

Alaska Omnibus Act

Public Law 86-70
86th Congress, H. R. 7120
June 25, 1959
(73 Stat. 141)

Editor's notes. — Sections 4-20, 22, 24-34, 36-43, 47, and 48 of this act have not been set out in this pamphlet since they simply amend other federal law to conform to the admission of Alaska into the Union. For subject matter of the omitted sections, see the editor's note following § 57.

AN ACT TO AMEND CERTAIN LAWS OF THE UNITED STATES IN LIGHT OF THE ADMISSION OF THE STATE OF ALASKA INTO THE UNION, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alaska Omnibus Act".

FEDERAL JURISDICTION

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

(b) Section 6(e) of said Act is amended by striking out the word "legislative" and inserting in lieu thereof the word "calendar".

TERMINATION OF APPLICATION OF CERTAIN FEDERAL LAWS

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

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

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

Secs. 4-20. [Omitted].

Editor's notes. — For subject matter of omitted sections, see editor's note following § 57 of this act.

HIGHWAYS

~~SEC. 21.~~ (a) The Secretary of Commerce shall transfer to the State of Alaska by appropriate conveyance without compensation, but upon such terms and conditions as he may deem desirable, all lands or interests in lands, including buildings and fixtures, all personal property, including machinery, office equipment, and supplies, and all records 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, personal property, including machinery, office equipment, and supplies, and records 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.

(b) Notwithstanding any other provision of this section, any contract entered into by the Federal Government in connection with the activities of the Bureau of Public Roads in Alaska which has not been completed on the date of the transfer provided under subsection (a) hereof may be completed according to the terms thereof.

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

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

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

- (1) Title 23, United States Code, section 103(f);
- (2) Title 23, United States Code, section 116(d);
- (3) Title 23, United States Code, section 119;

(4) Title 23, United States Code, section 120(h), except that the portion of the first sentence thereof relating to the percentage of funds to be contributed by Alaska shall continue to apply to funds apportioned to Alaska for fiscal year 1960 and prior fiscal years;

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

(6) Section 2 of the Act of January 27, 1905 (33 Stat. 616), as amended (48 U.S.C. 322 and the following); and

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

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

(1) The definition of the term "State" in title 23, United States Code, section 101(a), is amended to read as follows:

"The term 'State' means any one of the forty-nine States, the District of Columbia, Hawaii, or Puerto Rico.";

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

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

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

(f) Notwithstanding the limitation contained in subsection (f) of section 120 of title 23, United States Code,⁷⁸ the Secretary of Commerce is authorized to make expenditures from the emergency fund under section 125 of such title for the repair or reconstruction of highways on the Federal-aid highway systems of Alaska which have been damaged or destroyed by the 1964 earthquake and subsequent seismic waves, in accordance with the Federal share payable under subsection (a) of section 120 of such title. The increase in expenditures resulting from the difference between the Federal share authorized by this subsection and that authorized by subsection (f) of section 120 of such title shall be reimbursed to the emergency fund by an appropriation from the general fund of the Treasury; *Provided*, That such increase in expenditures shall not exceed \$15,000,000 in the aggregate. (Amended August 19 1964, P.L. 88-451 § 3, 78 Stat. 505)

Sec. 22. [Omitted].

Editor's notes. — For subject matter of omitted section, see editor's note following § 57 of this act.

COURTS

SEC. 23. (a) The Judicial Conference of the United States, with the assistance of the Administrative Office of the United States Courts, shall conduct a study, including a field survey, of the Federal judicial business arising in the State of Alaska with a view toward directing the United States Court of Appeals for the Ninth Circuit to hold such terms of court in Anchorage or such other Alaskan cities as may be necessary for the prompt and efficient administration of justice.

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

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

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

Secs. 24-34. [Omitted].

Editor's notes. — For subject matter of omitted sections, see editor's note following § 57 of this act.

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. 485 and the following), 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. 485 and the following), which has not been completed by the date of enactment of this Act, may be completed according to the terms thereof.

Secs. 36-43. [Omitted].

Editor's notes. — For subject matter of omitted sections, see editor's note following § 57 of this act.

TRANSITIONAL GRANTS

SEC. 44. (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; the sum of \$3,000,000 for each of the fiscal years ending June 30, 1963, and June 30, 1964; and the sum of \$23,500,000 for the period ending June 30, 1966.

(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, 1966. 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, 1966, 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. (Amended May 27 1964, P.L. 88-311, 78 Stat. 201)

TRANSFER OF PROPERTY

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, 1966, 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).

(b) Structures and improvements of block 32 of the city of Juneau granted to the State of Alaska by section 6(c) of the Act providing for the admission of Alaska into the Union (72 Stat. 339, 340), shall include all furnishings and equipment in the structure known as the Governor's mansion, or used in the operation or maintenance thereof. (Amended May 27 1964, P.L. 88-311, 78 Stat. 201)

NOTES TO DECISIONS

Cited in Alaska, Dep't of Pub. Works v. Agli, 472 F. Supp. 70 (D. Alas. 1979).

CLAIMS COMMISSION

SEC. 46. (a) In the event that any disputes arise between the United States and the State of Alaska prior to January 1, 1965, 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 (1) to appoint by and with the advice and consent of the Senate a temporary commission of three persons, to consider, ascertain, adjust, determine, and settle such disputes, and (2) to make such rules and regulations as may be necessary to establish such temporary commission or as may be necessary to terminate such temporary commission at the conclusion of its duties. 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. No commission shall be appointed under authority of this subsection after June 30, 1965.

(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. The commission may establish such procedures, rules, and regulations as may be necessary to carry out its duties under this section.

(c) No member of such commission shall be an officer or employee of the United States or of the State of Alaska. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. 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) There are hereby authorized to be appropriated such sums as may be necessary to enable the commission to perform its duties under this section.

Secs. 47-48. [Omitted].

Editor's notes. — For subject matter of omitted sections, see editor's note following § 57 of this act.

OTHER SUBJECTS

SEC. 49. The amendment by this Act of certain statutes by deleting therefrom specific references to Alaska or such phrases as "Territory of Alaska" shall not be construed to affect the applicability or inapplicability in or to Alaska of other statutes not so amended.

SEPARABILITY

SEC. 50. 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.

NEW FEDERAL LOAN ADJUSTMENTS

SEC. 51. (a) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower's indebtedness under programs administered by the Farmers Home Administration in Alaska as he finds necessary because of loss resulting from the 1964 earthquake and subsequent seismic waves, and he may refinance

outstanding indebtedness of applicants in Alaska for loans under section 502 of the Housing Act of 1949 for the repair, reconstruction, or replacement of dwellings or farm buildings lost, destroyed, or damaged by such causes and securing such outstanding indebtedness. Such loans may also provide for the purchase of building sites, when the original sites cannot be utilized.

(b) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower's indebtedness under programs administered by the Rural Electrification Administration in Alaska as he finds necessary because of loss, destruction, or damage of property resulting from the 1964 earthquake and subsequent seismic waves. (Added August 19 1964, P.L. 88-451 § 4, 78 Stat. 505)

SEC. 52. The Secretary of Housing and Urban Development is authorized to compromise or release such portion of any note or other obligation held by him with respect to property in Alaska pursuant to title II of the Housing Amendments of 1955 or included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, as he finds necessary because of loss, destruction, or damage to facilities securing such obligations by the 1964 earthquake and subsequent seismic waves. (Added August 19 1964, P.L. 88-451 § 4, 78 Stat. 505; am May 25 1967, P.L. 90-19 § 15, 81 Stat. 24)

URBAN RENEWAL

SEC. 53. The Secretary of Housing and Urban Development is authorized to enter into contracts for grants not exceeding \$25,000,000 for urban renewal projects in Alaska, including open land projects, under section 111 of the Housing Act of 1949, which he determines will aid the communities in which they are located in reconstruction and redevelopment made necessary by the 1964 earthquake and subsequent seismic waves. Such authorization shall be in addition to and separate from any grant authorization contained in section 103(b) of said Act.

The Secretary may increase the capital grant for a project assisted under this section to not more than 90 per centum of net project cost where he determines that a major portion of the project area has either been rendered unusable as a result of the 1964 earthquake and subsequent seismic waves or is needed in order adequately to provide, in accordance with the urban renewal plan for the project, new locations for persons, businesses, and facilities displaced by the earthquake." (Added August 19 1964, P.L. 88-451 § 4, 78 Stat. 505; am May 25 1967, P.L. 90-19 § 15, 81 Stat. 24)

EXTENSION OF TERM OF HOME DISASTER LOANS

SEC. 54. Loans made pursuant to paragraph (1) of section 7(b) of the Small Business Act (72 Stat. 387), as amended (15 U.S.C. 636(b)), for the purpose of replacing, reconstructing, or repairing dwellings in Alaska damaged or destroyed by the 1964 earthquake and subsequent seismic waves, may have a maturity of up to thirty years: *Provided*, That the provisions of section 7(c) of said Act shall not be applicable to such loans. (Added August 19 1964, P.L. 88-451 § 4, 78 Stat. 505)

MODIFICATION OF CIVIL WORKS PROJECTS

SEC. 55. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to make such modifications to previously authorized civil works projects in Alaska adversely affected by the 1964 earthquake and subsequent seismic waves as he finds necessary to meet changed conditions and to provide for current and reasonably prospective requirements of the communities they serve, at an estimated cost of \$10,000,000. (Added August 19 1964, P.L. 88-451 § 4, 78 Stat. 505)

PURCHASE OF ALASKA STATE BONDS

SEC. 56. The Secretary of Housing and Urban Development is authorized to purchase, in accordance with the provisions of sections 202(b), 203, and 204 of title II of the Housing Amendments of 1955, the securities and obligations of, or make loans to, the State of Alaska to finance any part of the programs needed to carry out the reconstruction activities in Alaska related to the 1964 earthquake and subsequent seismic waves or to complete capital improvements begun prior to the earthquake: *Provided*, That the aggregate amount of such purchase or loan shall not exceed \$25,000,000. (Added August 19 1964, P.L. 88-451 § 4, 75 Stat. 505; am May 25 1967, P.L. 90-19 § 15, 81 Stat. 24)

RETIREMENT OR ADJUSTMENT OF OUTSTANDING MORTGAGE OBLIGATION

"SEC. 57. For the purpose of enabling the State of Alaska to retire or adjust outstanding home mortgage obligations or other real property liens secured by one to four family homes which were severely damaged or destroyed in the March 1964 earthquake and subsequent seismic waves, the President is authorized to make additional grants to the State of Alaska in an amount not to exceed a total of \$5,500,000 to match, on a fifty-fifty basis, any funds provided by the State to pay the costs of retiring or adjusting such mortgage obligations. In order to be approved, a State application for a grant for carrying out the purpose of this section must: (1) be in accordance with a plan submitted by the State, to be approved by the President, for the implementation of the purpose of this section; (2) designate the State agency for retiring or adjusting said mortgage obligations; (3) provide that the mortgagor shall be required to absorb the damage loss to the entire extent of his

equity interest in the property and also agree to pay at least \$1,000 of the outstanding mortgage balance; (4) provide that no payments for retiring or adjusting mortgage obligations on a single property shall exceed \$30,000; (5) provide regulations to assure equitable treatment among home owners and to prevent unjustified payments or gains to the State, mortgagees or mortgagors; and (6) provide that the State agency will make such reports, in such form and containing such information as the President may from time to time require, and give the President, upon demand, access to the records on which such reports are based." (Added August 19 1964, P.L. 88-451, 78 Stat. 505)

Editor's notes. — The omitted sections amend various federal laws to reflect the admission of the State of Alaska into the Union. For text of these sections, see note

preceding 48 U.S.C. 21. The subject matter dealt with in the amended laws is indicated in the following table:

| Section | Section |
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| Sec. 4 Sugar Act | Sec. 27 National Guard |
| Sec. 5 Soil Bank Act | Sec. 28 Water Pollution Control Act |
| Sec. 6 Armed Forces | Sec. 29 Veterans' Administration |
| Sec. 7 National Bank Act | Sec. 30 Federal Property and Administrative Services Act |
| Sec. 8 Federal Reserve Act | Sec. 31 Public Health Service Act |
| Sec. 9 Home Loan Bank Board | Sec. 32 Social Security Act |
| Sec. 10 National Housing Act | Sec. 33 Congressional Record |
| Sec. 11 Coast Guard | Sec. 34 Federal Register |
| Sec. 12 Securities and Exchange Commission | Sec. 36 Selective Service |
| Sec. 13 Soil Conservation | Sec. 37 Real Property Transactions |
| Sec. 14 Bald Eagles | Sec. 38 Recreation Facilities |
| Sec. 15 Wildlife Restoration | Sec. 39 Aircraft Loan Guarantees |
| Sec. 16 Fish Restoration | Sec. 40 Defense Base Act |
| Sec. 17 Criminal Code | Sec. 41 Timber Removal |
| Sec. 18 Education | Sec. 42 War Hazards Compensation Act |
| Sec. 19 Importation of Milk and Cream | Sec. 43 Buy American Act |
| Sec. 20 Opium Poppy Control | Sec. 47 Effective Dates of Certain Omitted Sections |
| Sec. 22 Internal Revenue | Sec. 48 Definition of "Continental United States" |
| Sec. 24 Vocational Rehabilitation Act | |
| Sec. 25 Gold Reserve Act | |
| Sec. 26 Silver Purchase Act | |