

PUBLIC HEALTH SERVICE ACT

SEC. 31. (a) Subsection (f) of section 2 of the Public Health Service Act (42 U.S.C., sec. 201(f)), relating to definition of State, is amended by striking out "Hawaii, Alaska," and inserting in lieu thereof "Hawaii," and by striking out "the District of Columbia, or Alaska" and inserting in lieu thereof "or the District of Columbia".

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 V, sec. 273), is repealed.

(2) Subsection (a) of section 372 of such Act (42 U.S.C., Sup. V, sec. 274(a)), is amended by striking out "the Territory of".

(3) Subsections (b), (c), and (e) of such section are each amended by striking out "the Territory" each time it appears and inserting in lieu thereof "Alaska".

(4) Such subsection (e) is further amended by striking out "the Territory's" and inserting in lieu thereof "Alaska's".

(c)(1) Subsection (a) of section 631 of such Act (42 U.S.C., Sup. V, sec. 291i(a)), relating to definition of allotment percentage for purposes of allotments for construction, is amended by striking out "(excluding Alaska)" and inserting in lieu thereof "(including Alaska)" and by striking out "for Alaska and Hawaii shall be 50 per centum each" in clause (2) and inserting in lieu thereof "for Hawaii shall be 50 per centum".

(2) Subsection (d) of such section, relating to definition of State, is amended by striking out "Alaska,".

SOCIAL SECURITY ACT

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

(b)(1) Subsection (a) of section 524 of the Social Security Act (72 Stat. 1013, 1054), relating to definition of allotment percentage for purposes of allotments for child welfare services, is amended by striking out "50 per centum in the case of Alaska and" in clause (B).

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

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

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

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

(d)(1) Paragraph (1) of section 1101(a) of the Social Security Act (42 U.S.C., Sup. V, sec. 1301(a)(1)), relating to definition of State, is amended by striking out "Alaska, Hawaii," and inserting in lieu thereof "Hawaii".

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

CONGRESSIONAL RECORD

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

FEDERAL REGISTER

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

AIRPORTS

SEC. 35. (a) The Administrator of the Federal Aviation Agency is authorized and directed to transfer to the State of Alaska by appropriate conveyance, and subject to such terms and conditions as he may deem appropriate, all the right, title, and interest of the United States in and to the public airports constructed and operated pursuant to the Act of May 28, 1948, as amended (48 U.S.C., sec. 485 et seq.), including all the land, buildings, structures, facilities, equipment, and other personal property appurtenant thereto and necessary for the operation thereof, except for such property, real or personal, as the Administrator may determine is needed for the performance of functions of the United States in Alaska after such transfer. Such transfer shall be without monetary consideration to the United States.

(b) Notwithstanding any other provisions of this section, any contract entered into by the Federal Aviation Agency in connection with its activities with respect to public airports constructed and operated pursuant to the Act of May 28, 1948, as amended (48 U.S.C., sec. 485 et seq.), which has not been completed by the date of enactment of this Act, may be completed according to the terms thereof.

SELECTIVE SERVICE

Sec. 36. Section 16(b) of the Universal Military Training and Service Act, as amended (50 U.S.C. App., sec. 466(b)), is further amended by striking out the word "Alaska."

REAL PROPERTY TRANSACTIONS

Sec. 37. Section 43(c) of the Act of August 10, 1956 (50 U.S.C. App., Sup. V, sec. 2285(c)), is amended by striking out the word "Alaska."

RECREATIONAL FACILITIES

Sec. 38. Section 2 of the Act of May 4, 1956 (70 Stat. 130), is hereby repealed. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1960, such sums as may be necessary to complete the construction of facilities described in section 1 of such Act, as amended by the Act of August 30, 1957 (71 Stat. 510), if construction was begun prior to June 30, 1959, and to maintain the facilities pending their transfer pursuant to such section.

AIRCRAFT LOAN GUARANTEES

Sec. 39. Section 3 of the Act of September 7, 1957 (71 Stat. 629), is amended by striking out the words "Territory of Alaska" and inserting in lieu thereof the words "State of Alaska".

TRANSITIONAL GRANTS

Sec. 40. (a) In order to assist the State of Alaska in accomplishing an orderly transition from Territorial status to Statehood, and in order to facilitate the assumption by the State of Alaska of responsibilities hitherto performed in Alaska by the Federal Government, there are hereby authorized to be appropriated to the President, for the purpose of making transitional grants to the State of Alaska, the sum of \$10,500,000 for the fiscal year ending June 30, 1960; the sum of \$6,000,000 for each of the fiscal years ending June 30, 1961, and June 30, 1962; and the sum of \$2,500,000 for each of the fiscal years ending June 30, 1963, and June 30, 1964.

(b) The Governor 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, pending the provision of such services or facilities by the State of Alaska. Such interim period shall not extend beyond June 30, 1964. In the event of such request, and in the event of the approval thereof by the President, the President may allocate, at his discretion, to such agency the funds necessary to finance the provision of such services or facilities. Such funds shall be allocated from appropriations made pursuant to subsection (a) hereof, and the amount of such funds shall be deducted from the amount of grants available to the State of Alaska pursuant to such subsection.

(c) After the transfer or conveyance to the State of Alaska of any property or function pursuant to the Act of July 7, 1958 (72 Stat. 339), providing for the admission of the State of Alaska into the Union, or pursuant to this Act or any other law, and until June 30, 1964, the head of the Federal agency having administrative jurisdiction of such property prior to its transfer or conveyance 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 it in Alaska immediately preceding such conveyance or transfer.

TRANSFER OF PROPERTY

Sec. 41. If the President determines that any function performed by the Federal Government in Alaska has been terminated by the Federal Government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may, until July 1, 1964, in his discretion, transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with such function.

CLAIMS COMMISSION

Sec. 42. (a) In the event that any disputes arise between the United States and the State of Alaska concerning the transfer, conveyance, or other disposal of property to the State of Alaska pursuant to section 6(e) of the Act of July 7, 1958 (72 Stat. 339, 340), providing for the admission of the State of Alaska into the Union, or pursuant to this Act, the President is authorized to appoint a temporary commission of three persons to consider, ascertain, adjust, determine, and settle such disputes. In carrying out its duties under this section, such commission may hold such hearings, take such testimony, sit and act at such times and places, and incur such expenditures as the commission deems necessary. Any settlement made by such commission under the authority of this section shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary.

(b) The commission may, without regard to the civil-service laws and the Classification Act of 1949, employ and fix the compensation of such employees as it deems necessary to carry out its duties under this section. The commission is authorized to use the facilities, information, and personnel of the departments, agencies, and establishments of the executive branch of the United States Government which it deems necessary to carry out its duties; and each such department, agency, and instrumentality is authorized to furnish such facilities, information, and personnel to the commission upon request made by the commission. The commission shall reimburse each such department, agency or instrumentality for the services of any personnel utilized.

RG 30, Bar. of Public Roads
E.G.D., Gen. Comm. Related Recs., 1955-59
BOX 1129

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

(d) The President is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section. There are hereby authorized to be appropriated such sums as may be necessary to enable the commission to perform its duties under this section.

EFFECTIVE DATES

SEC. 43. (a) The amendments made by paragraph (2) of subsection (a) of section 18, by subsection (a) of section 28, by paragraph (1) of subsection (c) of section 31, by subsections (a) and (b) of section 32, and, except as provided in subsection (c) of this section, by subsection (b) of section 24, shall be applicable in the case of promulgations of Federal shares, allotment percentages, allotment ratios, and Federal percentages, as the case may be, made after satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska, and for this purpose such promulgations shall, before such data for the full period required by the applicable statutory provision as so amended are available from the Department of Commerce, be based on satisfactory data available from such Department for such one full year or, when such data for a two-year period are available, for such two years.

(b) The amendments made by paragraphs (1) and (3) of subsection (a) of section 18 shall be applicable, in the case of allotments under section 302(b) or 502 of the National Defense Education Act of 1958, for fiscal years beginning July 1, 1959, and, in the case of allotments under section 302(a) of such Act, in the case of allotments based on allotment ratios, promulgated under such section 302(a), to which the amendment made by paragraph (2) of subsection (a) of section 18 of this Act is applicable.

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

(2) The Federal share for Alaska determined under section 11(i) of the Vocational Rehabilitation Act, as amended by

this Act, for the first year for which the amendments made by this Act are applicable to such section shall be increased by 70 per centum of the difference between such Federal share for such year and 60 per centum.

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

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

(e) The amendment made by paragraph (1) of subsection (c) of section 32 shall apply in the case of deaths occurring on or after January 3, 1959.

(f) The amendments made by paragraph (1) of subsection (b) and paragraphs (1), (2), and (3) of subsection (d) of section 18 shall be applicable for fiscal years beginning July 1, 1959.

DEFINITION OF "CONTINENTAL UNITED STATES"

SEC. 44. Whenever the phrase "continental United States" is used in any law of the United States enacted after the date of enactment of this Act, it shall mean the 49 States on the North American continent and the District of Columbia, unless otherwise expressly provided.

SEPARABILITY

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

Enactment of H.R. 7120 is recommended by the Committee on Interior and Insular Affairs.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is

enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF JULY 7, 1958 (72 STAT. 339)

SEC. 4. As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that [all such lands or other property, belonging to the United States or which may belong to said natives] all such lands or other property (including fishing rights), the right or title to which may be held by said natives or is held by the United States in trust for said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation: * * *

* * * SEC. 6. (e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., secs. 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., secs. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: Provided, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety [legislative] calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: * * *

SUGAR ACT (61 STAT. 922), AS AMENDED (7 U.S.C., SUPP. V. SEC. 1101)

SEC. 101. * * * (c) The term "continental United States" means the forty-nine States and the District of Columbia.

SOIL BANK ACT (70 STAT. 188; 7 U.S.C., SUPP. V, SEC. 1837)

SEC. 113. This subtitle B shall apply to the continental United States, except Alaska, and, if the Secretary determines it to be in the national interest, [to one or more of the Territories of Alaska and Hawaii,] to the State of Alaska, the Territory of Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands, and as used in this subtitle B, the term "State" includes [Alaska,] Hawaii, Puerto Rico, and the Virgin Islands.

TITLE 10, UNITED STATES CODE

§ 101. Definitions. In addition to the definitions in sections 1-5 of title 1, the following definitions apply in this title: (1) "United States", in a geographic sense, means the States and the District of Columbia. (2) "Territory" means [Alaska, Hawaii,] Hawaii or any Territory organized after this title is enacted, so long as it remains a Territory. * * *

§ 802. Art. 2. Persons subject to this chapter. The following persons are subject to this chapter: * * *

(11) Subject to any treaty or agreement to which the United States is or may be a party or to any accepted rule of international law, persons serving with, employed by, or accompanying the armed forces outside the United States and outside the following: [that part of Alaska east of longitude 172 degrees west,] the Canal Zone, the main group of the Hawaiian Islands, Puerto Rico, and the Virgin Islands. (12) Subject to any treaty or agreement to which the United States is or may be a party or to any accepted rule of international law, persons within an area leased by or otherwise reserved or acquired for the use of the United States which is under the control of the Secretary concerned and which is outside the United States and outside the following: [that part of Alaska east of longitude 172 degrees west,] the Canal Zone, the main group of the Hawaiian Islands, Puerto Rico, and the Virgin Islands. * * *

§ 2662. Real property transactions: agreement with Armed Services Committee; reports. (a) The Secretary of a military department, or his designee, must come to an agreement with the Committees on Armed Services of the Senate and the House of Representatives before entering into any of the following transactions by or for the use of that department: * * *

(c) This section applies only to real property in the United States, [Alaska,] Hawaii, and Puerto Rico. It does not apply to real property for river and harbor projects or flood-control projects, or to leases of Government-owned real property for agricultural or grazing purposes. * * *

RG 30, Bar. of Public Roads E. G. D., Gen. Comm. Related Recs., 1955-59 BOX 1129

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SECTION 5192 OF THE REVISED STATUTES, AS AMENDED
JULY 1, 1952 (CH. 536, 66 STAT. 314; 12 U.S.C. 144)

Four-fifths of the reserve of 15 per centum which a national bank located [in Alaska or] in a dependency or insular possession or any part of the United States outside of the continental United States, and not a member of the Federal Reserve System, is required to keep, may consist of balances due such bank from associations approved by the Comptroller of the Currency and located in any one of the central reserve or reserve cities as now or hereafter defined by law or designated by the Board of Governors of the Federal Reserve System.

FEDERAL RESERVE ACT (38 STAT. 251) AS AMENDED (12
U.S.C. 221)

Wherever the word "bank" is used in this Act, the word shall be held to include State bank, banking association, and trust company, except where national banks or Federal reserve banks are specifically referred to.

The terms "national bank" and "national banking association" used in this Act shall be held to be synonymous and interchangeable. The term "member bank" shall be held to mean any national bank, State bank, or bank or trust company which has become a member of one of the Federal reserve banks. The term "board" shall be held to mean Board of Governors of the Federal Reserve System; the term "district" shall be held to mean Federal reserve district; the term "reserve bank" shall be held to mean Federal reserve bank [.] ; the term "the continental United States" means the States of the United States and the District of Columbia.

SEC. 19. National banks, or banks organized under local laws, located [in Alaska or] in a dependency or insular possession or any part of the United States outside the continental United States, may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks may with the consent of the Board of Governors of the Federal Reserve System, become member banks of any one of the reserve districts, and shall in that event take stock, maintain reserves, and be subject to all the other provisions of this Act.

FEDERAL HOME LOAN BANK ACT (47 STAT. 725) AS
AMENDED (12 U.S.C. 1422)

SEC. 2. As used in this Act—

- (1) The term "board" means the Home Loan Bank Board.
- (2) The term "Federal Home Loan Bank" means a bank established by the board under authority of this chapter.
- (3) The term "State" includes the District of Columbia, Guam, Puerto Rico, the Virgin Islands of the United States, and the [Territories of Alaska and Hawaii] Territory of Hawaii.

HOME OWNERS' LOAN ACT OF 1933 (48 STAT. 128) AS
AMENDED (12 U.S.C. 1466)

SEC. 7. The provisions of this Act shall apply to the [continental United States, to the Territories of Alaska and Hawaii] continental United States (including Alaska), to the Territory of Hawaii, and to Puerto Rico, Guam and the Virgin Islands.

NATIONAL HOUSING ACT (48 STAT. 1246) AS AMENDED

SEC. 9. The provisions of sections 2 and 8 shall be applicable in the several States and [Alaska,] Hawaii, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

SEC. 201. (d) The term "State" includes the several States, and [Alaska,] Hawaii, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

SEC. 207. (a)(7). The term "State" includes the several States, and [Alaska,] Hawaii, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(c)(2) Not to exceed 90 per centum of the estimated value of the property or project (when the proposed improvements are completed): *Provided*, That except with respect to a mortgage executed by a mortgagor coming within the provisions of subsection (b)(1) of this section or a mortgage on a trailer court or park, such mortgage shall not exceed the amount which the Commissioner estimates will be the cost of the completed physical improvements on the property or project exclusive of public utilities and streets and organization and legal expenses: *And provided further*, That the above limitations in this paragraph shall not apply to mortgages on housing in [the Territory of Alaska] Alaska, or in Guam, * * *

SEC. 214. If the Federal Housing Commissioner finds that, because of higher costs prevailing in [the Territory of Alaska or in Guam] Alaska, Guam, or Hawaii, it is not feasible to construct dwellings on property located in Alaska or in Guam or Hawaii without sacrifice of sound standards of construction, design, or livability within the limitations as to maximum or maxima mortgage amounts provided in this Act, the Commissioner may, by regulations or otherwise, prescribe, with respect to dollar amount, a higher maximum or maxima for the principal obligation of mortgages insured under this Act covering property located in Alaska or in Guam or Hawaii in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof. * * *

SEC. 601. (d) The term "State" includes the several States, and [Alaska,] Hawaii, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

RG 30, Bar. of Public Roads
E. G. D., Gen. Corr. of Related Recs., 1955-59
Box 1129

SEC. 713. (q) "State" shall include the several States and [Alaska,] Hawaii, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

* * * * *
SEC. 801. (g) The term "State" includes the several States, and [Alaska,] Hawaii, Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and Midway Island.

* * * * *
SEC. 806. The second sentence of section 214 of this Act, as amended, relating to housing in the [Territory] State of Alaska, shall not apply to mortgages insured under this title on property in said [Territory] State.

TITLE 14, UNITED STATES CODE

§ 634. Officers holding certain offices.

(a) Any officer, including any petty officer, may be designated by the Commandant as captain of the port or ports or adjacent high seas or waters over which the United States has jurisdiction, as the Commandant deems necessary to facilitate execution of Coast Guard duties.

(b) Commissioned officers may be appointed as United States Commissioners or United States Deputy Marshals in [and for the territory of] Alaska. Any such officer appointed as United States Commissioner in [and for the territory of] Alaska shall not be required to execute a bond for the faithful performance of his official duties as such Commissioner.

SECURITIES ACT OF 1933 (48 STAT. 74) AS AMENDED (15 U.S.C. 77b(6))

SEC. 2. When used in this title, unless the context otherwise requires—

* * * * *
(6) The term "Territory" means [Alaska,] Hawaii, Puerto Rico, Canal Zone, the Virgin Islands, and the insular possessions of the United States.

SECURITIES EXCHANGE ACT OF 1934 (48 STAT. 881) AS AMENDED (15 U.S.C. 78c (a) (16))

SEC. 3. (a) When used in this title, unless the context otherwise requires—

* * * * *
(16) The term "State" means any State of the United States, the District of Columbia, [Alaska,] Hawaii, Puerto Rico, the Canal Zone, the Virgin Islands, or any other possession of the United States.

INVESTMENT ADVISERS ACT OF 1940 (54 STAT. 789) AS AMENDED

SEC. 2. (a) When used in this title, unless the context otherwise requires—

* * * * *
(37) "State" means any State of the United States, the District of Columbia, [Alaska,] Hawaii, Puerto Rico, the Canal Zone, the Virgin Islands, or any other possession of the United States.

* * * * *
SEC. 6. (a) The following investment companies are exempt from the provisions of this title:

(1) Any company organized or otherwise created under the laws of and having its principal office and place of business in [Alaska,] Hawaii, Puerto Rico, the Canal Zone, the Virgin Islands, or any other possession of the United States; but such exemption shall terminate if any security of which such company is the issuer is offered for sale or sold after the effective date of this title, by such company or an underwriter therefor, to a resident of any State other than the State in which such company is organized.

* * * * *
SEC. 202. (a) When used in this title, unless the context otherwise requires—

* * * * *
(18) "State" means any State of the United States, the District of Columbia, [Alaska,] Hawaii, Puerto Rico, the Canal Zone, the Virgin Islands, or any other possession of the United States.

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT (49 STAT. 163) AS AMENDED

SEC. 8. (b) * * * In carrying out the provisions of this section in the continental United States, except in Alaska, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided. * * *

* * * * *
SEC. 17. (a) This Act shall apply to [the United States, the Territories of Alaska and Hawaii] the States, the Territory of Hawaii, and the possessions of Puerto Rico and the Virgin Islands, and, as used in this Act, the term "State" includes [Alaska,] Hawaii, Puerto Rico, and the Virgin Islands.

ACT OF JUNE 8, 1940 (54 STAT. 250; 16 U.S.C. 668)

Whoever, within the United States or any place subject to the jurisdiction thereof, [except the Territory of Alaska,] without being

RG 30, Bur. of Public Roads
E-6 D, Gen. Corr. Related Recs, 1955-59
BOX 1129

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permitted so to do as provided, shall take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, alive or dead, or any part, nest, or egg thereof, shall be fined not more than \$500 or imprisoned not more than six months, or both: *Provided*, That nothing herein shall be construed to prohibit possession or transportation of any such eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to the effective date of this Act, but the proof of such taking shall lie upon the accused in any prosecution under this Act.

ACT OF SEPTEMBER 2, 1937 (50 STAT. 917) AS AMENDED
(16 U.S.C., SUPP. V, SEC. 669g-1)

SEC. 8. (a) The Secretary of the Interior is authorized to cooperate with [the Alaska Game Commission,] the Commissioner of Agriculture and Commerce of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of wildlife-restoration projects, as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to [said Territory of Alaska,] Puerto Rico, Guam, and the Virgin Islands, out of money available for apportionment under this Act, such sums as he shall determine, [not exceeding \$75,000 for Alaska, and] not exceeding \$10,000 each for Puerto Rico, Guam, and the Virgin Islands, in any one year, which apportionments, when made, shall be deducted before making the apportionments to the States provided for by this Act; but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in [the Territory of Alaska,] Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act.

ACT OF AUGUST 9, 1950 (64 STAT. 430) AS AMENDED (16
U.S.C., SUPP. V, SEC. 777k)

SEC. 12. The Secretary of the Interior is authorized to cooperate with [the Alaska Game Commission,] the Commissioner of Agriculture and Commerce of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to [said Territory of Alaska,] Puerto Rico, Guam, and the Virgin Islands, out of money available for apportionment under the Act, such sums as he shall determine, [not exceeding \$75,000 for Alaska, and] not exceeding \$10,000 each for

Puerto Rico, Guam, and the Virgin Islands, in any one year, which apportionments, when made, shall be deducted before making the apportionments to the States provided for by this Act; but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in [the Territory of Alaska,] Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport recreation.

TITLE 18, UNITED STATES CODE

§ 1385. USE OF ARMY AND AIR FORCE AS POSSE COMITATUS.

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both. [This section does not apply in Alaska.]

* * * * *

§ 5024. WHERE APPLICABLE.

This chapter shall apply in the continental United States [other than Alaska] *including Alaska*, and to youth offenders convicted in the District of Columbia of offenses under any law of the United States not applicable exclusively to such District, and to other youth offenders convicted in the District to the extent authorized under section 5025.

ACT OF AUGUST 25, 1958 (72 STAT. 845, 847)

SEC. 6. Sections 3 and 4 of this Act shall apply in the continental United States [other than Alaska] *including Alaska*, and in the District of Columbia so far as they relate to persons charged with or convicted of offenses under any law of the United States not applicable exclusively to the District of Columbia.

NATIONAL DEFENSE EDUCATION ACT OF 1958 (72 Stat. 1580)

SEC. 103. As used in this Act—

(a) The term "State" means a state, [Alaska,] Hawaii, Puerto Rico, the District of Columbia, the Canal Zone, Guam, or the Virgin Islands, except that as used in sections 302 and 502, such term does not include [Alaska,] Hawaii, Puerto Rico, the Canal Zone, Guam, or the Virgin Islands.

* * * * *

RG 30, Bar. of Public Roads
E. G. D., Gen. Corr. 7 Related Recs, 1955-59
BOX 1129

SEC. 302. (a) * * *

(3) For the purposes of this title—

(A) The term "child of school age" means a member of the population between the ages of five and seventeen, both inclusive.

(B) The term "continental United States" [does not include Alaska] includes Alaska.

* * * * *

SEC. 1008. The amounts reserved by the Commissioner under sections 302 and 502 shall be allotted by the Commissioner among [Alaska,] Hawaii, Puerto Rico, the Canal Zone, Guam, and the Virgin Islands, according to their respective needs for the type of assistance furnished under the part or title in which the section appears.

ACT OF FEBRUARY 23, 1917 (39 STAT. 931; 20 U.S.C. 14)

SEC. 4. For the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects and teachers of trade and industrial and home economics subjects, there is annually appropriated for the use of the States the sum of \$1,000,000. Said sum shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including outlying possessions, according to the last preceding United States census. The allotment of funds to any State shall be not less than a minimum of \$10,000 for any fiscal year. And there is appropriated the sum of [\$90,000] \$98,500 annually, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment provided for in this section.

VOCATIONAL EDUCATION ACT OF 1946 (60 STAT. 775)

SEC. 2. As used in this Act—

(1) the term "States and Territories" means the several States, [the Territories of Alaska and Hawaii] the Territory of Hawaii, the island of Puerto Rico, and the District of Columbia;

(2) the terms "State plan" and "State board" shall have the meaning which said terms have in the Smith-Hughes Vocational Education Act; and

(3) the term "Smith-Hughes Vocational Education Act" means the Act approved February 23, 1917 (39 Stat. 929, ch. 114).

* * * * *

SEC. 210. (e) The term "State" includes [Alaska,] Hawaii, the Virgin Islands, Puerto Rico, and the District of Columbia.

* * * * *

SEC. 307. For purposes of this title—

(a) The term "State" includes [Alaska,] Hawaii, the Virgin Islands, Puerto Rico, the District of Columbia, and Guam.

ACT OF SEPTEMBER 23, 1950, AS AMENDED (72 STAT. 548)

SEC. 15. For the purposes of this Act—

* * * * *

(13) The term "State" means a State, [Alaska,] Hawaii, Puerto Rico, Guam, the Virgin Islands, or Wake Island.

ACT OF SEPTEMBER 30, 1950, AS AMENDED (72 STAT. 548)

SEC. 3. (d) The local contribution rate for a local educational agency (other than a local educational agency in [Alaska,] Hawaii, Puerto Rico, Wake Island, Guam, or the Virgin Islands, or in a State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency) for any fiscal year shall be computed by the Commissioner of Education, after consultation with the State educational agency and the local educational agency, in the following manner:

(1) he shall determine which school districts within the State are in his judgment generally comparable to the school district of the agency for which the computation is being made; and * * *. The local contribution rate shall be an amount equal to the quotient obtained under clause (2) of this subsection. * * * In no event shall the local contribution rate for any local educational agency in any State in the continental United States (including Alaska) for any fiscal year be less than (i) 50 per centum of the average per pupil expenditure in such State or (ii) 50 per centum of the average per pupil expenditure in the continental United States, but not to exceed the average per pupil expenditure in the State: Provided, That if, for the fiscal year ending June 30, 1959, the application of clause (ii) of this sentence results in a lower local contribution rate than resulted from the application of such clause during the fiscal year ending June 30, 1958, as such clause was then in effect, then such clause, as in effect during the fiscal year ending June 30, 1958, shall be in effect during the fiscal year ending June 30, 1959. For the purposes of the preceding sentence the "average per pupil expenditure" in a State, or in the continental United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in the State, or in the continental United States (including Alaska), as the case may be (without regard to the sources of funds from which such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding fiscal year. The local contribution rate for any local educational agency in [Alaska,] Hawaii, Puerto Rico, Wake Island, Guam, or the Virgin Islands, or in any State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency, shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will, in his judgment, best effectuate the purposes of this Act and most nearly approximate the policies and principles provided herein for determining local contribution rates in other States.

* * * * *

SEC. 9. For the purposes of this Act—

* * * * *

(8) The term "State" means a State, [Alaska,] Hawaii, Puerto Rico, Wake Island, Guam, or the Virgin Islands.

RG 30, Bur. of Public Roads
E. 6 D, Gen. Corr. 7 Related Recs, 1955-59
BOX 1129

ACT OF FEBRUARY 15, 1927 (44 STAT. 1101; 21 U.S.C., SEC. 149)

SEC. 9. When used in this Act—

(a) The term "person" means an individual, partnership, association, or corporation.

(b) The term "United States" means continental United States, including Alaska.

OPIUM POPPY CONTROL ACT OF 1942 (56 STAT. 1045; 21 U.S.C., SEC. 188k)

SEC. 12. The provisions of this Act shall apply to the several States, the District of Columbia, [the Territory of Alaska,] the Territory of Hawaii, the Canal Zone, Puerto Rico, and the other insular possessions of the United States.

TITLE 23, UNITED STATES CODE

§ 101. DEFINITIONS AND DECLARATION OF POLICY.

(a) As used in this title, unless the context requires otherwise—

The term "State" means any one of the [forty-eight] forty-nine States, the District of Columbia, Hawaii, [Alaska,] or Puerto Rico.

§ 103. FEDERAL-AID SYSTEMS.

[(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this chapter shall be determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.]

§ 104. APPORTIONMENT.

(a) * * *

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system:

One-third in the ratio which the area of each State bears to the total area of all the States [except that only one-third of the area of Alaska shall be included]; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of

the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States [except that only one-third of the area of Alaska shall be included]; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

§ 116. MAINTENANCE.

(a) [Except as provided in subsection (d) of this section, it] It shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

[(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103(f) of this title under the same terms and conditions as for the construction of such roads.]

§ 119. ADMINISTRATION OF FEDERAL AID FOR HIGHWAYS IN ALASKA.

[(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U.S.C., sec. 321a and following).

[(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.]

§ 120. FEDERAL SHARE PAYABLE.

(a) Subject to the provisions of [subsections (d) and (h)] subsection (d) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved

RG 30, Bur. of Public Roads
E. 6 D, Gen. Comm. Related Recs, 1955-59
BOX 1129

public lands and non-taxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

* * * * *

[(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.]

* * * * *

FEDERAL-AID HIGHWAY ACT OF 1956 (70 STAT. 374)

SEC. 107. * * *

[(b) TRANSFER OF FUNCTIONS.—Effective not more than ninety days after the approval of this Act, the functions, duties, and authority pertaining to the construction, repair, and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and heretofore administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U.S.C., sec. 321a and following), are hereby transferred to the Department of Commerce, and thereafter shall be administered by the Secretary of Commerce, or under his direction, by such officer, or officers, as may be designated by him.]

* * * * *

[(d) EFFECTUATION OF TRANSFER.—The Secretary of the Interior and the Secretary of Commerce shall take such steps as may be necessary or appropriate to effect the transfer from the Department of the Interior to the Department of Commerce of the functions, duties, and authority, and the funds and property, as herein provided for.]

ACT OF JANUARY 27, 1905 (33 Stat. 616), AS AMENDED (48 U.S.C., SEC. 322 AND THE FOLLOWING)

[SEC. 2. The Secretary of the Interior, or such officer, or officers as may be designated by him, shall, upon his own motion or upon petition, locate, lay out, construct, and maintain roads, trails, and bridges from any point on the navigable waters of Alaska to and through any town, mining or other industrial camp or settlement, or between and through any such town, camps, or settlements therein, if in his judgment such roads, trails, or bridges are needed and will be of permanent value for the development of Alaska: *Provided*, That within incorporated towns only roads and bridges which are designated by the Secretary of the Interior as part of the through highway system

of the Territory of Alaska may be constructed under this section: *Provided further*, That no roads or bridges within incorporated towns shall be maintained under this section. The Secretary of the Interior, or such officer, or officers, as may be designated by him, shall prepare maps, plans, and specifications of every road or trail he may locate and lay out, and whenever more than \$20,000 in the aggregate, shall have to be expended upon the actual construction of any road or section of road designed to be permanent, contract for the work shall be let by him to the lowest responsible bidder, upon sealed bids, after due notice, under rules and regulations to be prescribed by him. He may reject any bid if he deems the same unreasonably high or if he finds that there is a combination among bidders. In case no responsible and reasonable bid can be secured, then the work may be carried on with material and men procured and hired by him. The Secretary of the Interior, or such officer, or officers, as may be designated by him, shall in all cases supervise the work of construction and see that the same is properly performed. As soon as any road or trail laid out by him has been constructed and completed he, or such officer, or officers as may be designated by him, shall examine the same and make a full and detailed report of the work done on the same, and in such report shall state whether the road or trail has been completed conformably to the maps, plans, and specifications of the same. It shall be the duty of the Secretary of the Interior, or such officer or officers as may be designated by him, as far as practicable, to keep in proper repair all roads and trails constructed under his supervision, and the same rules as to the manner in which the work of repair shall be done, whether by contract or otherwise, shall govern as in the case of the original construction of the road or trail. The cost and expenses of laying out, constructing, and repairing such roads and trails shall be paid by the Secretary of the Treasury, through such officer or officers as may be designated by the Secretary of the Interior, out of the road and trail portion of said "Alaska fund" upon vouchers approved and certified by the Secretary of the Interior. The Secretary of the Treasury shall, at the end of each month, send by mail to the Secretary of the Interior a statement of the amount available of said "Alaska fund" for the construction and repair of roads and trails, and no greater liability for construction or repair shall at any time be incurred by the Secretary of the Interior or such officer or officers as may be designated by him, than the money available therefor at that time in said fund.]

ACT OF JUNE 30, 1932 (47 STAT. 446), AS AMENDED (48 U.S.C., SEC. 321(a) AND THE FOLLOWING)

[From and after the passage of this Act the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska, and upon the Secretary of the Army, as provided for in the Act of January 27, 1905 (ch. 277, sec. 2, 33 Stat. 616), as amended by the Act of May 14, 1906 (ch. 2458, sec. 2, 34 Stat. 192), and Acts supplemental thereto, and amendatory thereof, are hereby transferred to the Department of the Interior, and shall hereafter be administered by the Secretary of the Interior, or under his direction, by such officer, or officers, as may be designated by him.

RG 30, Bur. of Public Roads
 E. G. D., Gen. Comm. Related Recs., 1955-59
 Box 1129

§ SEC. 2. The Secretary of the Interior shall execute or cause to be executed all laws pertaining to the construction and maintenance of roads and trails and other works in Alaska, heretofore administered by said board of road commissioners under the direction of the Secretary of the Army; and all appropriations heretofore made, and now available, or that hereafter may be made, for expenditure by said board for meeting the cost of such work in the Territory of Alaska, are transferred to the Secretary of the Interior, to be thereafter administered in accordance with the provisions of this Act; and the said board is directed to turn over to the Secretary of the Interior all equipment, materials, supplies, papers, maps, and documents, or other property utilized in the exercise of such powers, for the use of the said Secretary in the administration of the construction and maintenance of roads, tramways, ferries, bridges, and trails, and other works in the Territory of Alaska, heretofore administered by said board.

§ SEC. 3. With the approval of the President, the Secretary of the Interior shall have power, by order or regulation, to distribute the duties and authority transferred, and appropriations pertaining thereto, as he may deem proper to accomplish a more economical and effective organization thereof, and to make rules and regulations governing the use of roads, trails, and other works, including the fixing and collection of tolls where deemed necessary and advisable in the public interest.

§ SEC. 4. All estimates of appropriations for the construction and maintenance of roads and trails and other works, as submitted prior to June 30, 1932, by the Secretary of the Army, shall after such date be submitted by the Secretary of the Interior.

§ SEC. 5. In all patents for lands hereafter taken up, entered, or located in the Territory of Alaska, and in all deeds by the United States hereafter conveying any lands to which it may have reacquired title in said Territory not included within the limits of any organized municipality, there shall be expressed that there is reserved, from the lands described in said patent or deed, a right-of-way thereon for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under the authority of the United States or of any State created out of the Territory of Alaska. When a right-of-way reserved under the provisions of this Act is utilized by the United States or under its authority, the head of the agency in charge of such utilization is authorized to determine and make payment for the value of the crops thereon if not harvested by the owner, and for the value of any improvements, or for the cost of removing them to another site, if less than their value.】

INTERNAL REVENUE CODE OF 1954

§ 2202. MISSIONARIES IN FOREIGN SERVICE.

Missionaries duly commissioned and serving under boards of foreign missions of the various religious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service, be deemed nonresidents of the United States, but shall be presumed to be residents of the State, the District of Columbia,

【Alaska】 or Hawaii wherein they respectively resided at the time of their commissioned and their departure for such foreign service.

§ 3121. DEFINITIONS.

(e) STATE, UNITED STATES, AND CITIZEN.—For purposes of this chapter—

(1) STATE.—The term “State” includes 【Alaska,】 Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands.

(2) UNITED STATES.—The term “United States” when used in a geographical sense includes Puerto Rico and the Virgin Islands.

An individual who is a citizen of Puerto Rico (but not otherwise a citizen of the United States) shall be considered, for purposes of this section, as a citizen of the United States.

§ 3306. DEFINITIONS.

(j) STATE.—For purposes of this chapter, the term “State” includes 【Alaska,】 Hawaii, and the District of Columbia.

§ 4221. CERTAIN TAX-FREE SALES.

(d) DEFINITIONS.—For the purposes of this section—

(4) STATE OR LOCAL GOVERNMENT.—The term “State or local government” means any State, 【Alaska,】 Hawaii, the District of Columbia, or any political subdivision of any of the foregoing.

§ 4233. EXEMPTIONS.

(a) ALLOWANCE.—No tax shall be imposed under section 4231 in respect of:

(b) STATE DEFINED.—For purposes of subsection (a), the term “State” includes 【Alaska,】 Hawaii, and the District of Columbia.

§ 4262. DEFINITION OF TAXABLE TRANSPORTATION.

(c) DEFINITIONS.—For purposes of this section—

(1) CONTINENTAL UNITED STATES.—The term “continental United States” means the 【existing 48 States and the】 District of Columbia and the States other than Alaska.

(2) 225-MILE ZONE.—The term “225-mile zone” means that portion of Canada and Mexico which is not more than 225 miles from the nearest point in the continental United States.

§ 4502. DEFINITIONS.

For the purposes of this subchapter—

R630, Bur. of Public Roads
E. G. D., Gen. Contr. Related Recs, 1955-59
Box 1129

(5) UNITED STATES.—The term "United States" shall be deemed to include the States, [the Territories of Hawaii and Alaska] the Territory of Hawaii, the District of Columbia, and Puerto Rico.

§ 4774. TERRITORIAL EXTENT OF LAW.

The provisions of sections 4701 to 4707, inclusive, and sections 4721 to 4776, inclusive, shall apply to the several States, the District of Columbia, [the Territory of Alaska,] the Territory of Hawaii, and the insular possessions of the United States; and, in the case of narcotic drugs, shall also apply to the Trust Territory of the Pacific Islands and to the Canal Zone.

§ 7621. INTERNAL REVENUE DISTRICTS

(a) ESTABLISHMENT AND ALTERATION.—The President shall establish convenient internal revenue districts for the purpose of administering the internal revenue laws. The President may from time to time alter such districts.

(b) BOUNDARIES.—For the purpose mentioned in subsection (a), the President may subdivide any State, Territory, or the District of Columbia, or may unite [two or more States or Territories into one district] into one district two or more States or a Territory and one or more States.

§ 7653. SHIPMENTS FROM THE UNITED STATES.

(d) All customs duties and Federal income taxes derived from Guam, the proceeds of all taxes collected under the internal-revenue laws of the United States on articles produced in Guam and transported to the United States, [its Territories, or possessions] its possessions or the Territory of Hawaii, or consumed in Guam, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of Guam, and all quarantine, passport, immigration, and naturalization fees collected in Guam shall be covered into the treasury of Guam and held in account for the government of Guam, and shall be expended for the benefit and government of Guam in accordance with the annual budgets.

J 7701. DEFINITIONS.

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(9) UNITED STATES.—The term "United States" when used in a geographical sense includes only the States, [the Territories of Alaska and Hawaii] the Territory of Hawaii, and the District of Columbia.

(10) STATE.—The term "State" shall be construed to include the [Territories] Territory of Hawaii and the District of Columbia, where such construction is necessary to carry out provisions of this title.

TITLE 28, UNITED STATES CODE

§ 48. TERMS OF COURT.

Terms or sessions of courts of appeals shall be held annually at the places listed below, and at such other places within the respective circuits as may be designated by rule of court. Each court of appeals may hold special terms at any place within its circuit.

Table with 2 columns: Circuits and Places. Lists courts from District of Columbia to Tenth, with corresponding cities like Washington, Boston, New York, Philadelphia, etc.

Any court of appeals may, with the consent of the Judicial Conference of the United States, pretermitt any regular term or session of the court at any place for insufficient business or other good cause.

§ 81A. ALASKA.

Alaska constitutes one judicial district. Court shall be held at Anchorage, Fairbanks, Juneau, Ketchikan, and Nome.

VOCATIONAL REHABILITATION ACT (41 STAT. 735) AS AMENDED (29 U.S.C. SUPP. V, SECS. 41(g), (h) AND (i)

SEC. 11. For the purposes of this Act—

(g) The term "State" includes [Alaska,] the District of Columbia, Hawaii, the Virgin Islands and Puerto Rico, and Guam.

(h)(1) The "allotment percentage" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States [(excluding Alaska)] (including Alaska), except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33 1/2 per centum, and (B) the allotment percentage for Hawaii shall be 50 per centum, and the allotment percentage for [Alaska,] Puerto Rico, Guam, and the Virgin Islands shall be 75 per centum.

(i) The "Federal share" for any State for any fiscal year (other than the fiscal year ending June 30, 1954) shall be 100 per centum less that percentage which bears the same ratio to 40 per centum as the per capita income of such State bears to the per capita income of the continental United States [(excluding Alaska)] (including Alaska),

RG 30, Bur. of Public Roads
E. G. D., Gen. Contr. Related Recs., 1955-59
Box 1129

except that (A) the Federal share shall in no case be more than 70 per centum or less than 50 per centum, and (B) the Federal share for [Hawaii and Alaska] *Hawaii* shall be 60 per centum, and the Federal share for Puerto Rico, Guam, and the Virgin Islands shall be 70 per centum. * * *

GOLD RESERVE ACT OF 1934 (48 STAT. 337) AS AMENDED (31 U.S.C. 444)

SEC. 15. As used in this Act, the term "United States" means the Government of the United States; the term "the continental United States" means the States of the United States [the District of Columbia, and the Territory of Alaska] and the *District of Columbia*; the term "currency of the United States" means currency which is legal tender in the United States, and includes United States notes, Treasury notes of 1890, gold certificates, silver certificates, Federal Reserve notes, and circulating notes of Federal Reserve banks and national banking associations; and the term "person" means any individual, partnership, association, or corporation, including the Board of Governors of the Federal Reserve System, Federal Reserve banks, and Federal Reserve agents. * * *

SILVER PURCHASE ACT OF 1934 (48 STAT. 1178; 31 U.S.C. 448b)

SEC. 10. As used in this Act—
The term "person" means an individual, partnership, association, or corporation;
The term "the continental United States" means the States of the United States [the District of Columbia and the Territory of Alaska] and the *District of Columbia*.

TITLE 32, UNITED STATES CODE

§ 101. DEFINITIONS.
In addition to the definitions in sections 1-5 of title 1, the following definitions apply in this title:

(1) "Territory" means [Alaska, Hawaii,] *Hawaii* or any Territory organized after this title is enacted, so long as it remains a territory.

FEDERAL WATER POLLUTION CONTROL ACT (62 STAT. 1155) AS AMENDED (33 U.S.C., SUPP. V. SEC. 466)

SEC. 5. (h) (1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States [(excluding Alaska)] (*including Alaska*), except that (A) the Federal share shall in no case be more than 66% per centum or less than 33% per centum, and (B)

the Federal share for Hawaii [and Alaska] shall be 50 per centum, and for Puerto Rico and the Virgin Islands shall be 66% per centum.

SEC. 11. When used in this Act—

(d) The term "State" means a State, the District of Columbia, Hawaii, [Alaska,] Puerto Rico, or the Virgin Islands.

TITLE 38, UNITED STATES CODE

§ 903. DEATH IN VETERANS' ADMINISTRATION FACILITY.

(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under authority of section 610 or 611(a) of this title, the Administrator shall pay the actual cost (not to exceed \$250) of the burial and funeral.

(b) In addition to the foregoing, when such a death occurs in the continental United States (*including Alaska*), the Administrator shall transport the body to the place of burial in the *continental* United States [the District of Columbia, and the Territory of Alaska] or to the place of burial within Alaska if the deceased was a resident of Alaska who had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care] (*including Alaska*). Where such a death occurs in a Territory, a Commonwealth, or a possession of the United States, the Administrator shall transport the body to the place of burial within such Territory, Commonwealth, or possession.

(c) Within the limits prescribed in subsection (a), the Administrator may make contracts for burial and funeral services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration.

§ 2007. DEFINITIONS.

When used in this subchapter—

(a) The term "Korean conflict veteran" means any person who has served in the active service in the Armed Forces at any time on or after June 27, 1950, and before February 1, 1955, and who has been discharged or released from such active service under conditions other than dishonorable after continuous service of ninety days or more, or more, or by reason of an actual service-incurred injury or disability.

(b) The term "unemployment compensation" means the money payments to individuals with respect to their unemployment.

(c) The term "State" includes Hawaii, [Alaska,] Puerto Rico, the Virgin Islands, and the District of Columbia.

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 (63 STAT. 378; 40 U.S.C. SECS. 472(f) AND 522(a))

SEC. 3. (f) The term "foreign excess property" means any excess property located outside the continental United States [the District of Columbia, Hawaii, and the Virgin Islands].

REG 30, Bar of Public Roads
E. W. D., Gen Comm Related Res, 1955-59
Box 1129

Alaska,] (including Alaska), Hawaii, Puerto Rico, and the Virgin Islands.

SEC. 702. As used in this title—

(a) The term "State" means each of the several States of the United States and the [Territories of Alaska and Hawaii] Territory of Hawaii.

PUBLIC HEALTH SERVICE ACT (58 STAT. 682) AS AMENDED (42 U.S.C. SECS. 201, 273, 274, AND 291)

SEC. 2. When used in this Act—

(f) The term "State" means a State or the District of Columbia, [Hawaii, Alaska,] Hawaii, Puerto Rico, or the Virgin Islands, except that as used in section 361(d) such term means a State[, the District of Columbia or Alaska.] or the District of Columbia.

[SEC. 371. (a) There are authorized to be appropriated the following sums to be available to the Surgeon General of the Public Health Service for the purpose of making grants to the Territory of Alaska to assist it to carry out plans, submitted by the Governor of the Territory or his designee and approved by the Surgeon General, for an integrated mental health program for the Territory, including outpatient and inpatient care and treatment: For each of the fiscal years ending June 30, 1958, and June 30, 1959, the sum of \$1,000,000; for each of the fiscal years ending June 30, 1960, and June 30, 1961, the sum of \$800,000; for each of the fiscal years ending June 30, 1962, and June 30, 1963, the sum of \$600,000; for each of the fiscal years ending June 30, 1964, and June 30, 1965, the sum of \$400,000; and for each of the years ending June 30, 1966, and June 30, 1967, the sum of \$200,000.

[(b) The Surgeon General shall, prior to the beginning of each calendar quarter or such shorter period as the Surgeon General may find necessary, estimate the cost of carrying out the approved plan, on the basis of estimates furnished by the Territory, including estimates of the amount of contractual obligations for hospitalization, and on the basis of such further investigations as he may find necessary. From the amounts appropriated for any fiscal year, the Surgeon General shall pay to the Territory the amount requested by it but not to exceed the amount so estimated by the Surgeon General for each such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this section) by which he finds that the amount paid for any prior period was greater or less than the amount which should have been paid. The amount of any balance of payments made to the Territory under this section and remaining unobligated on July 1, 1967, shall be repaid to the Treasury of the United States.

[(c) Whenever the Surgeon General finds, after affording opportunity for hearing, that the Territory has failed to comply substantially with any provisions of the approved plan, he shall notify the Governor that no further payments will be made under this section (or that further payments will not be made for parts of the plan affected by

such failure) until he is satisfied that there will no longer be any such failure.

[(d) For the purpose of facilitating the administration of the Territory's mental health program, the Surgeon General is authorized to enter into arrangements with the Territorial government to provide for the care and treatment, in hospitals operated by the Service, of patients requiring hospitalization. Such arrangements shall be subject to the availability of suitable facilities therefor and shall provide for charges to the Territorial government in amounts determined by the Surgeon General which shall be sufficient to cover the full cost of such care and treatment. Upon payment by the Territory the amount of such charges shall be credited to the appropriation from which such costs were incurred: Provided, That, during the period of grants under this section, payment may be effected by deductions from the amount of such grants otherwise payable to the Territory, with such deduction to be credited to the appropriations from which such costs were incurred.]

SEC. 372. (a) There is hereby authorized to be appropriated an amount not exceeding the total sum of \$6,500,000, to remain available until expended, to enable the Surgeon General to make payments to [the Territory of] Alaska as the total contribution of the Federal Government to be used in defraying the cost of construction of hospital and other facilities in Alaska needed for the carrying out of a comprehensive mental health program.

(b) Such facilities shall be scheduled for construction in accordance with a comprehensive construction program, developed by [the Territory] Alaska in consultation with the Public Health Service and approved by the Surgeon General. Projects shall be constructed in accordance with such approved program and in accordance with plans and specifications for the project approved by the Surgeon General.

(c) Upon certification by [the Territory] Alaska, based upon inspection by it, that work has been performed upon a project, or purchases have been made in accordance with approved plans and specifications, and that payment of the installment is due, the Surgeon General shall certify such installment for payment: Provided however, That the Surgeon General may cause the project to be inspected at any time, and if such inspection indicates that the project is not being constructed in accordance with approved plans and specifications, he may, after notice and affording opportunity for hearing, withhold further payment until he finds that adequate corrective measures have been taken.

(e) If, within twenty years from the date of completion of construction, any hospital or other medical facility constructed with the aid of grants under this section shall cease to be a publicly owned facility operated for the care or treatment of patients under [the Territory's] Alaska's mental health program, the United States shall be entitled to recover from [the Territory] Alaska the then value of the hospital or other medical facility, reduced, however, proportionately, to the extent to which [the Territory] Alaska may have contributed to the cost of construction thereof.

RG 30, Bar. of Public Roads
E. G. D., Gen. Corr. & Related Recs., 1955-59
Box 1129

SEC. 631. For the purposes of this title—

(a) the allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States [(excluding Alaska)] (including Alaska), except that (1) the allotment percentage shall in no case be more than 75 per centum or less than 33 1/2 per centum, and (2) the allotment percentage [for Alaska and Hawaii shall be 50 per centum each] for Hawaii shall be 50 per centum, and the allotment percentage for Puerto Rico, Guam, and the Virgin Islands shall be 75 per centum; * * *

(d) the term "State" includes [Alaska,] Hawaii, Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

SOCIAL SECURITY ACT (49 STAT. 620) AS AMENDED

SEC. 202.(i) * * * In the case of any individual who died outside the [forty-eight] forty-nine States and the District of Columbia after December 1956 while he was performing service, as a member of a uniformed service, to which the provisions of section 210(m)(1) are applicable, and who is returned to any of such States, or the District of Columbia, or to any Territory of possession of the United States, for interment or reinterment, the provisions of the third sentence of this subsection shall not prevent payment to any person under the second sentence of this subsection if application for a lump-sum death payment with respect to such deceased individual is filed by or on behalf of such person (whether or not legally competent) prior to the expiration of two years after the date of such interment or reinterment.

SEC. 210. (h) The term "State" includes [Alaska,] Hawaii, the District of Columbia, and the Virgin Islands; and on and after the effective date specified in section 219 such term includes Puerto Rico.

(i) The term "United States" when used in a geographical sense means the States, [Alaska,] Hawaii, the District of Columbia, and the Virgin Islands; and on and after the effective date specified in section 219 such term includes Puerto Rico.

SEC. 524. (a) The "allotment percentage" for any State shall be 100 per centum less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States [(excluding Alaska)] (including Alaska); except that (A) the allotment percentage shall in no case be less than 30 per centum or more than 70 per centum, and (B) the allotment percentage shall be [50 per centum in the case of Alaska and] 70 per centum in the case of Puerto Rico, the Virgin Islands, and Guam.

(b) For the fiscal year ending June 30, 1960, and each year thereafter, the "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the

continental United States [(excluding Alaska)] (including Alaska), except that (1) in no case shall the Federal share be less than 33 1/2 per centum or more than 66 2/3 per centum, and (2) the Federal share shall be [50 per centum in the case of Alaska and] 66 2/3 per centum in the case of Puerto Rico, the Virgin Islands, and Guam. For the fiscal year ending June 30, 1959, the Federal share shall be determined pursuant to the provisions of section 521 as in effect prior to the enactment of the Social Security Amendments of 1958.

(c) The Federal share and the allotment percentage for each State shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average per capita income of each State and of the continental United States [(excluding Alaska)] (including Alaska) for the three most recent calendar years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: Provided, That the Secretary shall promulgate such Federal shares and allotment percentages as soon as possible after the enactment of the Social Security Amendments of 1958, which promulgation shall be conclusive for each of the 3 fiscal years in the period ending June 30, 1961.

SEC. 1101. (a) When used in this Act—

(1) The term "State" includes [Alaska, Hawaii,] Hawaii and the District of Columbia, and when used in titles I, IV, V, VII, X, and XIV of this Act includes Puerto Rico, the Virgin Islands, and Guam.

(2) The term "United States" when used in a geographical sense means the States, [Alaska,] Hawaii, and the District of Columbia.

(8)(A) The "Federal percentage" for any State (other than Puerto Rico, the Virgin Islands, and Guam) shall be 100 per centum less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the square of the per capita income of such State bears to the square of the per capita income of the continental United States [(excluding Alaska)] (including Alaska); except that (i) the Federal percentage shall in no case be less than 50 per centum or more than 65 per centum, and (ii) the Federal percentage shall be 50 per centum for [Alaska and] Hawaii.

(B) The Federal percentage for each State (other than Puerto Rico, the Virgin Islands, and Guam) shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average per capita income of each State and of the continental United States [(excluding Alaska)] (including Alaska) for the three most recent calendar years for which satisfactory data are available from the Department of Commerce. * * *

ACT OF JANUARY 12, 1895 (28 STAT. 617) AS AMENDED (44 U.S.C., SUPP. V, SEC. 183)

SEC. 73. The Public Printer shall furnish the Congressional Record as follows and shall furnish gratuitously no others in addition thereto:

RA 30, Bar. of Public Roads
E. G. D., Gen. Comm. Related Recs., 1955-59
BOX 1129

To the offices of the Governors of [Alaska,] Hawaii, Puerto Rico, Guam, and the Virgin Islands, each, five copies in both daily and bound form.

FEDERAL REGISTER ACT (49 STAT. 500; 44 U.S.C., SEC. 308)

SEC. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States [(not including Alaska)] (*including Alaska*), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

UNIVERSAL MILITARY TRAINING AND SERVICE ACT, AS AMENDED (62 STAT. 624; 50 U.S.C. APP., SEC. 466(b))

SEC. 16. (b) The term "United States", when used in a geographical sense, shall be deemed to mean the several States, the District of Columbia, [Alaska,] Hawaii, Puerto Rico, the Virgin Islands, and Guam.

ACT OF AUGUST 10, 1956 (70 A STAT. 636; 50 U.S.C. APP., SUPP. V, SEC. 2285(c))

SEC. 43. (c) This section applies only to real property in the United States, [Alaska,] Hawaii, and Puerto Rico. It does not apply to real property for river and harbor projects or flood-control projects, or to leases of Government-owned real property for agricultural or grazing purposes.

ACT OF MAY 4, 1956 (70 STAT. 130)

The Secretary of the Interior, as an aid in the settlement and development of the Territory of Alaska, for a period of five years after the approval of this Act, is authorized to construct campgrounds and parking areas, including necessary access roads thereto, and other public recreation-area facilities in Alaska and to maintain them pending their transfer to appropriate Territorial agencies and communities: * * *

[SEC. 2. There is hereby authorized to be appropriated the sum of \$100,000 per year for each of the fiscal years ending June 30, 1957, June 30, 1958, June 30, 1959, June 30, 1960, and June 30, 1961.]

ACT OF SEPTEMBER 7, 1957 (71 STAT. 629)

SEC. 3. The Board is hereby authorized to guarantee any lender against loss of principal or interest on any aircraft purchase loan made by such lender to any air carrier holding a certificate of public convenience and necessity issued by the Board (a) designated therein to be for local or feeder air service, or (b) providing for operations wholly within the Territory of Hawaii, or (c) providing for operations (the major portion of which are conducted either within Alaska or between Alaska and the United States) within the [Territory] State of Alaska (including service between Alaska and the United States, and between Alaska and adjacent Canadian territory), or (d) providing for operations within the Commonwealth of Puerto Rico (including service to the Virgin Islands and the Dominican Republic), or (e) providing for operations between Florida and the British West Indies (including service to Cuba), or (f) for the purpose of authorizing metropolitan helicopter service. Such guaranty shall be made in such form, on such terms and conditions, and pursuant to such regulations, as the Board deems necessary and which are not inconsistent with the provisions of this Act.

DEFENSE BASE ACT, AS AMENDED (55 STAT. 622; 42 U.S.C. 1651 AND THE FOLLOWING)

SEC. 1. (a) Except as herein modified, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as amended, shall apply in respect to the injury or death of any employee engaged in any employment—

(1) at any military, air, or naval base acquired after January 1, 1940, by the United States from any foreign government; or

(2) upon any lands occupied or used by the United States for military or naval purposes in any Territory or possession outside the continental United States (including [Alaska;] the Philippine Islands; the United States Naval Operating Base, Guantanamo Bay, Cuba; and the Canal Zone); or

(3) upon any public work in any Territory or possession outside the continental United States (including [Alaska;] the Philippine Islands; the United States Naval Operating Base, Guantanamo Bay, Cuba; and the Canal Zone), if such employee is engaged in employment at such place under the contract of a contractor (or any subcontractor or subordinate subcontractor with respect to the contract of such contractor) with the United States; but nothing in this paragraph shall be construed to apply to any employee of such a contractor or subcontractor who is engaged exclusively in furnishing materials or supplies under his contract;

* * * * *
 (6) outside the continental United States [or in Alaska or the Canal Zone] by an American employer providing welfare or similar services for the benefit of the Armed Forces pursuant to appropriate authorization by the Secretary of Defense.

(b) As used in this section—

* * * * *

R630, Bur. of Public Roads
 E. G. D., Gen. Contr. Related Recs., 1955-59
 BOX 1129

(3) the term "war activities" includes activities directly relating to military operations [.];

(4) the term "continental United States" means the States and the District of Columbia.

ACT OF MARCH 3, 1891 (26 STAT. 1093), AS AMENDED (16 U.S.C. 607)

In the States of *Alaska*, Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, New Mexico, and Arizona, [and the Territory of Alaska,] and the gold and silver regions of Nevada, California, Oregon, Washington, and Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State [or Territory] by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain. * * *

WAR HAZARDS COMPENSATION ACT, AS AMENDED (56 STAT. 1028; 42 U.S.C. 1701 AND THE FOLLOWING)

SEC. 101. (a) In case of injury or death resulting from injury—

(1) * * *

(2) to any person engaged by the United States under a contract for his personal services outside the continental United States [or in Alaska or the Canal Zone]; or

(3) to any person employed outside the continental United States [or in Alaska or the Canal Zone] as a civilian employee paid from nonappropriated funds administered by the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Ship's Store Ashore, Navy exchanges, Marine Corps exchanges, officers' and noncommissioned officers' open messes, enlisted men's clubs, service clubs, special service activities, or any other instrumentality of the United States under the jurisdiction of the Department of Defense and conducted for the mental, physical, and morale improvement of personnel of the Department of Defense and their dependents; or

(4) * * *

(5) to any person employed or otherwise engaged for personal services outside the continental United States [or in Alaska or the Canal Zone] by an American employer providing welfare or similar services for the benefit of the Armed Forces pursuant to appropriate authorization by the Secretary of Defense.

* * * * *

SEC. 104. * * *
(c) *The provisions of this section shall not apply with respect to benefits on account of any injury or death occurring within any State.*

SEC. 105. * * *
(f) *the term "continental United States" means the States and the District of Columbia.*

TITLE III OF THE ACT OF MARCH 3, 1933 (47 STAT. 1520; 41 U.S.C. 10c)

SEC. 1. When used in this title—

(a) The term "United States", when used in a geographical sense, includes the United States and any place subject to the jurisdiction thereof;

(b) The terms "public use", "public building", and "public work" shall mean use by, public building of, and public work of, the United States, the District of Columbia, Hawaii, [Alaska,] Puerto Rico, American Samoa, the Canal Zone, and the Virgin Islands.

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RG 30, Bur. of Public Roads
E. G. D., Gen. Comm. Related Recs., 1955-59
BOX 1129

BUREAU OF PUBLIC ROADS

Mr. H. E. Cunningham, Western Counsel
San Francisco, California

October 6, 1959

C. W. Enfield, General Counsel HENRY B. KREVER

26-21

By:

H. H. Krevor, Assistant General Counsel
Conveyance of Valdez Property to Alaska pursuant to Alaska
Omnibus Act

Reference is made to your memorandum of September 11, together with Chronology and Analysis, relative to certain properties in Valdez, to which Alaska has requested conveyance of the fee. You referred to the requested areas as Block 100 and Lots 1 to 8 of Block 96.

We note your statement that the conveyance of the fee underlying the housing leasehold should be given expeditious consideration in view of Alaska's need for development of this land for a State mental institution.

You also advised that the aforesaid Block 100 and Lots 1 to 8 of Block 96 were not included in the inventory of property attached to the quitclaim deed of June 30, 1959, for the reason that from the incomplete record then available, it did not appear that there were any property interests to be conveyed under the Alaska Omnibus Act. Lots 1 to 8 of Block 96 were transferred to Alaska as this land is listed on page 20 of Schedule C ("Unimproved Real Property"), attached to the deed. Since the State is interested in securing conveyance of lots 1 to 25, inclusive, of Block 100, as set forth in Senate Bill 2702, copy attached herewith, the following comments should be construed as applying only to that property.

Upon consideration of the material submitted by you, we agree with your conclusion that the underlying fee to Block 100 is vested in the United States. If there is no request for this land by any Federal agency in accordance with the terms of the quitclaim deed of June 30, 1959, we intend to effect conveyance by supplemental deed to Alaska under the Alaska Omnibus Act, in which event there will be no necessity for the proposed legislation. If a Federal need is indicated, however, special legislation, such as S. 2702, will become necessary.

We are requesting Mr. Niemi to include Block 100 in the inventory and to advise the Department of Agriculture (Forest Service), the Department of the Interior (Bureau of Land Management) and any other Federal agency which has inspected the inventory, of the existence of Block 100, Lots 1 to 25, inclusive in Federal ownership.

ADGoldstein:dlc

cc: Mr. O'Donoghue ✓

Mr. Enfield

Chron

Lands

PF

ADG

Files (2)

Mr. Niemi

BUREAU OF PUBLIC ROADS

Mr. W. J. Niemi, Regional Engineer
Juneau, Alaska

October 6, 1959

G. W. Enfield, General Counsel

26-21

Dyr

Henry H. Krevor

H. H. Krevor, Assistant General Counsel
Conveyance of Valdez Property to Alaska pursuant to Alaska
Omnibus Act

Reference is made to Mr. Cunningham's memorandum of September 11 requesting review and opinion of the title situation with regard to Lots 1 to 25, inclusive, Block 100, which were included in the inventory of "Real Property Retained by the Bureau of Public Roads" in connection with the quitclaim deed, dated June 30, 1959, to the State of Alaska.

Your memorandum of September 14 advised that the Department of Agriculture (Forest Service) and the Department of the Interior (Bureau of Land Management) have inspected the inventory of the real property transferred to the State. Please include in such inventory Lots 1 to 25, inclusive, of Block 100, and advise Agriculture, Interior and any other Federal agency that has inspected the inventory of the existence of these lands in Federal ownership.

We are attaching herewith copy of our memorandum of October 6 to Mr. Cunningham together with copy of Senate Bill No. 2702.

Attachment

ADGoldstein:dle

cc: Mr. O'Donoghue ✓

Mr. Enfield

Chron

Lands

PP

ADG

Files (2)

H. Cunningham

BUREAU OF PUBLIC ROADS

X

Mr. Frank Turner

September 28, 1959

Sherwood K. Booth S. K. Booth

26-21

Conveyance of Valdez Property (Block 100, Lots 1 through 25, inclusive) to Alaska

The lands referred to in Senate Bill 2702 providing for conveyance to the State of Alaska were not included in our deed of June 30, 1959, to Alaska but were retained by the Bureau of Public Roads.

These lands were not conveyed for the reason that there were certain unresolved title questions. Upon a full consideration of the background of this matter, Mr. Harry Cunningham recommends that the requested lands be conveyed to Alaska under the Alaska Omnibus Act.

Our certain deed of June 30, 1959, to Alaska provides for notice to be published by any Federal agency in the Federal Register within 120 days following June 30 that the property is needed for continued retention in Federal ownership. Pursuant to our notice in the Federal Register of July 25 providing for the publication procedure to be followed by Federal agencies, the cutoff date for such publication is October 25, 1959. We are in no position to effect a conveyance of subject lands to Alaska until we are advised as to whether or not they will be requested by any Federal agency.

If there is no request for the land by any Federal agency, we would be able to effect conveyance to the State of Alaska. If these lands should be desired by another Federal agency, the proposed legislation would then become necessary.

AKGoldstein:dlc

cc: Mr. W. J. Nieri
Mr. H. E. Cunningham
Mr. W. H. O'Donoghue
Mr. C. H. Infield
Chron
Lands
SH
Files (2)
ADG

26-00 Mr. C. W. Infield, General Counsel
Washington, D. C.

September 11, 1959

26-40 H. E. Cunningham, Western Counsel
San Francisco, California

Conveyance of Valdez Property to Alaska Under the Omnibus Act

The attached chronology and analysis relative to certain properties in Valdez concerns (1) validity of the reconveyance back to Valdez in 1952, of all except Block 100 and Lots 1-8 of Block 96, formerly deeded by Valdez to the United States, and (2) request of Alaska for conveyance of the fee in the aforesaid Block 100 and Lots 1-8 of Block 96 under the Omnibus Act.

During the development of the inventory of property to be conveyed to Alaska under Section 21(a) of the Omnibus Act, the aforesaid Block 100 and Lots 1-8 of Block 96 were not included as from the incomplete record then available it did not appear that there were any property interests to be conveyed under said Act. The complete record has since been furnished to this office for legal review, which is the basis for this referral of the several questions to your office for such further action as may be necessary. We are also forwarding our entire file which you may retain.

The Office of the State Attorney General in Juneau, Alaska, has recently called several times to advise of the State's special interest in receiving title to the fee underlying the leasehold involving the housing project. The State has determined that such area and housing is vitally needed in connection with a State mental institution, and it has consummated negotiations with the holders of the leasehold interest as to purchase of such interests, including the housing on said property. Mr. Dave Free, First Assistant Attorney General, has a duplicate set of records for legal analysis on the State's part along the lines of the attached chronology and analysis, and he informally indicated his view that the Bureau of Public Roads had jurisdiction over the fee underlying the housing leasehold, such having been acquired by BPR through Section 107 of the 1956 Act when BPR assumed all properties, liabilities, and authorities formerly vested in the Alaska Road Commission.

Similar to other properties received from the Alaska Road Commission, the subject interests of the United States (fee underlying the housing leasehold) having been "owned, held, administered by, or used" in connection with the activities of the Bureau of Public Roads in Alaska should be eligible for conveyance to Alaska under Section 21(a) now that it may be determined that the United States has such fee title. Said Section 21(a) did not require that all

properties that were to be conveyed to Alaska thereunder should be accomplished in one package. As you know, there was inadvertently omitted from the inventory a section of road that will have to be conveyed by a supplemental deed. It seems reasonable that such supplemental deed could also include a conveyance of the fee underlying the housing leasehold interest.

The validity of the reconveyance to the town of Valdez is a separate and independent matter and appears to have no bearing on the housing matter. Accordingly, the aforesaid conveyance of the fee underlying the housing leasehold ought to be considered for expedited action so as to facilitate the State in proceeding with the development of the State mental institution which is understood to have high priority in Alaska Statehood.

Your review and opinion is respectfully requested. Mr. Niemi has been furnished with copies of this for his information.

Attachments

cc: Mr. Wm. J. Niemi

VALDEZ PROPERTY - CHRONOLOGY AND ANALYSIS

On August 15, 1933, an ordinance for the transfer of title to the United States of America of certain tracts of real estate described in said ordinance for the construction of an aviation field, known as Ordinance No. 134, was duly passed by the Common Council of the town of Valdez. Thereafter, in September, a special election was held for the purpose of having the qualified voters of the town approve or disapprove of said Ordinance No. 134. Pursuant to the said ordinance, which was approved by the voters, a grant, bargain and sale deed was duly executed by the Mayor and Town Clerk and duly attested, conveying certain real property therein described to the United States for the purpose of building an aviation field on said property. A further consideration was stated that the United States of America would appropriate a sum of money in whatever amount was duly authorized for the building of said aviation field. These considerations and conditions were named in the granting clause of said deed. However, the habendum clause purported to convey an absolute fee without any conditions named therein.

At the time the negotiations for this deed were in process, and at the time of delivery of the deed, there appears to have been no compliance with Title 40, U. S. Code Annotated, Section 255, which requires that an opinion of the Attorney General be had before any consideration is given for a deed or before Federal funds are expended on the improvement of real property.

Mr. J. I. Noble, Acting Chief, Operations Division, Alaska Road Commission, Juneau, Alaska, states in his letter of August 31, 1950, to Mr. Adrian Wilson in Los Angeles, as follows: "The above ordinance and deed are dated during 1933. Inquiry reveals that the landing field was constructed by the Government and utilized for many years." Accordingly, and in view of the expenditure of funds and continued use by the Government for some years of the property conveyed by said deed, an acceptance by the United States of the 1933 conveyance of said property may be implied.

Mr. Noble further pointed out in his letter of August 31, 1950, that some time prior to that date the main highway entering the town of Valdez was rerouted in such a way as to cut the airfield short so that the field was abandoned for all practical aviation purposes. In view of this termination of use as an aviation field, the Common Council of the town of Valdez, on May 29, 1951, addressed a memorandum to the Alaska Road Commission requesting a reconveyance of all of the property conveyed to the United States by the deed of 1933. This request was made pursuant to the conditions named or set forth in the granting clause of the 1933 deed.

Thereafter, under date of February 5, 1952, the Commissioner of Roads for Alaska executed a simple grant, bargain and sale deed conveying to the town of Valdez as grantee all of the real property described in

the 1933 deed from the town of Valdez to the United States, excepting therefrom and thereout certain parcels, all of Block 100 and Lots 1-8 in Block 96, to be retained in the United States.

This conveyance may be of doubtful validity, as such, without some showing of authority under law for the official and agency involved to make such conveyance, see *U. S. v. City and County of San Francisco*, District Court of California, 1953, 112 Fed. Suppl. 451. Title 40, Section 484 of the United States Code, enacted in 1949, which relates to all property of the United States except the public domain, National forests, National parks, or as otherwise provided by law, sets forth the procedures for the care and handling of surplus property through the General Services Administration, or when so determined by the Administrator, by the executive agency in possession thereof, or by any other executive agency consenting thereto. Subparagraph (d) of said section provides a deed, bill of sale, lease, or other instrument executed by or on behalf of any executive agency purporting to transfer title or any other interests in surplus property under this subchapter shall be conclusive evidence of compliance with the provisions of this subchapter insofar as concerns title or other interests of any bona fide grantee or transferee for value and without notice of lack of such compliance.

The deed executed by the Commissioner of Roads for Alaska, dated February 5, 1952, apparently was executed and delivered without taking into consideration the disposal of surplus property under the above mentioned sections. However, it was an attempt to comply with the conditions set forth in the granting clause of the 1933 deed from the town to the United States, and such conveyance in 1952 has since been relied upon by various parties as having accomplished that purpose. Also it would appear in the interests of all parties concerned to give effect to the transfers hereinabove discussed, and it would only be just and equitable that the property described in the deed dated February 5, 1952, be considered as now vested in the town of Valdez, State of Alaska; that some form of confirmation of these acts be had regardless of failure to comply with procedural requirements.

The purpose of such confirmation would be to quiet title in the town of Valdez for all purposes and lay to rest any potential future suits involving the title to the real properties involved. It is suggested that this might be accomplished by review by the Attorney General's Office of the United States, followed by an opinion to be published by the Attorney General and brought to the attention of all interested parties in order that the title may be quieted, or in the alternative, if the Attorney General cannot give an opinion validating the title in the town of Valdez, that effect be given to the respective conveyances through the medium of a special bill before the Congress of the United States, confirming title to the property in question in the town of Valdez for all purposes.

In 1950, while title to the said property still remained in the United States under the aforementioned conveyance from the town of Valdez, the Alaska Road Commission negotiated with a financing agency and the FHA to lease certain property to private interests for the purpose of relieving the acute housing shortage in the area, said lease to run for a period of 75 years at a rental of \$25 a year. At that time inquiry was made to Mr. Irving Silverman, General Counsel, Office of Territories, United States Department of Interior, Washington, D. C., concerning authority of the Alaska Road Commission to execute such a lease. The Office of Territories replied that there was no express authority for leasing ARC property but requested a description of the property concerned, full details concerning the lease, and justification therefor. There followed a period of correspondence and coordination between the Department of Interior, the Alaska Road Commission, and the Federal Housing Administration to arrive at a form of lease that would be acceptable to FHA if FHA was to participate in any way in the financing of the construction of housing units or apartments.

These agencies arrived at a form of lease mutually acceptable, and in June 1951, the Arco Investment Company entered into negotiations to make use of the proposed form of lease, amended to fit the new circumstances, which amendments were cleared by the Alaska Road Commission, the Federal Housing Administration, and the Office of Territories. As a result of this lease, the Arco Investment Company obtained financing underwritten by the Federal National Mortgage Association, and the leasehold interest they obtained was insured by the Kansas City Title Company.

A further question concerning the basic authority of the Commissioner of Roads to execute such a contract was brought up in about November 1952, at which time the Commissioner of Roads for Alaska pointed out that the authority was contained in Section 50 of Secretarial Order No. 2509, published by the Department of Interior under the subject, Delegations of Authority General. Said Section 50 provides, among other things, that the head of a bureau may enter into contracts for construction, supplies, or services in conformity with applicable regulations Secretarial approval is not a condition precedent to the consummation of such a contract unless the Secretary, by written order published in the Federal Register, specifically prescribed such a requirement with respect to a particular contract or type of contract Subsection (g) of said Section 50 provides, among other matters, as used in this section the term "bureau" means the Alaska Railroad, the Alaska Road Commission, etc. Based upon this apparent authority and the coordination at the Washington level between the Department of Interior and the Federal Housing Administration, the Alaska Road Commission executed a lease to Arco Investment Company, and it was apparently done to accomplish the relief of the housing shortage in the Valdez area.

Subsequently, the Arco Investment Company failed and, in 1955, the Federal Housing Administration acquired all the interests of the Arco Investment Company in and to the improvements and the remaining leasehold interest through foreclosure proceedings. The interest of the Federal Housing Administration was subsequently acquired by a group of ten citizens of the town of Valdez. Such private interests are now represented by Harbor View, Inc. (It is not clear whether the ten citizens referred to are the incorporators of Harbor View, Inc.)

It would seem that whether the lease executed by the Alaska Road Commission to the Arco Investment Company was within the authority quoted or not, the fact that the FHA relied upon it and acquired an interest in the improvements on the said property through the execution proceedings and then subsequently sold those interests, purportedly including the remainder of the leasehold interest, to private parties, those private parties have acquired a legal interest in the property and should be entitled to rely upon Section 484 of Title 40 of the U. S. Code hereinbefore quoted.

From the foregoing, the underlying fee in any event would remain in the United States, and any interest in the private parties would be the remaining term of the leasehold and the improvements thereon.

It is understood that the State of Alaska has need of this property for use as a mental hospital and has already negotiated with Harbor View, Inc. for the purchase of its interests, it being understood that said purchase is contingent upon acquisition by the State of clear title to the property.

It is, therefore, essential that the underlying fee presently in the name of the United States be conveyed to the State of Alaska to complete the transfer of all outstanding interests in and to said property. This transfer may be accomplished within the terms of the Alaska Omnibus Act (Public Law 86-70, June 25, 1959).

The properties can be considered as related to the highway program in Alaska because at the time of the original transfer from the town of Valdez to the United States it is understood that the ARC had planned the expansion of its maintenance and equipment depot and setting up a division office on the subject property. In addition, the Alaska Road Commission made use of the property for the construction of an airfield. Some of this property is still being used by people engaged in highway work in the area.

These properties were acquired by the Bureau of Public Roads under the provisions of Section 107 of the 1956 Federal-Aid Highway Act when the functions of the ARC pertaining to the construction, repair and maintenance

of roads, tramways, ferries, bridges, trails, and other works in Alaska were transferred to the Bureau.

These properties were omitted from the inventory of real properties transferred to the State of Alaska in June 1959, as it was not then determined that the Government had a property interest therein for transfer to Alaska. In addition, there was also inadvertently omitted from said inventory a certain road that should have been included in said transfer, which must be transferred in a supplemental conveyance. It would seem that the conveyance of the fee underlying the leasehold interest could properly be included in such a supplemental conveyance from the Secretary of Commerce to the State of Alaska under the provisions of the Alaska Omnibus Act. ~~Section 21 or Section 45, quoted in part as follows:~~

"Sec. 21. (a) The Secretary of Commerce shall transfer to the State of Alaska by appropriate conveyance without compensation all lands or interests in lands, including buildings and fixtures pertaining to roads in Alaska, which are owned, held, administered by, or used by the Secretary in connection with the activities of the Bureau of Public Roads in Alaska, (i) except such lands or interests in lands, including buildings and fixtures, as the Secretary may determine are needed for the operations, activities, and functions of the Bureau of Public Roads in Alaska after such transfer, including services or functions performed pursuant to section 44 of this Act; and (ii) except such lands or interests in lands as he or the head of any other Federal agency may determine are needed for continued retention in Federal ownership for purposes other than or in addition to road purposes."

"Sec. 45. (a) If the President determines that any function performed by the Federal Government in Alaska has been terminated or curtailed by the Federal Government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may, until July 1, 1964, in his discretion, transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with such function, the assumption of which function is pursuant to this Act or the Act of July 7, 1958 (72 Stat. 339)."

This conveyance seems to fall within the provisions of Section 21 rather than Section 45. It is to be noted that Section 21 did not require that all of the interests of the United States in properties owned, held, administered by, or used by the Bureau of Public Roads be transferred to the State of Alaska in one all-inclusive conveyance but that such transfers evidently could be made in several conveyances.

BUREAU OF PUBLIC ROADS

Mr. C. W. Sheffield, General Counsel

August 7, 1959

Arthur S. Galststein

21-21

Conveyance to Alaska Pursuant to Alaska Conveyance Act

I should like to report on this subject as follows:

1. Regional Engineer advised by memorandum of July 9, 1959, that the listing of the road from Craig to Elsie-100 924 was inadvertently omitted from the road system described in Schedule A, Highway, part of Conveyance Act to State of Alaska. A supplementary deed to include such road will eventually be required.
2. Regional Engineer also advised by memo memorandum that Route 100-924 had been incorrectly described by reference to "Chilkat" River instead of to "Chilkoot" River. By memorandum of July 9, Regional Engineer advised that there are both Chilkat and Chilkoot rivers in close geographic proximity. This must be taken care of by corrected deed.
3. Notice re conveyance of property to Alaska appeared in the issue of Federal Register of July 25. From that date through August 7, no issue of the Federal Register has contained a notice by any Federal agency of a road for property transferred to Alaska.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED DATE 08-11-2010 BY 60322 UCBAW

Mr. W. H. O'Donoghue ✓

Chmn

ASD

Asst

IF

Files (2)

TO: Mr. J. C. Allen
FROM: R. R. Hamann
SUBJECT: Comments on Proposed Omnibus Bill

I believe that there is at least one point lacking in the bill that should be covered. That is, a statement as to whether or not all transfers of property to Alaska will require reimbursement to the Federal Government. A definite statement of this fact is required in documents covering the transfer of property. For those instances in which the Bureau has erected facilities on land under the custody of another Government agency, I propose that we transfer the Bureau owned facility and let Alaska arrange for the continuance of a permit or the transfer of the land. These instances I understand are limited to our asphalt storage tank farms and temporary camps on public domain lands. Further investigation will be needed to determine the extent of these holdings.

My comments on general procedures involving this division follows. We are preparing the internal procedures for gathering all information and mechanics basic to the transfer of property to Alaska. These procedures will be sent to you for comment.

A. Real Property

The bulk of the real property in Alaska was inherited from the Alaska Road Commission. None of the deeds or titles are held in the Bureau's Washington office. Consequently, before any conveyance documents can be prepared, the deeds and titles must be located and examined. Generally, most deeds and titles contain the specific metes and bounds of the land. Complete descriptions of structures must be

April 13, 1959

obtained from Region 10. After this has been completed our inventory records of real property must be balanced with the general ledger, and any discrepancies must be resolved. We will then determine, with Region 10, those facilities which will be required for the Bureau's new role in Alaska. Separate transfer documents should be prepared for each facility.

Since the transfer of the real property will be authorized by special legislation the provisions of GSA regulations will not be applicable. However I would like to recommend that instead of preparing in each instance a long narrative description of the property, SF 118-a, b, and c be used. This form, titled "Report of Excess Real Property", could be used as a descriptive document of transfer with a few alterations. Any existing ~~deeds~~^{deeds} and titles would be attached to these documents.

B. Non-expendable Personal Property

I would suggest that when preparing an inventory of non-expendable personal property that we include all non-expandable components, such as: snow plow blades, diesel motor starters, etc. The inventory would be prepared for each location separately. Serial numbers of equipment would be used when available. Any differences between inventories and accounts would be covered by disposal documents. After determining which items will be retained by the Bureau, the listing, prepared by location, would be attached to the real property documents for the location. Again, I would like to suggest the use with some modifications, of an existing document, CD-50, "Report of Transfer of Property".

Mr. J. C. Allen

- 2 -

April 13, 1959

C. Expendable Personal Property

After determining the items necessary for the Bureau's continued operation, all supplies, parts, materials, etc. would be transferred at their "bookvalue". The inventory record cards would support the transfer. Again, I would like to suggest the use of form CD-50. These forms would be attached to the real property and non-expendable personal property documents for the location. Thus, we would provide a complete package for each installation.

RG30, Bur. of Public Roads
E. G. D., Gen. Corr. + Related Recs, 1955-59
Box 1129

BUREAU OF PUBLIC ROADS

Mr. J. C. Allen
Office of Administration

Office Memorandum • UNITED STATES GOVERNMENT

TO : Assistant Commissioners

DATE March 16, 1959

FROM : G. W. Enfield, General Counsel
26-00SUBJECT: Tentative outline plan of procedure to implement the proposed
Omnibus Act for Alaska

Attached is a tentative outline plan of procedure, which we have developed with the assistance of Messrs. Cunningham and Swick, for the purpose of listing the pertinent points of law involved and the steps to be taken by the Bureau, assuming that the proposed Alaska Omnibus Act is enacted. You have previously been furnished a copy of the draft Omnibus bill and sectional analysis which is presently under consideration by the Bureau of the Budget. You will recall that personnel problems are to be the subject of separate legislation, and provisions relative to the matter are not included in the Omnibus bill.

Assuming that the draft Omnibus bill is enacted, it will be necessary for the Bureau to transfer to Alaska on or before July 1, 1959, all real and personal property presently under its jurisdiction, except that needed to carry out its basic field responsibilities. This will necessitate the preparation of conveyance instruments and the establishment of accounting and administrative procedures with respect to Federal-aid work carried on subsequent to that date. The attached preliminary outline is intended as a ready-reference working tool as a basis for a plan of operation to accomplish the objectives of the proposed Omnibus Act.

Section 20 (a) of the proposed bill provides for the transfer of property to the State of Alaska, except such properties "as the Secretary may determine are needed for the operation of the field offices of the Bureau of Public Roads in Alaska after July 1, 1959." To make absolutely sure this section would be interpreted to mean that the operation of the field offices of the Bureau of Public Roads would be deemed to include the performance of functions in behalf of the State pursuant to section 33 of the proposed bill, consideration is now being given to a proposed amendment which would revise the last two lines of section 20 (a) to read: "for the operations, activities, and functions of the Bureau of Public Roads in Alaska after July 1, 1959, including services or functions performed pursuant to section 33 of this Act."

While the draft bill may be changed with respect to the July 1, 1959, date and in other various respects before introduction or enactment, I believe it would be helpful, in order to keep abreast of the situation, to have the benefit of your comments or suggested changes you may recommend with respect to the attached draft. Upon receipt of such suggestions, we shall proceed to prepare a revised statement which will be distributed for Bureau use.

Attachment

Preliminary Draft
March 16, 1959

OUTLINE OF PROCEDURE

(Assuming Enactment of the Alaska Omnibus Act)

SPECIAL POINTS OF LAW

Sections 107(b) and (d) of the 1956 Act repealed.

Authority to construct and maintain ferries, tramways and other public works inherited from the Alaska Road Commission will end.

Section 20(a) Omnibus Bill.

This is a mandate for BPR to divest itself, on or before July 1, 1959, of all property, real and personal, by transfer to the State of Alaska except that needed to carry out the field activities and responsibilities of BPR, i. e., Forest highway program and road work in National Parks and Monuments, also for administration of the Federal-aid program. *w/o records?*

Section 20(b) Omnibus Bill.

BPR may complete existing contracts.

Section 20(c) Omnibus Bill.

State to be responsible for maintenance of everything transferred under Section 20(a). Note: Acceptance of the things transferred and assumption of this responsibility on the part of Alaska are essential factors. No power to enforce such responsibility once assumed and subsequent failure to carry out. However, the maintenance of Federal-aid roads constructed in Alaska will be enforceable under title 23 U.S.C.

Section 20(c)(2) Omnibus Bill.

Unobligated Federal-aid funds authorized for fiscal year 1960 and earlier fiscal years may be used for maintenance until their lapse date.

Section 33(a) Omnibus Bill.

Transitional grants authorized without specification as to use: \$10,500,000 for fiscal year 1960; \$6,000,000 for each of the fiscal years 1961 and 1962; \$2,500,000 for each of the fiscal years 1963 and 1964.

Section 33(b) Omnibus Bill.

Governor may submit to President a request for Federal agency to continue to provide services or facilities until such are provided

by Alaska but not to extend beyond June 30, 1964. President may allocate necessary funds to such Federal agency from transitional grants.

Section 33(c) Omnibus Bill.

After transfer of property, and until June 30, 1964, Federal agency having prior jurisdiction may contract with State to perform, on reimbursable basis, prior functions performed in connection with such property.

Section 34 Omnibus Bill.

President may, until July 1, 1964, transfer any property to Alaska where function is terminated by Federal agency and same function will be assumed by Alaska.

SECTIONAL ANALYSIS

Section 20. All real and personal property now held by BPR, except that needed by BPR to continue its usual Federal functions as elsewhere in the States, to be transferred to Alaska. Alaska to share in Federal aid on same basis as other States, and be responsible for road maintenance.

Section 33(a) Transitional Grants. Not to be earmarked and to be available as a general supplement to the financial resources of the State. Estimated total for the grants based on "making available to Alaska funds equivalent to the \$4,000,000 a year the Federal Government would have spent on road maintenance in 1960, 1961 and 1962."

Section 33(b). Federal agency may continue to provide services, upon request of Governor. Funds to come from transitional grant.

Section 33(c). Federal agency which has transferred property pursuant to Statehood Act or Omnibus Bill may contract with Alaska for continued performance by such agency of prior functions.

Section 34. President may give (transfer) property of United States to Alaska for function taken over by the State.

*State =
w/o remainder?*

PROCEDURAL STEPS

A. BPR to prepare inventory of all property, real and personal, now owned or administered by it in Alaska, subdivided according to (1) property required for BPR to continue its usual Federal functions, and

(2) all other property. This inventory shall be in the following general detail:

a. General description of all road locations by route identification, terminal points, towns, local road or street names, pertinent topographical features, lengths.

b. Specific description (metes and bounds) of all properties occupied by buildings, equipment depots, field offices (temporary or otherwise), storage sites such as tank farms, etc., and the property interest therein held by the Government.

c. Specific listing of all equipment, parts, supplies, materials, office furniture, ^{not} business machines, and all other personal property of whatever kind and wherever situate. (Parts and supplies at a particular location may be grouped with a reference to local inventory records and given an over-all dollar value).

d. A special listing, not to be included in the transfer document, should be made of property or equipment which, because of special use or conditions, must be disposed of by means other than transfer to Alaska (i.e. storage tanks situated on a military reservation and supplied through a Government pipeline).

e. Expressly identify any encumbrances, liens, or other limitations affecting the title to any property transferred to Alaska.

B. Prepare an appropriate form of conveyance covering all of the foregoing properties that are to be transferred to Alaska, and provide for acceptance thereof in behalf of the State. This document should be all inclusive and supported by such detailed listings together with appropriate references to maps or other exhibits as to cover fully all transferred property. Early action on matters covered in this paragraph and in the preceding one is imperative even while the Bill is being considered.

C. EPR could operate under either Section 33(b) or Section 33(c) in performing services for the State at its request. The principal difference between the two as concerns EPR is that operations under 33(b) would be paid for from the transitional grant, with Public Roads performing the services directly. Under Section 33(c), these services would be performed by Public Roads on a reimbursable basis under a contractual arrangement with Alaska. Development of fiscal procedures and the establishment of accounts necessary to administer operations under either of these subsections will require further detailed study.

D. EPR under 33(c) could only provide services in connection with properties it had transferred to Alaska prior to July 1, 1959.

Under 33(b), however, NPR could continue to provide services or facilities payable from transitional funds without regard to property transferred.

E. As to contracts for construction, NPR could either (1) award the contract and make payments thereunder from funds made available to it by Alaska, or (2) prepare the contract for award by Alaska and thereafter NPR to supervise the work until completion with the State making payments to the contractors. The latter arrangement would be similar to that between NPR and the National Park Service relative to Park Roads and Parkways.

F. NPR is now furnishing services from some of its equipment depots and other facilities to other Federal agencies. Arrangements should be made with Alaska to continue such services as may be desirable.

G. Arrangements should be made for use by Alaska of sources of material on Federal lands now available to NPR.

H. As presently drafted, the bill would not be construed as applying the existing matching formula to the Federal-aid funds already apportioned for the fiscal year 1960. As it is intended that the existing matching requirements would be retained with respect to the 1960 funds, the Bureau of the Budget is giving consideration to a proposed amendment which would accomplish this objective.

I. As to maintenance, Alaska no doubt will want to preserve presently apportioned funds as long as possible for such purpose. Unobligated funds as of January 31, 1959, amounted to \$22,398,977. Of this total fiscal year 1960 funds amounted to \$13,829,881. Including ten-percent matching funds, these totals would become \$24,638,875 and \$15,212,869 respectively. All fiscal year 1960 funds must be obligated before June 30, 1962. Actually three to four years of maintenance funds, from 15 to 20 million dollars, could thus be placed under project agreement if administratively advisable and acceptable. However, this would impair the construction program until fiscal year 1961 funds became available.

Transitional grants would total 27.5 million dollars beginning with fiscal year 1960 through fiscal year 1964. The Sectional Analysis referred to 4 million dollars a year in 1960, 1961, and 1962 from transitional grants for maintenance, which would total 12 million dollars. If, however, fiscal year 1960 funds are set aside for maintenance, the aforesaid 12 million dollars of transitional grants could be used for administrative purposes and conceivably could be used to match fiscal year 1961 and subsequent fiscal year apportionments during the stated period.

PLAN OF OPERATION

1. NPR to transfer to Alaska all property and interests in property not needed by NPR to continue its usual Federal functions. It is particularly important to include those properties previously administered by the former Alaska Road Commission which will not be a part of the Federal-aid highway program such as tramways, trails and other public works including airplane landing fields (usually referred to as bush landing fields).

- a. Requires initially a complete inventory.
- b. Form of conveyance to be drafted by NPR in cooperation with Alaska.
- c. Certain properties that cannot effectively be transferred and utilized by Alaska will be disposed of prior to July 1, 1959, such as petroleum tanks on military reservation fed by military pipeline.

2. NPR will arrange with Federal agencies concerned for substitution of parties or issuance of new permits to Alaska in such matters as rights to remove road material from designated sites on public lands, and highway and related occupancy of railroad properties.

3. At Alaska's request, NPR may continue or may perform certain services under Section 33(c) in the design, construction or maintenance of Federal-aid highways, or maintenance of other improvements in the Federal-aid highway systems. Note: Some of these services will consist of general pro rata expenses of a group of NPR employees below the top administrative level usually considered as a part of the required organizational setup of a satisfactorily operating highway department, hence are nonparticipating for Federal-aid reimbursement. Such expenses will exclude normal NPR administrative setup to administer the Federal-aid program generally.

4. Alaska may arrange to advance to NPR sufficient funds in trust to pay for services performed under paragraph 3 above, to be used as a drawing account. This advance will come from transitional funds made available by the President to Alaska, or from other Alaska funds. Forgoing arrangement is deemed preferable than for direct grants from President to NPR.

5. NPR will render to Alaska an accounting, job by job, of the costs of the requested services together with a periodic (monthly) statement of disbursements made from the trust fund.