

The original documents are located in Box 64, folder “10/15/76 S1365 Land Conveyance Alaska” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library

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APPROVED
OCT. 15 1976

8/10/15/76

THE WHITE HOUSE
WASHINGTON
October 13, 1976

ACTION

Last Day: October 19

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *[Signature]*
SUBJECT: S. 1365 - Land Conveyance, Alaska

Posted
10/15/76

Archives
10/15/76

Attached for your consideration is S. 1365, sponsored by Senators Stevens and Gravel.

The enrolled bill would eliminate a restriction on the use of certain lands patented to the city of Haines, Alaska.

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 S. 1365 at Tab B.



Pursuant to that Act, a patent for several adjacent parcels of land comprising approximately 30,746 square feet was issued to the city of Haines, Alaska, on August 30, 1950. The deed was executed subject to all "terms, conditions, and limitations and reservations" in the 1950 Act. Initially the building located on the site was used by the city as a school. Later it was converted to a health center, and still later, to a teen facility. At present, the facility is vacant, following condemnation by the local fire department. The city of Haines has indicated that the area is now largely residential in character and no longer accessible or adequate for public use. The city would like to sell the land and the facility and use the receipts to construct a building or to purchase land to be used for other appropriate public purposes.

Consistent with Interior's recommendations to the Congress, S. 1365 would direct the Secretary to issue a new patent to the city of Haines for the described land, free of usage restrictions, but subject to all other reservations to the United States under the 1950 Act. The conveyance would be contingent upon a determination by the Secretary that:

1. The land would be sold at fair market value;
2. Other lands of comparable value will be acquired by the city and used for school or other public purposes in perpetuity; and,
3. Any amount by which the proceeds of the sale of the land exceed the fair market value of the acquired lands (under no. 2 above) would be paid to the United States.

Title to any property acquired under S. 1365 would revert to the United States if such property ever ceased to be used for school or other public purposes.


Paul H. O'Neill
Acting Director

Enclosure

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

19

Date: October 11

Time: 1000pm

FOR ACTION:

George Humphreys *on*
Max Friedersdorf *on*
Bobbie Kilberg *on*

cc (for information):

Jack Marsh
Ed Schmults
Steve McConahey *dya*

FROM THE STAFF SECRETARY

DUE: Date:

October 13

Time:

500pm

SUBJECT:

S.1365-Land Conveyance, Alaska

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

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 8 - 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on the enrolled bill S. 1365, "To authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands."

We recommend that the President approve the enrolled bill.

As enrolled, S. 1365 would direct the Secretary of the Interior to issue a new patent or deed to the city of Haines, Alaska, for certain lands and improvements described therein, but would reserve the mineral interests to the United States. No conveyance of such land would be made unless the City makes certain assurances to the satisfaction of the Secretary. Further, after such assurances are made, and as consideration for the conveyance, the City will agree that any alternate property acquired will vest in the United States if such new property is not used for public purposes.

The land in question, about 30,746 square feet, consists of several tracts, all conveyed to the city of Haines pursuant to the Act of August 23, 1950 (64 Stat. 470).

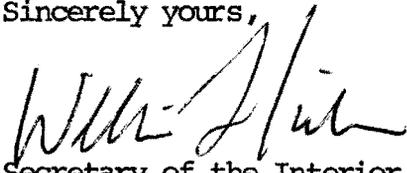
The Act of August 23, 1950 (64 Stat. 470) directs the Secretary to convey to local officials all right, title and interest of the United States to any parcels and improvements thereon for school or other public purposes, whenever he determines that the lands or improvements are no longer required by the Alaska Native Service (now the Bureau of Indian Affairs) for school purposes. All such conveyances have to reserve minerals to the United States, together with the rights to prospect for and remove them under the Secretary's regulations. In addition, any such conveyance has to provide that the lands and improvements can be used for school and public purposes only, and that the school facilities must be available to all Native children. Finally, it provides that if the Secretary determines that the grantee has failed to observe the foregoing restrictions for a period of at least one year, he may declare a forfeiture of the grant, and the lands and improvements would revert to the United States to become a part of the public domain.



A deed for the land described in S. 1365 was issued to the city of Haines on March 19, 1953. It quitclaimed the land to the City subject to all "terms, conditions, and limitations and reservations" in the 1950 Act. The building on this site was used for a school and then the City converted it into a health center. After the health center became obsolete, this facility was used as a teen center. Subsequently, the building was condemned by the fire department. The City has indicated that this land is in a residential area, and no longer accessible or adequate for public use. The City would like to sell the land and facility. Further the City has indicated that it would use the receipts to construct a building or purchase land to be used for public purposes in perpetuity.

Conveyance of the land in question would not affect any programs or operations of this Department. We know of no expression of interest in the land by other parties, and do not, at this time, think that it would be suitable for return to the public domain. Thus, if the property reverts to the United States it would, in all likelihood, undergo routine procedures for the disposal of surplus property under regulations of the General Services Administration. However, in recognition of the City's land use planning objectives and needs, S. 1365 would be an appropriate means of disposing of the land. The enrolled bill reserves the mineral interest to the U.S., and preserves the Federal interest in land in Haines. Accordingly, we recommend that the President approve the enrolled bill.

Sincerely yours,


Acting Secretary of the Interior

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

THE WHITE HOUSE

7

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 830pm

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: 530pm

SUBJECT: S.2798-Land conveyance, Alaska

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 objections
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 W. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 1000pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

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

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 500pm

SUBJECT:

S.1365-Land Conveyance, Alaska

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

Recommended 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
of the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 1000pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

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

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 500pm

SUBJECT:

S.1365-Land Conveyance, Alaska

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
out*

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

AUTHORIZING THE SECRETARY OF THE INTERIOR TO
CONVEY TO THE CITY OF HAINES, ALASKA, INTER-
ESTS OF THE UNITED STATES IN CERTAIN LANDS

MAY 18, 1976.—Ordered to be printed

Mr. HASKELL, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 1365]

The Committee on Interior and Insular Affairs, to which was referred the bill, S. 1365, to authorize the Secretary of the Interior to convey to the City of Haines, Alaska, interests of the United States in certain lands, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill as amended do pass.

Strike out all after the enacting clause and insert in lieu thereof the following:

That notwithstanding the provisions of the Act of August 23, 1950 (64 Stat. 470), requiring that lands patented thereunder be used only for school or other public purposes, the Secretary of the Interior (hereinafter the "Secretary") is hereby authorized and directed to issue a new patent or deed to the City of Haines, Alaska, for the following described lands, without such a use restriction, but containing all other reservations to the United States required by that Act, upon relinquishment of the existing deed, provided that the requirements of Sections 2 and 3 of this Act have been met:

Beginning at the northwest corner of lot 17 in block 13, which is the same as corner 1 of the Native School Reserve;

Thence north 76 degrees 23½ minutes west 58.11 feet to corner numbered 2;

Thence South 17 degrees 58 minutes west 165.26 feet to corner numbered 3;

Thence south 76 degrees 45 minutes east 92.08 feet to corner numbered 4;

Thence north 9 degrees 38 minutes east 164.65 feet to corner numbered 1, the place of beginning,

Containing 17,531 square feet.

Lots 8 and 9 of block 13 in the townsite of Haines, Alaska, containing a total of 7,330 square feet.

Lot 17 of block 13 in the townsite of Haines, Alaska, containing a total of 5,885 square feet.

SEC. 2. No conveyance may be made under this Act unless the City of Haines has shown to the satisfaction of the Secretary that—

(1) the City of Haines will sell such land and improvements identified in section 1 at not less than fair market value;

(2) the proceeds from the sale thereof will be used to acquire property to be used for school or other public purposes; and

(3) any amounts by which the proceeds from the sale of such lands and improvements identified in section 1 exceed the fair market value of the property acquired under clause (2) of this section shall be paid to the United States.

SEC. 3. If the requirements of section 2 are satisfied, the Secretary is authorized and directed to enter into an agreement or agreements with the City of Haines, Alaska, whereby in consideration of issuance of a new patent pursuant to section 1, the City of Haines—

(1) agrees that title to property acquired pursuant to section 2(2) will vest in the United States if such property ever ceases to be used for school or other public purpose; and

(2) agrees to execute, within ninety days after acquiring such property pursuant to section 2(2), a deed to this effect and deliver said deed to the Secretary.

PURPOSE

S. 1365, as amended, would authorize the Secretary of the Interior to convey to the City of Haines, Alaska, interests of the United States in certain lands.

BACKGROUND AND NEED

The Act of August 23, 1950 (64 Stat. 470) directs the Secretary of the Interior to convey to local officials all right, title, and interest of the United States to any parcels and improvements thereon for school or other public purposes, whenever he determines that the lands or improvements are no longer required by the Alaska Native Service (now the Bureau of Indian Affairs) for school purposes. All such conveyances have to reserve minerals to the United States, together with the rights to prospect for and remove them under the Secretary's regulations. In addition, it is required that the United States retain a reversionary interest ensuring that the lands and improvements can be used for school and public purposes only, and that the school facilities must be available to all Native children.

A deed for the lands described in S. 1365 was issued to the City of Haines on March 19, 1953. It quitclaimed the land to the City subject to all "terms, conditions, and limitations and reservations" in the 1950 Act. The building on this site was used for a school and then the City converted it into a health center. After the health center became obsolete, the facility was used as a teen center. Subsequently, the building was condemned by the fire department. The City has indicated that this land is in a residential area, and no longer accessible or adequate for public use. The City would like to sell the land and facility and use the receipts to construct a building or purchase land to be used for public purposes in perpetuity.

The land in question, about 30,746 square feet, consists of several tracts, all conveyed to the City of Haines pursuant to the Act of August 23, 1950.

LEGISLATIVE HISTORY

S. 1365 was introduced on April 7, 1975, by Senators Stevens and Gravel. The Subcommittee on the Environment and Land Resources

conducted a hearing on this measure on February 26, 1976. The Department of the Interior testified in opposition to the bill as introduced but indicated that it would not object to the bill's enactment if several amendments were adopted. The Committee accepted the Department's suggested amendments.

COMMITTEE AMENDMENT

The Committee amendments are primarily designed to assure preservation of a Federal interest in land in Haines. Accordingly, the Committee agreed to delete all references to the construction or purchase of buildings in sections 2 and 3. This will ensure that only lands—to be used for public purposes—may be acquired by the City with the funds received upon sale of the lands described in S. 1365. Additionally, the Committee amendment, like the 1950 Act and deed, would reserve the mineral interests to the United States in the land described in S. 1365.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session on April 28, 1976, by unanimous voice vote of a quorum present recommended that the Senate pass S. 1365, if amended as described herein.

COST

Enactment of S. 1365, as amended, will not result in any expenditure of Federal funds.

EXECUTIVE COMMUNICATIONS

The legislative reports and communications received by the Committee from the Office of Management and Budget and the Department of the Interior setting forth Executive agency recommendations concerning S. 1365 are set forth below.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 25, 1976.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 1365, a bill "To authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands."

We would have no objection to enactment of S. 1365 if amended as suggested herein.

S. 1365 would authorize the Secretary of the Interior to transfer to the city of Haines, Alaska, all right, title, and interest remaining in the United States to certain lands and improvements described therein. No conveyance of such land would be made unless the City makes certain assurances to the satisfaction of the Secretary. Further, after such assurances are made, and as consideration for the convey-

ance, the City will agree that any alternate property acquired or buildings constructed will vest in the United States if such new property is not used for public purposes.

The land in question, about 30,746 square feet, consists of several tracts, all conveyed to the city of Haines pursuant to the Act of August 23, 1950 (64 Stat. 470).

The Act of August 23, 1950 (64 Stat. 470) directs the Secretary to convey to local officials all right, title, and interest of the United States to any parcels and improvements thereon for school or other public purposes, whenever he determines that the lands or improvements are no longer required by the Alaska Native Service (now the Bureau of Indian Affairs) for school purposes. All such conveyances have to reserve minerals to the United States, together with the rights to prospect for and remove them under the Secretary's regulations. In addition, any such conveyance has to provide that the lands and improvements can be used for school and public purposes only, and that the school facilities must be available to all Native children. Finally, it provides that if the Secretary determines that the grantee has failed to observe the foregoing restrictions for a period of at least one year, he may declare a forfeiture of the grant, and the lands and improvements would revert to the United States to become part of the public domain.

A deed for the lands described in S. 1365 was issued to the city of Haines on March 19, 1953. It quitclaimed the land to the City subject to all "terms, conditions, and limitations and reservations" in the 1950 Act. The building on this site was used for a school and then the City converted it into a health center. After the health center became obsolete, this facility was used as a teen center. Subsequently, the building was condemned by the fire department. The City has indicated that this land is in a residential area, and no longer accessible or adequate for public use. The City would like to sell the land and facility. Further, the City has indicated that it would use the receipts to construct a building or purchase land to be used for public purposes in perpetuity.

Conveyance of the land in question would not affect any programs or operations of this Department. We know of no expression of interest in the land by other parties, and do not, at this time, think that it would be suitable for return to the public domain. Thus, if the property reverts to the United States it would, in all likelihood, undergo routine procedures for the disposal of surplus property under regulations of the General Services Administration.

The purpose of the legislation under which the subject tract was patented was to provide land for public purposes, not to provide a source of private profit or municipal revenue. The 1950 Act and the patent thereunder are broad, in that the lands may be used for any public purposes.

We believe it would be preferable for the land to revert to the U.S. and be disposed of through routine GSA procedures. However, in recognition of the City's land use planning objectives and needs, we would not object to enactment of S. 1365, if amended to assure preservation of a Federal interest in land in Haines, if Congress wishes to resolve the problem by special legislation. Further, our amendment, like the 1950 Act and deed, would reserve the mineral interests to the U.S.

Accordingly, we recommend the deletion of lines 3-8 on page 1, and the insertion of the following language in their place:

"That notwithstanding the provisions of the Act of August 23, 1950 (64 Stat. 470), requiring that lands patented thereunder be used only for school or other public purposes, the Secretary of the Interior (hereinafter 'the Secretary') is hereby authorized and directed to issue a new patent or deed to the city of Haines, Alaska, for the following described lands, without such a use restriction, but containing all other reservations to the United States required by that Act, upon relinquishment of the existing deed, provided that the requirements of Sections 2 and 3 of this Act have been met:"

Sections 2 and 3 of S. 1365 do not preserve the Federal interest in lands in Haines, as they provide that proceeds from the land under the bill may be used to acquire property or to construct a building for public purposes. Thus, such a building, rather than land, could vest in the U.S. Therefore, we recommend deletion of the following language: "or to construct a building," line 18, page 2; "or construction costs," lines 22-23, page 2; "or building constructed," lines 8-9, page 3. Further, we recommend the deletion of line 12, page 3, and the substitution of "property acquired with the . . ."

Further, we recommend that the words "and directed" be inserted after the word "authorized" on line 1, page 3.

The State and City may also wish to examine the possibility of reconveyance of the property to the United States, and subsequent selection by the State for the purpose of reconveying the land to the City without any reversionary restriction or requirements.

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

Sincerely yours,

NATHANIEL P. REED,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 27, 1976.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate
3106 New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your requests for the views of the Office of Management and Budget on the following bills:

1. S. 101, a bill "To direct the Secretary of the Interior to convey certain lands in Geary County, Kansas, to Margaret G. More" (requested January 16, 1976);
2. S. 155, a bill "To authorize the Secretary of the Interior to convey all right, title and interest of the United States in and to a tract of land located in Scotts Bluff County, Nebraska, to Robert L. Summerville of Scotts Bluff County, Nebraska" (requested January 23, 1976);
3. S. 301, a bill "Relating to lands in the Middle Rio Grande Conservancy District, New Mexico" (requested July 31, 1975);

4. S. 1365, a bill "To authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands" (requested June 12, 1975);

5. S. 2004, a bill "To eliminate a restriction on use of certain lands patented to the city of Hobart, Kiowa County, Oklahoma" (requested January 23, 1976);

6. S. 2286, a bill "To amend the Act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, New Mexico" (requested January 23, 1976);

7. S. 2798, a bill "For the relief of the city of Yakutat, Alaska" (requested January 23, 1976);

8. S. 2837, a bill "To amend the Act of August 30, 1890, to except a tract of ground located in Carbon County, Wyoming, from its restrictions" (requested January 23, 1976); and,

9. H.R. 4941, an Act "For the relief of Oscar H. Barnett" (requested January 23, 1976).

The Office of Management and Budget concurs in the views of the Department of the Interior in its reports on these bills, and accordingly: (a) we oppose the enactment of S. 101, S. 155, S. 301, and S. 2837; (b) we have no objection to the enactment of S. 1365 and S. 2286 if amended as suggested by the Department; (c) we oppose the enactment of S. 2004 and S. 2798, although we have no objection to enactment of the Department's substitute bills; and, (d) we recommend the enactment of H.R. 4941.

Sincerely yours,

JAMES M. FREY,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of the rule XXIX of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 1365, as reported.

○

**AUTHORIZING THE SECRETARY OF THE INTERIOR TO
CONVEY TO THE CITY OF HAINES, ALASKA, IN-
TERESTS OF THE UNITED STATES IN CERTAIN LANDS**

SEPTEMBER 17, 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 on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 1365]

The committee on Interior and Insular Affairs, to whom was referred the bill (S.1365) to authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

S. 1365, as amended, would authorize the Secretary of the Interior to convey to the City of Haines, Alaska, interests of the United States in certain lands.

BACKGROUND

The Act of August 23, 1950 (65 Stat. 470) directs the Secretary of the Interior to convey to local officials all right, title, and interest of the United States to any parcels and improvements thereon for school or other public purposes, whenever he determines that the lands or improvements are no longer required by the Alaska Native Service (now the Bureau of Indian Affairs) for school purposes. All such conveyances are required to reserve minerals to the United States, together with the right to prospect for and remove them under the Secretary's regulations. In addition, it is required that the United States retain a reversionary interest ensuring that the lands and improvements can be used for school and public purposes only, and that the school facilities must be available to all Native children.

A deed for the lands described in S. 1365 was issued to the City of Haines on March 19, 1953. It quitclaimed the land to the city subject to all "terms, conditions, and limitations and reservations" in the

1950 Act. The building on this site was used for a school for a period of time after which the city converted it into a health center. After the health center became obsolete, the facility was used as a "teen center." Subsequently, the building was condemned by the fire department. The city has indicated that this land is in a residential area, and is no longer accessible or adequate for public use. The city would like to sell the land and facility and use the receipts to construct a building or purchase land to be used for public purposes in perpetuity. The land in question, approximately 30,746 square feet, consists of several tracts, all conveyed to the City of Haines pursuant to the Act of August 23, 1950.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the Secretary of the Interior to issue a new patent to the City of Haines, Alaska, for the lands described in the section, without the use restriction contained in the original patent, which required that the land conveyed be used for schools or other public purposes. The new patent is required to contain all other reservations to the United States contained in the Act of August 23, 1950 (64 Stat. 470).

Section 2 provides that no conveyance shall be made under the authority of the Act unless the City of Haines (a) sells the lands and improvements described in section 1 at not less than fair market value; (b) uses the proceeds from the sale to acquire property for schools or other public purposes; and (c) pays over to the United States any amounts by which the proceeds from the sale of the land and improvements described in section 1 exceed the cost of any property purchased.

Section 3 provides that, if the requirements of section 2 are met, the Secretary shall enter into an agreement with the City of Haines whereby the city agrees that the title to any property acquired by the city with the proceeds of the sale of the lands described in the bill will vest in the United States if the property ever ceases to be used for schools or other public purposes. The city also is required to execute a deed to this effect to any such property acquired by it and to deliver the deed to the Secretary within 90 days after acquiring such property.

COST

Enactment of S. 1365, as amended, will not result in any expenditure of Federal funds.

BUDGET ACT COMPLIANCE

Enactment of the proposed legislation would have no Federal budget impact.

INFLATIONARY IMPACT

Since only a minor land conveyance is involved in S. 1365, no inflationary impact will result from its enactment.

OVERSIGHT STATEMENT

No recommendation has been submitted to the Committee pursuant to Rule X, clause 2(b) (2).

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by a voice vote, ordered the bill reported to the House with a recommendation that it be approved.

DEPARTMENTAL REPORT

By letter, dated September 16, 1976, the Department of the Interior reported that it had no objection to enactment of S. 1365. The complete text of the report follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 16, 1976.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 1365, in the House of Representatives, an act "To authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands."

We have no objection to enactment of S. 1365 as passed by the Senate.

S. 1365 would direct the Secretary of the Interior to issue a new patent or deed to the city of Haines, Alaska, for certain lands and improvements described therein, but would reserve the mineral interests to the United States. No conveyance of such land would be made unless the City makes certain assurances to the satisfaction of the Secretary. Further, after such assurances are made, and as consideration for the conveyance, the City will agree that any alternate property acquired will vest in the United States if such new property is not used for public purposes.

The land in question, about 30,746 square feet, consists of several tracts, all conveyed to the city of Haines pursuant to the Act of August 23, 1950 (64 Stat. 470).

The Act of August 23, 1950 (64 Stat. 470) directs the Secretary to convey to local officials all right, title, and interest of the United States to any parcels and improvements thereon for school or other public purposes, whenever he determines that the lands or improvements are no longer required by the Alaska Native Service (now the Bureau of Indian Affairs) for school purposes. All such conveyances have to reserve minerals to the United States, together with the rights to prospect for and remove them under the Secretary's regulations. In addition, any such conveyance has to provide that the lands and improvements can be used for school and public purposes only, and that the school facilities must be available to all Native children. Finally, it provides that if the Secretary determines that the grantee has failed to observe the foregoing restrictions for a period of at least one year, he may declare a forfeiture of the grant, and the lands and improvements would revert to the United States to become a part of the public domain.

A deed for the land described in S. 1365 was issued to the city of Haines on March 19, 1953. It quitclaimed the land to the City subject to all "terms, conditions, and limitations and reservations" in the 1950

Act. The building on this site was used for a school and then the City converted it into a health center. After the health center became obsolete, this facility was used as a teen center. Subsequently, the building was condemned by the fire department. The City has indicated that this land is in a residential area, and no longer accessible or adequate for public use. The City would like to sell the land and facility. Further the City has indicated that it would use the receipts to construct a building or purchase land to be used for public purposes in perpetuity.

Conveyance of the land in question would not affect any programs or operations of this Department. We know of no expression of interest in the land by other parties, and do not, at this time, think that it would be suitable for return to the public domain. Thus, if the property reverts to the United States it would, in all likelihood, undergo routine procedures for the disposal of surplus property under regulations of the General Services Administration.

The purpose of the legislation under which the subject tract was patented was to provide land for public purposes, not to provide a source of private profit or municipal revenue. The 1950 Act and the patent thereunder are broad, in that the lands may be used for any public purposes.

We believe it would be preferable for the land to revert to the U.S. and be disposed of through routine GSA procedures. However, in recognition of the City's land use planning objectives and needs, we would not object to enactment of S. 1365, as passed by the Senate. On February 25, 1976, this Department transmitted a report to the Senate Committee on Interior and Insular Affairs on S. 1365 as introduced. We stated that we would have no objection to enactment of the bill if amended to reserve the mineral interests to the U.S., and to preserve the Federal interest in land in Haines. The Senate incorporated our amendments when it passed S. 1365.

We would note that the State and City may also wish to examine the possibility of reconveyance of the property to the United States, and subsequent selection by the State for the purpose of reconveying the land to the City without any reversionary restriction or requirements.

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

Sincerely yours,

JOHN KYL, *Assistant Secretary of the Interior.*



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 authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Act of August 23, 1950 (64 Stat. 470), requiring that lands patented thereunder be used only for school or other public purposes, the Secretary of the Interior (hereinafter the "Secretary") is hereby authorized and directed to issue a new patent or deed to the city of Haines, Alaska, for the following described lands, without such a use restriction, but containing all other reservations to the United States required by that Act, upon relinquishment of the existing deed, provided that the requirements of sections 2 and 3 of this Act have been met:

Beginning at the northwest corner of lot 17 in block 13, which is the same as corner 1 of the Native School Reserve; thence north 76 degrees 23½ minutes west 58.11 feet to corner numbered 2; thence south 17 degrees 58 minutes west 165.26 feet to corner numbered 3; thence south 76 degrees 45 minutes east 82.08 feet to corner numbered 4; thence north 9 degrees 38 minutes east 164.65 feet to corner numbered 1, the place of beginning, containing 17,531 square feet.

Lots 8 and 9 of block 13 in the townsite of Haines, Alaska, containing a total of 7,330 square feet.

Lot 17 of block 13 in the townsite of Haines, Alaska, containing a total of 5,885 square feet.

SEC. 2. No conveyance may be made under this Act unless the city of Haines has shown to the satisfaction of the Secretary that—

(1) the city of Haines will sell such land and improvements identified in section 1 at not less than fair market value;

(2) the proceeds from the sale thereof will be used to acquire property to be used for school or other public purposes; and

(3) any amounts by which the proceeds from the sale of such lands and improvements identified in section 1 exceed the fair market value of the property acquired under clause (2) of this section shall be paid to the United States.

SEC. 3. If the requirements of section 2 are satisfied, the Secretary is authorized and directed to enter into an agreement or agreements

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with the city of Haines, Alaska, whereby in consideration of issuance of a new patent pursuant to section 1, the city of Haines—

(1) agrees that title to property acquired pursuant to section 2(2) will vest in the United States if such property ever ceases to be used for school or other public purposes; and

(2) agrees to execute, within ninety days after acquiring such property pursuant to section 2(2), a deed to this effect and deliver said deed to the Secretary.

Speaker of the House of Representatives.

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