

RG 30 RECORDS OF THE BUREAU OF
PUBLIC ROADS

WASHINGTON OFFICE

GENERAL CORRESPONDENCE AND
RELATED RECORDS, 1912-65.

1955-1959

ALASKA

THRU

ALASKA - GENERAL 1959 PART 2 OF 2

BOX NO.
1127

HM 1991

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr. + Related Recs, 1955-59
Box 1127

Alaska - General

1959

Part 1 of 2

RG 30, Bur. of Public Roads
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BUREAU OF PUBLIC ROADS

Office Memorandum • UNITED STATES GOVERNMENT

Alaska Omnibus Bill
Mr. [unclear] - 1 (H.R. 7120)
WIM
Leg-1 (H.R. 6091)
GSA (GSA)
Fed. Procurement Regulation

TO : Mr. R. R. Hamann, Chief, Administrative Services Division

DATE: May 28, 1959

FROM : C. W. Enfield, General Counsel

By *Joseph Guandolo*
26-30 Joseph Guandolo, Assistant General Counsel

SUBJECT: Federal Procurement Requirements in Relation to the Alaska Omnibus Bill

In accordance with your request I telephoned Hervey MaComber, General Counsel of GSA with reference to the question raised by the Regional Counsel of GSA pertaining to the application of Federal procurement requirements in the administration of Section 44(b) and 44(c) of the Alaska Omnibus Bill (H.R. 7120). Incidentally, in your memorandum of May 13, 1959, to Mr. Allen and Mr. Allen's memorandum of May 15 to Regional Engineer Niemi bearing on this subject the reference to the pertinent provisions of the Bill are given as Section 40(b) and 40(c). The Bill as finally presented to the House includes the provisions in question as Sections 44(b) and 44(c). As you recall 44(b) relates to direct Federal operations and 44(c) relates to operations of a Federal agency as an agent for the State of Alaska.

Mr. MaComber read to me excerpts from the memorandum of the GSA Regional Counsel. Apparently there is no difference of interpretation of the two provisions of the Omnibus Bill on the part of GSA and Public Roads. The Regional Counsel and the General Counsel of GSA are in agreement that procurement under Section 44(b) would be subject to the usual Federal procurement regulations and requirements and that the Federal agency would be eligible to make requisitions from the Federal Supply List as an eligible Federal agency.

The GSA General Counsel's office is also in agreement that any procurement effectuated by Public Roads as an agent for the State of Alaska under Section 44(c) of the Omnibus Bill would not be subject to Federal procurement regulations and requirements unless, of course, Public Roads should voluntarily determine, with the concurrence of its principal, the State of Alaska, to apply such Federal procurement regulations and requirements as may be feasible. The GSA General Counsel pointed out, however, that for the purpose of procurement under Section 44(c) Public Roads would not be a Federal agency eligible to procure from the Federal Supply List. With this point of view we agreed. As you indicated, it is possible to obviate this limitation in certain circumstances.

If we go on a strictly reimbursable basis.

GSA, I understand, is presently considering the advisability of recommending an amendment to the Omnibus Bill to make Federal agencies eligible to procure from the Federal Supply List in connection with procurements under Section 44(c) made by the Federal agencies as agents for the State of Alaska.

or under 23 USC 508

Central
Files

File thru w/ file copy of
Allen's memo of 5/15 to
Reynolds 101

BUREAU OF PUBLIC ROADS

May 15, 1959

10-00.1 Mr. William J. Niemi, Regional Engineer
Juneau, Alaska

24-60 J. C. Allen, Assistant Commissioner for
Administration, Washington, D. C.

Alaska Omnibus Bill

Your memorandum of May 1, 1959, and attachment regarding purchasing procedure under the Alaska Omnibus Bill (H. R. 6091) has been studied jointly by the Office of the General Counsel and this office. We have concluded that purchasing procedures will continue unaltered until the State of Alaska assumes full operation on or before June 30, 1964. We believe this will be the case regardless of whether we operate under Section 40(b) or 40(c). We will make known this view to the General Counsel of the General Services Administration.

A copy of a recent report to me is attached for your further information.

Attachment

RRH
RM
RRHamann/ekf
cc: Files (2)
Mr. Allen
Mr. Guandolo
Mr. O'Donoghue
Clip Copy

5/20/59

Copies detached

FORM **14** U.S. DEPARTMENT OF COMMERCE DATE
(12-12-56) **TRANSMITTAL SLIP** May 14, 1959

TO: Mr. Hamann REF. NO. OR ROOM, BLDG.

FROM: R. W. Kruser REF. NO. OR ROOM, BLDG.

ACTION

- | | |
|---|---|
| <input type="checkbox"/> NOTE AND FILE | <input type="checkbox"/> PREPARE REPLY FOR MY SIGNATURE |
| <input type="checkbox"/> NOTE AND RETURN TO ME | <input type="checkbox"/> TAKE APPROPRIATE ACTION |
| <input type="checkbox"/> RETURN WITH MORE DETAILS | <input type="checkbox"/> PER YOUR REQUEST |
| <input type="checkbox"/> NOTE AND SEE ME ABOUT THIS | <input type="checkbox"/> SIGNATURE |
| <input type="checkbox"/> PLEASE ANSWER | <input type="checkbox"/> FOR YOUR INFORMATION |
| <input type="checkbox"/> FOR YOUR APPROVAL | <input type="checkbox"/> INVESTIGATE AND REPORT |
| <input type="checkbox"/> PER OUR CONVERSATION | |

COMMENTS:

Please prepare reply to May 1, 1959,
memo from Niemi, for signature by Allen,
and route reply through me.

GPO: 1957 O - 414035

COMM-DC 969

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Box 1127

1. ~~Adkins~~

2. " Hanson

Please confer
with Gen. Counsel's
office re attached.

RM

gm

BUREAU OF PUBLIC ROADS
Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. J. C. Allen, Assistant Commissioner for
24-00 Administration, Washington, D. C.

DATE: May 1, 1959

FROM : Wm. J. Niemi, Regional Engineer *WJN*
10-00.1 Juneau, Alaska

SUBJECT: Alaska Omnibus Bill

There is submitted for your information a copy of a memorandum from Mr. C. M. Graff, Regional Counsel for GSA at Seattle to the General Counsel of GSA. Mr. Graff's memorandum concerns the possibility of Region 10 BPR continuing its purchases (with other than administrative funds) from GSA when performing on behalf of the State of Alaska.

It would appear advisable that this question be considered in connection with the imminent Congressional hearings.

Attachment

Answer should be given

JH

General Counsel - L

April 24, 1959

Regional Counsel

10L

H. R. 6091
Alaska Omnibus Act

We have received an inquiry from the Bureau of Public Roads at Juneau, Alaska as to the interpretation to be placed on Sections 21(a) and 40(a), (b) and (c) of H. R. 6091 introduced in the House of Representatives on March 26, 1959 (to be known as the "Alaska Omnibus Act"), insofar as relationships between BPR and CSA are concerned.

Section 21(a) provides in effect that the Secretary of Commerce shall transfer to the State of Alaska all property held by BPR in Alaska, except that property which is to be retained by BPR in order to carry out its ordinary Federal governmental functions.

Section 40(a) provides in effect that there is authorized to be appropriated to the President for the purpose of making transitional grants to the State of Alaska certain sums for the Fiscal Years ending June 30, 1960 through June 30, 1964. Section 40(b) provides in effect that the Governor of the State of Alaska may submit to the President a request that a Federal agency continue to provide services or facilities in Alaska for an interim period which interim period shall not extend beyond 1964 and, further, that in the event of such request, the President may allocate at his discretion to the agency the funds necessary to finance the provision of such services or facilities, and that such funds shall be allocated from the "transitional grants" fund provided for in Section 40(a). Section 40(c) provides in effect that, after the transfer or conveyance to the State of Alaska of any property or function pursuant to the "Admission to Statehood" Act (Public Law 85-508; 72 Stat. 339), and until 1964, the agency having jurisdiction of such property prior to transfer thereof may contract with the State of Alaska for the performance by such agency on a reimbursable basis of some or all of the functions authorized to be performed by the agency in Alaska prior to such conveyance or transfer.

The Bureau of Public Roads has propounded these questions:

1. Where, under Section 40(b) of the proposed Alaska Omnibus Act, the agency, pursuant to an approved request, performs services for the State, with the cost of such services to be paid out of the "transitional grants" fund, is the agency a "Federal agency"

To: General Counsel - 1

April 24, 1958

under the Federal Property and Administrative Services Act of 1949, as amended

2. Where the agency contracts with the State of Alaska for the performance of certain functions for and on behalf of the State under the authority contained in Section 40(c) of the proposed Alaska Omnibus Act, may the agency, as to such functions, be deemed to be a "Federal agency" under the Federal Property and Administrative Services Act, as amended? *reimbursable basis*

Specifically, the Bureau of Public Roads would like to be advised, if possible, as to whether the Bureau may continue to procure as a Federal agency from the Federal Supply Service in cases where the BPR is acting under Sections 40(b) and/or 40(c) of the proposed Alaska Omnibus Act.

It would appear that, as to activities under Section 40(b), where the service is performed at the request of the State and Federal funds are appropriated to the President and allocated by the President to the BPR, BPR should be classified as a Federal agency insofar as its relationships with GSA are concerned.

However, as to activities under 40(c), it would appear questionable from a fiscal standpoint as to whether BPR would qualify as a "Federal agency" where it is performing under a contract on a reimbursable basis.

BPR has offered the suggestion that it may be expedient, insofar as GSA functions are concerned, to suggest an appropriate insertion in the proposed Alaska Omnibus Act which will clarify eligibility questions as they pertain to GSA services. It will be appreciated if you will advise your reaction to this suggestion, so that we may, in turn, advise the Bureau of Public Roads at Juneau.

CC: Street-10FB

CC: Mr. M. W. Bales-BPR-Juneau, Alaska

C M. Graff

BUREAU OF PUBLIC ROADS

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. J. C. Allen

DATE: May 13, 1959

FROM : R. R. Hamann *RR Hamann*

24-60

SUBJECT: Alaska Omnibus Bill

We have discussed the memorandum from the Regional Engineer, Juneau, Alaska, dated May 1, 1959, with the following conclusions:

H.R. 6091, Section 40(b) provides for a continuation of our present services and facilities in Alaska for an interim period at the request of the Governor of Alaska. Under this arrangement, funds would be allocated from the President directly to Public Roads. Operations under this section, therefore, would be essentially federal in character and all procurement and property activities should remain unchanged.

Section 40(c) permits the State of Alaska and Public Roads to enter into a contract on a reimbursable basis for any (or all) of the functions being performed by Public Roads at the time of the transfer of the property involved. As the language reads, however, this arrangement cannot be initiated until the property or functions associated with the particular activity and/or location has been transferred to the State of Alaska. Even though we would be acting as an agent for Alaska and, therefore, not administering funds appropriated to Public Roads, it is believed that we should continue to follow the regular federal procurement practices and comply with the usual requirements governing Federal operations. We are of the opinion that this policy is well-precedented since many government agencies use funds reimbursed to their appropriation by states, municipalities and even private corporations in precisely the same manner as their regularly appropriated funds. Administrative and legal problems will be involved in any attempt to exercise these agency functions in a manner consistent with state highway department practices but not consistent with the normal Federal procurement practices.

In conclusion, we would like to point out that Section 40, in effect, prevents us from contracting with the State of Alaska under paragraph (c) until we have transferred the property associated with the functions for which we wish to contract. If we hope to do a good clean job of transferring the property that is defensible from an accounting standpoint, the earliest it will be possible to transfer all of the property to the State of Alaska will be June 30, 1960. This indicates that during the time that any of the property planned for transfer to Alaska remains in Public Roads ownership, we probably will continue operations under paragraph 40(b) with respect to this particular property.

Mr. J. C. Allen

- 2 -

May 13, 1959

It should also be noted that the language provides opportunity for phasing out gradually. In other words we may, at the request of the Governor, continue service or facilities in Alaska under direct allocation of funds from the President as provided in paragraph (b) and convert gradually to arrangement (c) as physical inventories and reconciliations are completed, location by location or function by function. This process might continue for a year or two until finally our entire physical plant and functions had been transferred to the State and then we would be operating entirely under paragraph (c). We would then continue under contract until June 30, 1964 or earlier depending upon the State's readiness to operate a state highway department independently.

CONCURRENCE:



Joseph Guandolo

86TH CONGRESS
1ST SESSION

H. R. 6091

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1959

Mr. ASPINALL introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To amend certain laws of the United States in light of the admission of the State of Alaska into the Union, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Alaska Omnibus Act".

FEDERAL JURISDICTION

5 SEC. 2. Section 4 of the Act of July 7, 1958 (72 Stat.
6 339), providing for the admission of the State of Alaska
7 into the Union, is amended by striking out the words "all
8 such lands or other property, belonging to the United States
9 or which may belong to said natives", and inserting in lieu
10 thereof the words "all such lands or other property (includ-

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R630, Bur. of Public Roads
E. L. D., Gen. Coun. + Related Recs, 1955-59
Box 1127

1 ing fishing rights), the right or title to which may be held
2 by said natives or is held by the United States in trust for
3 said natives”.

4 TERMINATION OF APPLICATION OF CERTAIN FEDERAL LAWS

5 SEC. 3. Any Territorial law, as that term is defined in
6 section 8 (d) of the Act of July 7, 1958 (72 Stat. 339,
7 344), providing for the admission of the State of Alaska
8 into the Union—

9 (a) which provides for the regulation of commerce
10 within Alaska by an agency of the United States, and

11 (b) the application of which to the State of Alaska
12 is continued solely by reason of such section 8 (d), shall
13 cease to apply to the State of Alaska on June 30, 1961,
14 or on the effective date of any law enacted by the legis-
15 lature of the State of Alaska which modifies or changes
16 such Territorial law, whichever occurs first.

17 SUGAR ACT

18 SEC. 4. Section 101 of the Sugar Act of 1948, as
19 amended (7 U.S.C., supp. V, sec. 1101), is further amended
20 by adding thereto a new subsection, to be designated subsec-
21 tion “(o)” and to read as follows:

22 “(o) The term ‘continental United States’ means
23 the forty-nine States and the District of Columbia.”

1 SOIL BANK ACT

2 SEC. 5. Section 113 of the Soil Bank Act (7 U.S.C.,
3 supp. V, sec. 1837), is amended to read as follows: "This
4 subtitle B shall apply to the continental United States, except
5 Alaska, and, if the Secretary determines it to be in the na-
6 tional interest, to the State of Alaska, the Territory of
7 Hawaii, the Commonwealth of Puerto Rico, and the Virgin
8 Islands, and as used in this subtitle B, the term 'State' in-
9 cludes Hawaii, Puerto Rico, and the Virgin Islands."

10 ARMED FORCES

11 SEC. 6. (a) Title 10, United States Code, section
12 101(2), is amended by striking out the words "Alaska,
13 Hawaii," and inserting in lieu thereof the word "Hawaii".

14 (b) Title 10, United States Code, sections 802(11) and
15 802(12), are each amended by striking out the words "that
16 part of Alaska east of longitude 172 degrees west,".

17 (c) Title 10, United States Code, section 2662(c), is
18 amended by striking out the word "Alaska,".

19 NATIONAL BANK ACT

20 SEC. 7. Section 5192 of the Revised Statutes, as
21 amended (12 U.S.C. 144), is further amended by striking
22 out the words "in Alaska or".

1 FEDERAL RESERVE ACT

2 SEC. 8. (a) Section 1 of the Federal Reserve Act, as
3 amended (12 U.S.C. 221), is further amended by deleting
4 the period at the end of such section and inserting in lieu
5 thereof the following: “; the term ‘the continental United
6 States’ means the States of the United States and the District
7 of Columbia.”

8 (b) Section 19 of the Federal Reserve Act, as amended
9 (12 U.S.C. 466), is further amended by striking the words
10 “in Alaska or”.

11 HOME LOAN BANK BOARD

12 SEC. 9. (a) Paragraph (3) of section 2 of the Federal
13 Home Loan Bank Act, as amended (12 U.S.C. 1422(3)),
14 is further amended by striking out the words “Territories of
15 Alaska and Hawaii” and inserting in lieu thereof the words
16 “Territory of Hawaii”.

17 (b) Section 7 of the Home Owners’ Loan Act of 1933,
18 as amended (12 U.S.C. 1466), is further amended by strik-
19 ing out the words “continental United States, to the Terri-
20 tories of Alaska and Hawaii” and inserting thereof the words
21 “continental United States (including Alaska), to the Terri-
22 tory of Hawaii”.

23 NATIONAL HOUSING ACT

24 SEC. 10. The National Housing Act is amended by—
25 (a) striking out the word “Alaska,” in sections 9,

1 201 (d), 207 (a) (7), 601 (d), 713 (q), and 801 (g) (12
 2 U.S.C., secs. 1706d, 1707 (d), 1713 (a) (7), 1736 (d),
 3 1747 1 (q) ; supp. V, sec. 1748 (g)) ;

4 (b) striking out the words "the Territory of Alaska,"
 5 in section 207 (c) (2) (12 U.S.C., supp. V, sec. 1713 (c)
 6 (2)), and inserting the word "Alaska" in lieu thereof;

7 (c) striking out the words "the Territory of Alaska
 8 or in Guam" in section 214 (12 U.S.C., supp. V, sec. 1715d,
 9 48 U.S.C., supp. V, sec. 484d), and inserting the words
 10 "Alaska, Guam," in lieu thereof; and

11 (d) striking out the word "Territory" in the two places
 12 where it appears in section 806 (12 U.S.C., supp. V, sec.
 13 1748e), inserting the word "State" in lieu thereof.

14 COAST GUARD

15 SEC. 11. Title 14, United States Code, section 634 (b),
 16 is amended by striking out the words "and for the territory
 17 of" in both places where they appear therein.

18 SECURITIES AND EXCHANGE COMMISSION

19 SEC. 12. (a) Paragraph (6) of section 2 of the Securi-
 20 ties Act of 1933, as amended (15 U.S.C. 77b (6)), is
 21 further amended by striking out the word "Alaska,".

22 (b) Paragraph (16) of section 3 (a) of the Securities
 23 Exchange Act of 1934, as amended (15 U.S.C. 78c (a)
 24 (16)), is further amended by striking out the word
 25 "Alaska,".

6

1 (c) Paragraph (18) of section 202 (a) of the Invest-
2 ment Advisers Act of 1940, as amended (15 U.S.C. 80b-2
3 (a) (18)), is further amended by striking out the word
4 "Alaska,".

5 (d) Paragraph (37) of section 2 (a) of the Investment
6 Company Act of 1940, as amended (15 U.S.C. 80a-2 (a)
7 (37)), is further amended by striking out the word
8 "Alaska,".

9 (e) Paragraph (1) of section 6 (a) of the Investment
10 Company Act of 1940, as amended (15 U.S.C. 80a-6 (a)
11 (1)), is further amended by striking out the word "Alaska,".

12 SOIL CONSERVATION

13 SEC. 13. (a) Section 8 (b) of the Soil Conservation and
14 Domestic Allotment Act, as amended (16 U.S.C., supp. V,
15 sec. 590h (b)), is further amended by inserting, immediately
16 following the words "continental United States", the words
17 ", except in Alaska".

18 (b) Section 17 (a) of the Soil Conservation and Do-
19 mestic Allotment Act, as amended (16 U.S.C. 590q (a)),
20 is further amended by striking out the words "the United
21 States, the Territories of Alaska and Hawaii" and inserting
22 in lieu thereof the words "the States, the Territory of
23 Hawaii", and by striking out the word "Alaska" the second
24 time it appears therein.

1 BALD EAGLES

2 SEC. 14. Section 1 of the Act of June 8, 1940 (16
3 U.S.C. 668), is amended by striking out the words "except
4 the Territory of Alaska,".

5 WILDLIFE RESTORATION

6 SEC. 15. Section 8 (a) of the Act of September 2,
7 1937, as amended (16 U.S.C., supp. V, sec. 669g-1), is
8 further amended by striking out the words "the Alaska
9 Game Commission," "said Territory of Alaska," "not ex-
10 ceeding \$75,000 for Alaska, and", and "the Territory of
11 Alaska,".

12 FISH RESTORATION

13 SEC. 16. Section 12 of the Act of August 9, 1950, as
14 amended (16 U.S.C., supp. V, sec. 777k), is further
15 amended by striking out the words "the Alaska Game Com-
16 mission," "said Territory of Alaska," "not exceeding
17 \$75,000 for Alaska, and", and "the Territory of Alaska,".

18 CRIMINAL CODE

19 SEC. 17. (a) Title 18, United States Code, section
20 5024, is amended by striking out the words "other than
21 Alaska" and inserting in lieu thereof the words "including
22 Alaska".

23 (b) Section 6 of the Act of August 25, 1958 (72 Stat.
24 845, 847), is amended by striking out the words "other than

1 Alaska" and inserting in lieu thereof the words "including
2 Alaska".

3 (c) Subsections (a) and (b) of this section shall be
4 effective on July 7, 1961, or on the date of the Executive
5 order referred to in section 18 of the Act of July 7, 1958
6 (72 Stat. 339, 350); providing for the admission of the
7 State of Alaska into the Union, whichever occurs first.

8 EDUCATION

9 SEC. 18. (a) (1) Subsection (a) of section 103 of the
10 National Defense Education Act of 1958 (72 Stat. 1580,
11 1582), relating to definition of State, is amended by striking
12 out "Alaska," each time it appears.

13 (2) Paragraph (3)(B) of section 302(a) of such
14 Act (72 Stat. 1580, 1588), relating to definition of conti-
15 nental United States for purposes of allotments for science,
16 mathematics and modern foreign language instruction equip-
17 ment, is amended by striking out "does not include Alaska"
18 and inserting in lieu thereof "includes Alaska".

19 (3) Section 1008 of such Act (72 Stat. 1580, 1605),
20 relating to allotments to Territories, is amended by striking
21 out "Alaska,"

22 (b) (1) Section 4 of the Act of February 23, 1917
23 (20 U.S.C. 14), relating to allotments for teacher-training,
24 is amended by striking out "\$90,000" and inserting in lieu
25 thereof "\$98,500". The proviso in the last paragraph of

1 section 5 of such Act (20 U.S.C. 16) and so much of
2 section 12 of such Act (20 U.S.C. 22) as follows the last
3 semicolon shall not be applicable to Alaska prior to the third
4 fiscal year which begins after the enactment of this Act.

5 (2) Paragraph (1) of section 2 of the Vocational
6 Education Act of 1946 (20 U.S.C. 15i), relating to defini-
7 tion of States and Territories, is amended by striking out
8 "the Territories of Alaska and Hawaii" and inserting in lieu
9 thereof "the Territory of Hawaii".

10 (3) Subsection (e) of section 210 (20 U.S.C., supp. V,
11 sec. 15jj (e)), and subsection (a) of section 307 of such Act
12 (72 Stat. 1580, 1600), relating to definition of State, are
13 each amended by striking out "Alaska,".

14 (c) Paragraph (13) of section 15 of the Act of Sep-
15 tember 23, 1950, as amended (72 Stat. 548, 558), relat-
16 ing to definition of State, is amended by striking out
17 "Alaska,".

18 (d) (1) The material in the parentheses in the first sen-
19 tence of subsection (d) of section 3 of the Act of Septem-
20 ber 30, 1950, as amended, relating to determination of local
21 contribution rate, is amended to read: "(other than a local
22 educational agency in Hawaii, Puerto Rico, Wake Island,
23 Guam, or the Virgin Islands, or in a State in which a sub-

J. 34001-X—2

1 stantial proportion of the land is in unorganized territory
2 for which a State agency is the local educational agency)".

3 (2) The fourth sentence of such subsection is amended
4 by inserting "(including Alaska)" after "continental United
5 States" the first time it appears in such sentence. The fifth
6 sentence of such subsection is amended by inserting "(in-
7 cluding Alaska)" after "continental United States" the sec-
8 ond time it appears in such sentence.

9 (3) The last sentence of such subsection is amended by
10 striking out "Alaska," and by inserting after "the Virgin
11 Islands," the following: "or in any State in which a substan-
12 tial proportion of the land is in unorganized territory for
13 which a State agency is the local educational agency,".

14 (4) Paragraph (8) of section 9 of such Act (20
15 U.S.C., supp. V, sec. 244(8)), relating to definition of
16 State, is amended by striking out "Alaska,".

17 IMPORTATION OF MILK AND CREAM

18 SEC. 19. Subsection (b) of section 9 of the Act of
19 February 15, 1927 (21 U.S.C., sec. 149 (b)), is amended
20 by inserting the words ", including Alaska" immediately fol-
21 lowing the words "continental United States".

22 OPIUM POPPY CONTROL

23 SEC. 20. Section 12 of the Opium Poppy Control Act
24 of 1942 (21 U.S.C., sec. 188k), is amended by deleting
25 therefrom the words "the Territory of Alaska,".

1 HIGHWAYS

2 SEC. 21. (a) The Secretary of Commerce shall transfer
3 to the State of Alaska by appropriate conveyance without
4 compensation, but upon such terms and conditions as he
5 may deem desirable, all lands or interests in lands, including
6 buildings and fixtures, all personal property, including ma-
7 chinery, office equipment, and supplies, and all records per-
8 taining to roads in Alaska, which are owned, held, admin-
9 istered by, or used by the Secretary in connection with the
10 activities of the Bureau of Public Roads in Alaska; (i) except
11 such lands or interests in lands, including buildings and fix-
12 tures, personal property, including machinery, office equip-
13 ment, and supplies, and records as the Secretary may deter-
14 mine are needed for the operations, activities, and functions
15 of the Bureau of Public Roads in Alaska after such transfer,
16 including services or functions performed pursuant to section
17 40 of this Act; and (ii) except such lands or interests in
18 lands as he or the head of any other Federal agency may
19 determine are needed for continued retention in Federal
20 ownership for purposes other than or in addition to road
21 purposes.

22 (b) Notwithstanding any other provision of this sec-
23 tion, any contract entered into/by the Federal Government
24 in connection with the activities of the Bureau of Public
25 Roads in Alaska which has not been completed on the date

1 of the transfer provided under subsection (a) hereof may
2 be completed according to the terms thereof.

3 (c) (1) The State of Alaska shall be responsible for
4 the maintenance of roads, including bridges, tunnels, and
5 ferries, transferred to it under subsection (a) of this section,
6 as long as any such road is needed for highway purposes.

7 (2) Federal-aid funds apportioned to Alaska under title
8 23, United States Code, for fiscal year 1960 and prior fiscal
9 years, and unobligated on the date of enactment of this
10 Act, may be used for maintenance of highways on the
11 Federal-aid systems in Alaska.

12 (d) Effective July 1, 1959, the following provisions
13 of law are repealed:

14 (1) Title 23, United States Code, section 103 (f);

15 (2) Title 23, United States Code, section 116 (d);

16 (3) Title 23, United States Code, section 119;

17 (4) Title 23, United States Code, section 120 (h),
18 except that the portion of the first sentence thereof relating

19 to the percentage of funds to be contributed by Alaska shall
20 continue to apply to funds apportioned to Alaska for fiscal
21 year 1960 and prior fiscal years;

22 (5) Sections 107 (b) and (d) of the Federal-Aid
23 Highway Act of 1956 (70 Stat. 374, 377, 378);

24 (6) Section 2 of the Act of January 27, 1905 (33

1 Stat. 616), as amended (48 U.S.C., sec. 322 and the
2 following) ; and

3 (7) The Act of June 30, 1932, (47 Stat. 446), as
4 amended (48 U.S.C., sec. 321 (a) and the following).

5 (e) Effective on July 1, 1959, the following provisions
6 of law are amended:

7 (1) The definition of the term "State" in title 23,
8 United States Code, section 101 (a), is amended to read
9 as follows: "The term 'State' means any one of the forty-
10 nine States, the District of Columbia, Hawaii, or Puerto
11 Rico.";

12 (2) Title 23, United States Code, section 104 (b), is
13 amended by deleting the phrase ", except that only one-third
14 of the area of Alaska shall be included" where it appears in
15 paragraphs (1) and (2) of said section 104 (b) ;

16 (3) Title 23, United States Code, section 116 (a), is
17 amended by deleting the phrase "Except as provided in
18 subsection (d) of this section," and by capitalizing the
19 word "it" immediately following such phrase; and

20 (4) Title 23, United States Code, section 120 (a), is
21 amended by deleting the phrase "subsections (d) and (h)"
22 and by inserting in lieu thereof the phrase "subsection (d)".

1 INTERNAL REVENUE

2 SEC. 22. (a) Section 2202 of the Internal Revenue
3 Code of 1954 (relating to missionaries in foreign service),
4 and sections 3121 (e) (1), 3306 (j), 4221 (d) (4), and 4233
5 (b) of such Code (each relating to a special definition of
6 "State") are amended by striking out "Alaska,".

7 (b) Section 4262 (c) (1) of the Internal Revenue Code
8 of 1954 (definition of "continental United States") is
9 amended to read as follows:

10 " (1) CONTINENTAL UNITED STATES.—The term
11 'continental United States' means the District of Colum-
12 bia and the States other than Alaska."

13 (c) Section 4502 (5) of the Internal Revenue Code of
14 1954 (relating to definition of "United States") is amended
15 by striking out "the Territories of Hawaii and Alaska" and
16 by inserting in lieu thereof "the Territory of Hawaii".

17 (d) Section 4774 of the Internal Revenue Code of 1954
18 (relating to territorial extent of law) is amended by striking
19 out "the Territory of Alaska,".

20 (e) Section 7621 (b) of the Internal Revenue Code of
21 1954 (relating to boundaries of internal revenue districts) is
22 amended to read as follows:

23 " (b) BOUNDARIES.—For the purpose mentioned in sub-
24 section (a), the President may subdivide any State, Ter-
25 ritory, or the District of Columbia, or may unite into one

1 district two or more States or a Territory and one or more
2 States."

3 (f) Section 7653 (d) of the Internal Revenue Code of
4 1954 is amended by striking out "its Territories or posses-
5 sions" and inserting in lieu thereof "its possessions or the
6 Territory of Hawaii".

7 (g) Section 7701 (a) (9) of the Internal Revenue
8 Code of 1954 (relating to definition of "United States") is
9 amended by striking out "the Territories of Alaska and
10 Hawaii" and inserting in lieu thereof "the Territory of
11 Hawaii".

12 (h) Section 7701 (a) (10) of the Internal Revenue
13 Code of 1954 (relating to definition of State) is amended
14 by striking out "Territories" and inserting in lieu thereof
15 "Territory of Hawaii".

16 (i) The amendments contained in subsections (a)
17 through (h) of this section shall be effective as of January
18 3, 1959.

19 COURTS

20 SEC. 23. (a) Title 28, United States Code, section 48,
21 is amended by striking out the word "Seattle." and inserting
22 in lieu thereof the words "Seattle, Anchorage."

23 (b) Title 28, United States Code, section 81A, is
24 amended by inserting the word "Ketchikan," immediately
25 following the word "Juneau,".

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1 (c) Such authority as has been exercised by the At-
 2 torney General heretofore, with regard to the Federal court
 3 system in Alaska, pursuant to section 30 of the Act of June
 4 6, 1900 (48 U.S.C. 25), shall continue to be exercised by
 5 him after the court created by section 12 (b) of the Act of
 6 July 7, 1958 (72 Stat. 339, 348), providing for the ad-
 7 mission of the State of Alaska into the Union, is established.

8 (d) All balances of public moneys received by the clerks
 9 of each division of the District Court for the Territory of
 10 Alaska pursuant to section 10 of the Act of June 6, 1900,
 11 as amended (48 U.S.C. 107), which are on hand after all
 12 payments ordered by that court shall have been made, shall
 13 be covered into the Treasury of the United States as re-
 14 quired by law, and the Secretary of the Treasury shall pay
 15 the amounts so covered, which are hereby appropriated, to
 16 the State of Alaska.

VOCATIONAL REHABILITATION ACT

17
 18 SEC. 24. (a) Subsection (g) of section 11 of the Voca-
 19 tional Rehabilitation Act (29 U.S.C. supp. V, sec. 41 (g)),
 20 relating to definition of State, is amended by striking out
 21 "Alaska,"

22 (b) (1) Subsection (i) and paragraph (1) of subsection
 23 (h) of such section, relating to definition of allotment per-
 24 centages and Federal shares for purposes of allotment and

1 matching for vocational rehabilitation services, are each
 2 amended by striking out "(excluding Alaska)" and inserting
 3 in lieu thereof "(including Alaska)".

4 (2) Paragraph (1) of such subsection (h) is further
 5 amended by striking out "Alaska,".

6 (3) Such subsection (i) is further amended by striking
 7 out "Hawaii and Alaska" in clause (B) and inserting in
 8 lieu thereof "Hawaii".

9 GOLD RESERVE ACT

10 SEC. 25. Section 15 of the Gold Reserve Act of 1934,
 11 as amended (31 U.S.C. 444), is further amended by strik-
 12 ing out the words ", the District of Columbia, and the Ter-
 13 ritory of Alaska" and inserting in lieu thereof the words
 14 "and the District of Columbia".

15 SILVER PURCHASE ACT

16 SEC. 26. Section 10 of the Silver Purchase Act of 1934
 17 (31 U.S.C. 448b) is amended by striking out the words
 18 ", the District of Columbia and the Territory of Alaska"
 19 and inserting in lieu thereof the words "and the District of
 20 Columbia".

21 NATIONAL GUARD

22 SEC. 27. Title 32, United States Code, section 101 (1),
 23 is amended by striking out the words "Alaska, Hawaii,"
 24 and inserting in lieu thereof the word "Hawaii".

1 WATER POLLUTION CONTROL ACT

2 SEC. 28. (a) Paragraph (1) of section 5 (h) of the
3 Federal Water Pollution Control Act (33 U.S.C., supp.
4 V, sec. 466d (h) (1)), relating to Federal share for pur-
5 poses of matching for program operation, is amended by
6 striking out "(excluding Alaska)" and inserting in lieu
7 thereof "(including Alaska)" and by striking out, in clause
8 (B), "and Alaska".

9 (b) Subsection (d) of section 11 of such Act (33
10 U.S.C., supp. V, sec. 466j (d)) is amended by striking
11 out "Alaska,".

12 VETERANS' ADMINISTRATION

13 SEC. 29. (a) Title 38, United States Code, section
14 903 (b), is amended by striking out the words "; or to the
15 place of burial within Alaska if the deceased was a resident
16 of Alaska who had been brought to the United States as a
17 beneficiary of the Veteran's Administration for hospital or
18 domiciliary care"; by inserting the word "continental" im-
19 mediately before the words "United States" the second time
20 they appear in such section; and by inserting, immediately
21 following the words "continental United States" in both
22 places where they appear in such section, the parenthetical
23 phrase "(including Alaska)".

24 (b) Title 38, United States Code, section 2007 (c), is
25 amended by striking out the word "Alaska,".

1 FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

2 SEC. 30. (a) Subsection (f) of section 3 of the Federal
3 Property and Administrative Services Act of 1949 (40
4 U.S.C. 472 (f)), is amended by striking out the words
5 “, Hawaii, Alaska,” and inserting in lieu thereof the words
6 “(including Alaska), Hawaii.”

7 (b) Subsection (a) of section 702 of such Act (40
8 U.S.C., supp. V, sec. 522 (a)), is amended by striking out
9 the words “Territories of Alaska and Hawaii” and inserting
10 in lieu thereof the words “Territory of Hawaii”.

11 PUBLIC HEALTH SERVICE ACT

12 SEC. 31. (a) Subsection (f) of section 2 of the Public
13 Health Service Act (42 U.S.C. 201 (f)), relating to defini-
14 tion of State, is amended by striking out “Hawaii, Alaska,”
15 and inserting in lieu thereof “Hawaii,” and by striking out
16 “, the District of Columbia, or Alaska” and inserting in lieu
17 thereof “or the District of Columbia”.

18 (b) (1) Effective July 1, 1959, section 371 of the
19 Public Health Service Act, as added by the Alaska Mental
20 Health Enabling Act (42 U.S.C., supp. V, sec. 273), is
21 repealed.

22 (2) Subsection (a) of section 372 of such Act (42
23 U.S.C., supp. V, sec. 247 (a)) is amended by striking out
24 “the Territory of”.

25 (3) Subsections (b), (c), and (e) of such section are

1 each amended by striking out "the Territory" each time it
2 appears and inserting in lieu thereof "Alaska".

3 (4) Such subsection (e) is further amended by strik-
4 ing out "the Territory's" and inserting in lieu thereof
5 "Alaska's".

6 (c) (1) Subsection (a) of section 631 of such Act (42
7 U.S.C., supp. V, sec. 291i(a)), relating to definition of
8 allotment percentage for purposes of allotments for construc-
9 tion, is amended by striking out "(excluding Alaska)" and
10 inserting in lieu thereof "(including Alaska)" and by strik-
11 ing out "for Alaska and Hawaii shall be 50 per centum
12 each" in clause (2) and inserting in lieu thereof "for Ha-
13 waii shall be 50 per centum".

14 (2) Subsection (d) of such section, relating to defi-
15 nition of State, is amended by striking out "Alaska,".

16 SOCIAL SECURITY ACT

17 SEC. 32. (a) Paragraph (8) of section 1101(a) of
18 the Social Security Act (72 Stat. 1013, 1050), relating to
19 definition of Federal percentage for purposes of matching
20 for public assistance grants, is amended by striking out
21 "Alaska and" in clause (ii) of subparagraph (A) and by
22 striking out "(excluding Alaska)" in subparagraphs (A)
23 and (B) and inserting in lieu thereof "(including Alaska)".

24 (b) (1) Subsection (a) of section 524 of the Social
25 Security Act (72 Stat. 1013, 1054), relating to definition

1 of allotment percentage for purposes of allotments for child
2 welfare services, is amended by striking out "50 per centum
3 in the case of Alaska and" in clause (B).

4 (2) Subsection (b) of such section, relating to defini-
5 tion of Federal share for purposes of matching for child
6 welfare services, is amended by striking out "50 per centum
7 in the case of Alaska and" in clause (2).

8 (3) Such subsections (a) and (b), and subsection (c)
9 of such section, relating to promulgation of Federal shares
10 and allotment percentages, are each amended by striking out
11 "(excluding Alaska)" and inserting in lieu thereof "(in-
12 cluding Alaska)".

13 (c) (1) The last sentence of section 202 (i) of the Social
14 Security Act (42 U.S.C., supp. V, sec. 402 (i)), is amended
15 by striking out "forty-eight" and inserting in lieu thereof
16 "forty-nine".

17 (2) Subsections (h) and (i) of section 210 of such Act
18 (42 U.S.C. 410 (h), (i)), relating to definitions of State
19 and United States for purposes of old-age, survivors, and
20 disability insurance, are each amended by striking out
21 "Alaska,".

22 (d) (1) Paragraph (1) of section 1101 (a) of the
23 Social Security Act (42 U.S.C., supp. V, sec. 1301 (a)
24 (1)), relating to definition of State, is amended by striking

1 out "Alaska, Hawaii," and inserting in lieu thereof
2 "Hawaii".

3 (2) Paragraph (2) of such section (42 U.S.C. 1301
4 (a) (2)), relating to definition of United States, is amended
5 by striking out "Alaska,".

6 CONGRESSIONAL RECORD

7 SEC. 33. Section 73 of the Act of January 12, 1895,
8 as amended (44 U.S.C., Supp. V, sec. 183), is further
9 amended by striking out the word "Alaska,".

10 FEDERAL REGISTER

11 SEC. 34. Section 8 of the Federal Register Act (44
12 U.S.C., sec. 308), is amended by striking out the paren-
13 thetical phrase "(not including Alaska)" and inserting in
14 lieu thereof the parenthetical phrase "(including Alaska)".

15 AIRPORTS

16 SEC. 35. (a) The Administrator of the Federal Aviation
17 Agency is authorized and directed to transfer to the State
18 of Alaska by appropriate conveyance, and subject to such
19 terms and conditions as he may deem appropriate, all the
20 right, title, and interest of the United States in and to the
21 public airports constructed and operated pursuant to the Act
22 of May 28, 1948, as amended (48 U.S.C. 485 and the fol-
23 lowing), including all, the land, buildings, structures, facili-
24 ties, equipment, and other personal property appurtenant
25 thereto and necessary for the operation thereof, except for

1 such property, real or personal, as the Administrator may
 2 determine is needed for the performance of functions of the
 3 United States in Alaska after such transfer. Such transfer
 4 shall be without monetary consideration to the United States
 5 (b) Notwithstanding any other provisions of this sec-
 6 tion, any contract entered into by the Federal Aviation
 7 Agency in connection with its activities with respect to public
 8 airports constructed and operated pursuant to the Act of
 9 May 28, 1948, as amended (48 U.S.C. 485 and the follow-
 10 ing), which has not been completed by the date of enact-
 11 ment of this Act, may be completed according to the terms
 12 thereof.

13 SELECTIVE SERVICE

14 SEC. 36. Section 16 (b) of the Universal Military Train-
 15 ing and Service Act, as amended (50 U.S.C. app., sec.
 16 466 (b)), is further amended by striking out the word
 17 "Alaska,".

18 REAL PROPERTY TRANSACTIONS

19 SEC. 37. Section 43 (c) of the Act of August 10, 1956
 20 (50 U.S.C. app., supp. V, sec. 2285 (c)), is amended by
 21 striking out the word "Alaska,".

22 RECREATION FACILITIES

23 SEC. 38. Section 2 of the Act of May 4, 1956 (70 Stat.
 24 130), is hereby repealed. There are hereby authorized to
 25 be appropriated for the fiscal year ending June 30, 1960,

1 such sums as may be necessary to complete the construction
2 of facilities described in section 1 of such Act, as amended by
3 the Act of August 30, 1957 (71 Stat. 510), if construction
4 was begun prior to June 30, 1959, and to maintain the
5 facilities pending their transfer pursuant to such section.

6 AIRCRAFT LOAN GUARANTEES

7 SEC. 39. Section 3 of the Act of September 7, 1957
8 (71 Stat. 629), is amended by striking out the words "Ter-
9 ritory of Alaska" and inserting in lieu thereof the words
10 "State of Alaska".

11 TRANSITIONAL GRANTS

12 SEC. 40. (a) In order to assist the State of Alaska in
13 accomplishing an orderly transition from Territorial status
14 to statehood, and in order to facilitate the assumption by the
15 State of Alaska of responsibilities hitherto performed in
16 Alaska by the Federal Government, there are hereby author-
17 ized to be appropriated to the President, for the purpose of
18 making transitional grants to the State of Alaska, the sum
19 of \$10,500,000 for the fiscal year ending June 30, 1960;
20 the sum of \$6,000,000 for each of the fiscal years ending
21 June 30, 1961, and June 30, 1962; and the sum of ^{3,000,}~~2,500,~~
22 000 for each of the fiscal years ending June 30, 1963, and
23 June 30, 1964. ^{\$27,500,000}

24 (b) The Governor of Alaska may submit to the Presi-
25 dent a request that a Federal agency continue to provide

1 services or facilities in Alaska for an interim period, pending
2 the provision of such services or facilities by the State of
3 Alaska. Such interim period shall not extend beyond June
4 30, 1964. In the event of such request, and in the event
5 of the approval thereof by the President, the President may
6 allocate, at his discretion, to such agency the funds necessary
7 to finance the provision of such services or facilities. Such
8 funds shall be allocated from appropriations made pursuant
9 to subsection (a) hereof, and the amount of such funds shall
10 be deducted from the amount of grants available to the State
11 of Alaska pursuant to such subsection.

12 (c) After the transfer or conveyance to the State of
13 Alaska of any property or function pursuant to the Act of
14 July 7, 1958 (72 Stat. 339), providing for the admission
15 of the State of Alaska into the Union, or pursuant to this
16 Act or any other law, and until June 30, 1964, the head of
17 the Federal agency having administrative jurisdiction of such
18 property prior to its transfer or conveyance may contract
19 with the State of Alaska for the performance by such agency,
20 on a reimbursable basis, of some or all of the ~~functions~~
21 authorized to be performed by it in Alaska immediately pre-
22 ceding such conveyance or transfer.

23 TRANSFER OF PROPERTY

24 SEC. 41. If the President determines that any function
25 performed by the Federal Government in Alaska has been

1 terminated by the Federal Government and that performance
2 of such function or substantially the same function has been
3 or will be assumed by the State of Alaska, the President
4 may, until July 1, 1964, in his discretion, transfer and con-
5 vey to the State of Alaska, without reimbursement, any
6 property or interest in property, real or personal, situated
7 in Alaska which is owned or held by the United States in
8 connection with such function.

9 CLAIMS COMMISSION

10 SEC. 42. (a) In the event that any disputes arise be-
11 tween the United States and the State of Alaska concerning
12 the transfer, conveyance, or other disposal of property to the
13 State of Alaska pursuant to section 6(e) of the Act of
14 July 7, 1958 (72 Stat. 339, 340), providing for the admis-
15 sion of the State of Alaska into the Union, or pursuant to
16 this Act, the President is authorized to appoint a tempo-
17 rary commission of three persons to consider, ascertain, ad-
18 just, determine, and settle such disputes. In carrying out
19 its duties under this section, such commission may hold such
20 hearings, take such testimony, sit and act at such times and
21 places, and incur such expenditures as the commission deems
22 necessary. Any settlement made by such commission under
23 the authority of this section shall be final and conclusive for
24 all purposes, notwithstanding any other provision of law to
25 the contrary.

1 (b) The commission may, without regard to the civil-
2 service laws and the Classification Act of 1949, employ and
3 fix the compensation of such employees as it deems neces-
4 sary to carry out its duties under this section. The commis-
5 sion is authorized to use the facilities, information, and per-
6 sonnel of the departments, agencies, and establishments of
7 the executive branch of the United States Government which
8 it deems necessary to carry out its duties; and each such
9 department, agency, and instrumentality is authorized to
10 furnish such facilities, information, and personnel to the
11 commission upon request made by the commission. The
12 commission shall reimburse each such department, agency,
13 or instrumentality for the services of any personnel utilized.

14 (c) No member of such commission shall be an officer
15 or employee of the United States or of the State of Alaska.
16 Each member of the commission shall be paid compensation
17 at the rate of \$50 per day for each day spent in the work
18 of the commission, shall be reimbursed for actual and neces-
19 sary travel expenses, and shall receive a per diem allowance
20 in accordance with the provisions of the Travel Expense
21 Act of 1949, as amended, when away from his usual place
22 of residence.

23 (d) The President is authorized to make such rules and
24 regulations as may be necessary to carry out the provisions
25 of this section. There are hereby authorized to be appropri-

1 ated such sums as may be necessary to enable the commission
2 to perform its duties under this section.

3 EFFECTIVE DATES

4 SEC. 43. (a) The amendments made by paragraph (2)
5 of subsection (a) of section 18, by subsection (a) of sec-
6 tion 28, by paragraph (1) of subsection (c) of section 31,
7 by subsections (a) and (b) of section 32, and, except as
8 provided in subsection (c) of this section, by subsection
9 (b) of section 24, shall be applicable in the case of promul-
10 gations of Federal shares, allotment percentages, allotment
11 ratios, and Federal percentages, as the case may be, made
12 after satisfactory data are available from the Department of
13 Commerce for a full year on the per capita income of Alaska,
14 and for this purpose such promulgations shall, before such
15 data for the full period required by the applicable statutory
16 provision as so amended are available from the Department
17 of Commerce, be based on satisfactory data available from
18 such Department for such one full year or, when such data
19 for a two-year period are available, for such two years.

20 (b) The amendments made by paragraphs (1) and (3)
21 of subsection (a) of section 18 shall be applicable, in the
22 case of allotments under section 302 (b) or 502 of the
23 National Defense Education Act of 1958, for fiscal years
24 beginning July 1, 1959, and, in the case of allotments under
25 section 302 (a) of such Act, in the case of allotments based

1 on allotment ratios, promulgated under such section 302 (a),
2 to which the amendment made by paragraph (2) of sub-
3 section (a) of section 18 of this Act is applicable.

4 (c) (1) The allotment percentage determined for Alaska
5 under section 11 (h) of the Vocational Rehabilitation Act,
6 as amended by this Act, for the first, second, third, and
7 fourth years for which the amendments made by this Act
8 are applicable to such section shall be increased by 76 per
9 centum, 64 per centum, 52 per centum, and 28 per centum,
10 respectively, of the difference between such allotment per-
11 centage for the year involved and 75 per centum.

12 (2) The Federal share for Alaska determined under
13 section 11 (i) of the Vocational Rehabilitation Act, as
14 amended by this Act, for the first year for which the amend-
15 ments made by this Act are applicable to such section shall
16 be increased by 70 per centum of the difference between
17 such Federal share for such year and 60 per centum.

18 (3) If such first year for which such amendments made
19 by this Act are applicable is any fiscal year ending prior
20 to July 1, 1962, the adjusted Federal share for Alaska for
21 such year for purposes of section 2 (b) of the Vocational
22 Rehabilitation Act shall, notwithstanding the provisions of
23 paragraph (3) (A) of such section 2 (b), be the Federal
24 share determined pursuant to paragraph (2) of this sub-
25 section.

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1 (d) The amendments made by paragraphs (2) and 1
 2 (3) of subsection (b), by subsection (c), and by paragraph 2
 3 (4) of subsection (d) of section 18; by subsection (a) of 3
 4 section 24; by subsection (b) of section 28; by subsection 4
 5 (a), by subparagraphs (2), (3), and (4) of subsection 5
 6 (b), and by paragraph (2) of subsection (c) of section 31; 6
 7 by paragraph (2) of subsection (c) and by subsection (d)
 8 of section 32; and, except as provided in subsection (b) of
 9 this section by paragraph (1) of subsection (a) of section
 10 18, shall be effective on January 3, 1959.

11 (e) The amendment made by paragraph (1) of subsec-
 12 tion (c) of section 32 shall apply in the case of deaths oc-
 13 ccurring on or after January 3, 1959.

14 (f) The amendments made by paragraph (1) of sub-
 15 section (b) and paragraphs (1), (2), and (3) of subsec-
 16 tion (d) of section 18 shall be applicable for fiscal years
 17 beginning July 1, 1959.

18 DEFINITION OF "CONTINENTAL UNITED STATES"

19 SEC. 44. Whenever the phrase "continental United
 20 States" is used in any law of the United States enacted after
 21 the date of enactment of this Act, it shall mean the forty-
 22 nine States on the North American Continent and the Dis-
 23 trict of Columbia, unless otherwise expressly provided.

SEPARABILITY

1
2 SEC. 45. If any provision of this Act, or the application
3 thereof to any person or circumstances, is held invalid, the
4 remainder of this Act, and the application of such provision
5 to other persons or circumstances, shall not be affected
6 thereby.

86TH CONGRESS
1ST SESSION

H. R. 6091

A BILL

To amend certain laws of the United States in light of the admission of the State of Alaska into the Union, and for other purposes.

By Mr. ASPINALL

MARCH 26, 1959

Referred to the Committee on Interior and Insular Affairs

RG 30, Bur. of Public Roads
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Box 1127

X
Mr. William J. Niemi
19-00.1 Regional Engineer, Juneau, Alaska

May 25, 1959

Paul F. Royster
23-10 Assistant to the Federal Highway Administrator

Congressional Correspondence

Concerning your memorandum of May 14, subject same as above,
your interpretation is correct, namely that all congressional
correspondence is to be routed to the headquarters office for reply.
However, no further action need be taken in connection with the
communications attached to your memorandum.

Attachments

Control PR 4281

WKurylo:mfc

cc: Singer
Mr. Kurylo
CCUnit
Mr. Woolsey ✓
Project Exam. Div.
Files (2)

Cleared for
Administrator's Correspondence Unit

BUREAU OF PUBLIC ROADS

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Paul F. Royster, Assistant Commissioner
73-10 Washington 25, D. C.

DATE: May 14, 1959

FROM : Mr. J. Niemi, Regional Engineer
0-00.1 Juneau, Alaska

SUBJECT: Congressional Correspondence

There are transmitted copies of a communication, with attachment, from Senator Ernest Gruening and my letter to the Senator.

Inasmuch as Senator Gruening's letter did not constitute an inquiry and required no reply, my letter addressed directly to the Senator was but a courtesy gesture acknowledging his communication. However, in this connection, a question arises as to whether this could possibly be construed as a breach of the instruction contained in the circular memorandum of the Administrator, dated August 28, 1958.

Please advise if we are correct in our literal interpretation of the Administrator's instruction, or if it is the intent that all congressional correspondence -- even when no policy is concerned -- is to be routed to your office for reply.

For your information the "irregularities in the handling of supplies" indicated in the letter to the Senator refers to a situation that has been settled satisfactorily by Region 10.

C
O
P
Y

P. O. Box 1961
Juneau, Alaska

10-00.1

May 12, 1959

Hon. Ernest Gruening
United States Senate
Washington 25, D. C

My dear Senator Gruening:

Receipt is acknowledged of your letter of May 6, 1959 concerning James Simpson of Cantwell.

Mr. Simpson is a Negro who has worked for us for several years as a cook. It is anticipated that he again will be employed during the approaching construction season; however, due to certain irregularities in the handling of supplies, it has been determined inadvisable to employ Mr. Simpson at the Cantwell installation. It is our intention to employ him at one of our camps in McKinley Park.

Our Maintenance Engineer is currently making an inspection of our maintenance installations and at the time that he is at Cantwell, he will advise Mr. Simpson of our decision.

Sincerely yours,

Wm. J. Niemi
Regional Engineer

MWBales:psm

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UNITED STATES SENATE
Committee on
Government Operations

May 6, 1959

Mr. William J. Niemi
Regional Engineer
Bureau of Public Roads
Juneau, Alaska

Dear Bill:

We have received from James Simpson
of Cantwell a letter which speaks for itself.
A copy is enclosed.

I, of course, know nothing of the
circumstances but would appreciate your giving
this matter appropriate attention.

With best wishes, I remain

Cordially yours,

/s/ Ernest Gruening

ERNEST GRUENING

Enclosure

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D
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Y

Cantwell, Alaska
May 2, 1959

Senator Ernest Gruening
United States Senate Building
Washington, D.C.

Dear Mr. Gruening:

I like to bring this to your attention, concerning getting my job here with the Bureau of Public Roads of Cantwell, Alaska.

As I've heard the conversation today between Mr. George Murton and Mr. Ed. Petten, Mr. Norton the general foreman of Bureau of Public Roads of Fairbanks, stated, that Mr. Bill Nemi said for not to encourage the cook at Cantwell to go to work this year. This happens to be, that I'm the only cook here at Cantwell, for the Bureau of Public Roads for the past six years here at Cantwell.

I have a home here at Cantwell, Alaska also too, and live here the year around.

This is believed to come about is that I signed the petition last winter to removed one of the man out of from the Bureau of Public Roads. He was the wearhouse man. I signed the petition, because I was the member of the Alaska Native Brotherhood.

The Alaska Native Brotherhood, did not make any mistake for removing this man out of here. Because he was undesirable for the community.

It will be deeply appreciated if you would contact Mr. Nemi immediately in Juneau, to put me to work.

I have always tried to meet all men on square. Maybe someday I will be worthy to meet the supreme architect.

Sincerely yours

James Simpson
Cantwell, Alaska

THIS MAN IS NOT A NATIVE--HE IS A NEGRO.

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr. + Related Recs, 1955-59
Box 1127

BUREAU OF PUBLIC ROADS

Alaska
A + F - 3
Land - 3-3

10-00 Mr. W. J. Niemi, Regional Engineer
Juneau, Alaska

May 25, 1959

24-40 J. C. Allen, Assistant Commissioner for Administration
Washington, D. C.

Alaska Apportionments

Your memorandum of April 29, 1959, has been reviewed in relation to data set forth in a letter from the Secretary of the Interior dated April 17, 1959. For your information, there is attached a copy of that letter and its attachments.

Your computation of the matching ratio for Alaska as 86.76 based on the total revised area of unappropriated and unreserved land is correct. Also correct is your conclusion that each 5 million acres withdrawn from the vacant lands will decrease the Federal matching ratio 0.67 percent. We have recently had an inquiry as to the effect of reducing the unappropriated and unreserved area in Alaska by 9 million acres and advised it would reduce the matching ratio to 85.56 percent.

Attachments

AM

AMB

Copies Detached

ALMathers/jk

cc: Files (2)
Mr. Kruser
Mr. Beach
Mr. Mathers
Mrs. Riley

AK

air 5-29-59

26-40

Mr. R. R. Hamann, Chief, Administrative Services Division

C. W. Enfield, General Counsel

By (Signed) Joseph Guandolo

26-30

Joseph Guandolo, Assistant General Counsel

Federal Procurement Requirements in Relation to the Alaska Omnibus Bill

Alaska
Leg 1 (NR 7120)
Leg 1 (NR 6091)

May 28, 1959

OTM (GSA)
Fed Procurement Regulations
Equip & Sup 6

In accordance with your request I telephoned Harvey Macomber, General Counsel of GSA with reference to the question raised by the Regional Counsel of GSA pertaining to the application of Federal procurement requirements in the administration of Section 44(b) and 44(c) of the Alaska Omnibus Bill (H.R. 7120). Incidentally, in your memorandum of May 13, 1959, to Mr. Allen and Mr. Allen's memorandum of May 16 to Regional Engineer Niemi bearing on this subject the reference to the pertinent provisions of the Bill are given as Section 40(b) and 40(c). The Bill as finally presented to the House includes the provisions in question as Sections 44(b) and 44(c). As you recall 44(b) relates to direct Federal operations and 44(c) relates to operations of a Federal agency as an agent for the State of Alaska.

Mr. Macomber read to me excerpts from the memorandum of the GSA Regional Counsel. Apparently there is no difference of interpretation of the two provisions of the Omnibus Bill on the part of GSA and Public Roads. The Regional Counsel and the General Counsel of GSA are in agreement that procurement under Section 44(b) would be subject to the usual Federal procurement regulations and requirements and that the Federal agency would be eligible to make requisitions from the Federal Supply List as an eligible Federal agency.

The GSA General Counsel's office is also in agreement that any procurement effectuated by Public Roads as an agent for the State of Alaska under Section 44(c) of the Omnibus Bill would not be subject to Federal procurement regulations and requirements unless, of course, Public Roads should voluntarily determine, with the concurrence of its principal, the State of Alaska, to apply such Federal procurement regulations and requirements as may be feasible. The GSA General Counsel pointed out, however, that for the purpose of procurement under Section 44(c) Public Roads would not be a Federal agency eligible to procure from the Federal Supply List. With this point of view we agreed. As you indicated, it is possible to obviate this limitation in certain circumstances.

GSA, I understand, is presently considering the advisability of recommending an amendment to the Omnibus Bill to make Federal agencies eligible to procure from the Federal Supply List in connection with procurements under Section 44(c) made by the Federal agencies as agents for the State of Alaska.

JGuandolo:mb

cc: Files

Mr. Enfield

Chron

5-29-59

Office Memorandum • BUREAU OF PUBLIC ROADS
UNITED STATES GOVERNMENT

TO : Mr. J. C. Allen, Assistant Commissioner for
24-00 Administration, Washington, D. C.
ATTENTION: Mr. A. L. Mather
FROM : Wm. J. Niemi, Regional Engineer
10-00 Juneau, Alaska *WJN*

DATE: April 29, 1959

SUBJECT: Alaska Apportionments

During a visit to Washington in March, Mr. Mather investigated for Mr. Swick the status of Alaska's land as it relates to the normal Federal-aid apportionment formula. At that time there appeared to be some 21,000,000 "missing" acres.

The attached material was reproduced from a recent news letter from the office of Alaska's Senator Gruening and appears to summarize the material which the Bureau of Land Management had promised Mr. Mather. It appears to account for the lost acreage, largely through an increase in the oil reserves (Northern Alaska Reserve - 25,000,000 acres and N.P.R. No. 4 - 23,000,000 acres) as against a total of 30,000,000 acres previously tabulated. We suspect that the 25,000,000 acres still may be a balancing figure.

Under the revised compilation, we compute the matching ratio to be 271,760,568 (unappropriated and unreserved) plus 4,167,210 (non-taxable Indian) over 375,296,000 (total acreage) times 50% plus 50% or 86.76%, a slight increase over the previous figure of 86.53%.

In this connection, the State over the next 25 years will withdraw from the unappropriated and unreserved public domain some 102,950,000 acres to which it is entitled under the Statehood Act. Current guesses are that about 10,000,000 acres will be immediately withdrawn, with the remainder withdrawn at a rate of perhaps 5,000,000 acres per year. Our computation is that each 5,000,000 acre withdrawal will decrease the Federal matching ratio by 0.67%, and that the total State withdrawal will reduce the ratio from 86.76% to 73.05%.

Any comments you have will be welcomed.

Attachment I
(Excerpt from news letter in trip)

A total of 92,477,206 acres of land, about one-fourth of Alaska's area, has been withdrawn or reserved by federal agencies, Senator Gruening was informed this week by the Interior Department.

Roger Ernst, assistant secretary of the interior, responding to a request made by the senator a month ago, reported that the new tabulation showed 668,898 acres in Alaska patented and 574,928 acres in unperfected land and mineral entries. This left 271,760,568 of vacant lands out of the state's total land area of 365,481,600 acres.

Federal land reserves listed in the tabulation are as follows: Forest service, 20,742,283 acres; Soil Conservation, 6.9 acres; Civil Aeronautics, 91,547 acres; Coast and Geodetic Survey, 118.7 acres; Weather Bureau, 10.3 acres; Bureau of Public Roads, 912.9 acres; Army 192,145 acres, Air Force, 2,030,032 acres, Navy, 35,883 acres; Corps of Engineers civil functions, 489.3 acres; Public Health Service, 637.3 acres; Bureau of Mines, 2.3 acres; Bureau of Land Management classifications and/or in aid of legislation, 1,345,000 acres; recreational and public purpose, 85,500 acres; coal reserves, 33,500 acres; protection of city water supplies, 122,500 acres; powersite reserves and classifications, 214,000 acres; pending in part conveyance to State of Alaska, 582,000 acres; Northern Alaska Reserve, 25,000,000 acres; Bureau of Indian Affairs, 4,167,210.2 acres; Bureau of Reclamation, 4,810 acres; Fish and Wildlife Service, 7,826,387.5 acres; National Park Service, 6,910,484.9 acres; Alaska Railroad, 29,153.3 acres; Naval Petroleum Reserve No. 4, 23,000,000 acres, Bureau of Prisons, 1.1 acres; Coast Guard, 62,586.5 acres; Post Office, 5.1 acres.

Patented land in the state was listed in the inventory under the following headings: cemetery sites, 400 acres; home-sites, 2,800 acres; homestead, 327,644 acres; Matanuska Valley sales, 22,055 acres; mineral, 101,130 acres; mission sites, 4,158 acres; small tracts, 7,219 acres; soldiers' additional homesteads, 6,500 acres; townlots, 2,000 acres; townsites, 3,500 acres; trade and manufacturing sites, 2,400 acres; University of Alaska, 28,488 acres; school sections, 150,000 acres; other, 10,654 acres.

The tabulation reflected the fact that patented land in Alaska has increased to where it now represents 1.8 per cent of the total. The whole land picture in Alaska will be changed drastically in the near future when the state selects from vacant federal lands some 103,000,000 acres awarded under the Statehood Act.

* * *

BUREAU OF PUBLIC ROADS

Alaska

win

Legislative Files

May 22, 1959

26-11

M. Barry Meyer */s/*

Alaska Omnibus Bill - H. R. 6091, Tuesday, May 5, 1959
Hearing before the House Subcommittee on Territorial and Insular
Affairs

The following is a report of the testimony presented by Hugh J. Wade, Secretary of State of Alaska in connection with the above subject.

Mr. Wade testified that in general the position of the State of Alaska on the bill was "no objection". He stated, however, it is their feeling without requesting special or favorable treatment, that those conditions in Alaska which are different from conditions prevailing in other States should be subject to a different approach. He stated that the application of the Federal-aid highway program was extremely important to the State in both its fiscal and developmental aspects. It was noted that at the present time, Alaska suffers from a comparatively roadless condition having only 4,000 miles of roads.

Mr. Wade referred to the origin of the Federal-aid highway program and interpreted the 1921 Act as one designed to improve roads already existing in the States rather than a construction program for new roads. It was his belief that the road program in Alaska has always been under financed and as a result of this neglect, Alaska's position is not comparable to that of the other States as they came under the original Federal-aid highway program.

With respect to H. R. 6091, he felt that there were certain deficiencies in the highway provisions; (1) that even though Alaska is to take over the construction and maintenance of roads, no definite date is set and it would be possible under the bill to postpone the transfer until July 1, 1964; (2) that the change in the apportionment formula to take into account the full area of Alaska without any financial assistance for maintenance would cause too much of a fiscal burden by the State.

The suggestion was made that the formula be revised to take into account only two-thirds of the State's area while the ten percent matching provision be retained in place of the more normal State matching provisions which for Alaska would be 13 percent. In addition, the State should be allowed to use up to 25 percent of its apportionment for maintenance. It was also suggested that it might be well to delete from section 21 of the bill and separately consider the provisions relating to the apportionment of highway funds to Alaska. In response

to the last suggestion, Representative O'Brien, Chairman of the Subcommittee, observed that the deletion as a practical legislative matter might not be feasible and that securing the enactment of two separate measures would be much more difficult than securing passage of one all encompassing measure.

Mr. O'Brien asked whether Alaska would be able to go it alone after five years without further assistance. Mr. Wade answered affirmatively except for the highway program. At the very end of his appearance, he discussed the matter of ferries and stated that they were more of an answer to the transportation needs of southeastern Alaska than road construction.

cc: Files (2) ✓
Mr. Enfield
Mr. May
Chron