal Year 2008, Pub. L. no. 110-181, 598, 122 Stat. 141 (2008).

and activities, held across the nation and over the course of several years, to thank, honor, and recognize the contributions and sacrifices made by veterans during the Vietnam War.¹¹

On March 7, 2011, the U.S. Senate unanimously adopted a resolution that designated March 30, 2011, as "Welcome Home Vietnam Veterans Day."¹² The resolution honors Vietnam veterans who, because of the divisiveness and controversy surrounding the war, were not properly acknowledged or honored upon return. The resolution encourages individual states to establish a "Welcome Home Vietnam Veterans Day" holiday as well.

Legal Holidays and Special Observances in Florida

Current Florida law establishes approximately 50 legal holidays and special observance days, including Memorial Day, Veterans' Day, and Patriots' Day.¹³ Legal holidays and special observances may apply throughout the state or they may be limited to particular counties. Designation of a legal holiday does not necessarily make that day a paid holiday for public employees.¹⁴ Current law does not designate a date on which the state commemorates the 40th anniversary of the end of the United States' involvement in the Vietnam War.¹⁵

The only holidays that are considered by law to be "paid holidays" observed by all state branches and agencies are:¹⁶

- New Year's Day
- Birthday of Martin Luther King, Jr., third Monday in January
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day, November 11
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day

Effects of Proposed Changes

The bill designates March 30, 2013, as the date the State of Florida will commemorate the 40th anniversary of the end of the United States' involvement in the Vietnam War, and authorizes the Governor to issue a proclamation in honor of the anniversary. The bill requires the day to be suitably observed for the purpose of providing opportunities throughout the state to demonstrate and express appreciation for the honorable service and sacrifice of veterans from the Vietnam Era. The bill also requires the day to be suitably observed by such public exercises in the State Capitol and elsewhere as the Governor designates.

Additionally, the bill allows the statutorily created Florida Veterans' Foundation to collaborate with Florida's veterans' organizations to administratively promote and support the efforts of counties, municipalities, and bona fide veterans' organizations that voluntarily hold special community events to commemorate the anniversary. These events may include, but are not limited to, parades or ceremonies held on or about March 30, 2013.

The bill does not specify that March 30, 2013, is a paid legal holiday for public employees.

¹¹ http://www.vietnamwar50th.com/assets/1/7/Commemoration_Fact_Sheet_Sept_2010_v2.pdf.

¹² S. RES 55, 112th CONGRESS, 1st Session.

¹³ See chapter 683, F.S.

¹⁴ Section 110.117, F.S., establishes which legal holidays are paid holidays for public employees.

¹⁵ See chapter 683, F.S.

¹⁶ Section 110.117, F.S.

B. SECTION DIRECTORY:

Section 1 Creates s. 683.025, F.S., to designate March 30, 2013, as the date the State of Florida will commemorate the 40th anniversary of the end of the United States' involvement in the Vietnam War.

Section 2 Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None