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3/22/83

Senator Fischer

I view of the enclosed,
the Senator intends
to request that he
be allowed to withdraw
SJR 6 during tomorrow's
session.

We are sorry for any
inconvenience and unless
you have an objection,
the resolution will
be withdrawn.

Thank-you

Henry Van Doren



ALASKA STATE FIREFIGHTERS ASSOCIATION

P.O. Box 187 ~~XXXXXXXXXX~~ Juneau, Alaska 99801 99802

March 21, 1983

The Honorable Robert H. Ziegler, Sr.
Alaska State Senate
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Ziegler:

Our two Associations appreciate your interest and support for the Fire Service in Alaska.

Our thanks to you for introducing many bills regarding the Fire Service resulting from resolutions passed during our respective annual meetings last October in Ketchikan.

Senate Joint Resolution No. ~~X~~6, introduced by you on January 18, 1983, stemmed from Alaska State Firefighters' Association Resolution 82-17 and Alaska Fire Chiefs' Association Resolution 82-2 dealing with use of excess military equipment.

I am sorry to now inform you that our Associations, including myself, did not complete our homework on this subject. The Department of Defense Appropriation Act of 1981, Section 765A, deals only with the "leasing to non-federal agencies in the United States aircraft or vehicles owned or operated by the Department of Defense".

When I appeared before the Senate State Affairs Committee on February 1, 1983, I stated "we are in favor and support the language in SJR-~~X~~6 which requests the Secretary of Defense to interpret Section 765A, of the Act, as not prohibiting the disposal of surplus military equipment to the use of state and local governments for the purpose of fighting fires in Alaska".

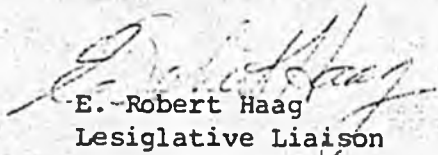
Additional research, including the letters from the Defense Logistics Agency and those from Senator Stevens and Congressman Young, clears up the matter. Therefore, such a request to the Secretary of Defense is not necessary. Enclosed are copies of the letters.

I regret any inconvenience to you and the State Affairs Committee for what is now unnecessary action by the Legislature. If you consider it appropriate, I will send a letter to Senator Vic Fischer asking for SJR-6 to die in Committee.

I am sending a letter to Representative Niilo Koponen, who introduced HJR-32 on this subject, advising him of the facts.

Again, Senator, I apologize for any inconvenience to you and Guy.

Sincerely,



E. Robert Haag
Legislative Liaison
ASFA and AFCA

ERH:djo
enclosures



DEFENSE LOGISTICS AGENCY

HEADQUARTERS
CAMERON STATION
ALEXANDRIA, VIRGINIA 22314

IN REPLY
REFER TO

DLA-SMP

3 FEB 1983

Roger C. Havens, President
Alaska State Firefighters Association
Box 1537
Cordova, Alaska 99574

Dear Mr. Havens:

Thank you for your letter of 21 December 1982 to President Reagan concerning surplus military vehicles for fire prevention and disaster equipment. Your letter was referred to the Defense Logistics Agency (DLA) for response as the DLA is responsible for the Department of Defense (DoD) surplus personal property utilization and disposal program worldwide.

Section 765A of the 1982 Appropriations Act, P.L. 97-114, to which you refer, requires that "None of the funds made available by this Act shall be used in any way for the leasing to non-Federal agencies in the United States aircraft or vehicles owned or operated by the Department of Defense when suitable aircraft or vehicles are commercially available in the private sector."

We are unaware of any provision which prohibits the DoD from disposing of aircraft, vehicles and other equipment excess to its needs, as alluded to in the Resolution No. 82-17 of your Association. Therefore, we are taking the liberty to explain the process through which DoD personal property disposal is effected.

Excess property, including vehicles, which becomes available for disposal is offered for further use throughout the DoD and the Federal civil agencies, including the Federal Emergency Management Agency, formerly Civil Defense Agency. If the property is not needed within the Federal government, it is made available for donation as surplus to eligible donees through authorized programs.

The Federal Property and Administrative Services Act of 1949, as amended, makes available for donation certain surplus property, including vehicles, to eligible donees through the State surplus property agencies under programs administered by the General Services Administration (GSA). The enclosed pamphlet explains the donation programs.

DLA-SMP PAGE 2
Roger C. Havens

The Alaska Surplus Property Service, listed on page 4 of the pamphlet, is the appropriate State agency to determine the eligibility of the Alaska State Firefighters Association, or the Cordova Volunteer Fire Department, as a donee under the GSA programs. The Alaska State Agency is also the office through which vehicles and other surplus property may be obtained by a municipal entity such as a city fire department should such property become available. The State agencies are responsible for establishing priorities and assuring the equitable allocation of surplus property donated within their States.

We trust that the above information will assist you in acquiring DoD surplus property in which you are interested.

Sincerely,



RICHARD G. FENNER
Executive Director
Department of Defense Services

1 Encl
Donation pamphlet

COMMITTEES:

INTERIOR AND INSULAR
AFFAIRS

MERCHANT MARINE AND
FISHERIES

Congress of the United States

House of Representatives

Washington, D.C. 20515

2331 RAYBURN BUILDING
TELEPHONE 202/225-5765

DISTRICT OFFICES

FEDERAL BUILDING AND
U.S. COURT HOUSE
101 C STREET, BOX 3
ANCHORAGE, ALASKA 99513
TELEPHONE 907/271-5978
BOX 10, 101 12TH AVENUE
FAIRBANKS, ALASKA 99701
TELEPHONE 907/456-6949

January 24, 1983

Mr. Roger C. Havens, President
Alaska State Firefighters Association
Box 1537
Cordova, Alaska 99574

Dear Mr. Havens:

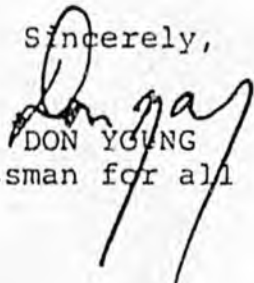
Thank you for your recent letter regarding the procedure whereby fire departments have acquired surplus military vehicles. I appreciated hearing from you and share your concerns.

I contacted the House Appropriations Subcommittee on Defense and expressed my concern over this issue. They responded that the 1981 law to which you referred was enacted as a result of the California Medfly crisis. Apparently, while there were suitable commercial helicopters available to meet that crisis, the State of California nevertheless began leasing vehicles from the Department of Defense. Congress decided at that time that when appropriate commercial vehicles existed, non-federal agencies could not lease federal military equipment. However, the 1981 provision was not intended to affect the sale of military equipment to non-federal agencies under the Surplus Property Program, although there was a great deal of confusion over this in the public.

The Continuing Resolution passed in December, 1982, specifically addresses the issue that you discuss and attempts to clarify the situation. It states unequivocally that the sale of excess military equipment to local fire departments and disaster groups as allowed under the Surplus Property Program shall continue to be allowed.

I hope that I have helped clarify this matter for you. If you have additional comments or questions concerning this or any other issue, please feel free to contact me. With best regards,

Sincerely,


DON YOUNG

Congressman for all Alaska

DY:rass

DWELL P. REICKER, JR., CONN.
WESLEY A. MACCLURE, IDAHO
LARRY T. HEY,
UTAH
JAMES A. COCHRAN, MISS.
JAMES A. ABRAHAMSON, V.
ROBERT W....
ALFONSE M. D...
WACK MATTINDLY, VA.
WARREN HUDMAN, N.J.
WILEN SPECTER, PA.
JOE V. DOMENICI, N. J.

ROBERT C. BYRD, W. VA.
WILLIAM PROKHMIRE, WIS.
DANIEL K. INOUE, HAWAII
ERNEST F. HOLLINGS, S.C.
THOMAS F. EAGLETON, MO.
WYTON CHILES, FLA.
BENNETT JOHNSTON, LA.
...ER D. HUDDLESTON, KY.
...TIN N. BURDICK, N. DAK.
...RICK J. LEAHY, VT.
...ASSER, TENN.
...ANIS DE CONCINI, ARIZ.
DALE BUMPERS, ARK.

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

J. KEITH KENNEDY, STAFF DIRECTOR
FRANCIS J. LULLIVAN, MINORITY STAFF DIRECTOR

January 28, 1983

Mr. Roger C. Havens
President
Alaska State Firefighters Association
Box 1537
Cordova, Alaska 99574

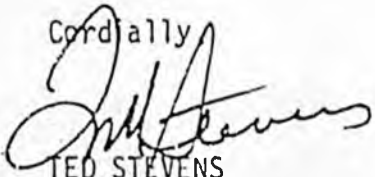
Dear Roger:

I have read the ASFA Resolution 82-17 pertaining to the Defense Appropriations Act of 1981 as it regards the disposal of surplus equipment. It is my understanding that the provisions of Section 765-A in the 1982 Defense Appropriations Act and the similar section in the 1983 Defense Appropriations Act, Section 794, do not affect in any way the disposition of surplus government equipment. Nor do they change the equipment loan programs administered through the Alaska Department of Natural Resources' Division of Forestry Fire Management.

As a point of clarification, these sections prohibit "the leasing to non-federal agencies in the United States aircraft or vehicles owned or operated by the Department of Defense when suitable aircraft or vehicles are commercially available in the private sector." This provision should not and has not altered policy concerning disposition of excess equipment as it has been practiced for more than 20 years. Further, nothing in the DoD Appropriations Acts was intended or should be construed as altering priorities for distribution of surplus equipment between claimants.

I appreciate your writing to me on this important matter and trust this information will be helpful in clarifying the matter.

With best wishes,

Cordially

TED STEVENS
Chairman
Subcommittee on Defense

Bradley

Introduced: 1/18/83
Referred: State Affairs and
Resources

1 IN THE SENATE BY ZIEGLER BY REQUEST

2 SENATE JOINT RESOLUTION NO. 6

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the use of military equip-
6 ment for fighting fires in Alaska.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the state is dependent on available military equipment that is
9 excess to military needs for fighting fires in the state; and

10 WHEREAS the state and local governments of the state have historically
11 relied on excess and available military equipment for essential aircraft,
12 bulldozers, and other vehicles useful in the fight against forest fires in
13 the state; and

14 WHEREAS, if the state and local governments are required to purchase
15 or contract in the private sector for excess equipment traditionally ob-
16 tained from the military, the expense will be prohibitive; and

17 WHEREAS reasonable fiscal and public policy requires that military
18 equipment paid for by the taxpayers of the nation continue to serve public
19 needs, including fire protection, when that equipment is not required for
20 military purposes; and

21 WHEREAS sec. 765A of the Department of Defense Appropriation Act of
22 1981 (P.L. 97-114) has been interpreted to prohibit the Department of
23 Defense from making aircraft, bulldozers, and other vehicles excess to the
24 needs of the department available to the state and local governments of the
25 state for use in fighting fires; and

26 [WHEREAS sec. 765A of the Department of Defense Appropriation Act of
27 1981 prohibits the disposal of aircraft or vehicles to the state or local
28 governments [in Alaska only] when suitable aircraft or vehicles are commer-
29 cially available in the private sector"; and

1 WHEREAS "suitable aircraft or vehicles" are not in fact generally
2 available to the state for lease from the private sector;

3 BE IT RESOLVED that the Alaska State Legislature respectfully requests
4 Congress to delete sec. 765A from future Department of Defense appro-
5 priation acts; and be it

6 FURTHER RESOLVED that the Secretary of Defense is respectfully re-
7 quested to interpret sec. 765A as not prohibiting the disposal of surplus
8 aircraft, bulldozers, and other vehicles to the use of state and local
9 governments for the purpose of fighting fires in Alaska ~~unless the Secre-~~
10 ~~tary determines that aircraft, bulldozers, and other vehicles are in fact~~
11 ~~available in the private sector.~~

12 COPIES of this resolution shall be sent to the Honorable Ronald
13 Reagan, President of the United States; the Honorable Casper Weinberger,
14 Secretary of Defense; the Honorable George Bush, Vice-President of the
15 United States and President of the U.S. Senate; the Honorable Thomas P.
16 O'Neill, Jr., Speaker of the U.S. House of Representatives; and to the
17 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and
18 the Honorable Don Young, U.S. Representative, members of the Alaska delega-
19 tion in Congress.

SENATE STATE AFFAIRS COMMITTEE

Hearing on Senate Joint Resolution No.6 Relating
to the Use of Military Equipment for Fighting
Fires in Alaska

February 1, 1983

Mr. Chairman:

My name is E. Robert Haag today I represent the
Alaska State Firefighters Association and the Alaska
Fire Chiefs Association.

We wish to speak in support of Senate Joint
Resolution No. 6.

The Alaska State Firefighters Association and the
Alaska Fire Chiefs Association, during their annual
meetings last October 1982, passed resolutions requesting
that Section 765 A, of the Department of Defense
Appropriation Act of 1981 (PL 97-114) be removed.

These resolutions (copies attached) were forwarded
to the President of the United States, Governor of Alaska,
the Western Fire Chief's Association, and the International
Association of Fire Chiefs.

Section 765 A, of the Act provided that "None of
the funds made available by this Act shall be used in
any way for leasing to non-Federal agencies in the United
States aircraft or vehicles owned or operated by the

Department of Defense when suitable aircraft or vehicles are commercially available in the private sector"

Prior to this Act the state and local governments were allowed to obtain excess and available military equipment as an economical source of fire and disaster equipment. The Fire Departments and the Volunteer fire organizations are on tight budgets. The expense of purchasing equipment, by bids and contracts, is prohibitive.

The Alaska Fire Fighting forces and the citizens of Alaska have been dependent upon available excess military equipment for fighting fires.

It is sound fiscal and public policy that military equipment already paid for by this nation's taxpayers should continue to serve public needs, particularly in the fire protection area, when such equipment becomes excess to the military.

We are in favor and support the language in SJR-6 which requests the Secretary of Defense to interpret Section 765 A, of the Act, as not prohibiting the disposal of surplus military equipment to the use of state and local governments for the purpose of fighting fires in Alaska.

We would be pleased to provide any information your Committee might need so that this Resolution may find early passage through the Legislature.

ALASKA STATE FIREFIGHTERS ASSOCIATION

RESOLUTION No. 82-17

WHEREAS the Alaska Fire Fighting forces and the citizens of Alaska are dependent upon excess military equipment as an economical source of fire and disaster equipment; and

WHEREAS the State Forest Fire protection forces have historically relied on excess military equipment for essential aircraft, vehicles, bulldozers and other material; and

WHEREAS the expense of such material would be wholly prohibitive if state and local entities were required to purchase on contract for such material in the private sector; and

WHEREAS it is sound fiscal and public policy that military equipment already paid for by this nation's taxpayers should continue to serve public needs, particularly in the fire protection area, when it becomes excess to military needs; and

WHEREAS the Defense Appropriation Act (PL 97-114) was amended December 15, 1981 to add Section 765-A which prohibits the Department of Defense from a long-standing practice of disposing of aircraft, vehicles and other equipment excess to its needs; and

WHEREAS such amendment was not the subject of any public hearing,

NOW, THEREFORE, BE IT RESOLVED that the Alaska State Firefighters Association strongly urges that Paragraph 765-A be removed from the Defense Appropriation Act, Public Law 97-114.

BE IT FURTHER RESOLVED that the President of the Alaska State Firefighters Association is directed and authorized to forward copies of this resolution to the President of the United States, Governor of Alaska, Alaska Congressional Delegation Members, the Western Fire Chiefs' Association, and the International Association of Fire Chiefs.

ACTION

Passed

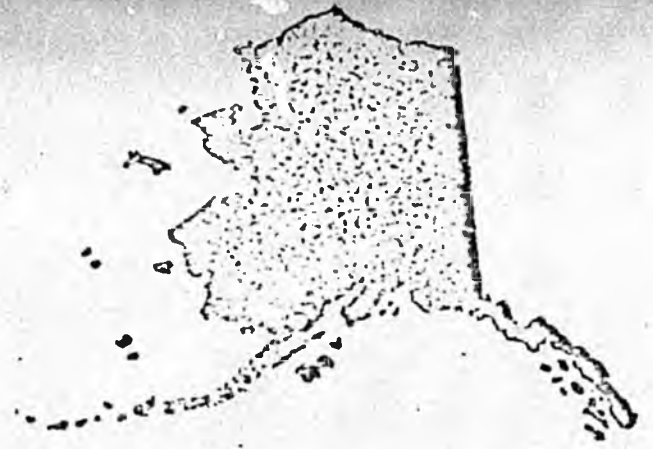
DATE:

October 23, 1982

Leigh Gallagher

LEIGH GALLAGHER, President, ASFA

Alaska Fire Chiefs' Association



RESOLUTION No. 82-2

WHEREAS the Alaska Fire Fighting forces and the citizens of Alaska are dependent upon excess military equipment as an economical source of fire and disaster equipment; and

WHEREAS the State Forest Fire protection forces have historically relied on excess military equipment for essential aircraft, vehicles, bulldozers and other material; and

WHEREAS the expense of such material would be wholly prohibitive if state and local entities were required to purchase on contract for such material in the private sector; and

WHEREAS it is sound fiscal and public policy that military equipment already paid for by this nation's taxpayers should continue to serve public needs, particularly in the fire protection area, when it becomes excess to military needs; and

WHEREAS the Defense Appropriation Act (PL 97-114) was amended December 15, 1981 to add Section 765-A which prohibits the Department of Defense from a long-standing practice of disposing of aircraft, vehicles and other equipment excess to its needs; and

WHEREAS such amendment was not the subject of any public hearing,

NOW, THEREFORE, BE IT RESOLVED that the Alaska Fire Chiefs' Association strongly urges that Paragraph 765-A be removed from the Defense Appropriation Act, Public Law 97-114.

BE IT FURTHER RESOLVED that the President of the Alaska Fire Chiefs' Association is directed and authorized to forward copies of this resolution to the President of the United States, Governor of Alaska, Alaska Congressional Delegation Members, the Western Fire Chiefs' Association, and the International Association of Fire Chiefs.

APPROVED in conference October 20, 1982 in Ketchikan, Alaska.

BASIL J. SANDS, Jr., President

ALASKA STATE FIREFIGHTERS ASSOCIATION

RESOLUTION No. 82-17

WHEREAS the Alaska Fire Fighting forces and the citizens of Alaska are dependent upon excess military equipment as an economical source of fire and disaster equipment; and.

WHEREAS the State Forest Fire protection forces have historically relied on excess military equipment for essential aircraft, vehicles, bulldozers and other material; and

WHEREAS the expense of such material would be wholly prohibitive if state and local entities were required to purchase on contract for such material in the private sector; and

WHEREAS it is sound fiscal and public policy that military equipment already paid for by this nation's taxpayers should continue to serve public needs, particularly in the fire protection area, when it becomes excess to military needs; and

WHEREAS the Defense Appropriation Act (PL 97-114) was amended December 15, 1981 to add Section 765-A which prohibits the Department of Defense from a long-standing practice of disposing of aircraft, vehicles and other equipment excess to its needs; and

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ACTION _____

DATE: _____

LEIGH GALLAGHER, President, ASFA

Alaska Fire Chiefs' Association



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WHEREAS it is sound fiscal and public policy that military equipment already paid for by this nation's taxpayers should continue to serve public needs, particularly in the fire protection area, when it becomes excess to military needs; and

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APPROVED in conference October 20, 1982 in Ketchikan, Alaska.

EASIL J. SANDS, Jr., President

STR

Date Received _____

Bill Number _____ Title _____

Fiscal Note - Date Requested _____ Of Whom _____

Position Paper - Date Requested _____ Of Whom _____

Contact People

People Who Expressed Interest

Follow-up