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APPROVED
OCT 17 1976

8/10/11/1976

THE WHITE HOUSE
WASHINGTON
October 13, 1976

ACTION
Last Day: October 20

Posted
10/18/76

archive
10/18/76

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *[Signature]*
SUBJECT: H.R. 14227 - Land Conveyance, Arizona

Attached for your consideration is H.R. 14227, sponsored by Representative Udall.

The enrolled bill eliminates a restriction on the use of certain lands patented to the Regents of the Universities and State Colleges of Arizona.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 14227 at Tab B.



OCT 13 1976



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 11 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 14227 - Land conveyance,
Arizona
Sponsor - Rep. Udall (D) Arizona

Last Day for Action

October 20, 1976 - Wednesday

Purpose

Eliminates a restriction on the use of certain lands patented to the Regents of the Universities and State Colleges of Arizona.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
General Services Administration	Approval(Informally)

Discussion

The Act of August 28, 1958, directed the Secretary of Agriculture to convey to the Board of Regents of the Universities and State Colleges of Arizona, title to approximately 349 acres of land located in Pima County, Arizona, for use by the University of Arizona. Pursuant to that Act, title to the lands was transferred on July 6, 1960. As required by the Act, the deed contained a condition that the property be used only for research and educational purposes and that, if it ceased to be used for such purposes, the title would revert to the United States.

The lands in question were originally donated to the United States by the Carnegie Institution for use by the South-western Forest and Range Experiment Station. Subsequently, they were designated for inclusion in the Coronado National Forest. The 1958 Act provided that the Board of Regents would continue to provide suitable space and other facilities

for the work of the Department of Agriculture as agreeable to the Secretary. The lands were sold to the Board of Regents for 50 percent of their appraised value.

Recently, title to a portion of these lands has been sought by St. Mary's Hospital and Health Center in Tucson, Arizona, to accommodate a planned expansion of its existing facilities. At present, the University of Arizona is not actively using the land and has agreed in principle to a proposed exchange with the city of Tucson under which the university would obtain certain hospital lands comprising approximately 6.54 acres, now controlled by the city, in trade for a return conveyance to the university of approximately 3.24 acres. Although each of the parties involved has expressed a willingness to proceed with this arrangement, such an exchange legally cannot be completed unless the restriction on the use of the university lands for educational purposes is removed.

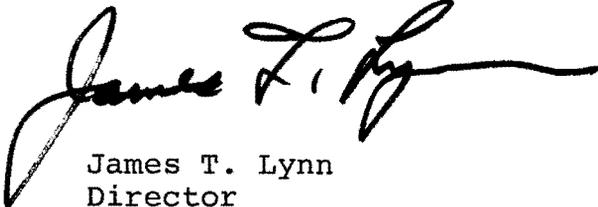
The enrolled bill would authorize removal of these restrictions as well as the reverter provision in the original deed to the Board of Regents subject to the following conditions:

-- that all proceeds from the sale or exchange of such lands will be used by the Board of Regents for the acquisition of lands or the development or improvement of lands described in the 1958 Act;

-- that any lands acquired by the Board of Regents through the sale or exchange of the subject lands (the 3.24-acre parcel) will be restricted as to use in the same manner as the subject lands were prior to the exchange; and,

-- that the proceeds from the sale, lease, or other disposition of the subject lands be maintained in a separate fund and that all transactions involving the fund shall be subject to inspection by the Secretary of Agriculture.

As enrolled, H.R. 14227 incorporates several amendments that were proposed by the Department of Agriculture to the House Interior Committee. In recommending approval of the bill in its attached enrolled bill letter, the Department notes that the approach specified under H.R. 14227 would be consistent with action taken in a similar situation involving Clemson College in 1955.



James T. Lynn
Director

Enclosures



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

October 8, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget

Dear Mr. Lynn:

In reply to the request of your office, the following report is submitted on the enrolled enactment H.R. 14227, "To direct the Secretary of Agriculture to release a condition with respect to certain real property conveyed by the United States to the Board of regents of the universities and State colleges of Arizona for the use of the University of Arizona."

The Department of Agriculture recommends that the President approve the enactment.

H.R. 14227 would direct the Secretary of Agriculture to release, subject to certain agreements, the board of regents of the universities and State colleges of Arizona from a condition in a deed dated July 6, 1960. The condition requires that certain property conveyed by the United States to the board of regents must be used for research or education purposes or such property shall revert to the United States.

The lands referred to in H.R. 14227 comprise 349 acres which are described in the Act of August 28, 1958 (72 Stat. 979). We understand the purpose of H.R. 14227 is to make possible a proposed three-party land exchange between the University of Arizona, the City of Tucson, and St. Mary's Hospital in Tucson. We understand that the University plans to convey 3.24 acres and receive 6.54 acres in exchange.

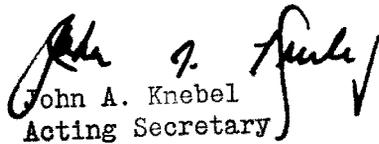
The greater portion of the lands referred to in H.R. 14227 were donated to the United States in 1944 by the Carnegie Institution for use by the Southwestern Forest and Range Experiment Station. The lands were subsequently included in the Coronado National Forest by the Act of August 15, 1949 (63 Stat. 606). Under the Act of August 28, 1958, the lands were sold to the University at 50 percent of the appraised value and with the research or educational purposes condition in the deed. The 1958 Act also contained a provision that the board of regents would continue to provide suitable space and other facilities for the work of the Department of Agriculture as may be agreeable to the Secretary. This requirement is being met.

Honorable James T. Lynn

2.

We recommend that the President approve H.R. 14227 to enable the Board of Regents to make the proposed exchange. The enactment provides that the release of the reversionary condition may be limited by agreement to the lands that would be exchanged. Also, it provides that lands received in exchange shall be subject to conditions requiring that they be used for research and education purposes. This approach would insure that the worth of the lands donated by the Carnegie Institution would continue to further educational or research purposes. It would also be consistent with action taken in a similar situation involving Clemson University (Act of August 4, 1955, 69 Stat. 496).

Sincerely,


John A. Knebel
Acting Secretary

B

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 130pm

FOR ACTION: George Hunphreys *GH* cc (for information): Jack Marsh
Max Friedersdorf *MF* Ed Schmults
Bobbie Kilberg *BK* Steve McCann *SM*

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 500pm

SUBJECT:

H.R.14227-Land Conveyance, Arizona

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy obhnston, ground floor west wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 7 - 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on the enrolled bill H.R. 14227, "To direct the Secretary of Agriculture to release a condition with respect to certain real property conveyed by the United States to the Board of regents of the universities and State colleges of Arizona for the use of the University of Arizona."

We defer to the Department of Agriculture as to the merits of the enrolled bill.

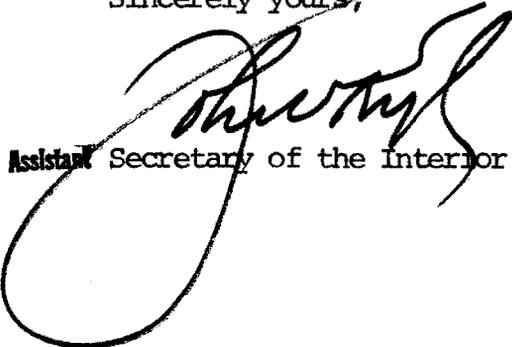
Pursuant to the Act of August 28, 1958 (72 Stat. 979), the Secretary of Agriculture issued a deed, dated July 6, 1960, to the Board of Regents of the universities and State colleges of Arizona which conveyed about 350 acres of land subject to the condition that the land revert to the United States if it ever ceased to be used for research or educational purposes. As enrolled, H.R. 14227 would authorize removal of the restriction and reverter provision in the 1960 deed. Further, the bill provides that the Secretary of Agriculture will only release the conditions in the deed on those lands which are specifically subject to an agreement between the Board and the Secretary. This provision was recommended by the Department of Agriculture because the Board of Regents only plans to remove the condition with regard to some of the land under the bill, and not on all 350 acres.

Finally, the bill requires that all proceeds acquired by the Board from the sale or exchange of the lands should be used for the acquisition of lands or for development or improvement of any remaining lands under the 1960 deed, and that new lands acquired by purchase or exchange shall be used for research and education purposes. This provision was also the recommendation of Agriculture.



The lands referred to in H.R. 14227 were donated to the United States in 1944 by a private foundation, and became part of the Coronado National Forest in 1949. Current records of the U.S. Geological Survey indicate that these lands are not considered valuable for leasable minerals. Accordingly, we defer to the Department of Agriculture as to the desirability of and need for this legislation.

Sincerely yours,



Assistant Secretary of the Interior

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 130pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 500pm

SUBJECT:

H.R.14227-Land Conveyance, Arizona

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*I recommend approval
and*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

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ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*No objection
K. Lazarus 10/13*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 130pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 500pm

SUBJECT:

H.R.14227-Land Conveyance, Arizona

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend approval.

[Signature]

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

DIRECTING THE SECRETARY OF AGRICULTURE TO RELEASE A CONDITION WITH RESPECT TO CERTAIN REAL PROPERTY CONVEYED BY THE UNITED STATES TO THE BOARD OF REGENTS OF THE UNIVERSITIES AND STATE COLLEGES OF ARIZONA FOR THE USE OF THE UNIVERSITY OF ARIZONA.

SEPTEMBER 14, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee of Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 14227]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 14227) to direct the Secretary of Agriculture to release a condition with respect to certain real property conveyed by the United States to the board of regents of the universities and State colleges of Arizona for the use of the University of Arizona, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 2, line 2, after "Arizona," insert "pursuant to section 2 hereof,".

Page 2, following line 7, insert a new section 2 as follows:

SEC. 2. The Secretary shall release the conditions referred to in section 1 only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the board of regents in which the board of regents, in consideration of the release of said conditions as to such lands, agrees—

(1) that all proceeds from the sale or exchange of such lands shall be used by the board of regents for the acquisition of lands or for the development or improvement of the lands referenced in section 1;

(2) that any lands acquired by the sale or exchange of the lands covered by such agreement shall be subject to the conditions with respect to the use of such lands for research and education purposes contained in the deed dated July 6, 1960; and

(3) that all proceeds from the sale, lease, or other disposition of the lands covered by such agreement shall be maintained by the board of regents in a separate fund and that the record of all transactions involving such fund shall be open to inspection by the Secretary.

PURPOSE

The purpose of H.R. 14227, introduced by Mr. Udall, is to direct the Secretary of Agriculture to release a condition with respect to certain real property conveyed by the United States to the Board of Regents of the Universities and State Colleges of Arizona for the use of the University of Arizona.

BACKGROUND

The Secretary of Agriculture, pursuant to the Act of August 28, 1958 (72 Stat. 979), conveyed approximately 349 acres of land in Pima County, Arizona, by a deed dated July 6, 1960, to the Board of Regents of the Universities and State Colleges of Arizona for the use of the University of Arizona.

As required by the 1958 Act, the deed contained a condition that the property be used only for research and educational purposes and that, if it ceases to be used for such purposes, the title revert to the United States.

The lands, which had originally been donated to the United States by the Carnegie Institution for use by the Southwestern Forest and Range Experiment Station, were subsequently included in the Colorado National Forest. The 1958 Act provided that the Board of Regents should continue to provide suitable space and other facilities for the work of the Department of Agriculture as agreeable to the Secretary. The lands were sold to the board of regents at 50 percent of the appraised value.

The land in question is needed by St. Mary's Hospital and Health Center in Tucson, Arizona, for the construction of a new addition. The land is not being used at present and the University has agreed to an exchange under which it will obtain lands from the hospital of equal or greater value than that which will be conveyed to the hospital. The exchange, however, cannot be completed unless the restriction on the use of the lands is removed together with the reverter clause. The land which would actually be exchanged amounts to 3.24 acres.

H.R. 14227 would authorize removal of the restriction and reverter provision in the original deed to the Board of Regents.

COST AND BUDGET ACT COMPLIANCE

Enactment of this legislation would have no Federal budget impact.

OVERSIGHT STATEMENT

Pursuant to Rule X, clause 2(b)(1), the Committee on Interior and Insular Affairs will have oversight responsibility for adminis-

tration of the legislation if it becomes law. No recommendations were received by the Committee pursuant to Rule X, clause 2(b)(2).

INFLATIONARY IMPACT

Pursuant to Rule XI, clause 2(1)(4) of the House of Representatives, the Committee believes that enactment of H.R. 14227 would have no inflationary impact on the national economy.

COMMITTEE RECOMMENDATION

The House Committee on Interior and Insular Affairs on September 8, 1976, by voice vote, recommended that H.R. 14227 be enacted, as amended.

DEPARTMENTAL REPORT

By letter dated August 30, 1976, the Department of Agriculture reported that it would not object to enactment of the legislation if amended to require that the proceeds from the sale or exchange of any lands affected shall be used by the board of regents for the acquisition of lands or the development or improvement of the lands described in the 1958 Act, that any lands acquired by the board of regents through sale or exchange of the subject lands would be restricted as to use in the same manner as the subject lands and that the proceeds from the sale, lease or other disposition of the subject lands be maintained in a separate fund and that all transactions involving the fund be subject to inspection by the Secretary of Agriculture. The Committee amendments accomplish these objectives. The letter is set forth below in its entirety.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., August 30, 1976.

Hon. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 14227, a bill "To direct the Secretary of Agriculture to release a condition with respect to certain real property conveyed by the United States to the board of regents of the universities and State colleges of Arizona for the use of the University of Arizona."

The Department of Agriculture recommends that H.R. 14227 be enacted if it is amended as suggested herein.

H.R. 14227 would direct the Secretary of Agriculture to release the board of regents of the universities and State colleges of Arizona from a condition in a deed dated July 6, 1960. The condition requires that certain property conveyed from the United States to the board of regents must be used for research or education purposes or such property shall revert to the United States.

The lands referred to in H.R. 14227 comprise 349 acres which are described in the Act of August 28, 1958 (72 Stat. 979). We understand the purpose of H.R. 14227 is to make possible a proposed three party land exchange between the University of Arizona, the City of Tucson,

and St. Mary's Hospital in Tucson. H.R. 14227 would release the reversion clause on the entire 349 acres. We understand, however, that the University only plans to exchange 3.24 acres and would receive 6.54 acres in the exchange.

The greater portion of the lands referred to in H.R. 14227 were donated to the United States in 1944 by the Carnegie Institution for use by the Southwestern Forest and Range Experiment Station. The lands were subsequently included in the Coronado National Forest by the Act of August 15, 1949 (63 Stat. 606). Under the Act of August 28, 1958, the lands were sold to the University at 50 percent of the appraised value and with the research or educational purposes condition in the deed. The 1958 Act also contained a provision that the board of regents would continue to provide suitable space and other facilities for the work of the Department of Agriculture as may be agreeable to the Secretary. This requirement has been met.

We believe it is desirable and in accordance with the history of intended use of the area, that the board of regents should only be released from the condition in the deed on those lands which are specifically subject to an agreement between the board of regents and the Secretary of Agriculture. To provide for this, we recommended that H.R. 14227 be amended. Further, we recommend that all proceeds from the sale or exchange of lands should be used for the development or improvement of the remaining lands, and that new lands acquired in exchange should be used for research and education purposes. To provide this direction in the legislation, we recommend the following amendments:

On page 2, line 2 after "Arizona," insert the words "pursuant to section 2 hereof". On page 2, after line 7 add a new section 2.

"Sec. 2. The Secretary shall release the conditions referred to in section 1 only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the board of regents in which the board of regents, in consideration of the release of said conditions as to such lands, agrees—

"(1) that all proceeds from the sale or exchange of such lands shall be used by the board of regents for the acquisition of lands or for the development or improvement of the lands referenced in section 1;

"(2) that any lands acquired by the sale or exchange of the lands covered by such agreement shall be subject to the conditions with respect to the use of such lands for research and education purposes contained in the deed dated July 6, 1960; and

"(3) that all proceeds from the sale, lease, or other disposition of the lands covered by such agreement shall be maintained by the board of regents in a separate fund and that the record of all transactions involving such fund shall be open to inspection by the Secretary."

The approach contained in these amendments was taken in a similar situation involving Clemson College (Act of August 4, 1955, 69 Stat. 496) and proved to be satisfactory.

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

Sincerely,

JOHN A. KNEBEL, *Under Secretary.*

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To direct the Secretary of Agriculture to release a condition with respect to certain real property conveyed by the United States to the Board of regents of the universities and State colleges of Arizona for the use of the University of Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Act entitled "An Act to authorize the sale or exchange of certain lands of the United States situated in Pima County, Arizona, and for other purposes", approved August 28, 1958 (72 Stat. 979), the Secretary of Agriculture shall, with respect to any real property which was conveyed in the deed dated July 6, 1960, to the board of regents of the universities and State colleges of Arizona for the use of the University of Arizona, pursuant to section 2 hereof, release to such board of regents on behalf of the United States the condition attached to such conveyance pursuant to that Act that such property be used only for research or educational purposes and that if it ceases to be so used the title to such property shall revert to the United States.

SEC. 2. The Secretary shall release the conditions referred to in section 1 only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the board of regents in which the board of regents, in consideration of the release of said conditions as to such lands, agrees—

(1) that all proceeds from the sale or exchange of such lands shall be used by the board of regents for the acquisition of lands or for the development or improvement of the lands referenced in section 1;

(2) that any lands acquired by the sale or exchange or the lands covered by such agreement shall be subject to the conditions with respect to the use of such lands for research and education purposes contained in the deed dated July 6, 1960; and

(3) that all proceeds from the sale, lease, or other disposition of the lands covered by such agreement shall be maintained by the board of regents in a separate fund and that the record of all transactions involving such fund shall be open to inspection by the Secretary.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*