

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10683 SENATE STATE AFFAIRS

528

Mr. Randy Pitney
November 29, 2000
Page No. 2

and Board, upon review of information available to date, will be that the final decision on how to best proceed should be based on the merits, or lack thereof, of Proposal No. 2000-106. New legal concerns may be raised and we are aware generally of concerns regarding game and television contracts. In this regard, the Management Council continues to take the position that it will not recognize any contract that was signed after July 25, 2000. However, those contracts in effect prior to that date should be forwarded to Ms. Cole along with a statement of how the proposed basketball game limitation could impair the provisions of the contract.

I hope this information is of assistance in your evaluation of this proposed legislation.

Sincerely,



S. David Berst
Chief of Staff for Division I

SDB:vlm

Enclosure

cc: Collegiate Commissioners Association
Division I Management Council
Selected NCAA Staff Members

FAIRBANKS NORTH STAR BOROUGH BOARD OF EDUCATION

RESOLUTION - 2000-15

A RESOLUTION SUPPORTING EXEMPT PRE-SEASON TOURNAMENTS

WHEREAS the University of Alaska's Top of the World Classic (TOWC) basketball tournament, along with University of Alaska Anchorage's "Great Alaska Shootout," are two of the premier basketball tournaments in the nation; and

WHEREAS, the National Collegiate Athletic Association (NCAA) is considering a proposal to eliminate certified exempt pre-season tournaments; and

WHEREAS Governor Knowles and others are urging rejection of the proposed ban; and

WHEREAS, the Top of the World Classic, through its Adopt-a-School program, provides Fairbanks North Star Borough students an opportunity to meet student athletes and learn about college life and the demands placed on student athletes; and

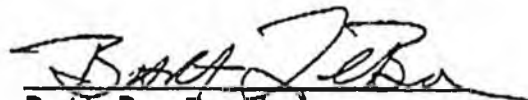
WHEREAS the Top of the World Classic allows hundreds of local students to perform during the tournament half-times before a large audience; and

WHEREAS the tournament provides students an opportunity to see Division I quality basketball; and

WHEREAS the tournament is a community event in which the school district joins other community businesses and organizations in welcoming Division I teams to Fairbanks;

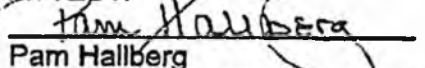
NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star Borough Board of Education urges the National Collegiate Athletic Association (NCAA) to reject a proposal to eliminate certified exempt pre-season tournaments, including the Top of the World Classic that greatly benefits our students and community.

PASSED AND APPROVED DECEMBER 19, 2000.



Bart LeBon, President
Board of Education

ATTEST:


Pam Hallberg
Secretary to the Superintendent

Post-it® Fax Note	7671	Date	1/23	# of Pages	2
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By: Rick Solie, Jr.
 Bonnie Williams
 Introduced: 12/14/00
 Adopted: 12/14/00

RESOLUTION NO. 2000 - 51

A RESOLUTION SUPPORTING "BP TOP OF THE WORLD CLASSIC" AND THE "GREAT ALASKA SHOOTOUT" BASKETBALL TOURNAMENTS AND REQUESTING THE NCAA TO REJECT A PROPOSAL TO BAN CERTIFIED EXEMPT PRE-SEASON TOURNAMENTS.

WHEREAS, there is currently a proposal before the National Collegiate Athletic Association (NCAA) to amend their bylaws section which would ban certified exempt pre-season tournaments; and

WHEREAS, the NCAA states that the purpose for this change includes their desire to have all schools play the same number of games and to minimize missed class time but this does not seem to bother the NCAA when these students miss class time for up to three straight weeks during the NCAA tournament; and

WHEREAS, while any league can propose legislation to the NCAA's management council, attendees at the June 2000 Collegiate Commissioners Association (CCA) failed to propose an amendment and subsequently the CCA enlisted the NCAA committee of the championships/competition cabinet to put the proposal before the management council; and

WHEREAS, this proposal has proven to be unpopular nationally among colleges, universities, sports fans, media, leading one commissioner who wished to remain anonymous to state "You won't see any one conference stand up and sponsor the legislation, because everyone's worried about backlash, so we clouded it in the legislative process. That way it's faceless." and

WHEREAS, all legislation of the NCAA requires two management council approval votes before going to the board of directors for a final vote, exemption elimination has now passed the first of three necessary steps; and

WHEREAS, this change to the NCAA bylaws will eliminate the "bp Top Of The World Classic" (TOWC) Basketball Tournament, the "Great Alaska Shootout" (Shootout), Black Coaches Association (BCA) Classic, Tip Off Classic, Foreign Team in Canada, Maui Invitational, Pre Season National Invitational Tournament (NIT), Coaches Against Cancer, and any Women's pre-season exempt tournament; and

WHEREAS, these tournaments have become a tradition within their respective communities promoting a strong sense of community excitement and community participation; and

WHEREAS, these tournaments will only assist the top schools in the big power conferences, the ACC, Big 12, Big East, Big Ten, Conference USA, Pac-10, and SEC, which does not meet the criteria of the NCAA treating all programs in an equitable manner; and

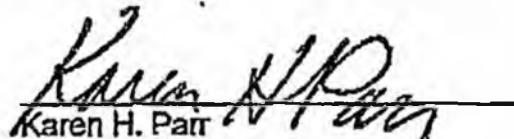
WHEREAS, the "bp TOWC" and the "Great Alaska Shootout" have become two of the premier tournaments in the nation. They foster community excitement, economic advantages and the opportunity for fans young and old to experience Division I basketball, while interfacing with nationally known coaches and players, subsequently increasing fan support of those teams as they follow them through their season into the NCAA field of 64 on to the Final Four.

WHEREAS, coaches and players who have experienced the "bp TOWC" and the "Shootout" have commented on the educational experience their teams have derived from the culture and the opportunity to be in communities that embrace the teams from the moment they arrive until they leave the community.

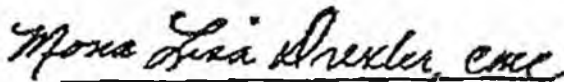
NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough and the Honorable Mayor Rhonda Boyles urge the NCAA to reject the proposal to ban certified exempt pre-season basketball tournaments.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Honorable Governor Tony Knowles, Senator Ted Stevens, Senator Frank Murkowski, Congressman Don Young, and members of the Interior Delegation of the Alaska State Legislature.

PASSED AND APPROVED THIS 14th OF DECEMBER, 2000.


Karen H. Parr
Presiding Officer

ATTEST:



Mona Lisa Drexler, CMC
Municipal Borough Clerk

Ayes: Foote, Sattley, Beck, Cummings, Hutchison, Solie, Veazey, Parr
Noes: None

RESOLUTION NO. 2000-51
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Preseason Tourney Reps File Lawsuit Against NCAA

Dec. 22, 2000

By Andy Katz

ESPN.com

Organizers for as many as six exempted, non-conference tournaments filed a lawsuit against the NCAA Thursday for damages that would be incurred if the NCAA votes to eliminate the tournaments.

A law firm in Cincinnati is representing the plaintiffs of the Coaches vs. Cancer, all the tournaments in Puerto Rico, the NABC and the CoSIDA tournaments. The suit is essentially claiming an anti-trust violation by the NCAA on exempted tournaments.

The NCAA management council put out for discussion a proposal that would make all non-conference tournaments count for as many games as were played in the tournament on the maximum 29-regular season schedule. The tournaments claim they can't be competitive if that's the case because high-profile schools won't want to give up home games in exchange for three or two neutral site games.

Presently, exempted tournaments count as one game against a 28-regular season maximum schedule.

The Preseason NIT decided not to join the lawsuit. Neither did school-sponsored tournaments in Anchorage (The Great Alaska Shootout), Fairbanks (Top of the World Classic), Maui (Invitational by Chaminade) and tournaments at BYU-Hawaii, Hawaii-Pacific, Hawaii-Hilo and the University of Hawaii. But the plaintiffs left open the possibility of any of them joining the suit.

The NCAA contends that the legislation is only out for discussion and isn't up for voting until April at the next management council meeting. But the organizers contest that the proposal is already hurting their tournaments. The NCAA ruled that the exempted tournaments couldn't sign any new contracts after July 25, 2000 for tournaments beyond 2002.

One of the organizers said they wanted the NCAA to have a copy of the lawsuit when it meets at its non-voting convention in Orlando next month.

The lawsuit called the NCAA "anticompetitive" and "monopolistic" because its practices restrict independent organizations from making money off its product.

The plaintiffs requested a jury trial and request damages they said they lost because of NCAA rules.

Jane Jankowski, an NCAA spokeswoman in Indianapolis, said she could not comment because she had not seen the lawsuit.

At least one conference commissioner, who was originally one of the commissioners who voted for the legislation at the conference commissioners meeting in June, said he didn't think the legislation would pass. He said the coaches, who favor keeping the tournaments, would lean heavily on key commissioners like the ACC's John Swofford. A conference like the Atlantic 10, which relies heavily on the postseason NIT, isn't expected to vote for the legislation.

adn.com

Anchorage Daily News

NCAA avoids Shootout talk

CONVENTION: UAA and UAF officials make the most of backroom politicking.

By Lew Freedman
Anchorage Daily News

(Published January 11, 2001)

Steve Cobb brought the fight to save the Great Alaska Shootout to the NCAA Convention this week, but the University of Alaska Anchorage athletic director never got a chance to say a word in public.

The so-called open forum on a proposal to eliminate the longstanding exemption permitting teams to avoid counting games against their schedule limits when they participate in preseason tournaments was brushed aside in favor of other Division I basketball concerns.

Instead, backroom politicking dominated the scene at the annual event in Florida, and while Cobb said he felt he scored points with up to 18 athletic directors and commissioners of major conferences, he feels the looming vote before the NCAA Management Council in April is too close to call.

"If I wasn't superstitious, I would tell you they'll be so split in April, they won't even vote on it," Cobb said Wednesday. "If it's 50-50, it would be easy to let it die. But it would be easy to chuck it up to the presidents."

If the Management Council approves the measure in April, it goes before the Division I Board of Directors, which consists of school presidents.

The plan, pushed by conference commissioners and passed by NCAA committees, is scheduled for a spring vote as part of the NCAA legislative process. UAA and administrators of more than 30 exempt tournaments, including the Shootout and the Top of the World Classic in Fairbanks, charge that proponents are trying to wreck the tournaments while enriching themselves by adding another regular-season home game.

Instead of a forum discussing the issue at the convention, a basketball hearing dealt with other matters.

"They controlled the microphone," Cobb said of the NCAA.

Cobb said he spent much of his time at the weeklong event lobbying conference commissioners and athletic directors.

"Everybody's at least aware it's an issue," he said. "Half are for us, half are not. And half on each side don't really understand it."

Yet Cobb said he felt growing sentiment in favor of preserving the tournaments and a particularly strong desire to stay out of court.

However, a federal lawsuit alleging antitrust violations was filed in December in Ohio by directors of a group of several exempt tournaments, including the Coaches vs. Cancer IKON Classic, over this issue. And last week, the NIT filed a separate lawsuit in New York, making similar charges.

This new suit also challenged a 1970s NCAA provision prohibiting teams from participating in the postseason NIT if they play in the NCAA tournament. Once, the NIT was the more prestigious event, and at one time teams could compete in both postseason events.

Thus far, neither UAA, nor the University of Alaska Fairbanks, which operates the Top of the World, has joined any lawsuit.

"We're still taking a wait-and-see attitude," said Cobb.

If the Management Council and the Board of Directors support the plan in April, it becomes NCAA law. There would be one avenue left to overturn the measure, though. If 100 Division I schools vote against it at the next NCAA Convention, implementation would be suspended. At this convention, UAF officials gathered dozens of signatures from Division I schools backing the tournaments, according to Cobb. UAF athletic director Randy Pitney could not be reached for comment Wednesday.

Between now and April, UAA will continue lobbying the Management Council and Board of Directors, said Cobb.

"We want them to know the other side of the story," he said.

Sports editor Lew Freedman can be reached at lfreedman@adn.com.

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Shootout at the NCAA corral
 Preseason tournaments wage battle for their lives

COMPLIMENTS OF THE
ALASKA STATE LIBRARY

By Lew Freedman
 Daily News Sports Editor
 (Published December 31, 2000)

The threat to the Great Alaska Shootout and other early-season NCAA basketball tournaments began as many wildfires do, with a spark in a cloistered area of the forest. But unlike many conflagrations ignited by natural causes, this is one blaze started and nurtured by arson.

The fire was set at the annual meeting of the Conference Commissioners Association in Park City, Utah, in June. At this out-of-the-way gathering, the commissioners endorsed a plan to kill the NCAA exemption that allows Lower 48 teams to play games they don't have to count against their schedule limits in the Shootout and other popular events.

By the time a stunned and angry University of Alaska Anchorage athletic director Harry Larrabee was warned of the potential danger during his last days on the job in August, his fingers were on fire. And by then major-college commissioners were already quietly using NCAA political channels to push what could amount to the death penalty for the Shootout.

"The operative word is sleazy," said Larrabee.

Although there is no scheduled vote during the annual, weeklong NCAA convention that begins Thursday in Florida, UAA officials who believe the survival of the traditional Thanksgiving week event as they know it is at stake, will try to use the meeting to rally crucial support against the proposal.

To UAA -- and other well-respected events like the Maui Invitational, the Preseason NIT and the University of Alaska Fairbanks' Top of the World Classic -- killing the exemption ruins their tournaments. They say prominent schools won't make the trip if tournament games count the same as regular-season games.

"I knew it could be very devastating," said Larrabee recently from Shelbyville, Ind., where he now coaches the boys high school basketball team. "You're upset. Your mind spins about what action you can take."

The man who phoned the alarm to Larrabee was former Big Ten

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The man who phoned the alarm to Larrabee was former Big Ten commissioner Wayne Duke, now general chairman of the similarly besieged Maui Invitational. Duke noted that many modifications of NCAA rules governing tournaments were made in the 1990s, but "This time, this one, is more ominous."

Pending legislative proposal No. 2000-106 -- which would take effect Aug. 1, 2002 -- is multi-pronged. It would:

remove the exemption that currently permits schools to play two extra games in early-season tournaments without counting them against their schedule limits.

substitute an increase in the regular-season game limit from 28 to 29.

recognize only tournament contracts that had been signed by July 25, 2000. (Tournaments try to book teams several years in advance.)

cap Division I exhibitions or scrimmages.

At the urging of conference commissioners, the proposal has advanced through two NCAA committees -- under the umbrella justification of benefiting student welfare and across-the-board scheduling equity.

"That isn't an outright lie, but that sure is making the truth nervous," said Steve Cobb, who succeeded Larrabee as athletic director and is spearheading UAA's efforts to bury the plan.

While not publicized, more meaningful for most proponents is likely the chance to grab a bigger chunk of college basketball's riches.

"Anybody who denies that (money's at stake) is being hypocritical," said Big East commissioner Mike Tranghese.

From the moment Larrabee buzzed chancellor Lee Gorsuch for an urgent appointment following Duke's alert, UAA has been at war with commissioners like Tranghese. Gorsuch, Cobb and men's basketball coach Charlie Bruns have mobilized allies throughout the United States, joining forces and lobbying efforts with key officials at UAF. Gov. Tony Knowles is writing letters, and U.S. Sen. Ted Stevens was recently approached for help.

These opponents charge that the legislation is merely a thinly disguised, greed-driven measure that would enrich the most powerful basketball-playing schools in the country's largest conferences, and that the reasons offered to back it are ridiculously off-base.

One big problem, Bruns said, has been putting a face to the enemy. No individual claims authorship of the measure, and the NCAA presents itself as a neutral facilitator, simply doing its job handling membership-requested proposals.

However, six major conferences -- the Big Ten, the Southeastern, the Pac-10, the Big East, Conference USA and the Big 12 -- stand accused of being the core group of supporters, and some of their commissioners admit it. Recently, what originally seemed like an under-radar attempt to alter the landscape of college basketball has spilled into the public arena, with coaches becoming increasingly vocal.

At the annual pre-Shootout coaches luncheon, Syracuse coach Jim Boeheim blasted the plan as "Stupid, idiotic, shortsighted." He sarcastically added, "Oops. I didn't mean to read the definition of the NCAA."

The urgency of the danger has crystalized since late October, when the NCAA Division I Management Council, a powerful 51-member group that can advance policy changes, approved the legislation. Following two days of meetings at NCAA headquarters in Indianapolis behind closed doors, the council sent the issue forward to a 90-day school comment period with "no specific endorsement." Initially this was seen as only tepid backing, but the terminology soon came to be viewed as a cloaking maneuver.

"It's clear that when the Management Council and the NCAA approved this new legislation, they tried to color their approval with ambiguity," said Rick Giles of Princeton, N.J., executive director of the Coaches vs. Cancer IKON Classic.

Unless sidetracked, the matter will be taken up by the Management Council a second time in April, and if approved again, sent to the Board of Directors, who are Division I presidents, for implementation.

Chris Spencer of Worldwide Basketball and Sport Tours Inc., in Cincinnati, which administers the Puerto Rico Shootout and the Puerto Rico Holiday Classic, read the October vote as a signal the NCAA is seeking to put him out of business.

"I think they've been determined to do this for a while," said Spencer in early December.

Two weeks later, a group of tournaments (including Spencer's and Giles') filed a lawsuit challenging the NCAA on antitrust grounds.

This bitter fight -- which places small schools like UAA and UAF at ground zero -- could determine the future of college basketball's early-season tournaments, who controls scheduling, and which of the 318 eligible Division I schools have the best chance to qualify for the lucrative NCAA tournament.


At issue above all is the distribution of millions of dollars.

'IT'S WHAT SETS US APART'

The man who invented the Great Alaska Shootout is probably rolling over in his grave.

Bob Rachal, the former UAA athletic director, is the visionary who understood and exploited the 1955 NCAA rule that granted off-mainland schools (first in Hawaii, and later in Alaska and Puerto Rico) the special privilege of inviting Lower 48 teams to play in events without counting games against their schedule allotment.

The oldest exempt basketball tournament is the Rainbow Classic. Hosted by the University of Hawaii in Honolulu, the annual Christmas holiday event just completed its 35th year. Hawaii, the only non-Lower



48 Division I program, conducts several exempt tournaments, and assistant athletic director Marilyn Moniz-Kahoochanohano said her school is unique.

"We play all of our nonconference games in tournaments," she said. "Otherwise we wouldn't have a home schedule."

The second oldest exempt tournament is the Shootout, founded in 1978. Rachal's stewardship of UAA athletics lasted just one year, and he died of cancer in 1985 without ever witnessing a Shootout game in person, but his legacy thrives.

Though doubters ridiculed him, Rachal realized the allure of playing three "free" games. He boasted that Indiana and Louisville would come to Alaska. He was right. So did North Carolina, Kentucky, Arizona, UCLA and Duke. They still come, despite a 2-year-old rule reducing tournament benefits to two free games.

The Shootout, now regarded as the cornerstone of the UAA sports program, became a phenomenon.

All-Americans and future NBA stars such as Glenn Robinson, Ray Allen, Antawn Jamison, James Worthy, Joe Dumars, Danny Manning, Glen Rice, Vince Carter and local star Trajan Langdon played in Anchorage.

Local families hosted players for Thanksgiving turkey. ESPN broadcast games (UAA's current, nine-year television contract runs through 2006, paying the school \$705,000) and teased the nation with the mystique of Alaska, offering priceless advertising for Anchorage and UAA. Players went dog mushing and rode snowmachines.

"We tried to expose them to a lot," said coach Eddie Sutton of Oklahoma State, who has brought three different teams to four Shootouts. "Stuff they wouldn't get in the Lower 48. The biggest value is the educational experience you get. The hospitality is sensational."

Next to the Iditarod Trail Sled Dog Race, the Shootout is indisputably Alaska's most prominent sporting event, now regularly selling 8,000-plus tickets a session at Sullivan Arena. The event is vital to the health of UAA's nine-team athletic department, which operates on a \$3.7 million budget, and the Shootout of 1999, incorporating women's play for the first time, produced a profit of about \$413,000.

"It's our Kentucky Derby," said Gorsuch in a recent interview. "This makes our program. Without this, we're run-of-the-mill. This is clearly our cash cow."

The Shootout's stature provides an incalculable basketball advantage over other Division II schools, too.

"It's what sets us apart," said Bruns. "It has an awful lot to do with our recruiting."

The tangible benefit to Anchorage is even more impressive. P.J. Hill, a UAA economics professor, made an in-depth study of the 1996 Shootout -- estimating a \$2.45 million local impact before four women's teams were added to the eight-team men's field.

"My guess is it would be a little bit bigger now," said Hill in November.

All of college basketball is bigger now. The exemption rule was expanded to allow charitable tournaments. Some 35 exempt men's and women's tournaments were sanctioned for the 2000-2001 season, and this proliferation of events has drawn the ire of conference commissioners.

"We have tried to get a common number of games played and put a cap on the number of games played," said Tom Hansen, commissioner of the Pac-10, who is anxious to change the system. "Nothing seems to really get at the problem. Some teams play 40 games, some 28."

However, Giles scoffed at this logic. Teams will never play the same number of games as long as there are conference tournaments, and the granddaddy of them all, the March NCAA championship tournament, he said.

"It's a mythical thing they put out there," said Giles.

Roy Kramer, commissioner of the Southeastern Conference, said setting a limit at 29, or even 30 games, would still allow schools to play in an early-season tournament.

"You can go anywhere you want to play those games," said Kramer.

That comment is seen as disingenuous by others. Cobb said UAA could still hold a Shootout, but top teams will not travel to Alaska without the exemption.

"We would lose the luster of our tournament," said Cobb. "If we kept the tournament going, it would be, 'I hope the winner makes the NCAA' instead of 'I hope the winner makes the Final Four.' "

MONEY MATTERS

Follow the money.

That's the first rule of politics and law enforcement when motives seem suspicious. More than ever, that philosophy applies in sports. So when reasons given for the legislation ignore money, the aggrieved yell.

Giles, Cobb and Jack Powers, executive director of the NIT events, said money is at the root of this evil.

"Greed," said Powers, who administers the NIT for five New York City colleges. "Everybody's talking about it."

Although the 32-team postseason NIT, dating back to 1938, is older than the NCAA championships, the 16-team Preseason NIT, founded in 1985, is the foundation of the organization's 10-year TV contract. Powers said this plan jeopardizes the Preseason NIT, and if the event goes under, the postseason NIT will collapse, too.

There was no mention of dollars and cents in the "rationale" section when the Management Council considered the legislation Oct. 25-26



after it passed through the NCAA's Division I Championships and Competition Cabinet.

The Management Council -- weighted with voters representing the same major conferences pushing the agenda -- was presented with two main reasons for support. One was scheduling "equity," meaning all Division I schools would play the same number of games. The second was enhancing "student-athlete welfare ... in what is traditionally a key period of the academic year."

"The kids take an academic hit," said the Pac-10's Hansen.

This ignores the facts that most tournaments take place during Thanksgiving week or Christmas break and that several others are four-team, two-day affairs. Plus, no school can enter more than two tournaments in four years.

Who wrote the rationale?

According to Jane Jankowski, the NCAA's assistant director of public relations, members of the organization's staff massaged the message after receiving input from the conference commissioners, the competition cabinet and other staff.

Cobb said most of these selling points are false or misleading. He referred to the student-welfare provision as "a crock. The rich get richer."

Exactly how will not be read in the language of the proposal but can be explained by real-life application. A 29th game would allow major teams to schedule another home game, or possibly attract another lucrative TV opportunity.

The suggestion by commissioners that everyone would benefit from scheduling equity is seen as laughable by others. Traditional powers from the Big East, the Pac-10 and the Big Ten do not schedule road games against teams from the Southland Conference, the Colonial Conference or the America East Conference.

"It's somewhat insulting," said Chris Monasch, commissioner of America East and also a Management Council member who opposes the legislation. "It doesn't wash. There's nothing equitable about playing the better teams on their home court. It doesn't benefit the mid-majors at all."

Monasch said at the Utah meeting Division I-AA commissioners like himself were not allowed in the room when some discussions were held and a sub-group of Division I-A commissioners presented the proposal.

"I think the real reason is so that the bigger programs can make more money," he said.

Jackson State coach Andy Stoglin, whose Tigers played in this year's Top of the World Classic and in the 1994 Great Alaska Shootout, snorted when asked if the proposal will help him. He once cut a deal with Missouri: Missouri would play in Jackson in exchange for three appearances in Columbia. Early-season tournaments provide an

invaluable alternative, said Stoglin.

"That's the only way we're going to play any of those (major) teams," he said.

Some commissioners like the SEC's Kramer are blunt about their desire to control scheduling. If one of his highly rated schools plays an attractive intersectional match because of the luck of the draw in a tournament, only the event benefits.

"How do you justify the student-athletes of Texas or Kansas, or wherever, supporting them (tournaments' sponsoring schools)?" said Kramer. "They should have a way to finance their own programs."

One more home game can be very valuable. Bill Hogan, athletic director at the University of San Francisco and co-director of the Puerto Rico Shootout, said his rule of thumb is that 10,000 seats sold equates to \$200,000. However, price and the number of discounted student tickets can vary.

Miechelle Willis, associate athletic director of Ohio State, said filling her school's Value City Arena's 19,100 seats means \$250,000 for the school's coffers.

"We lose a heck of a lot of money," she said of Buckeyes road games.

Ohio State's men's and women's teams played in the 2000 Great Alaska Shootout. Willis, a member of the Management Council, journeyed north but said "I didn't learn anything new." She sounded an anti-tournament theme about "a concern of the cost of participating."

The NCAA requires tournaments to cover most travel costs for a basic traveling party of 18, and UAA paid about \$15,000 to each participating team. However, the Buckeyes will lose between \$20,000 and \$30,000 because their traveling parties were larger than the tournament allotment, said Willis.

There are also complaints many schools are never invited to play in the tournaments -- the Big East's Tranghese claimed "15 conferences never get to play in these events." Tournament officials say that contention is wrong.

"BS. We did a study," said Spencer of Worldwide Basketball, saying 143 schools have participated in recent years. "It is about 50-50."

Gorsuch debunked the myth from the Shootout's standpoint in a letter sent to key figures before the October vote. In the first 20 years of the Shootout and the old Northern Lights Invitational women's event, some 90 schools from 26 conferences played, he said.

Major conference commissioners know how they're being viewed.

"I understand we're being cast as the bad guys on this," said Tranghese.

One way big schools can make big bucks is by becoming one of the 65 teams selected to play in the 2001 NCAA tournament. Although big

schools risk playing other big schools in glitzy TV games that offer five- or six-figure payouts, avoiding the pitfall of a random early-season tournament matchup can help protect power ratings.

March Madness can be tremendously profitable. Under the NCAA formula, a team that played a single game in the 2000 tournament earned one "unit." Each unit was valued at \$94,000. For each round a team progressed it earned another unit up to a maximum of five by reaching the Final Four. The NCAA revenue distribution plan is based on a rolling, six-year period, and last year the pie was worth \$70 million. All payoffs go directly to conferences to divide among institutions. It is expected that the value of each unit will increase for the 2001 event.

Giles, citing Gonzaga's three-game sweep in the 1997 Top of the World Classic, said tournaments offer less-famous schools a chance to influence the selection committee. If they get in, it could come at the expense of a "Big Six" conference school.

"They (commissioners) want to have as many of their teams in the NCAA as possible and keep others out," said Giles. "It extinguishes mid-majors from getting at-large bids."

Giles considers conference commissioners greedy. He said the five men's and two women's Coaches vs. Cancer tournaments held have raised \$1.5 million for the American Cancer Society.

"I had a conference commissioner say to me, 'Why should they get that?' " he said. " 'We're also a non-profit.' "

How do commissioners respond to the greed charge?

"It's a nice defense of their position," said the Pac-10's Hansen.

UAF WOULD FEEL THE PINCH

What else should the University of Alaska Fairbanks think?

After three years of losing money, the Nanooks turned a \$150,000 profit on the Top of the World Classic in 1999. That's huge for a school with a \$2.1 million athletic budget, even if it's less than a single-game gate for many Division I schools.

"They buy that many sweatshirts for boosters," said UAF athletic director Randy Pitney.

Events like the Great Alaska Shootout, the Maui, hosted by Chaminade, the Big Island Invitational, hosted by Hawaii-Hilo, the Hawaii Pacific University Thanksgiving Classic, the Puerto Rico Shootout and the Top of the World are put on by geographically remote Division II schools.

These schools are the smallest and least influential in big-time college basketball. Until 1997, when the NCAA restructured, representatives of Division II schools might sit at the table during business sessions with Division I school reps. Now they can't get in the door.

At Chaminade, a school of 725 students and minimal staff, which

contracts out the operation of the 17-year-old Maui, athletic director and basketball coach Aaron Griess said the sports program might shut down if the tournament folds.

"If the tournament goes by the wayside, the athletic department probably goes by the wayside," said Griess.

Maui's Wayne Duke said he believes the event accounts for 50 to 65 percent of Chaminade's athletic budget.

The Shootout is not as dominant in UAA's big picture, and the school will not drop athletics if the Shootout dies, said Gorsuch.

"We will survive," he said. "We're committed. We're going to maintain intercollegiate sport. But, boy, this would set us back."

Counting the Shootout as both, six of the exempted men's tournaments and two of the women's tournaments are hosted by members of the Pac West Conference. League commissioner Woody Hahn said fans, players and coaches love the events, and Alaska and Hawaii schools need them.

"I think they give a particular edge you deserve for being remote," said Hahn. "But it's a Division I issue, and the Division I's could care less. It's sad. I'd be crushed if this happens."

They are on full alert in Fairbanks. Pitney and UAF men's coach Al Sokaitis have lobbied coaches, administrators and the Management Council non-stop for months. Before the October Management Council meeting, Pitney put his sixth-grade daughter Kimberly to work preparing outgoing letters during a school break.

"Whatever it takes," he said.

Pitney will lead a four-person UAF delegation to the convention.

"Even if we felt we had the votes, we would still do the work," said Pitney. "We're leaving no stone unturned."

For nearly two decades, the Nanooks looked on enviously as UAA conducted a showcase event, so when the Top of the World started in 1996 it was a proud moment for the school.

Providence, coached by Pete Gillen, won the first tournament. After changing jobs, Gillen brought Virginia in 1998. He is effusive about the Top of the World.

"We took a chance," said Gillen. "We didn't know if it would be organized. We felt it was a gamble. It was wonderful. It's someplace a lot of people won't ever go in their lives. You see the Alaska Pipeline, ice carvings. I think culturally it is a tremendous experience."

Carlson Center attendance ranged from 2,500 to 4,000 for the 2000 tournament. Rooters displayed posters on balcony fronts. UAF's mascot, a stuffed polar bear, was displayed in a glass case at one end of the court. It was a festive atmosphere.

Adding the tournament has upgraded the Nanooks' program. It raises the ante in recruiting, said Sokaitis, and enables UAF to play a more impressive schedule. This season UAF earned \$80,000 in appearance fees playing road games against Division I teams.

UAF guard Doug Lamb, an Alaskan, said it is excruciating to contemplate the Classic's possible demise.

"That scares us a lot," said Lamb. "That would be very bad for the community."

LAST-DITCH EFFORTS

The NCAA hates him, said Chris Spencer of Worldwide Basketball.

And that was before he became party to a federal lawsuit filed Dec. 21 in U.S. District for the Southern District of Ohio in Columbus, claiming "anticompetitive" and "monopolistic" practices by the NCAA.

Spencer said he became persona non grata fighting last year's NCAA new rule limiting schools to playing in just two tournament every four years, and for protesting the rule requiring payment of travel costs. He said he can't afford it.

While the Alaska events attract thousands of state fans and the Maui Invitational sells about 2,400 tickets a session, Spencer's Puerto Rico tournaments attract between 500 and 1,000 fans, he said. Representing American University of Puerto Rico's tournaments, Spencer's company forges links between basketball fans who want to follow their teams and community tourism needs.

"It's pretty much all the people we bring over," said Spencer.

UAA, UAF, the NIT, Maui, the Puerto Rico Shootout, Coaches vs. Cancer, make for somewhat uneasy bedfellows. But this legislation makes no distinction between longevity and recently founded events, no distinction between a school-run event and a privately supervised event. No distinction is made, period. And that infuriates UAA's Gorsuch.

When Larrabee told Gorsuch the NCAA might alter the exemption rule again right after the two-tournaments-in-four-years plan took effect, Gorsuch was incredulous.

"I said, 'The ink's not even dry yet, are you kidding me?'" said Gorsuch.

Even some supporters of the proposal admit tournaments are fun and offer student-athletes rare travel and cultural opportunities. Yet none can think of a way to preserve some and eliminate others.

"Certain events people would be very comfortable keeping, in my opinion," said the Big East's Tranchese. But after talking to his legal counsel, he said, "You can't craft something that would let Game A be played and not Game B be played."

UAA and UAF are keenly observing the Ohio lawsuit.

"We benefit, or we lose, just as they do," said Cobb. "They picked exactly the law I expected them to pick."

The NCAA has endured some court thumpings. Former UNLV coach Jerry Tarkanian fought his NCAA suspension for years and won. More recently, assistant basketball coaches won a \$67 million triple-damages, class-action suit because the NCAA tried to limit their salaries.

The NCAA's response to this fresh lawsuit is pointed. Jankowski noted it challenges a rule that has not even taken effect and that "does not prohibit any of these contests from taking place."

Court aside, the legislative battle will continue at the convention. No action is scheduled on the emotional issue, but the open forum UAA officials have craved to air the matter is set for Jan. 8 at Disney World in Lake Buena Vista, Fla.

"I would love to debate it at the courthouse at high noon," said Cobb.

The proposal passed the Management Council by a two-thirds margin, minus abstentions, and is due to come before the body again April 9-10. A favorable vote would send it to the presidents later in April. Passage by that group would make it NCAA law.

However, a little-known last-resort procedure exists in NCAA bylaws. If 30 schools protest in writing, the legislation goes into effect but is subject to a Division I-member vote at the next national convention. If 100 schools protest, implementation is suspended until a convention vote. Neither Cobb nor Pitney were aware of these options.

"That sounds almost too easy to get it done," said Cobb.

If so, it would be the only aspect of the dispute that is.

Speaking from the perspective of five decades involved in intercollegiate sport, Wayne Duke, 72, was saddened by the whole battle.

"The one thing I have seen," said Duke, "and it's supported in so many ways, is the changing of spelling the word 'principle' from 'le' to 'al.' "

From principle to principal. This is, he said, all about the money.

Sports editor Lew Freedman can be reached at lfreedman@adn.com.

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SEARCH

Proposed NCAA legislation could gobble up Shootout

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By Beth Bragg
Daily News Executive Sports Editor
(Published November 19, 2000)

As Anchorage prepares for its traditional mix of basketball and Thanksgiving, it's time to talk turkey.

Not regarding what's on the menu this week but what might be off the menu two years from now.

The Great Alaska Shootout, the 23-year-old tournament that brings Division I college basketball to Sullivan Arena, could face extinction because of a proposed piece of NCAA legislation that would wipe out the Shootout and similar tournaments by 2002.

The legislation, being pushed by the commissioners from all Division I conferences, would eliminate an exemption given to the Shootout and other preseason tournaments. The exemption allows teams to play in a select group of preseason tournaments without counting all of the tournament games toward their NCAA season limit of 28. Currently, teams that come to the Shootout play three games but only one counts toward their season limit.

The exemption allows teams like Kentucky, North Carolina and Kansas to come to the Shootout. Without the "free" games, many teams would stay home and play a single nonconference game that would net the school more revenue.

If the exemption is eliminated, the Shootout would either fold or serve up a steady diet of Division II teams or low-level Division I teams.

The proposal will be debated at the NCAA's annual convention in January.

"Maybe this Thanksgiving Day, this is something to be thankful for, that we still have the Shootout," said Tim McDiffett, associate athletic director at the University of Alaska Anchorage.

UAA runs the tournament, which for the second straight year will combine men's and women's action.

The tournament begins Tuesday evening with a pair of women's

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The tournament begins Tuesday evening with a pair of women's games. Men and women will share the stage Wednesday, when four games, including the women's championship at 6:45 p.m., will be played.

The nighttime spot for the women's championship game is new. Last year, it was played in front of a sparse afternoon crowd and drew criticism from fans who said the women were not being treated equally.

This year, UAA decided the women should go prime time.

While juggling the women's schedule, UAA also tinkered with the men's schedule and reduced the number of Thanksgiving Day games from three to two. "We modified it to give fans more of their Thanksgiving Day back," McDiffett said.

This year's field features only one ranked team, No. 22 DePaul. Other men's teams include Syracuse, Florida State, Ohio State, Missouri, Valparaiso, Rhode Island and UAA. The women's field includes Ohio State, Valparaiso, Rhode Island and UAA.

Coach Jim Boeheim's Syracuse team is making its third appearance.

Syracuse has taken full advantage of the NCAA's preseason tournament exemption over the years, having played in eight events since 1987. But Boeheim has a special feel for the Shootout.

"We've always loved coming to this tournament. The people have been great to us, the fans have been great," he said. "It's probably the most well-attended in terms of the crowds every day. The number of the fans and their enthusiasm is super."

The tournament exemption is threatened because conference commissioners say they want the athletes to miss less class time -- even though most tournaments are held during the Thanksgiving and Christmas holidays -- and because a limited number of teams are invited to preseason tournaments.

Pat Kennedy, the DePaul coach, disagrees.

"Although the NCAA says it's trying to help out the lower-tier schools, the rationale is not legit," he said. "I don't mind when the NCAA gets into governing the competition, but the argument doesn't add up. When I was with Iona, we were up at the Shootout, and that was a great recruiting tool for our program.

"It's highly inaccurate to say that these tournaments only benefit the big, powerful schools."

There's no doubt, though, that the biggest beneficiary is UAA, a Division II university. Last year's tournament netted \$413,000, a figure that represents about 20 percent of the athletic department's \$3.7 million budget.

The Shootout's intangible value is that it brings exposure to the university and the state that no event besides the Iditarod can equal.

In past years, as many as 1,000 fans from visiting teams have filled the city's hotel rooms and restaurants during Thanksgiving week, typically one of the slowest times of the year for tourism.

What's more -- conference commissioners aside -- universities nationwide value tournaments like the Shootout.

"I like having the exemption games," said Ohio State men's coach Jim O'Brien. "I think it's good to get in a few more games.

"(And) typically, going to places like Hawaii and Puerto Rico and Alaska offers a new experience to guys who wouldn't otherwise get it."

Reporter Beth Bragg can be reached at bbragg@adn.com.

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National Collegiate Athletic Association

IN PROGRESS

2000-106 PLAYING AND PRACTICE SEASONS - CONTEST LIMITATIONS - BASKETBALL

Intent: To establish a maximum of 29 basketball contests that may be played during the institution's regular playing season; further, to specify that prior to the beginning of the regular playing season, an institution is limited to participating in either one informal scrimmage against a four-year collegiate institution or one exhibition contest against a non-Division I four-year collegiate institution; finally, to eliminate the process that requires certification of basketball contests in which Division I institutions are participants.

A. Bylaws: Amend 17.5.3.1, page 237, as follows:

"17.5.3.1 Exceptions - Practice Scrimmage/Exhibition Game. ~~The following basketball contests (games or scrimmages) are permitted.~~ Prior to the first contest dates specified under 17.5.3., An institution may participate in one of the following:

- "(1) ~~Practice Scrimmages Informal practice scrimmages with outside competition provided they are conducted in privacy without publicity or official scoring.~~ One informal practice scrimmage against a four-year collegiate institution, provided it is conducted in privacy without publicity or official scoring and is conducted at a site located within a member institution's state or, outside that state, no more than 200 miles from the institution's campus; or
- "(b) ~~BCA Basketball Classic, Tip Off Classic, Foreign Team in Canada, Great Alaska Shootout, Top of the World Classic, Maui Invitational, NABC Classic. The following basketball games may be played on or after November 7 by a Division I institution.~~ One exhibition game against a non-Division I four-year collegiate institution played in the arena in which the Division I institution regularly plays its home contests.
- "(1) ~~For Division I members only, contests in the BCA Basketball Classic Classic.~~
- "(2) ~~The Basketball Hall of Fame Tip Off Classic.~~
- "(3) ~~All games in the Great Alaska Shootout or Top of the World Classic basketball tournament sponsored by an active member located in Alaska.~~

- ~~"(4) All games in the Maui Invitational men's basketball tournament sponsored by an active member located in Hawaii; or~~
- ~~"(5) Contests in the NABC Classic;~~
- ~~"(c) U.S. Basketball and Foreign Team Games. The two basketball games exempted per Bylaws 17.5.5.2.2 (f), 17.5.5.2.2 (g) and 17.5.5.2.2 (h) may be played on or after October 31;~~
- ~~"(d) Preseason National Invitation Tournament. Participation in the Preseason National Invitation Tournament sponsored by the Metropolitan Intercollegiate Basketball Association. The tournament shall be a 16-team, single elimination event (with one consolation game) conducted each year during the period from November 15 through November 30. Participation in the tournament shall be limited, by institution, to once in any four year period and, by conference, to one institution of a member conference per tournament;~~
- ~~"(e) Preseason Women's National Invitation Tournament. Participation in the Women's preseason National Invitation Tournament sponsored by the Women's Collegiate Sports Association. The tournament shall be a 16-team, team, single elimination event (with one consolation game) conducted each year, starting no sooner than seven days immediately before the start of the regular season. Participation in the tournament shall be limited, by institution, to once in any four year period and, by conference, to one institution of a member conference per tournament."~~

B. Bylaws: Amend 17.5.5, pages 237-239, as follows:

"17.5.5 Number of Contests

"17.5.5.1 Maximum Limitations-Institutional. A member institution shall limit its total regular-season playing schedule with outside competition in the sport of basketball in any one year to ~~28~~ 29 contests (games or scrimmages) except for those contests excluded under Bylaw 17.5.5.2:

[17.5.5.1.1 and 17.5.5.1.2 unchanged.]

"17.5.5.1.3 Maximum Limitations-Student-Athlete. An individual student-athlete may participate each academic year in not more than ~~28~~ 29 basketball contests. This limitation includes those contests in which the student-athlete represents the institution in accordance with 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. Further, an individual student-athlete may participate each year in only one postseason basketball tournament as a member of the institution's varsity, junior varsity or freshman team.

"17.5.5.2 Annual Exemptions

~~"17.5.5.2.1 Certification Required. A member institution may exempt only participation in the postseason men's or women's National Invitational Tournament from its maximum number of basketball contests, provided it is certified as an annual exemption by the Championships/Competition Cabinet Subcommittee on Special Events pursuant to Bylaw 30.10.1.~~

~~"17.5.5.2.2 Certification Not Required. The following basketball contests each year may be exempted from a member institution's maximum number of contests:~~

[17.5.5.2.2-(a) through 17.5.5.2.2-(e) renumbered as 17.5.5.2-(a) through 17.5.5.2-(e), unchanged.]

~~"(f) Foreign Team in U.S. An exhibition contest against a foreign team in the United States played in the arena in which the member institution regularly plays its home contests. In Division I, an institution may play two exhibition contests against a foreign team in the United States during any year in which it does not utilize the exemption set forth in 17.5.5.2.2 (g) or 17.5.5.2.2 (h) or may play one exhibition contest against a foreign team in the United States and one exhibition contest against a "club" "club" member of USA Basketball or one practice scrimmage as defined in 17.5.5.2.2 (h).~~

~~"(g) USA Basketball Club. For Divisions I and II only, an exhibition contest against a "club" member of USA Basketball played in the arena in which the member institution regularly plays its home contests. In Division I, an institution may play two exhibition contests against a "club" member of USA Basketball during any year in which it does not utilize the exemption set forth in 17.5.5.2.2 (f) or 17.5.5.2.2 (h) or may play one exhibition contest against a "club" member of USA Basketball and one exhibition contest against a foreign team in the United States or one practice scrimmage as defined in 17.5.5.2.2 (h), and~~

~~"(h) Exhibition against a Non-NC.I.1 Division I Four-Year Collegiate Institution. An exhibition contest against a four-year collegiate institution (other than an NC.I.1 Division I institution) played in the arena in which the member institution regularly plays its home contests. An institution may play two exhibition contests against a non-NC.I.1 Division I four-year collegiate institution during any year in which it does not utilize the exemptions set forth in Bylaw 17.5.5.2.2 (f), 17.5.5.2.2 (g) and 17.5.5.2.2 (h), or may play one exhibition contest against a non-NC.I.1 Division I four-year collegiate institution and either one exhibition contest against a "club" member of USA Basketball, one exhibition contest against a foreign team in the United States or one~~

~~practice scrimmage as defined in Bylaw 17.5.5.2.2 (f), and~~

"(f) Practice Scrimmage/Exhibition Game. An institution may participate in one of the following: ~~An informal practice scrimmage with outside competition provided it is conducted in privacy without official scoring. An institution may play two practice scrimmages during any year it does not utilize either of the exemptions set forth in 17.5.5.2.2 (f) or 17.5.5.2.2 (g) or may play one practice scrimmage and either one exhibition contest against a foreign team in the United States or one exhibition contest against a "club" member of U.S.A Basketball.~~

"(1) An informal practice scrimmage with outside competition against a four-year collegiate institution, provided it is conducted in privacy without official scoring and is conducted at a site located within a member institution's state or, outside that state, no more than 200 miles from the institution's campus; or.

"(2) One exhibition game against a non-Division I four-year collegiate institution played in the arena in which the Division I institution regularly plays its home contests.

~~"17.5.5.3 Certified Events. An institution shall be permitted to participate in in no more than one certified event during a given academic year and not more than two certified events every four years. In addition, institutions shall not participate in a certified event in the same state or territory outside the continental United States (i.e., Alaska, Hawaii, Puerto Rico or the Virgin Islands) more than one time during a four-year period. Participation in a certified event shall count as a single contest in the institution's maximum contest limitations. Such events, other than foreign tour (see Bylaw 17.5.5.3.1), must be certified by the Championships/Competition Cabinet Subcommittee on Special Events pursuant to Bylaw 30.10.1. (Note: Those contracts between member institutions and events for participation in certified events during the 1999-00 academic year and thereafter may be honored, provided they were in effect on or before October 30, 1998.)~~

~~"17.5.5.3.1 Exception - Certification Not Required - Foreign Tour. The games played on a foreign basketball tour conducted in accordance with the procedures set forth in Bylaw 30.7 do not need to be certified by the Championships/Competition Cabinet Subcommittee on Special Events (see Bylaw 17.30). However, an institution may not engage in such a tour during any year in which it participates in one of the certified events."~~

[17.5.5.4 renumbered as 17.5.5.3 unchanged.]

C. Bylaws: Amend 30.10.1, pages 378-380, as follows:

~~"30.10.1 Basketball Contest Certification. The following criteria must be satisfied for a basketball contest to receive certification from the Championships Competition Cabinet:~~

~~"30.10.1.1 Application Deadline. The application for an exempted event must be received by the Championships Competition Cabinet Subcommittee on Special Events not later than April 15 preceding the academic year in which the event will be conducted.~~

~~"30.10.1.2 Competitive and Cultural Experience. Each exempted event must provide participating student athletes a unique competitive and/or cultural experience. The committee will review an annual report submitted by the event to determine whether the event meets this criterion.~~

~~"30.10.1.3 Sponsoring Agency. The sponsoring organization of any exempted event shall be either an active or affiliated member or a member conference of the Association. An institution that is a sponsoring organization must conduct the sport of basketball on the intercollegiate level. For exempted events in Alaska, Hawaii or Puerto Rico, the sponsoring agency must be an active or provisional N.C.A.A. member located in that state or territory. (Adopted: 1/9/96 effective 8/1/96, Revised:~~

~~"30.10.1.4 Team Selection. The N.C.A.A. institution sponsoring the exempted contest must be responsible for team selection, which must be open to all Division I members.~~

~~"30.10.1.5 Management of Event. Each exempted event must demonstrate that its administration is experienced in managing basketball events, that competition is conducted in a manner compatible with Division I standards and that it is financially sound. If the Championships Competition Cabinet has reason to doubt an event's ability to pay the expenses of the competing institutions as required by 30.10.1.8, it may require event management to post a letter of credit in an amount sufficient to cover all such expenses. An N.C.A.A. member institution participating in the administration of the exempted event must participate in establishing and approving its budget. Sponsors of exempted events are prohibited from charging an entry fee or requiring teams to purchase a minimum number of tickets. A sponsoring organization, at its own expense, may be required to appear before the Championships Competition Cabinet Subcommittee on Special Events.~~

~~"30.10.1.5.1 Participation by Division I Institution. Each exempted event must have at least one Division I institution directly participating in the management of the event for contests played within the 48 contiguous states. For exempted events in Alaska, Hawaii and Puerto Rico, at least one N.C.A.A. institution in any division division shall serve in this capacity.~~

~~"30.10.1.6 Financial Report. An annual financial report must be filed by the sponsoring organization on a form and by a date approved by the Management Council. Sponsors shall be required to submit a financial report of the previous event as part of their application for future exemptions. The Association shall conduct an audit of each certified contest once every five years.~~

- ~~"(a) Minimum fee for basketball events \$500~~
- ~~"(b) Basketball events with gross receipts \$1,000 over \$100,000~~
- ~~"(c) Basketball events with gross receipts \$2,500 over one million dollars~~
- ~~"(d) Basketball events with gross receipts \$5,000 over three million dollars~~

~~"The financial report of the previous year's event shall be used to determine the amount of the certification fee, except for new events, for which the fee shall be based on the proposed budget. A Division I institution or conference shall not be required to pay more than \$5,000 in combined fees for events certified under 30.10.1 and 30.10.3.~~

~~"30.10.1.7 Conference Representation. No more than one team from any Division I conference may participate in any one preseason or in-season exempted event during any academic year.~~

~~"30.10.1.8 Reimbursement of Expenses. Each exempted event shall, at a minimum, reimburse the expenses (within 60 days of the event) of each Division I participating institution as follows:~~

- ~~"(a) Travel Party. Travel Party. The size of the official travel party, for which reimbursement shall be made, shall be 18 individuals.~~
- ~~"(b) Travel. Exempted events shall provide a minimum percentage of the official travel party's actual air fare (based on coach fare at the 21 day rate) and/or ground transportation expenses each year, as follows:~~

- ~~"(1) Seventy-five percent of the official travel party's actual air fare and/or ground transportation expenses for men's basketball events conducted during the 2000-01 academic year.~~
- ~~"(2) One hundred percent of the official travel party's actual air fare and/or ground transportation expenses each year for men's basketball events conducted during the 2001-02 academic year and thereafter.~~
- ~~"(3) Seventy-five percent of the official travel party's actual air fare and/or ground transportation expenses each year for women's basketball events conducted during the 2002-03 academic year through the 2005-06 academic year.~~
- ~~"(4) One hundred percent of the official travel party's actual air fare and/or ground transportation expenses each year for women's basketball events conducted during the 2006-07 academic year and thereafter.~~
- ~~"(c) Lodging. Exempted events shall provide lodging for the official travel party for each day of the event, plus one travel day. Rooming assignments shall not exceed three persons per room.~~
- ~~"(d) Per Diem. Exempted events shall provide \$30 per day (for each date of competition and one day of travel) for each member of the official travel party.~~
- ~~"30.10.1.8.1 Waiver. The sponsor of an event located in Alaska or Hawaii or the sponsor of an event in the contiguous 48 states that wishes to invite an institution located in Alaska or Hawaii to the event may request a waiver of the travel reimbursement requirement set forth in 30.10.1.8 (b) from the Championships/Competition Cabinet Subcommittee on Special Events.~~
- ~~"30.10.1.8.2 Exception. There shall be an exception to the reimbursement of expense requirements listed above for any nontournament, regular season event in Alaska and/or Hawaii and in women's basketball for any regular season tournament either against or under the sponsorship of an active N.C.A.A. Division I institution located in Alaska and/or Hawaii.~~

~~"30.10.1.9 Guarantee. Sponsors of exempted events that provide any institution a guarantee to participate in the event must demonstrate that these monies are at least equal to the actual expenses required in 30.10.1.8."~~

~~"30.10.1.10 Insurance. Sponsors of exempted events shall carry general liability insurance and maintain primary comprehensive general coverage listing the NC.1.1 as an additional insured, with combined single limits of at least \$1 million per occurrence for bodily injury and property damage."~~

~~"30.10.1.11 Missed Class Time. An exempted event shall be scheduled to minimize lost class time for participating student athletes."~~

~~"30.10.1.12 Officials. Officials for the exempted event shall be assigned from an agency that regularly assigns officials for Division I institutions, institutions, and the officials shall be experienced in officiating Division I basketball contests."~~

~~"30.10.1.13 Experimental Rules. An exempted event may be conducted under experimental rules, provided such a request is made by the NC.1.1 Men's or Women's Basketball Rules Committees and approved by the Championships Cabinet."~~

~~"30.10.1.14 Trademark. The trademark of an exempted contest, if any, must be held by an NC.1.1 institution."~~

~~"30.10.1.15 Prepayment of Travel Expenses. Sponsors of exempted events may not require participating institutions to make deposits or payments prior to the dates of the competition in excess of \$2,500 and shall not charge a late fee for a deposit not timely received."~~

Source: NCAA Division I Championships and Competition Cabinet (Certified Events Subcommittee).

Effective Date: August 1, 2002. [Note: Those contracts between member institutions and events for participation in certified events subsequent to August 1, 2002 and thereafter may be honored, provided they were in effect on or before July 25, 2000.]

Rationale: Currently, institutions are permitted to participate in 28 countable contests, which includes one certified event and two preseason exhibition contests. Some certified events involve multiple competitive opportunities for participating institutions while other certified events involve only a single basketball contest between the involved participants. This proposal will promote the principle of competitive equity by eliminating the certified event process and establishing a uniformed number of contests in which Division I institutions may participate during the regular playing season. It also will permit institutions to continue to participate in 30 basketball activities (29 regular season contests and one preseason activity). In addition, limits on the number of competitions that are permitted prior to the first regularly scheduled contest date should enhance student-athlete welfare by alleviating some of the demands on basketball student-athletes during what is traditionally a key period of the academic year. This proposal also is consistent with the Association's deregulation efforts and reinforces that institutions should be vested with the responsibility of making individual scheduling decisions in the interest

of the institution with consideration of student-athlete welfare and business interests. [Estimated Budget Impact: None.]



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Luckhaupt
1/23/01

CS FOR SENATE JOINT RESOLUTION NO. 5()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS LEMAN, Wilken, Pearce, Ellis

A RESOLUTION

1 **Relating to supporting the Great Alaska Shootout, the Top of the World Classic, and**
2 **similar preseason basketball tournaments, and requesting that the National Collegiate**
3 **Athletic Association reject legislative proposal No. 2000-106.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS** the State of Alaska and many of its institutions participate in interstate
6 organizations and enter into many interstate agreements for the benefit of Alaska residents
7 and the residents of other states; and

8 **WHEREAS** one of these interstate organizations is the National Collegiate Athletic
9 Association (NCAA); and

10 **WHEREAS** the University of Alaska Anchorage's Great Alaska Shootout basketball
11 tournament and the University of Alaska Fairbanks' Top of the World Classic basketball
12 tournament are two of the premier early or preseason basketball tournaments for NCAA
13 member schools; and

14 **WHEREAS** the Great Alaska Shootout began in 1978 and, throughout the past 23
15 years, has been the host to more than 4,860 male and female student athletes who have been

1 exposed to the unique culture and experience of Alaska while interacting with the people of
2 Alaska; and

3 **WHEREAS** the Top of the World Classic began in 1996 and provides students in
4 Fairbanks with the opportunity to meet student athletes from schools participating in the
5 classic and to interact with positive role models from different areas of the country and
6 different backgrounds while also exposing the student athletes to the unique culture and
7 experience of Alaska; and

8 **WHEREAS** the Great Alaska Shootout and the Top of the World Classic provide an
9 opportunity for Alaska's Division II intercollegiate athletic teams to be exposed to and
10 compete against Division I schools while providing Alaska elementary and secondary school
11 students the opportunity to personally witness topflight intercollegiate athletic competition;
12 and

13 **WHEREAS** the Great Alaska Shootout and the Top of the World Classic have
14 become a tradition in their respective communities, if not in all of Alaska; create a strong
15 sense of community excitement and participation while providing a needed boost to the local
16 economies; and are integral financial contributors to the athletic programs at the University of
17 Alaska; and

18 **WHEREAS** the Great Alaska Shootout and the Top of the World Classic, along with
19 tournaments such as the Black Coaches Association Classic, the Tip Off Classic, the Maui
20 Invitational, Coaches Against Cancer, and other tournaments conducted in Hawaii, Puerto
21 Rico, and other locales, are classified as "certified" events under current NCAA regulations,
22 which means that games played at these tournaments count as a single contest under the 28-
23 basketball-game limit that each NCAA Division I member may schedule each year; and

24 **WHEREAS**, on October 25 - 26, 2000, the NCAA Division I Management Council
25 adopted legislative proposal No. 2000-106, which would limit NCAA Division I member
26 institutions to 29 basketball games and one exhibition contest or scrimmage each year and
27 would eliminate the exemption for games played at basketball tournaments such as the Great
28 Alaska Shootout and the Top of the World Classic, thereby eliminating an incentive for a
29 NCAA member institution to participate in these tournaments; and

30 **WHEREAS** the NCAA Division I Management Council and Board of Directors are
31 scheduled to consider legislative proposal No. 2000-106 in April 2001;

1 **BE IT RESOLVED** that the Alaska State Legislature urges that the NCAA Division I
2 Management Council and Board of Directors recognize the positive contribution that
3 tournaments such as the Great Alaska Shootout and the Top of the World Classic make to the
4 lives and experiences of the student athletes who participate in the tournaments and to the
5 communities that sponsor the tournaments; and be it

6 **FURTHER RESOLVED** that the Alaska State Legislature urges the NCAA Division
7 I Management Council and Board of Directors to reject legislative proposal No. 2000-106;
8 and be it

9 **FURTHER RESOLVED** that the Alaska State Legislature urges all NCAA member
10 institutions that have participated in the Great Alaska Shootout or the Top of the World
11 Classic, their coaches, and their students to contact their conference officials and the members
12 of the NCAA Division I Management Council and Board of Directors to urge the rejection of
13 legislative proposal No. 2000-106.

14 **COPIES** of this resolution shall be sent to all NCAA Division I Board of Directors;
15 all members of the NCAA Division I Management Council; Cedric Dempsey, President of the
16 NCAA; Dave Schnase, National Office, NCAA; David Berst, Chief of Staff for Division I,
17 NCAA; Mark Hamilton, President of the University of Alaska; and to the Honorable Ted
18 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,
19 U.S. Representative, members of the Alaska delegation in Congress.

During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
(907) 465-2095
465-3810 FAX




During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX

Senator Loren Leman

MEMORANDUM

TO: Senator Gene Therriault, Chairman
Senate State Affairs

FROM: Senator Loren Leman 

DATE: January 18, 2001

RE: SJR 5- National Collegiate Athletic Association (NCAA) resolution

Please schedule at your earliest convenience a hearing on SJR 5 – relating to opposition to National Collegiate Athletic Association legislative proposal 2000-106.

The proposal before the NCAA would adversely affect, if not eliminate, pre-season basketball tournaments, including the Great Alaska Shootout and the Top of the World Classic. There is a public comment period that officially ends January 30, 2001. It is my intent to have this resolution passed by that date, thus the need to hear SJR 5 next week.

Senator Wilken has introduced a similar resolution, SJR 4. After working with Senator Wilken, it is our intent to substitute a committee substitute that essentially replaces the text of SJR 5 with the language of SJR 4.

Thank you for your cooperation. If you have any questions, please call me at extension 2095.

Alaska State Legislature

SENATOR
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271



Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884
Senate District Q

Date: 1/23/01
4

Number of Pages including cover: _____

To: Ann Ringstad
Fax: 474-7520
From: Joe

Re: Please let me know if there's
anything the committee should
correct/revise.

22-LS0363\F
Luckhaupt
1/22/01
Leman
1:22:01

CS FOR SENATE JOINT RESOLUTION NO. 5()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS LEMAN, Wilken, Pearce, Ellis

A RESOLUTION

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2 **similar preseason basketball tournaments, and requesting that the National Collegiate**
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7 experience of Alaska; and

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10 compete against Division I schools while providing Alaska elementary and secondary school
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16 economies; and are integral financial contributors to the athletic programs at the University of
17 Alaska; and

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15 **COPIES** of this resolution shall be sent to all NCAA Division I Board of Directors;
16 all members of the NCAA Division I Management Council; Cedric Dempsey, President of the
17 NCAA; Dave Schnase, National Office, NCAA; David Berst, Chief of Staff for Division I,
18 NCAA; Mark Hamilton, President of the University of Alaska; and to the Honorable Ted
19 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,
20 U.S. Representative, members of the Alaska delegation in Congress.

SJR

8

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Senator Loren Leman

SJR 8 – VOTING SITES AT MILITARY INSTALLATIONS

Witness List

**Thursday, February 1, 2001
3:30p.m.**

Senator Loren Leman, SPONSOR,

465-2095

**Shelly Growden, Election Supervisor,
(Region III Election Office,
Division of Elections, Fairbanks**

Fairbanks LIO 452-4448
contact: (907) 451-2835

**Carol Thompson, Election Supervisor,
Region II Election Office,
Division of Elections, Anchorage**

Anchorage LIO 269-0111
contact: (907) 522-8683

P 171731Z DEC 99
FM SECDEF WASHINGTON DC//OASD-PA/DPL//
TO AIG 8777
SECDEF WASHINGTON DC//LA/GC/WHS-FVAP//
CJCS WASHINGTON DC//LA//
OLA WASHINGTON DC
OSAF WASHINGTON DC//LA//
HQDA WASHINGTON DC//SALL//
CMC WASHINGTON DC//OLA//
INFO SECDEF WASHINGTON DC//OASD-PA/PDASD-PA/DPL/DDI/DPCR//
BT
UNCLAS

SUBJECT: PUBLIC AFFAIRS POLICY GUIDANCE - ELECTIONS FOR PUBLIC OFFICE

- A. SECDEF MSG 171527Z MAY 99, PUBLIC AFFAIRS POLICY GUIDANCE -- ELECTION YEAR 1999
- B. DOD DIRECTIVE 1344.10, POLITICAL ACTIVITIES BY MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY
- C. 5 U.S.C. 7321 - 7326, HATCH ACT
- D. 5 C.F.R. PART 734, POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES
- E. DOD DIRECTIVE 5230.9, CLEARANCE OF DEPARTMENT OF DEFENSE INFORMATION
- F. DOD DIRECTIVE 1000.4, FEDERAL VOTING ASSISTANCE PROGRAM
- G. DOD INSTRUCTION 5120.4, DOD NEWSPAPERS AND CIVILIAN ENTERPRISE PUBLICATIONS
- H. DOD INSTRUCTION 1100.13, SURVEYS OF DEPARTMENT OF DEFENSE PERSONNEL
- I. DOD DIRECTIVE 5120.20, ARMED FORCES RADIO AND TELEVISION SERVICE (AFRTS)
- J. DOD REGULATION 5120.20-R, MANAGEMENT AND OPERATION OF ARMED FORCES RADIO AND TELEVISION SERVICE (AFRTS)
- K. DOD DIRECTIVE 5410.18, COMMUNITY RELATIONS
- L. DOD INSTRUCTION 5410.19, ARMED FORCES COMMUNITY RELATIONS
- M. 2000-2001 VOTING ASSISTANCE GUIDE
- N. DOD DIRECTIVE 1344.13, IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT

1. THE FOLLOWING PUBLIC AFFAIRS POLICY GUIDANCE IS PROVIDED TO ASSIST COMMANDERS AND PUBLIC AFFAIRS OFFICERS (PAOS) IN HANDLING REQUESTS FOR SUPPORT OF ELECTIONS DURING THE ELECTION YEAR PERIOD, AS DEFINED IN PARAGRAPH D. COMMANDERS AND PAOS WILL COMPLY WITH THIS GUIDANCE IN THE CONDUCT OF ACTIVITIES ASSOCIATED WITH POLITICAL CAMPAIGNS FOR ELECTIONS

FOR FEDERAL, STATE AND LOCAL OFFICES. THIS RE-TITLED MESSAGE SUPERSEDES REF A. ADDRESSEES ARE TO ENSURE WIDEST DISSEMINATION AND IMPLEMENTATION.

A. AS A MATTER OF LONG-STANDING POLICY, THE DEPARTMENT OF DEFENSE DOES NOT ENGAGE IN ACTIVITIES THAT COULD BE INTERPRETED AS ASSOCIATING THE DEPARTMENT WITH ANY PARTISAN POLITICAL CAUSES, ISSUES, OR CANDIDATES. THE POLITICAL ACTIVITIES OF INDIVIDUAL MILITARY MEMBERS ARE REGULATED BY REF B. THE POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES ARE RESTRICTED BY THE HATCH ACT REFORM AMENDMENTS OF 1993, 5 U.S.C. 7321 - 7326 (REF C), AND IMPLEMENTING REGULATIONS 5 C.F.R PART 734 (REF D). MILITARY MEMBERS OR FEDERAL EMPLOYEES WITH QUESTIONS REGARDING THE PROPRIETY OF PROSPECTIVE POLITICAL ACTIVITIES, OR CONCERNS ABOUT POSSIBLE VIOLATIONS, SHOULD BE DIRECTED TO THE HATCH ACT HOTLINE AT THE U.S. OFFICE OF SPECIAL COUNSEL, (800) 854-2824, E-MAIL: HATCHACT@OSC.GOV.

B. INQUIRIES FROM POLITICAL CAMPAIGN ORGANIZATIONS SHOULD BE CONSIDERED AS QUERIES FROM THE GENERAL PUBLIC AND SHOULD BE RESPONDED TO ACCORDINGLY. WHEN RESPONDING TO QUERIES FROM POLITICAL CAMPAIGN ORGANIZATIONS, ONLY INFORMATION/MATERIAL THAT IS AVAILABLE TO THE GENERAL PUBLIC IS TO BE PROVIDED, PER REF E. ADDITIONALLY, THERE SHOULD BE NO ATTEMPT TO EXPLAIN OR AMPLIFY PREPARED DCD OR SERVICE STATEMENTS OR POSITIONS.

C. DOD COMMAND/INTERNAL INFORMATION NEWSPAPERS, BOTH FUNDED AND CIVILIAN ENTERPRISE (CE), WILL SUPPORT THE FEDERAL VOTING ASSISTANCE PROGRAM (REFS F AND M) BY CARRYING FACTUAL INFORMATION ABOUT REGISTRATION AND VOTING LAWS, ESPECIALLY INFORMATION ON ABSENTEE VOTING REQUIREMENTS OF THE VARIOUS STATES AND TERRITORIES. DOD NEWSPAPERS WILL NOT CARRY CAMPAIGN NEWS, PARTISAN DISCUSSIONS, CARTOONS, EDITORIALS, OR COMMENTARIES DEALING WITH POLITICAL CAMPAIGNS, CANDIDATES, OR ISSUES, PER REF G. CIVILIAN ENTERPRISE NEWSPAPERS MAY NOT CARRY PAID POLITICAL ADVERTISEMENTS OR ADVERTISEMENTS WHICH ADVOCATE A PARTICULAR POSITION ON A POLITICAL ISSUE. THE ABOVE IS MORE FULLY EXPLAINED IN REF G. NO DOD NEWSPAPER OR CE PUBLICATION MAY CONDUCT A POLL, A SURVEY, OR A STRAW VOTE RELATING TO A POLITICAL CAMPAIGN OR PARTISAN POLITICAL ISSUE, PER REFS G AND H.

D. PER REFS I AND J, THE ARMED FORCES RADIO AND TELEVISION SERVICE (AFRTS) BROADCAST CENTER WILL PROVIDE A FREE FLOW OF BALANCED, NON-FUNDED, INFORMATIONAL COVERAGE OF POLITICAL CAMPAIGNS PROVIDED BY U.S. COMMERCIAL AND PUBLIC NETWORKS. AFRTS OUTLETS SHOULD MAKE EXTENSIVE USE OF SUCH PROGRAMMING TO INCLUDE POLITICAL ANALYSIS, COMMENTARY, AND PUBLIC AFFAIRS PROGRAMS IN ADDITION TO HARD NEWS. GREAT CARE SHOULD BE SHOWN BY AFRTS OUTLETS TO MAINTAIN WELL-BALANCED COVERAGE OF POLITICAL NEWS WITHOUT LOCAL COMMENT, CRITICISM, ANALYSIS, OR INTERPRETATION OF A POLITICAL NATURE. LOCAL PROGRAMS OR ANNOUNCEMENTS CONCERNING POLITICAL PARTIES, CANDIDATES OR INCUMBENTS WILL NOT BE BROADCAST DURING AN ELECTION CAMPAIGN PERIOD. THE ELECTION CAMPAIGN PERIOD BEGINS WITH THE FIRST FORMAL ANNOUNCEMENT OF ANY INDIVIDUAL'S CANDIDACY FOR FEDERAL, STATE OR LOCAL ELECTED OFFICE, OR FORMAL STATUS WITH THE FEDERAL ELECTION COMMISSION, AND ENDING NO EARLIER THAN ONE WEEK AFTER THE ELECTIONS. THE END DATE PRECLUDES THE USE OF MILITARY INSTALLATIONS AS THE SITE FOR POST-ELECTION ACCEPTANCE SPEECHES, CELEBRATIONS OR OTHER POLITICALLY-ORIENTED EVENTS. INFORMATION ON THE FEDERAL ELECTION COMMISSION MAY BE FOUND ON THE INTERNET AT WWW.FEC.GOV, OR VIA THE FEC FAX INFORMATION BULLETIN BOARD AT (202) 501-3413. NON-AFRTS MILITARY RADIO/TELEVISION SYSTEMS IN CONUS, EXCLUDING CABLE SERVICES

PROVIDING COMMERCIAL PROGRAMMING, WILL NOT CARRY ANY PARTISAN DISCUSSIONS, PROGRAMS, EDITORIALS, OR COMMENTARIES DEALING WITH POLITICAL CAMPAIGNS, CANDIDATES, OR ISSUES. THIS DOES NOT PRECLUDE THE ABOVE SYSTEMS, I.E., AFRTS AND NON-AFRTS MILITARY RADIO/TELEVISION SYSTEMS, FROM USING SPOT ANNOUNCEMENTS ENCOURAGING ARMED FORCES PERSONNEL AND THEIR ELIGIBLE FAMILY MEMBERS TO REGISTER AND VOTE, EITHER BY ABSENTEE BALLOT OR AT THE POLLS, PROVIDING THESE ANNOUNCEMENTS HAVE BEEN APPROVED BY THE FEDERAL VOTING ASSISTANCE PROGRAM (SEE SECTION 2 BELOW).

E. INSTALLATION COMMANDERS SHOULD NOT PERMIT THE USE OF INSTALLATION FACILITIES BY ANY CANDIDATE (EITHER INCUMBENTS OR NEW OFFICE SEEKERS), MEMBERS OF THEIR STAFFS OR THEIR CAMPAIGN REPRESENTATIVES FOR: ASSEMBLIES OR MEETINGS; MEDIA EVENTS, INCLUDING SPEECHES; FUND-RAISING EVENTS FOR POLITICAL CANDIDATES, PARTIES, OR CAUSES REGARDLESS OF THE SPONSORSHIP; PRESS CONFERENCES; ANY OTHER ACTIVITY THAT COULD BE CONSTRUED AS POLITICAL IN NATURE.

(1) INSTALLATION COMMANDERS ARE ADVISED NOT TO ALLOW THEIR INSTALLATION FACILITIES TO BE USED FOR POLLING OR VOTING SITES. LOCATING POLLING OR VOTING PLACES ON A MILITARY INSTALLATION MAY RESULT IN CONDUCT WHICH COULD INADVERTENTLY VIOLATE ONE OR MORE OF THE FOLLOWING STATUTORY PROHIBITIONS, AMONG OTHERS: 18 U.S.C. (592, 593, 594, 596, 602, 603, 606, 607, 609). MORE INFORMATION ON THESE AND OTHER STATUTES MAY BE FOUND ON THE INTERNET AT [HTTP://USCODE.HOUSE.GOV/USC.HTM](http://USCODE.HOUSE.GOV/USC.HTM).

(2) MEMBERS OF CONGRESS, WHETHER OR NOT CANDIDATES FOR RE-ELECTION TO NATIONAL OFFICE, MAY VISIT MILITARY INSTALLATIONS TO RECEIVE BRIEFINGS, TOURS AND/OR INFORMATIONAL MATERIALS. IF THE CANDIDATE IS CURRENTLY A GOVERNMENT OFFICIAL AND HIS/HER DUTIES REQUIRE A VISIT TO AN INSTALLATION FOR RELATED OFFICIAL DUTIES, THE RESPONSE TO THE REQUEST FOR THE VISIT WILL INCLUDE A REMINDER THAT THE CANDIDATE MAY NOT USE THE VISIT AS A CAMPAIGN VEHICLE. OTHER CANDIDATES FOR NATIONAL OFFICE WHO ARE NOT CURRENT MEMBERS OF CONGRESS OR SERVING GOVERNMENTAL OFFICIALS MAY BE GIVEN THE SAME ACCESS TO INSTALLATIONS AS ANY OTHER UNOFFICIAL VISITOR. SERVICE CHIEFS OF LEGISLATIVE LIAISON SHOULD BE CONSULTED FOR SPECIAL INSTRUCTIONS/ADVICE IF THERE IS ANY DOUBT ON HOW TO HANDLE A SPECIFIC REQUEST.

(3) CANDIDATES, EITHER INCUMBENTS OR NEW OFFICE SEEKERS, FOR LOCAL AND/OR STATE OFFICES MAY BE GIVEN THE SAME ACCESS TO INSTALLATIONS AS ANY OTHER VISITOR.

(4) IN ALL CASES, COMMANDERS WILL INFORM CANDIDATES THAT WHILE ON A MILITARY INSTALLATION, ALL POLITICAL ACTIVITIES AND MEDIA EVENTS ARE PROHIBITED, INCLUDING ON-POST/BASE MEDIA COVERAGE OF THE CANDIDATE'S VISIT. (NOTE: IF THE CANDIDATE HAS BEEN INVITED TO A MILITARY INSTALLATION AS PART OF AN OFFICIAL INSTALLATION ACTIVITY WHICH INCLUDES MEDIA COVERAGE OF THAT ACTIVITY, THE CANDIDATE MAY BE ALLOWED TO APPEAR ON CAMERA AND IN PHOTOS AS AN OFFICIAL PARTICIPANT; HOWEVER, CANDIDATES WILL NOT BE ALLOWED TO MAKE STATEMENTS OR RESPOND TO QUERIES WHILE ON THE INSTALLATION.) IF ASKED FOR THE RATIONALE FOR THIS DECISION, THE FOLLOWING GUIDANCE IS APPROVED FOR USE: QUOTE: "DEPARTMENT OF DEFENSE POLICY HAS FOR MANY YEARS PROHIBITED THE USE OF MILITARY INSTALLATIONS FOR ANY ACTIVITY THAT COULD BE CONSTRUED AS POLITICAL IN NATURE, INCLUDING NEWS MEDIA COVERAGE OF ANY PORTION OF A POLITICAL CANDIDATE'S ACTIVITIES WHILE ON A MILITARY INSTALLATION REGARDLESS OF THE PURPOSE OF THE VISIT." END QUOTE. AN EXCEPTION TO THIS RULE PERMITS NEWS MEDIA COVERAGE OF CERTAIN PORTIONS OF VISITS TO MILITARY INSTALLATIONS BY THE PRESIDENT, VICE PRESIDENT, AND THE SPEAKER OF THE HOUSE AS EXPLAINED IN THE FOLLOWING

PARAGRAPH.

(5) DURING AN ELECTION YEAR, MEDIA COVERAGE OF THE ARRIVAL/DEPARTURE VIA MILITARY AIRCRAFT ON A DOD INSTALLATION OF ANY ELECTED OFFICIALS IS NOT AUTHORIZED IF THEIR ITINERARY INCLUDES POLITICAL CAMPAIGNING IN THE LOCAL COMMUNITY, WITH THE EXCEPTIONS OF THE PRESIDENT, THE VICE PRESIDENT, AND THE SPEAKER OF THE HOUSE. IF THE PRESIDENT, THE VICE PRESIDENT, OR THE SPEAKER OF THE HOUSE FLY INTO A MILITARY INSTALLATION ABOARD A MILITARY AIRCRAFT TO CAMPAIGN FOR A CANDIDATE IN THE LOCAL COMMUNITY, MEDIA MAY BE ALLOWED A PHOTO OPPORTUNITY ON THE MILITARY INSTALLATION FOR THE EXPRESS PURPOSE OF COVERING THE ARRIVAL OR DEPARTURE OF THESE OFFICIALS. THE SUPPORTED CANDIDATE MAY NOT BE PRESENT DURING THESE PHOTO OPPORTUNITIES. PAOS AT INSTALLATIONS ANTICIPATING A POLITICALLY ORIENTED VISIT BY THE PRESIDENT, VICE PRESIDENT, OR THE SPEAKER OF THE HOUSE SHOULD CONTACT TEAMS ADVANCING SUCH VISITS TO ENSURE ALL CONCERNED ARE AWARE OF THE PROVISIONS OF THIS MESSAGE, AND ESPECIALLY THIS PARAGRAPH.

F. DOD POLICY PROHIBITS ARMED FORCES INVOLVEMENT IN POLITICAL EVENTS, EXCEPT FOR THE PROVISION OF A JOINT ARMED FORCES COLOR GUARD FOR THE OPENING CEREMONIES AT THE NATIONAL CONVENTIONS OF THE REPUBLICAN, DEMOCRATIC, AND OTHER POLITICAL PARTIES FORMALLY RECOGNIZED BY THE FEDERAL ELECTION COMMISSION. ALL OTHER REQUESTS FOR COMMUNITY RELATIONS SUPPORT (INCLUDING BANDS, COLOR GUARDS, PERSONNEL AND SPEAKERS) TO POLITICAL MEETINGS, CEREMONIES, AND LIKE EVENTS, WHETHER ON THE INSTALLATION OR IN THE CIVILIAN COMMUNITY, WILL BE DENIED. COMMANDERS WILL DECLINE REQUESTS FOR SUPPORT TO ANY EVENT WITH THE POTENTIAL FOR IDENTIFICATION OR APPARENT ASSOCIATION WITH ANY PARTISAN CANDIDATE OR CAUSE.

G. SPEECHES, ARTICLES, AND PUBLIC COMMENT BY MILITARY PERSONNEL IN THEIR CAPACITY AS SERVICE REPRESENTATIVES MUST NOT CONTAIN MATERIAL THAT MAY BE CONSTRUED AS POLITICAL IN NATURE. REFS K AND L PERTAIN. THE ESTABLISHED REVIEW PROCEDURES FOR SPEECHES AND ARTICLES FOR PUBLICATION BY MILITARY PERSONNEL MUST BE FOLLOWED. REFS B, E, AND G PERTAIN.

H. CAMPAIGN LITERATURE MAY BE DISTRIBUTED ON MILITARY INSTALLATIONS ONLY AS AUTHORIZED BY SERVICE REGULATIONS. ACTIVE DUTY MILITARY PERSONNEL ARE PROHIBITED FROM DISTRIBUTING SUCH MATERIALS.

I. REQUESTS FROM POLITICIANS TO TAPE OR FILM CAMPAIGN COMMERCIALS IN FRONT OF MILITARY EQUIPMENT (I.E., SHIPS, TANKS, AIRCRAFT, ETC.) ON MILITARY PROPERTY OWNED OR LEASED BY THE GOVERNMENT WILL BE DENIED. HOWEVER, TAPING/FILMING FROM OUTSIDE THESE AREAS, USING THEM AS A BACKGROUND CANNOT BE REFUSED AS THEY ARE OUTSIDE GOVERNMENT PROPERTY. THE ONLY EXCEPTION TO THIS IS IF THE TAPING/FILMING CONFLICTS WITH OPERATIONAL SECURITY.

J. DOD EMPLOYEES, INCLUDING ACTIVE DUTY PERSONNEL, RESERVE COMPONENT PERSONNEL ON ACTIVE DUTY, AND CIVILIAN EMPLOYEES, ARE REQUIRED TO ADHERE TO POLICY OUTLINED IN REFS B AND C ON INDIVIDUAL PARTICIPATION IN POLITICAL ACTIVITIES. THESE POLICIES ADDRESS A WIDE RANGE OF ACTIVITIES, INCLUDING SPEECHES, POLITICAL POLLS, BALLOTS, STRAW VOTES, CAMPAIGN EFFORTS AND SOLICITATION OF SUPPORT FOR CANDIDATES.

2. DOD EMPLOYEES AND THEIR FAMILY MEMBERS ARE ENCOURAGED TO VOTE. VOTING ASSISTANCE OFFICERS WILL BE PROVIDED AT EVERY LEVEL OF COMMAND. THE DOD DIRECTOR OF THE FEDERAL VOTING ASSISTANCE PROGRAM IS LOCATED AT THE DEPARTMENT OF DEFENSE, WASHINGTON HEADQUARTERS SERVICES, 1155

DEFENSE PENTAGON, WASHINGTON, DC 20301-1155. THE TELEPHONE NUMBER IS COMMERCIAL (800) 438-8683, (703) 588-1584/DSN 425-1584, FAX (703) 588-0108/DSN 425-0108, E-MAIL (ALL LOWER CASE) VOTE@FVAP.NCR.GOV THE PROGRAM'S WEB SITE IS WWW.FVAP.NCR.GOV. THE 2000-2001 EDITION OF THE VOTING ASSISTANCE GUIDE WAS SENT TO MILITARY DISTRIBUTION CENTERS IN NOVEMBER 1999.

3. COGNIZANT COMMANDS ARE ADVISED TO REVIEW REF N THAT APPLIES TO RECRUITMENT OFFICES OF THE ARMED FORCES IN CARRYING OUT APPLICABLE PROVISIONS OF THE NATIONAL VOTER REGISTRATION ACT.

4. ANY POLICY QUESTIONS OR SITUATIONS NOT COVERED BY THE FOREGOING GUIDANCE SHOULD BE IMMEDIATELY BROUGHT TO THE ATTENTION OF OASD(PA):DPL, LT GAI, COMMERCIAL (703) 697-9845/DSN 227-9845 FOR RESOLUTION. QUESTIONS ON MEDIA ACTIVITIES SHOULD BE REFERRED TO MR. GLENN FLOOD, OASD(PA):DDI, COMMERCIAL (703) 695-6294/DSN 225-6294. QUESTIONS ON COMMUNITY RELATIONS ACTIVITIES SHOULD BE REFERRED TO MS. CELIA HOKE, OASD(PA):DPCR, COMMERCIAL (703) 695-2733/DSN 225-2733.

5. ANY DISPUTES, UNRESOLVED ISSUES OR POTENTIAL PROBLEMS WITH FEDERAL-LEVEL POLITICAL CANDIDATES SHOULD BE BROUGHT TO THE ATTENTION OF OASD(PA), MR. PHILIP J. (P.J.) CROWLEY, PRINCIPAL DEPUTY, COMMERCIAL (703) 697-0713/DSN 227-0713, FOR RESOLUTION. IF A DISPUTE HAS BEEN SETTLED AT THE LOCAL LEVEL, PLEASE ADVISE MR. CROWLEY OF THE NATURE OF THE DISPUTE AND THE RESOLUTION SO THAT QUESTIONS MAY BE ANSWERED AT THE OSD OR NATIONAL LEVEL, IF THEY ARISE.

BT

equal to the fair market value of the drydock at the time of the sale, as determined by the Secretary.

SEC. 120. Subsection (b) of section 509 of title 38, United States Code, is amended by striking "Federal" and inserting "Department of Defense".

SEC. 121. USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of the enactment of this section and before December 31, 2000.

SEC. 122. Section 8112 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2326), is amended—

(1) in the matter preceding the first proviso, by striking "\$20,000,000" and inserting "\$30,000,000"; and

(2) in the second proviso, by inserting after "property damages" the following: ", and for other claims under applicable Status-of-Forces Agreements,".

(RESCISSIONS)

SEC. 123. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act, from the following accounts in the specified amounts:

Under the heading "Shipbuilding and Conversion, Navy, 1989/1993":

DDG-51 destroyer program, \$9,100,000;

T-AO fleet oiler program, \$6,645,000;

T-AGOS surveillance ship program, \$3,420,000;

Outfitting and post delivery, \$1,293,000;

"Research, Development, Test and Evaluation, Air Force, 1999/2000", \$7,000,000;

"Military Personnel, Army, 2000", \$98,700,000;

"Military Personnel, Navy, 2000", \$49,127,000;

"Military Personnel, Air Force, 2000", \$82,000,000;

"Reserve Personnel, Air Force, 2000", \$4,500,000; and

"National Guard Personnel, Army, 2000", \$24,826,000.

24. Funds appropriated by this Act, or made available by or of funds in this Act, for intelligence activities are to be specifically authorized by the Congress for purposes of section 5042 of the National Security Act of 1947 (50 U.S.C. 414).

25. The following provisions of law are repealed: sections 8176 of the Department of Defense Appropriations Act, 1999 (Public Law 106-79), as amended by sections 214 and 215, renumbered as H.R. 3425 of the 106th Congress (112 Stat. 1501A-1), enacted into law by section 1000(a)(5) of Public Law 106-

26. Any amount appropriated in this chapter that is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obliga-

106TH CONGRESS
2D SESSION

H. R. 5174

AN ACT

To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.

HR 5174

106TH CONGRESS
2D SESSION

H. R. 5174

AN ACT

To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. USE OF BUILDINGS ON MILITARY INSTALLA-**
4 **TIONS AND RESERVE COMPONENT FACILI-**
5 **TIES AS POLLING PLACES.**

6 (a) USE OF MILITARY INSTALLATIONS AUTHOR-
7 IZED.—Section 2670 of title 10, United States Code, is
8 amended—

9 (1) by striking “Under” and inserting “(a) USE
10 BY RED CROSS.—Under”;

11 (2) by striking “this section” and inserting
12 “this subsection”; and

13 (3) by adding at the end the following new sub-
14 section:

15 “(b) USE AS POLLING PLACES.—(1) Notwith-
16 standing chapter 29 of title 18 (including sections 592 and
17 593 of such title), the Secretary of a military department
18 may make a building located on a military installation
19 under the jurisdiction of the Secretary available for use
20 as a polling place in any Federal, State, or local election
21 for public office.

22 “(2) Once a military installation is made available as
23 the site of a polling place with respect to a Federal, State,
24 or local election for public office, the Secretary shall con-
25 tinue to make the site available for subsequent elections

1 for public office unless the Secretary provides to Congress
2 advance notice in a reasonable and timely manner of the
3 reasons why the site will no longer be made available as
4 a polling place.

5 “(3) In this section, the term ‘military installation’
6 has the meaning given the term in section 2687(e) of this
7 title.”.

8 (b) USE OF RESERVE COMPONENT FACILITIES.—(1)
9 Section 18235 of title 10, United States Code, is amended
10 by adding at the end the following new subsection:

11 “(c) Pursuant to a lease or other agreement under
12 subsection (a)(2), the Secretary may make a facility cov-
13 ered by subsection (a) available for use as a polling place
14 in any Federal, State, or local election for public office
15 notwithstanding chapter 29 of title 18 (including sections
16 592 and 593 of such title). Once a facility is made avail-
17 able as the site of a polling place with respect to an elec-
18 tion for public office, the Secretary shall continue to make
19 the facility available for subsequent elections for public of-
20 fice unless the Secretary provides to Congress advance no-
21 tice in a reasonable and timely manner of the reasons why
22 the facility will no longer be made available as a polling
23 place.”.

24 (2) Section 18236 of such title is amended by adding
25 at the end the following new subsection:

1 “(e) Pursuant to a lease or other agreement under
2 subsection (c)(1), a State may make a facility covered by
3 subsection (c) available for use as a polling place in any
4 Federal, State, or local election for public office notwith-
5 standing chapter 29 of title 18 (including sections 592 and
6 593 of such title).”.

7 (c) CONFORMING AMENDMENTS TO TITLE 18.—(1)
8 Section 592 of title 18, United States Code, is amended
9 by adding at the end the following:

10 “‘This section shall not prohibit the use of buildings
11 located on military installations, or the use of reserve com-
12 ponent facilities, as polling places in Federal, State, and
13 local elections for public office in accordance with section
14 2670(b), 18235, or 18236 of title 10.’”.

15 (2) Section 593 of such title is amended by adding
16 at the end the following:

17 “‘This section shall not prohibit the use of buildings
18 located on military installations, or the use of reserve com-
19 ponent facilities, as polling places in Federal, State, and
20 local elections for public office in accordance with section
21 2670(b), 18235, or 18236 of title 10.’”.

22 (d) CONFORMING AMENDMENT TO VOTING RIGHTS
23 LAW.—Section 2003 of the Revised Statutes (42 U.S.C.
24 1972) is amended by adding at the end the following:
25 “‘Making a military installation or reserve component facil-

1 ity available as a polling place in a Federal, State, or local
2 election for public office in accordance with section
3 2670(b), 18235, or 18236 of title 10, United States Code,
4 shall be deemed to be consistent with this section.”.

5 (e) AVAILABILITY OF POLLING PLACES FOR 2000
6 FEDERAL ELECTIONS.—If a military installation or re-
7 serve component facility was made available as the site
8 of a polling place with respect to an election for Federal
9 office held during 1998, the same or a comparable site
10 shall be made available for use as a polling place with re-
11 spect to the general election for Federal office to be held
12 in November 2000.

13 (f) CLERICAL AMENDMENTS.—(1) The heading of
14 section 2670 of title 10, United States Code, is amended
15 to read as follows:

16 “§ 2670. Buildings on military installations: use by
17 American National Red Cross and as poll-
18 ing places in Federal, State, and local
19 elections”.

20 (2) The item relating to such section in the table of
21 sections at the beginning of chapter 159 of such title is
22 amended to read as follows:

"2670. Buildings on military installations: use by American National Red Cross
and as polling places in Federal, State, and local elections."

Passed the House of Representatives October 12,
2000.

Attest:

Clerk.

Congress of the United States

Washington, DC 20515

October 17, 2000

Secretary of Defense William Cohen
U.S. Department of Defense
Room 3E966, The Pentagon
Washington, D.C. 20301

Dear Secretary Cohen:

We are writing to ask that you reconsider the Department of Defense (DOD) opposition to H.R. 5174, a bill to clarify DOD's authority to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State and local elections. As you are aware, the House adopted H.R. 5174 by an overwhelmingly bipartisan 297 to 114 vote.

The attached letter from the DOD General Counsel, expressing the Department's opposition to H.R. 5174, came to us less than one hour before consideration of the bill on the floor of the House, despite correspondence to DOD on September 8th and September 18th providing copies of the bill and indicating our intent to bring this legislation to the floor. Since we had no opportunity before the floor consideration to address the concerns and issues raised by it, we wish you would consider the following in your review.

We believe that the ability of citizens to vote in elections is a fundamental tenet of democracy and that the act of voting is, at its heart, a non-partisan activity. Thus H.R. 5174 seeks to facilitate the participation in the electoral process of those who serve our country in uniform, consistent with the historical concerns about ballot secrecy and freedom from intimidation. Moreover, H.R. 5174 seeks to facilitate voting in places where suitable alternative non-DOD facilities do not exist – a likely occurrence given that, in some cases, DOD has assigned people to isolated and difficult posts for the purpose of defending the nation.

We note that the General Counsel cites a Civil War era law, 18 U.S.C. § 592, as the basis for DOD's decision to suddenly end the current practice of locating voting sites on DOD property. We would like to point out that the cited provision also states: "This section shall not prevent any office or member of the armed forces of the United States from exercising the right of suffrage in any election district. . . ." We think that without the clarifying, discretionary authority of H.R. 5174, DOD will find itself, in some circumstances, hindering or denying "the right of suffrage" in some election districts.


Furthermore, we conclude that while the provision cited by the General Counsel was intended to prevent intimidation of voters at polls by the military, it does not prohibit

merely the location of a voting site on DOD property. In our view, H.R. 5174 recognizes that when election officials voluntarily locate sites on DOD property, and voters voluntarily choose to vote there, there is no coercion or intimidation. In fact, by enabling DOD to offer voters an easy way to cast their ballots in the privacy of a voting booth at a facility of their choosing, H.R. 5174 enhances both ballot secrecy and freedom from intimidation.


Allowing and even encouraging people to exercise their right to vote does not involve the military in "partisan politics" as the General Counsel alleges. In fact, we are surprised that any DOD counsel would make such an argument in view of DOD's active and well-regarded voter assistance program. Helping military personnel and families, whether stationed overseas or in the U.S., to vote certainly does not involve the military in politics.

Finally, H.R. 5174 provides ample discretion to the Department in choosing to allow these election operations when they are compatible with the facilities' mission. The practice of some base commanders who have made facilities available for service men and women, their families, and support staff is commendable especially in isolated areas. It shows that the idea already works. If, however, for national security reasons, DOD must remove an election site from DOD property, H.R. 5174 gives the Department that authority.

We would like to stress that citizens serving our country in the armed services and their families deserve to vote just like anyone else. We think that H.R. 5174 facilitates that democratic tenet, and we urge you to reconsider the Department's position on H.R. 5174.



Bob Stump, Chairman
Veterans' Affairs Committee



Bill Thomas, Chairman
House Admin. Committee



Floyd Spence, Chairman
Armed Services Committee



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

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COMMITTEE ON
HOUSE ADMINISTRATION

26316

RB

DK

The Honorable William M. Thomas
Chairman
Committee on Administration
U.S. House of Representatives
Washington, DC 20515-0157

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Defense on H.R. 5174, 106th Congress, a bill "To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office."

The Department of Defense opposes this legislation.

The Department has a longstanding policy prohibiting the use of military installations as polling sites for elections. This policy is based on sound public policy of maintaining strict separation between the military and the political process. The policy of separating the military and partisan politics is critically important to maintaining public support for and confidence in our Armed Forces, as well as maintaining good order and discipline within military ranks.

The principle of separating the military from the political process is also reflected in two federal criminal statutes. 18 U.S.C. § 592 provides that:

[w]hoever, being an officer of the Army or Navy, or other person in the civil, military or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined under this title or imprisoned not more than five years or both. . . .

Similarly, 18 U.S.C. § 593 subjects members of the Armed Forces to criminal penalties if they "impose or attempt to impose any regulations for conducting any general or special election in a State, different from those prescribed by law," or "interfere in any manner with an election officer's discharge of his duties." Placement of voting sites on military installations in which "troops or armed men" are likely to come into close contact with voters is fundamentally incompatible with the concept of maintaining separation between the military and politics.



Reply to Congress

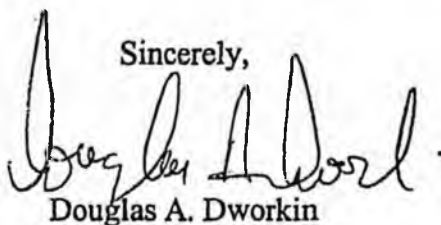
If enacted, H.R. 5174 would reverse Department of Defense policy by authorizing the use of military installations as polling places. We strongly disagree that it is appropriate for the fundamental political activity of voting to take place at locations that the Department of Defense strives to make politically neutral and nonpartisan. The proposed legislation also would not effectively amend the criminal statutes referenced above to relieve military personnel from potential criminal liability. Specifically, the amendments to the criminal statutes proposed in section 1(c) of H.R. 5174 would only clarify that it is not a crime for polling places to be placed on military installations. It would not address at all the placement of troops or armed men at polling places. It would not be practical simply to prohibit military personnel from approaching or entering a polling place on a military installation during voting hours. The commander of a military installation must at all times have complete control over the facilities within his or her authority. It is possible that circumstances could arise that would require a commander to order military personnel to enter a building designated as a polling site if that building is located on a military installation. We believe it is therefore prudent to retain the prohibition on the use of military buildings as polling places.

We recognize that some installations have overlooked the Department's policy on this issue in the past and that some military facilities have been used as polling places in some localities. In some cases, short-term waivers of the policy have been granted if an alternative location could not be identified in time to avoid disruption to an upcoming election. In such cases, local election officials have been advised to designate a new polling place as soon as possible. Furthermore, section 121 of the Military Construction Appropriation Act for Fiscal Year 2001 requires that military facilities that have been used as polling places over recent years must be permitted to be used as polling places for the November election. Enactment of H.R. 5174 is not necessary, therefore, to relieve any possible inconvenience to voters in the November election resulting from enforcement of the Department of Defense policy.

Finally, we want to point out that our policy does not apply to National Guard armories or other Guard facilities. These buildings are subject to the control of state Governors through their Adjutant Generals, not the Department of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for consideration of the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas A. Dworkin". The signature is written in a cursive style with a horizontal line at the end.

Douglas A. Dworkin

cc: The Honorable Steny H. Hoyer
Ranking Member

15.15.090

Prohibition to use polling places on military installations – comments by Shelly Growden, Region III Election Supervisor

Precincts Affected in Region III

32-225 Fort Wainwright – 7,205 registered voters
2000 gen turnout = 1545 + 572 questioned voters
1998 gen turnout = 871 + 162 questioned voters
1996 gen turnout = 1088 + 299 questioned voters

34-065 Eielson – 6,087 registered voters
2000 gen turnout = 1700 + 291 questioned voters
1998 gen turnout = 1083 + 119 questioned voters
1996 gen turnout = 1425 + 263 questioned voters

Regional Perspective

I first learned of the policy on April 26, 2000 by reading the Election Administration Reports newsletter. We contacted Eielson and Fort Wainwright on April 28th and they did not know about the DOD directive and had already signed and returned our polling place agreement. We asked them to please confirm if we would be able to use our existing polling places on base. For Region III, it was extremely difficult getting a firm decision from the bases. After numerous attempts, I requested the division director to obtain assistance from Sen. Steven's office.

To move a polling place, we have to submit preclearance to DOJ, which can take up to 60 days. We also notify each registered voter of the polling place change. I informed the installation voting officers of AS 15.15.170 which prohibits political persuasion within 200 feet of the polling place. The military precincts are wholly contained meaning that only voters living on base are assigned to the precinct. I also passed along my concerns that we would adversely be affecting voter turnout among military voters if we moved the polling place off base. We try to make voting very easy and encourage the military to vote in local and state elections, not just presidential elections.

Moving these voters to another polling place off base would be difficult. All of the public facilities near the base are already being used. It would be difficult to merge another polling place into these facilities. It causes voter confusion when more than one precinct is in a polling place. I am also concerned about transportation to the polling place if a close facility could not be found and/or used.

Timelines

On Fort Wainwright – received word on June 4th that we could use a location on base, but wanted the polling place moved to the school instead of the post library. This gave

Written Testimony from Div Election

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On Eielson – July 6, 2000 the staff judge advocate told the installation voting officer that we could not have a polling place on base. I passed along this information to the division director who passed it along to Steven's office. This late time frame did not allow enough time for Elections to receive preclearance for a new polling place. When I relayed my concerns to the voting officer, he was going to bring to the commander's attention, however we wouldn't be able to get the commander's decision until July 17th. Again, only voters residing on Eielson are assigned to the Eielson voting precinct. On July 20th, the installation voting officer called to say that General DeQuire(?) said we could not have a polling place on Eielson. I let him know that the President had just signed the appropriations bill, which prohibited DOD from not allowing the use of polling places on military installations. July 21st the voting officer called back and said YES we could use the polling place.

The amendment to the appropriations bill was only effective until December 31, 2000. In 2001, we have municipal elections in Anchorage and Fairbanks North Star Borough. Alaska needs to know if our military installations will allow the use of polling places on base.

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State of Alaska

15.15.090

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Statement of Votes Cast
 State of Alaska Primary Election 2000
 UNOFFICIAL RESULTS

Date:09/01/00
 Time:15:41:37
 Page:1 of 2

	TURN OUT			U.S. REPRESENTATIVE (O)						SENATE DISTRICT G (O)			HOUSE DISTRICT 13 (O)				
	Reg. Voters	Cards Cast	% Turnout	Total Votes	GREENE, CLIFFORC	DORE, JIM	MILES, DAE	KARPINSKI, LEONA	YOUNG, ANNA C.	VONDERSAAR, FRA	Total Votes	WHITTAKER, JED	HEYWORTH, SCOTT	FRENCH, HOLLIS S.	Total Votes	BERKOWITZ, ETHA	LEVNO, R.D.
State House																	
District 13																	
Anchorage #247	1067	133	12.46%	88	32	10	10	7	18	11	88	7	38	43	91	78	13
Anchorage #277	1041	182	17.48%	95	37	6	12	9	21	10	116	14	49	53	115	93	22
Anchorage #279	1333	409	30.68%	237	75	20	29	11	63	34	309	13	97	199	308	286	22
Anchorage #281	1753	512	29.21%	247	82	16	28	13	68	40	321	19	76	226	318	286	32
Anchorage #283	1141	390	34.18%	201	69	17	21	5	61	28	262	10	94	158	259	239	20
Anchorage #285	1906	288	15.11%	181	75	20	29	11	27	19	206	11	73	122	204	190	14
Anchorage #287	1113	161	14.47%	98	48	10	11	2	18	9	116	6	31	79	120	107	13
Anchorage #289	1262	153	12.12%	103	37	11	11	8	29	7	114	18	39	57	113	90	23
Anchorage #291	808	157	19.43%	89	32	6	14	7	15	15	104	4	34	66	107	96	11
Anchorage #293	1075	135	12.56%	79	23	8	16	2	19	11	93	13	36	44	93	76	17
District 13 Absentee	12499	185	1.48%	104	37	6	11	4	35	11	130	13	51	66	128	112	16
District 13 Ouestion	12499	72	0.58%	41	14	4	4	3	9	7	10	1	5	4	11	9	2
SubTotal	12499	2777	22.22%	1563	561	134	196	82	388	202	1869	129	623	1117	1867	1662	205
	12499	2777	22.22%	1563	561	134	196	82	388	202	1869	129	623	1117	1867	1662	205

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BALLOT MEASURES	TOTAL
BALLOT MEASURE NO. 1 HJR NO. 56	
YES	
NO	
BALLOT MEASURE NO. 2 HCS SJR 27(FIN) am H	
YES	
NO	
BALLOT MEASURE NO. 3 CCS SJR 34	
YES	
NO	
BALLOT MEASURE NO. 4 INITIATIVE: 99PTAR	
YES	
NO	
BALLOT MEASURE NO. 5 INITIATIVE: 99HEMP	
YES	
NO	
BALLOT MEASURE NO. 6 REFERENDUM: 00GAME	
YES	
NO	

CANDIDATE	TOTAL
SUPREME COURT	
Warren MATTHEWS	YES NO
Dana FABE	YES NO
Alexander BRYNER	YES NO
COURT OF APPEALS	
Robert COATS	YES NO
David STEWART	YES NO
SUPERIOR COURT	
Dale Owen CURDA	YES NO
Mary E. GREEN	YES NO
DISTRICT COURT	
Raymond M FUNK	YES NO
Mark I WOOD	YES NO

January 26, 2001

Military Polling Place Review

Currently the Region II Elections office is responsible for two military installations. Elmendorf Air Force Base, District 14 Precinct 297, has approximately 7,025 registered voters and Fort Richardson, District 23 Precinct 425, has approximately 5,808 registered voters.

Region II became aware of the DoD directive in April of 2000. At the time we became aware of the DoD directive, we had just mailed out our polling place agreement letters on April 20, 2000. The agreement for Elmendorf AFB was sent to our 1999 contact for the Talkeetna Theatre. The request to use Ursa Major Elementary school, Fort Richardson's polling place, was sent to the Anchorage School District. We received a Facilities Use Permit from the Anchorage School District on May 16, 2000.

In May of 2000 we did not receive a response from our contact for the use of the Talkeetna Theatre and thus we began attempting to contact our contact person. At that time, we learned of a new contact person for the Talkeetna Theatre and a new agreement was duly mailed. As a side note, it was not unusual for Region II to have some difficulty in acquiring the use of the Talkeetna Theatre facility on Elmendorf AFB.

After sending the second agreement we received a telephone call from the new contact person who informed us that we were unable to use the Talkeetna Theatre because of a prior commitment to use the facility by another entity. At that point, we immediately began researching a new facility to use on base by conducting the necessary accessibility requirements and determined that Mt Spurr Elementary school would meet our needs. On June 22 and June 23 a request was sent to the Anchorage School District, minority contacts were informed of the recommended polling place change and the necessary paperwork was sent to the director's office for submission to the Department of Justice for preclearance.

On July 31, 2000 change of polling place notifications were sent to the registered voters in Precinct 297.

At the first of August Region II received a telephone call from the Anchorage School District who had received a call from Elmendorf AFB informing them that there was a problem in the division using the facilities on base, specifically Mt. Spurr. Region II contacted the person who had contacted the school district and

we were told that it was a problem for us to use the polling place location on base, once again, specifically Mt. Spurr.

Region II did not pursue this issue with the contact person. Since the Director of Elections had resolved the Eielson AFB issue we contacted the director to request that a telephone call be made to her contact person on base. The issue was resolved.

Overall, Region II did not feel the potential impact of losing a polling place on base in comparison to Region III. However, always in the back of our mind was the thought of the potential of losing polling place on base. For Elmendorf AFB the impact would not have been as great as Fort Richardson since other facilities are just outside of the gates into Elmendorf AFB. Fort Richardson, on the other hand, is a distance from Anchorage and Eagle River area facilities. These voters would have needed to travel an extended distance to their polling place location in order to vote since there are not any facilities outside of the main gate onto the base.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: _____
 (S) Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title: Supporting polling places at military installations BRU: _____
 _____ Component: _____
 Sponsor: Senator Leman _____
 Requester: _____ Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by: SENATE STATE AFFAIRS COMMITTEE Phone 465-4522

Senator: /s/ SENATOR THERRIALT Date 2/1/01
Committee Chair

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Senator Loren Leman

Sponsor Statement for SJR 8

“Relating to supporting polling places at military installations and reserve component facilities.”

SJR 8 expresses the Legislature’s support for locating polling places at military installations to provide convenient access for military men and women to vote. SJR 8 responds to a Department of Defense (DoD) directive issued before the last election that advised installation commanders not to allow their facilities to be used for polling places.

For many years polling places have been located at military bases, posts, armories and other installation facilities, such as elementary schools. Denying access to these facilities means denying a military voter convenient access to the ballot box.

The impact of the DoD directive on the last election was temporarily avoided. U.S. Senator Ted Stevens helped postpone the effective date of the DoD directive until December 31, 2000 through a congressional insert in an appropriations bill. That time has expired, and the DoD directive is now in full effect. Thousands of military men and women in Alaska, therefore, could be in jeopardy of being denied access to their traditional polling locations.

SJR 8 calls upon the President of the United States and Secretary of Defense to rescind the DoD directive so military men and women are able to freely exercise the same Constitutional right they defend for every American.

Prepared by Paul Roetman, Legislative Aide to Senator Loren Leman (907-465-3712)
Last updated: January 29, 2001

22-LS0416F
Kurtz
2/1/01

**CS FOR SENATE JOINT RESOLUTION NO. 8(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY THE SENATE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS LEMAN, Phillips, Wilken, Taylor, Kelly, Cowdery, Austerman, Ward, Pearce, Green, Therriault

A RESOLUTION

1 **Relating to supporting polling places at military installations.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** the Department of Defense (DoD) issued a directive that disrupted the
4 traditional authority of military base and post commanders to allow local election officials to
5 set up voting booths at military installations; and

6 **WHEREAS** this action makes it more difficult for thousands of military personnel
7 and their families to vote; and

8 **WHEREAS** recent election history has shown that every vote is important in deciding
9 an election; and

10 **WHEREAS** Alaska has a long tradition of voting at military installations that could
11 end as a result of the DoD directive; and

12 **WHEREAS** Alaska has four polling places that could be made unavailable for future
13 elections by the DoD directive, including polling places at Ft. Richardson, Ft. Wainwright,
14 Elmendorf Air Force Base, and Eielson Air Force Base; and

15 **WHEREAS** the U.S. House of Representatives responded to the negative effects the
16 DoD directive would have on Americans in uniform and their families by passing H.R. 5174

1 on October 12, 2000, to ensure the voting rights of Americans who live on military bases and
2 posts; and

3 **WHEREAS** H.R. 5174 allows the Secretary of a military department to make any
4 building at a military installation under the Secretary's jurisdiction available for use as a
5 polling place in any federal, state, or local election; and

6 **WHEREAS** once that site is made available for an election, H.R. 5174 provides it will
7 remain available for subsequent elections, unless the Secretary notifies the Congress in
8 advance of the reasons the building will no longer be used in that capacity;

9 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
10 President of the United States and the United States Secretary of Defense to countermand any
11 directive that impedes the rights of American citizens to vote at election sites at military
12 installations.

13 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
14 of the United States; the Honorable Donald Rumsfeld, U.S. Secretary of Defense; Lieutenant
15 General Norton A. Schwartz, Commander, Alaskan Command, U.S. Air Force; Admiral
16 Dennis C. Blair, Commander in Chief, U.S. Pacific Command, U.S. Navy; Major General
17 James J. Lovelace, Jr., Commanding General, U.S. Army Alaska; and to the Honorable Ted
18 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,
19 U.S. Representative, members of the Alaska delegation in Congress.

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Senator Loren Lemman

Memorandum

To: Senator Gene Therriault, Chairman
Senate State Affairs Committee

From: Senator Loren Lemman

Date: January 25, 2001

Re: Request for hearing, SJR 8 Voting Sites at Military Installations

Please schedule SJR 8 for a hearing in Senate State Affairs Committee at your earliest convenience.

SJR 8 expresses support for polling places at military installations and reserve component facilities.

I have attached a copy of the original resolution. Please contact my staff aide Paul Roetman at 465-3712 if you require additional information.

SJR

9

TED STEVENS, ALASKA, CHAIRMAN

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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
www.senate.gov/~appropriations

STEVEN J. CORTESE, STAFF DIRECTOR
JAMES H. ENGLISH, MINORITY STAFF DIRECTOR

February 5, 2001

Senator Loren Leman
Alaska State Legislature
Juneau, Alaska 99801

Dear Loren:

Thank you for the opportunity to testify at the Alaska State Senate State Affairs Committee hearing on development and deployment of the National Missile Defense System. Unfortunately, pending business in the U.S. Senate requires that I remain in Washington, D.C. this week. However, I appreciate the opportunity to comment on this important initiative.

As you know, I have long advocated deploying a National Missile Defense (NMD) System. Most Americans now believe that we have such a system. However, the facts are that the United States cannot intercept a ballistic missile launched at one of our 50 states. Such a threat is real, in my judgement. Second, we do have the technological base to build and deploy an effective NMD system.

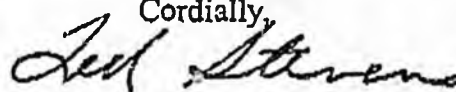
There are terrorist groups and nations which resent the role of the United States in world affairs and the global economy. They fully recognize that the U.S. is defenseless against these missiles. America cannot allow any adversary to dictate terms and conditions of U.S. behavior in a crisis.

The good news is that the United States can build a system to defeat ballistic missiles. The same relentless advance of technology that helps our adversaries has been harnessed by the Ballistic Missile Defense Organization (BMDO) to build small hit-to-kill interceptors. While not all tests have totally succeeded, BMDO and industry demonstrated the system will work by the direct impact of an NMD kill vehicle with an ICBM warhead late last year.

Our state can serve the nation by being the host to our NMD system. The significant point to me is that without NMD the United States is defenseless against missile attacks. I cannot accept that our great nation should be vulnerable to any adversary. We must deploy an NMD system now—Alaska is the right place to build this system.

With best wishes,

Cordially,



TED STEVENS

**Report on SJR 9 National Missile Defense System and SB 39 Asst. Adjutant General for
Missile Defense (February 6, 2001 - 3:00 p.m.)**

**From Pete Hallgren
City of Delta Junction
Department of Economic Development
Director**

The City of Delta Junction is the Local Redevelopment Authority for the surplus areas of Fort Greely. The Delta Junction economy continues to suffer from the downsizing of Fort Greely.

The National Missile Defense Deployment Final Environmental Impact Statement issued December 8, 2000, designates Fort Greely as the preferred alternative for siting the Ground Based Interceptors and the Battle Management Command and Control element.

The City Council, and the overwhelming majority of Delta area residents have consistently supported siting of these elements of the National Missile Defense System at Fort Greely.

The EIS hearing in Delta had the largest turnout of any hearing in the Nation.

The City therefore supports both Senate Joint Resolution No 9 and Senate Bill 39 as being helpful to the ultimate economic recovery of the Delta area and the defense of our entire Nation.

Thank you.

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Senator Loren Lemman

SJR 9 - National Missile Defense System

“Relating to the development and deployment of the National Missile Defense (NMD) System”

SJR 9 expresses the Legislature’s support for the deployment of a missile defense system that will protect all 50 states. Though the proliferation of ballistic missile technology by foreign nations and organizations is a growing threat to the U.S., there currently is not a system in place to successfully defend the nation from this danger.

On January 10, 2001, Secretary of Defense William S. Cohen released a report entitled “Proliferation: Threat and Response.” Commenting on the report Cohen stated, “our unrivaled supremacy in the conventional military arena is prompting adversaries to seek unconventional, asymmetric means to strike what they perceive as our Achilles heel.” Approximately 25 countries have developed or are in the process of developing nuclear, chemical, and biological weapons and the means of delivering them to targets far away. This is a serious danger that demands an equally serious response.

Acting on this threat the Department of Defense has undertaken extensive planning efforts to develop a National Missile Defense System that will protect the United States from a ballistic missile attack. The resulting NMD system has been designed as a fixed, land-based, non-nuclear missile defense system. Alaska has been identified as the preferred location for locating the radar site and ground-based interceptors.

President Clinton had pursued development of an NMD system but put the deployment on hold. However in the first weeks of his Administration, President Bush has indicated he intends to go ahead with plans for building a nationwide missile defense.

SJR 9 calls upon President Bush to move forward with his intentions to make a National Missile Defense System a reality as soon as technologically possible.

**Prepared by Paul Roetman, Staff Aide to Senator Loren Lemman (907-465-3712)
Last updated: February 2, 2001**

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Senator Loren Leman

SJR 9 – NATIONAL MISSILE DEFENSE SYSTEM

Witness List

**Tuesday, February 6, 2001
3:30p.m.**

Senator Loren Leman, SPONSOR,

465-2095

Bruce A. Munholand, P.E.
Chief, Project Management Branch
Alaska District NMD Deployment Office

Anchorage LIO 269-0111
contact: (907) 384-7166

Lt. Col. Jay Smith
Acting Commander,
Site Activation Command (SAC)

Anchorage LIO 269-0111
contact: (907) 384-7121

SENATE JOINT RESOLUTION NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR LEMAN

Introduced: 1/29/01

Referred:

A RESOLUTION

1 **Relating to the development and deployment of the National Missile Defense System.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** the proliferation by foreign nations and organizations of weapons of
4 mass destruction and of the technology for long-range missiles is a growing danger to all 50
5 states; and

6 **WHEREAS** this threat was demonstrated on August 31, 1998, when North Korea
7 flight-tested a long-range missile over Japan, and the missile splashed down in the Pacific
8 Ocean, clearly showing the danger ballistic missiles pose to Alaska and other states on the
9 west coast of the United States; and

10 **WHEREAS**, in response to this growing threat, the United States has initiated the
11 National Missile Defense Program to protect all 50 states from foreign ballistic missile attack;
12 and

13 **WHEREAS** Alaska is strategically located because of its close proximity to east Asia
14 and Europe, and is the only state from which the entire United States can be defended; and

15 **WHEREAS** the developers of the National Missile Defense System have identified
16 several sites in Alaska as preferred alternatives for the location of major components of the

1 system, including the radar site and intercept vehicles; and

2 **WHEREAS** construction contracts for the National Missile Defense System were not
3 approved by President Clinton in 2000, delaying the construction schedule; and

4 **WHEREAS** barges carrying material to begin construction on a Shemya Island radar
5 site could still embark this year; and

6 **WHEREAS** President George W. Bush and members of his cabinet have indicated
7 their strong support for the development of a National Missile Defense System;

8 **BE IT RESOLVED** that the Alaska State Legislature calls upon the President of the
9 United States to direct the United States Department of Defense to develop and deploy the
10 National Missile Defense System as soon as technologically possible.

11 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
12 of the United States; the Honorable Donald Rumsfeld, United States Secretary of Defense; the
13 Honorable John Warner, Chair, U.S. Senate Armed Services Committee; the Honorable Bob
14 Stump, Chair, U.S. House Armed Services Committee; and to the Honorable Ted Stevens and
15 the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
16 Representative, members of the Alaska delegation in Congress.



United States Department of Defense

NEWS RELEASEOn the web: http://www.defenselink.mil/news/Jan2001/b01102001_bt010-01.htmlMedia contact: newsdesk@osd.pentagon.mil or +1 (703) 697-5131Public contact: defenselink@osd.pentagon.mil or +1 (703) 697-5737**IMMEDIATE RELEASE**No. 010-01
January 10, 2001**DEPARTMENT RELEASES PROLIFERATION REPORT**

Secretary of Defense William S. Cohen today released the third edition of a report entitled "Proliferation: Threat and Response" - the second since he became secretary of Defense. The last report was released in November 1997. The new report details the nature of the security challenge posed by the proliferation of nuclear, biological, and chemical (NBC) weapons and their delivery systems and the Defense Department's response to the challenge.

The report contains updated information about countries that have or may be developing NBC weapons and the means to deliver them. It also provides updated information on the threat from NBC terrorism, and addresses, for the first time, threats to livestock and agriculture.

"Our unrivaled supremacy in the conventional military arena is prompting adversaries to seek unconventional, asymmetric means to strike what they perceive as our Achilles heel," said Cohen. "The race is on between our preparations and those of our adversaries. There is not a moment to lose."

The report describes DoD's efforts since the end of the Gulf War to ensure that U.S. forces are equipped and trained to fight and win in NBC-contaminated environments, including the Department's increased investments and reorganization in this area since the last Quadrennial Defense Review. It discusses DoD's contributions to international arms control and nonproliferation efforts and to enhancing the NBC defense preparedness of our allies and coalition partners. The report also newly addresses how DoD is preparing to provide support to U.S. civil authorities in managing the consequences of an NBC attack here in the United States. The full report may be viewed on the web at <http://www.defenselink.mil/pubs/ptr20010110.pdf>.

http://www.defenselink.mil/news/Jan2001/b01102001_bt010-01.html

Message of the Secretary of Defense

At the dawn of the 21st Century, the United States now faces what could be called a Superpower Paradox. Our unrivaled supremacy in the conventional military arena is prompting adversaries to seek unconventional, asymmetric means to strike what they perceive as our Achilles heel.

At least 25 countries now possess—or are in the process of acquiring and developing—capabilities to inflict mass casualties and destruction: nuclear, biological and chemical (NBC) weapons or the means to deliver them. For example:

- North Korea is building and selling long-range missiles, has chemical and biological warfare capabilities, and may have diverted fissile material for nuclear weaponry.
- Iran, with foreign assistance, is buying and developing longer-range missiles, already has chemical weapons, and is seeking nuclear and biological capabilities.
- Iraq—which prior to the 1991 Gulf War had developed chemical and biological weapons and associated delivery means, and was close to a nuclear capability—may have reconstituted these efforts since the departure of UN inspectors from Iraq in late 1998.
- Libya has chemical capabilities and is trying to buy long-range missiles.

Also looming on the horizon is the prospect that these terror weapons will increasingly find their way into the hands of individuals and groups of fanatical terrorists or self-proclaimed apocalyptic prophets. The followers of Usama bin Laden have, in fact, already trained with toxic chemicals.

Fears for the future are not hyperbole. Indeed, past may be prologue. Iraq has used chemical weapons against Iran and its own people. Those behind the 1993 World Trade Center bombing also were gathering the ingredients for a chemical weapon that could have killed thousands here in the United States.

I have been concerned about the security threats posed by proliferation from the day I took office as Secretary of Defense. Completely halting proliferation is not possible, but stemming it is both vitally important and achievable. To that end, the Department of Defense (DoD) is playing an active role in technology transfer and export controls and in the implementation of arms control and nonproliferation regimes. DoD is participating in the on-going effort to improve transparency under the Biological and Toxin Weapons Convention. Through the Defense Threat Reduction Agency, DoD is implementing inspection and monitoring requirements of several U.S. treaties. And under the Cooperative Threat Reduction Program, DoD is assisting the states of the Former Soviet Union in preventing the further proliferation of NBC knowledge and capabilities.

.....

However, recognizing that proliferation has and will occur, it is also essential that we do our utmost to provide protection for our forces overseas, and indeed, to take steps to mitigate the consequences of a terrorist act using such weapons here at home. I strongly believe that preparation is itself a deterrent. That is why I directed in the 1997 Quadrennial Defense Review that an additional billion dollars be added over the subsequent five years to the Department of Defense Counterproliferation Initiative. Through this effort, we are making important strides in improving the preparedness of our troops to operate effectively despite the threat or use of NBC weapons by an adversary:

- Combatant commanders have adapted plans to account for the threat or use of such weapons.
- Efforts continue to further enhance the full range of theater missile defense systems.
- Significant strides have been made in developing and fielding improved chemical and biological (CB) detection and protection equipment.
- Military commanders are adapting training standards, doctrine and concepts of operations to ensure the readiness of U.S. forces to carry out their missions under chemical and biological weapons conditions.

Enhancing the capabilities of our Allies and international partners is also an integral part of this Initiative. We have a mature effort underway within the NATO Alliance, and a number of bilateral activities with specific NATO allies. We also have initiated programs with friends and allies in Asia and in the Middle East, including the Cooperative Defense Initiative with Persian Gulf states.

At the same time, as part of a federal interagency effort, the Defense Department is doing its part to assist and advise cities and communities across the nation in coping with the catastrophic consequences of an attack that unleashes these horrific weapons on U.S. soil.

This new edition of *Proliferation: Threat and Response* — the second since I became Secretary of Defense — updates information about the nature of the proliferation problem and describes the policies and programs the Defense Department is carrying out to counter this growing threat to American citizens, armed forces, and allies. The race is on between our preparations and those of our adversaries. There is not a moment to lose.

William S. [Signature]

FRANK H. MURKOWSKI
ALASKA

COMMITTEES:

CHAIRMAN
ENERGY AND NATURAL RESOURCES
FINANCE
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851 E. WESTPOINT DRIVE, SUITE 307
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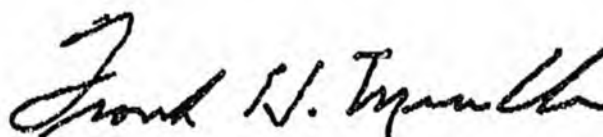
February 1, 2001

Senator Loren Lemmon
State Capitol
Juneau, AK 99801

Dear Senator Lemmon:

I read with interest your proposed resolution in support of moving forward with construction of a National Missile Defense. I could not agree more with the urgent need for defending our entire country against a possible rogue missile attack. Given the evidence that many nations could be ready to launch a missile attack against the United States in just a few years, I think any more delay in deployment is risky. I support wholeheartedly your efforts to encourage the President to make a decision to develop this system as soon as is technologically possible, and I will be working hard in the Senate to make this a reality.

Sincerely,



Frank H. Murkowski
United States Senator

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Senator Loren Leman

Memorandum

To: Senator Gene Therriault, Chairman
Senate State Affairs Committee

From: Senator Loren Leman 

Date: January 30, 2001

Re: Request for hearing, SJR 9 National Missile Defense System

Please schedule SJR 9 for a hearing in Senate State Affairs Committee at your earliest convenience.

SJR 9 expresses support for the development and deployment of a National Missile Defense System.

I have attached a copy of the original resolution. Please contact my staff aide Paul Roetman at 465-3712 if you require additional information.