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APPROVED
OCT 18 1974

THE WHITE HOUSE
WASHINGTON

ACTION
Last Day - October 19

October 17, 1974

Posted 10/19

To Archives 10/19

MEMORANDUM FOR:

THE PRESIDENT

FROM:

KEN COLE

SUBJECT:

Enrolled Bill H.R. 5641
Land conveyance, New Mexico
State University

Attached for your consideration is House bill, H.R. 5641, sponsored by Representative Rannels, which authorizes the Secretary of the Interior to convey approximately 4,342 acres of land to the New Mexico State University at Las Cruces, New Mexico.

Roy Ash recommends approval and provides you with additional background information in his enrolled bill report (Tab A).

We have checked with Secretary Morton, the Counsel's office (Chapman), and Bill Timmons who also recommend approval.

RECOMMENDATION

That you sign House bill H.R. 5641 (Tab B).



APPROVED
OCT 18 1974

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

OCT 11 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5641 - Land conveyance,
New Mexico State University
Sponsor - Rep. Runnels (D) New Mexico

Last Day for Action

October 19, 1974 - Saturday

Purpose

Authorizes the Secretary of the Interior to convey approximately 4,342 acres of land to the New Mexico State University at Las Cruces, New Mexico.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
National Aeronautics and Space Administration	No objection
General Services Administration	No objection

Discussion

Under provisions of the Recreation and Public Purposes Act, the Secretary of the Interior may dispose of public lands to a State for any public purpose if the need for a proposed project can be demonstrated. Conveyances are limited to 640 acres in any one calendar year and the Secretary is authorized to fix the sales price through appraisal or otherwise, after taking into consideration the purpose for which the lands are to be used. When such lands are sold for educational purposes to State or local governments the price is not less than \$2.50 per acre.

Notwithstanding the acreage limitations in the Act cited above, H.R. 5641 would authorize the Secretary of the Interior to convey approximately 4,342 acres of land to the New Mexico State University at Las Cruces, New Mexico. Recent estimates place the value of the land to be about \$400 per acre.

With the exception of a 160 acre tract, the lands that would be subject to the acreage exception have already been withdrawn from the public domain by two public land orders: (1) 1,393 acres withdrawn for use by the University for educational purposes; and (2) 2,789 acres withdrawn for the use of the National Aeronautics and Space Administration for research being conducted at the University.

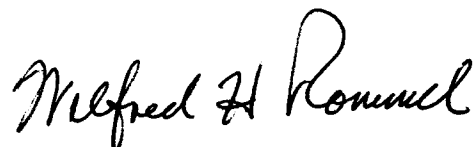
In reporting to the Congress on H.R. 5641, Interior noted that:

"Because the University does not yet have a plan showing definite proposed projects, it is not possible at this time to evaluate the need for and the intended use of the lands, nor have we made a study to determine whether the lands have values which would prevent conveyance under the Recreation and Public Purposes Act. However, we would have no objection to enactment of the legislation provided that it merely waives the acreage limitation and that any patent would be issued in accordance with the other standards and guidelines of the Recreation and Public Purposes Act."

The bill would require the University to conform with the other provisions of that Act, as Interior recommended.

In its views letter on the enrolled bill, NASA states that it would have no objection to approval of H.R. 5641 upon the condition that its improvements be used for research purposes and provided that it can retain ownership and the right to transfer, abandon or otherwise dispose of those improvements with no obligation to restore the underlying land. In this regard, Interior has informally advised us that the conveyance conditions requested by NASA will be incorporated in any conveyance patent.

Finally, we note that several exceptions to this type of acreage limitation have been enacted in recent years. Also, legislation has passed in the Senate and is pending in the House which would give the Secretary general authority to make such acreage exceptions and thus eliminate the need for private bills such as H.R. 5641.

A handwritten signature in cursive script, reading "Wilfred H. Rommel". The signature is written in dark ink and is positioned above the typed name and title.

Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 659

Date: October 15, 1974

Time: 10:00 a.m.

FOR ACTION: Michael Duval
 Phil Buchen
 Bill Timmons

cc (for information): Warren K. Hendriks
Jerry Jones
Paul Theis
Norm Ross

FROM THE STAFF SECRETARY

DUE: Date: Thursday, October 17, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 5641 - Land conveyance,
New Mexico State University

ACTION REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> For Necessary Action | <input checked="" type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

K. R. COLE, JR.
For the President

THE WHITE HOUSE
WASHINGTON

10/11/78

TO: W. Hendricks



John J. Ratchford



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 9 - 1974

Dear Mr. Ash:

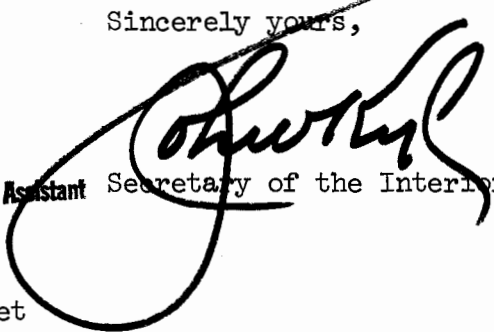
This responds to your request for our views on the enrolled bill H.R. 5641, "To authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, New Mexico."

We recommend that the President approve the enrolled bill.

The enrolled bill would authorize the Secretary to convey approximately 4,342 acres of land to the New Mexico State University in accordance with the Recreation and Public Purposes Act, 44 Stat. 741 as amended, 43 U.S.C. §869 to 869-4 (1970), notwithstanding the acreage limitation of 640 acres per year in that Act.

The Congress has adopted the Department's recommended amendments which would ensure that any conveyance would be subject to all the requirements of the Recreation and Public Purposes Act except the acreage limitations. Conveyance would therefore be conditioned on submission of a satisfactory plan for use of the land, it would be subject to a reservation of all minerals and it would be subject to a reverter to ensure that the land is used for specified public purposes. The Congress adopted an additional suggestion by the Department that the authorization for the conveyance be expanded to include 160 acres which are adjacent to the lands to be conveyed and which would become isolated public lands if not included in the conveyance.

Sincerely yours,


Assistant Secretary of the Interior

Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C. 20503



NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
WASHINGTON, D.C. 20546

OFFICE OF THE ADMINISTRATOR

OCT 9 1974

Director
Office of Management and Budget
Executive Office of the President
Washington, DC 20503

Attention: Assistant Director
for Legislative Reference

Subject: Enrolled Enactment Report on H.R. 5641, 93rd Congress

This is a report on the Enrolled Bill, H.R. 5641, "To authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, New Mexico." It is submitted pursuant to Mr. Wilfred H. Rommel's memorandum of October 7, 1974.

The Enrolled Bill would authorize the Secretary of the Interior to convey all or any part of approximately 4,342 acres of land, described in the Bill, to the New Mexico State University (NMSU). The conveyance would be authorized in accordance with the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869, notwithstanding the acreage limitation of 640 acres per year set by that Act.

The land authorized for conveyance consists of 1,393 acres described in Public Land Order (PLO) 2051, 2,789 acres described in PLO 3685, and 160 acres forming an enclave within the exterior boundaries of the aforementioned PLO's. PLO 2051 withdrew public lands for use by NMSU for research purposes in connection with Federal programs. NASA-owned improvements known as the Antenna Test Range have been erected on this land. PLO 3685 withdrew public lands for the protection of NASA facilities, i.e., to form a buffer zone for the Antenna Test Range.

In 1971, NASA was advised by NMSU of its desire to acquire approximately 10,582 acres of land including the 4,342 acres provided for in the Enrolled Bill. The University planned to initiate this acquisition so that its continuing research work requiring these lands would not be jeopardized. However,

before any NMSU purchase of the lands withdrawn for NASA could be authorized, it was necessary that NASA give its permission. By way of cooperation with NMSU's plan, NASA, by letter to the State Director, Bureau of Land Management, dated January 26, 1972, gave the prerequisite permission. The NASA letter stated in part:

"... we perceive no objection to the purchase by the University of the NMSU and NASA withdrawn land upon the condition that both areas, including the NASA-owned improvements thereon, would continue to be held in connection with University conducted research and development work for NASA and others."

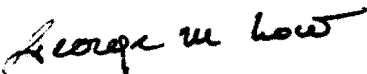
The giving of the NASA permission was conditioned upon both the special enabling legislation and the transfer document providing as follows:

"(a) None of the NASA-owned antenna facilities or other NASA-owned improvements are to be disposed of with the underlying land, and

(b) The Government/NASA reserves the right to transfer, abandon, or otherwise dispose of these NASA-owned improvements with no obligation to restore the underlying land."

Although the Enrolled Bill does not contain the above conditions, it is our understanding that these conditions are acceptable to the Department of the Interior and to NMSU and will be included in the transfer document. If these conditions are made part of the terms of the NMSU acquisition, NASA would have no objection to approval of this legislation.

Sincerely,



for James C. Fletcher
Administrator

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



OCT 9 1974

Honorable Roy L. Ash
Director, Office of
Management and Budget
Washington, DC 20503

Dear Mr. Ash:

By referral dated October 7, 1974, from the Assistant Director for Legislative Reference, your office requested the views of the General Services Administration on enrolled bill H.R. 5641, 93rd Congress, an act "To authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, New Mexico."

GSA has no objection to Presidential approval of the enrolled bill. It appears, however, that the citation to "43 U.S.C. 869-4" should be to 43 U.S.C. 869(b)".

Sincerely,

A handwritten signature in cursive script, which appears to read "Sampson". A long, thin horizontal line extends from the bottom right of the signature across the page.

Arthur F. Sampson
Administrator

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 659

Date: October 15, 1974

Time: 10:00 a.m.

FOR ACTION: Michael Duval
✓ Phil Buchen
Bill Timmons

cc (for information): Warren K. Hendriks
Jerry Jones
Paul Theis
Norm Ross

FROM THE STAFF SECRETARY

DUE: Date: Thursday, October 17, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 5641 - Land conveyance,
New Mexico State University

ACTION REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> For Necessary Action | <input checked="" type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Kathy Tindle - West Wing

No objection
D.C.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

Warren K. Hendriks
For the President

THE WHITE HOUSE

WASHINGTON

October 16, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS

FROM: WILLIAM E. TIMMONS *WT*

SUBJECT: Action Memorandum - Log No. 659
Enrolled Bill H. R. 5641 - Land Conveyance,
New Mexico State University

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 659

Date: October 15, 1974

Time: 10:00 a.m.

FOR ACTION: ~~Michael Duval~~
Phil Buchen
✓ Bill Timmons

cc (for information): Warren K. Hendriks
Jerry Jones
Paul Theis
Norm Ross

FROM THE STAFF SECRETARY

DUE: Date: Thursday, October 17, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 5641 - Land conveyance,
New Mexico State University

ACTION REQUESTED:

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

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

Warren K. Hendriks
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 659

Date: October 15, 1974

Time: 10:00 a.m.

FOR ACTION: Michael Duval
Phil Buchen
Bill Timmons

cc (for information): Warren K. Hendriks
Jerry Jones
Paul Theis
Norm Ross

FROM THE STAFF SECRETARY

DUE: Date: Thursday, October 17, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 5641 - Land conveyance,
New Mexico State University

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

OK

Mike Duval

10/15/74

Kathy - This looks alright to me - Norm Ross 10-16-74

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

Warren K. Hendriks
For the President

W Henderson
6 PM
10/11/74

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

OCT 11 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5641 - Land conveyance,
New Mexico State University
Sponsor - Rep. Runnels (D) New Mexico

Last Day for Action

October 19, 1974 - Saturday

Purpose

Authorizes the Secretary of the Interior to convey approximately 4,342 acres of land to the New Mexico State University at Las Cruces, New Mexico.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
National Aeronautics and Space Administration	No objection
General Services Administration	No objection

Discussion

Under provisions of the Recreation and Public Purposes Act, the Secretary of the Interior may dispose of public lands to a State for any public purpose if the need for a proposed project can be demonstrated. Conveyances are limited to 640 acres in any one calendar year and the Secretary is authorized to fix the sales price through appraisal or otherwise, after taking into consideration the purpose for which the lands are to be used. When such lands are sold for educational purposes to State or local governments the price is not less than \$2.50 per acre.

Notwithstanding the acreage limitations in the Act cited above, H.R. 5641 would authorize the Secretary of the Interior to convey approximately 4,342 acres of land to the New Mexico State University at Las Cruces, New Mexico. Recent estimates place the value of the land to be about \$400 per acre.

With the exception of a 160 acre tract, the lands that would be subject to the acreage exception have already been withdrawn from the public domain by two public land orders: (1) 1,393 acres withdrawn for use by the University for educational purposes; and (2) 2,789 acres withdrawn for the use of the National Aeronautics and Space Administration for research being conducted at the University.

In reporting to the Congress on H.R. 5641, Interior noted that:

"Because the University does not yet have a plan showing definite proposed projects, it is not possible at this time to evaluate the need for and the intended use of the lands, nor have we made a study to determine whether the lands have values which would prevent conveyance under the Recreation and Public Purposes Act. However, we would have no objection to enactment of the legislation provided that it merely waives the acreage limitation and that any patent would be issued in accordance with the other standards and guidelines of the Recreation and Public Purposes Act."

The bill would require the University to conform with the other provisions of that Act, as Interior recommended.

In its views letter on the enrolled bill, NASA states that it would have no objection to approval of H.R. 5641 upon the condition that its improvements be used for research purposes and provided that it can retain ownership and the right to transfer, abandon or otherwise dispose of those improvements with no obligation to restore the underlying land. In this regard, Interior has informally advised us that the conveyance conditions requested by NASA will be incorporated in any conveyance patent.

Finally, we note that several exceptions to this type of acreage limitation have been enacted in recent years. Also, legislation has passed in the Senate and is pending in the House which would give the Secretary general authority to make such acreage exceptions and thus eliminate the need for private bills such as H.R. 5641.

(signed) Wilfred H. Rommel

Assistant Director for
Legislative Reference

Enclosures

AUTHORIZING THE CONVEYANCE OF CERTAIN LANDS TO THE NEW MEXICO STATE UNIVERSITY, LAS CRUCES, N. MEX.

OCTOBER 3, 1974.—Ordered to be printed

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

REPORT

[To accompany H.R. 5641]

The Committee on Interior and Insular Affairs, to which was referred the Act (H.R. 5641) to authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, N. Mex., having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

H.R. 5641, as ordered reported, is as follows:

That notwithstanding the acreage limitation in the Act of June 14, 1926, as amended (43 U.S.C. 869-4), the Secretary of the Interior may convey to the New Mexico State University at Las Cruces, New Mexico, in accordance with the provisions of that Act, all or any part of the following described lands:

(1) Those lands described in Public Land Order Numbered 2051, containing 1,393.19 acres;

(2) Those lands described in Public Land Order Numbered 3685, containing 2,789.07 acres; and

(3) Southwest quarter, section 14, township 23 south, range 2 east, New Mexico principal meridian, consisting of 160 acres.

All of the above-described lands lie in sections 13, 14, 15, 22, 23, 24, 25, 26, and 35, township 23 south, range 2 east, New Mexico principal meridian.

I. PURPOSE

The purpose of H. R. 5641 is to convey all right, title and interest of the United States in 4,342.26 acres of Federal land to the New Mexico State University, Las Cruces, New Mexico.

II. EXPLANATION

The lands in question lie adjacent to the eastern boundary of the campus of the New Mexico State University. The University wishes to purchase the land, but under the Recreation and Public Purposes Act (43 U.S.C. 869, 44 Stat. 741) a state university is allowed to purchase only 640 acres of land each year from the Bureau of Land Management. The legislation waives this 640 acres per year limitation.

The lands have been withdrawn from the public domain by two public land orders. One order (PLO 2051) withdrew 1,393 acres for use by the University for educational purposes, the other order (PLO 3685) withdrew 2,789 acres for the use of the National Aeronautics and Space Administration for research being conducted at the University. The Bureau of Land Management has no objection to enactment of the legislation provided it would merely waive the acreage limitation and that any patent would be issued in accordance with the other standards and guidelines of the Recreation and Public Purposes Act. The National Aeronautics and Space Administration has no objection to relinquishing its withdrawal upon the condition its improvements may be used for research purposes and that it retain ownership of those improvements.

The University, the present campus of which totals approximately 2,068 acres, has been conducting research for several years on over 10,500 acres of Bureau of Land Management land. The University's Physical Science Laboratory is currently using part of the land for antenna research and development under two contracts with the National Aeronautics and Space Administration. Other research is being done for the Air Force Cambridge Research Laboratories and the Naval Research Laboratories. The Department of Astronomy is conducting planetary observation from the land under another grant from the National Aeronautics and Space Administration. Seismograph research is being conducted on earthquake predictions. Finally, both the Biology Department and the Wildlife Department are using the area for habitat studies.

The University has entered into a cooperative use and research agreement with the Bureau of Land Management on 6,400 acres of the over 10,500 acres. The State Director of the BLM has advised the University that the best course to be followed concerning the remaining acreage, would be to have legislation enacted allowing it to be purchased as one piece. There is no known opposition from any source to the proposed purchase acquisition by the University.

The land lies on a rolling alluvial plain extending westward from the Organ Mountain range. The Federal Government would retain the mineral rights on the land. Acquisition of those rights is not being sought by the University. Some 20,000 tons of fluorspar have been mined from part of the land. The land may also be valuable for sand, gravel, and other minerals, as well as potential geothermal resources.

There are no streams on the land and wildlife populations are low. The land is not leased for grazing purposes and the soils have no potential for agricultural development.

The estimated value of the land is placed at \$400 per acre. The purchase price for land conveyed under the Recreation and Public Purposes Act may be less than fair market value as the price depends on the purpose for which the land is to be used.

The purpose of this legislation is not unique. Exceptions to the acreage limitations of the Recreation and Public Purposes Act have recently been made in other instances: the Act of December 24, 1969 (83 Stat. 445), and the Act of October 15, 1970 (84 Stat. 978).

Enactment of S. 2013, as ordered reported by the Committee on September 14, 1973, and passed the Senate on October 16, 1973, would make it unnecessary to enact private bills such as H.R. 5641 to address individual situations when the acreage limitation of the Recreation and Public Purposes Act proves to be too limiting. As the bill has not been enacted into law, however, the Committee chose to report H.R. 5641.

III. LEGISLATIVE HISTORY

H.R. 5641 was introduced in the House of Representatives by Mr. Runnels. S. 2429, a measure identical to H.R. 5641, was introduced by Senator Montoya on September 18, 1973. The House Committee on Interior and Insular Affairs amended H.R. 5641 to eliminate any inference the land might be conveyed without a mineral reservation or without conditions for the use of the land. It also added 160 acres which were inadvertently left out of H.R. 5641. Both amendments were recommended by the Department of the Interior. The measure was reported to the House of Representatives on April 11, 1974. It passed the House on May 6, 1974.

The Committee on Interior and Insular Affairs held a hearing on H.R. 5641 and S. 2429 on July 17, 1974, and ordered H.R. 5641 reported by a unanimous voice vote in open mark-up session on August 9, 1974. The full Committee in open mark-up session on September 10, 1974, ordered the measure reported to the Senate by a unanimous voice vote.

IV. COST

Enactment of H.R. 5641 will not result in any expenditure of Federal funds.

V. COMMITTEE RECOMMENDATION

The Committee, by unanimous voice vote, in open mark-up session on September 10, 1974, recommended that H.R. 5641 be enacted.

VI. TABULATION OF VOTES CAST

As the unanimous voice votes to report H.R. 5641 by Subcommittee and full Committee were previously announced by the Committee in accord with the provisions of section 133(b) of the Legislative Reorganization Act of 1946, as amended, tabulation of the votes in this Committee Report is unnecessary.

VII. EXECUTIVE COMMUNICATIONS

No departmental report on H.R. 5641 was submitted to the Committee. Printed below is the report of the Department of the Interior on S. 2429, the report of the Department of the Interior to the House Committee on Interior and Insular Affairs on H.R. 5641, and the statement of George L. Turcott, Associate Director, Bureau of Land Management, Department of the Interior, on S. 2429 and H.R. 5641 at the July 17, 1974, Public Lands Subcommittee hearing.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 11, 1974.

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

DEAR MR. CHAIRMAN: This responds to your request for this Department's views on S. 2429, a bill "To authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, New Mexico."

We have no objection to enactment of the bill if it is amended as recommended below.

S. 2429 would authorize the Secretary of the Interior to convey all right, title and interest of the United States in 4,182.26 acres of land to the New Mexico State University at Las Cruces, New Mexico in administering the Recreation and Public Purposes Act, 44 Stat. 741 as amended, 43 U.S.C. § 869 to 869-4 (1970), notwithstanding the acreage limitation of 640 acres per year designated in that Act.

The lands are adjacent to the eastern boundary of the University campus and have been withdrawn from the public domain by two public land orders (PLO). PLO 2051 withdrew 1,393 acres for the use of the University for educational purposes and PLO 3685 withdrew 2,789.07 acres for the use of the National Aeronautics and Space Administration (NASA) for research being conducted at the University.

These lands lie on a rolling alluvial plain extending westward from the Organ Mountains. The Geological Survey records indicate that 20,000 tons of fluorspar had been mined from part of the lands until 1950 and that the lands are valuable for sand, gravel, other minerals and geothermal resources. If ultimately we issue a patent for all or part of these lands, we intend to reserve to the United States all mineral deposits in the lands including sand and gravel, as required by the Recreation and Public Purposes Act. Under the Geothermal Steam Act of 1970, 84 Stat. 1573, 30 U.S.C. § 1024 (1970), these mineral reservations are now construed to include geothermal resources.

There are no streams on the lands and wildlife populations are low. The lands are not leased for grazing purposes and the soils have no potential for agricultural development.

The estimated value of the lands is \$300 per acre. The price for land conveyed under the Recreation and Public Purposes Act depends on the purpose for which the land will be used.

NASA is willing to relinquish its withdrawal upon the condition that the land and NASA's improvements thereon continue to be used for research activities conducted by the University for NASA and others, that NASA retain ownership of the improvements, and that the government (NASA) reserve the right to transfer, abandon or otherwise dispose of the NASA-owned improvements with no obligation to restore the land.

Some of the subject lands are encumbered by unpatented mining claims, rights-of-way, and one Recreation and Public Purposes lease. To date, three unpatented mining claims have been determined by contest to be valid. Determination of the validity of the other claims would be desirable before issuance of a patent pursuant to the Recreation and Public Purposes Act. Land within all valid claims would be omitted from the patent unless the University first arranged with the claimants to reimburse them for relinquishing their claims. The patent would be subject to the rights-of-way on the land and would either omit or be subject to the existing Recreation and Public Purposes lease.

The main campus of the University is approximately 2,068 acres and with the proposed conveyance, it would be 6,250 acres. The present enrollment is slightly over 9,000 and the anticipated enrollment for 1980 is 13,500 to 15,000.

Because the University does not yet have a plan showing definite proposed projects, it is not possible at this time to evaluate the need for and the intended use of the lands, nor have we made a study to determine whether the lands have values which would prevent conveyance under the Recreation and Public Purposes Act. However, we would have no objection to enactment of the legislation provided that it merely waives the acreage limitation and that any patent would be issued in accordance with the other standards and guidelines of the Recreation and Public Purposes Act. Accordingly, we recommend that in order to eliminate any inference that the lands might be conveyed without a mineral reservation or without conditions for use of the land, lines 3 through 11 on page one be amended to read as follows:

"That notwithstanding the acreage limitation in the Act of June 14, 1926 as amended, 43 U.S.C. § 869-4, the Secretary of the Interior may convey to the New Mexico State University at Las Cruces, New Mexico in accordance with the provisions of that Act, all or any part of the following described lands:"

Exceptions to the acreage limitations of the Recreation and Public Purposes Act have recently been made in a few other instances, the Act of December 24, 1969, 83 Stat. 445, and the Act of October 15, 1970, 84 Stat. 978. In these cases, as in the instant case, the Department determined that it was desirable to have the authority to consider applications without regard to acreage limitations.

Within the exterior boundary of the lands described in the bill, there are 160 acres of public lands which the bill would not authorize to be conveyed. For the purpose of continuity, we recommend that the authorization include the 160 acres. This can be accomplished by amending S. 2429 on page 2 as follows: delete the word "and" on line 2; insert the word "and" at the end of line 4; and insert the following between lines 4 and 5:

"(3) Southwest $\frac{1}{4}$, section 14, township 23 south, range 2 east, New Mexico principal meridian, consisting of 160 acres;"

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

Sincerely yours,

JACK HORTON,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 13, 1973.

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

DEAR MR. CHAIRMAN: This responds to your request for this Department's views on H.R. 5641, a bill "To authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, New Mexico."

We have no objection to enactment of the bill if it is amended as recommended below.

H.R. 5641 would authorize the Secretary of the Interior to convey all right, title and interest of the United States in 4,182.26 acres of land to the New Mexico State University at Las Cruces, New Mexico in administering the Recreation and Public Purposes Act, 44 Stat. 741 as amended, 43 U.S.C. § 869 to 869-4 (1970), notwithstanding the acreage limitation of 640 acres per year designated in that Act.

The lands are adjacent to the eastern boundary of the University campus and have been withdrawn from the public domain by two public land orders (PLO). PLO 2051 withdrew 1,393 acres for the use of the University for educational purposes and PLO 3685 withdrew 2,789.07 acres for the use of the National Aeronautics and Space Administration (NASA) for research being conducted at the University.

These lands lie on a rolling alluvial plain extending westward from the Organ Mountains. The Geological Survey records indicate that 20,000 tons of fluorspar had been mined from part of the lands until 1950 and that the lands are valuable for sand, gravel, other minerals and geothermal resources. If ultimately we issue a patent for all or part of these lands, we intend to reserve to the United States all mineral deposits in the lands including sand and gravel, as required by the Recreation and Public Purposes Act. Under the Geothermal Steam Act of 1970, 84 Stat. 1573, 30 U.S.C. § 1024 (1970), these mineral reservations are now construed to include geothermal resources.

There are no streams on the lands and wildlife populations are low. The lands are not leased for grazing purposes and the soils have no potential for agricultural development.

The estimated value of the lands is \$300 per acre. The price for land conveyed under the Recreation and Public Purposes Act depends on the purpose for which the land will be used.

NASA is willing to relinquish its withdrawal upon the condition that the land and NASA's improvements thereon continue to be used for research activities conducted by the University for NASA and others, that NASA retain ownership of the improvements, and that the government (NASA) reserve the right to transfer, abandon or otherwise dispose of the NASA-owned improvements with no obligation to restore the land.

Some of the subject lands are encumbered by unpatented mining claims, rights-of-way, and one Recreation and Public Purposes lease. To date, three unpatented mining claims have been determined by contest to be valid. Determination of the validity of the other claims would be desirable before issuance of a patent pursuant to the Recreation and Public Purposes Act. Land within all valid claims would be omitted from the patent unless the University first arranged with the claimants to reimburse them for relinquishing their claims. The patent would be subject to the rights-of-way on the land and would either omit or be subject to the existing Recreation and Public Purposes lease.

The main campus of the University is approximately 2,068 acres and with the proposed conveyance, it would be 6,250 acres. The present enrollment is slightly over 9,000 and the anticipated enrollment for 1980 is 13,500 to 15,000.

Because the University does not yet have a plan showing definite proposed projects, it is not possible at this time to evaluate the need for and the intended use of the lands, nor have we made a study to determine whether the lands have values which would prevent conveyance under the Recreation and Public Purposes Act. However, we would have no objection to enactment of the legislation provided that it merely waives the acreage limitation and that any patent would be issued in accordance with the other standards and guidelines of the Recreation and Public Purposes Act. Accordingly, we recommend that in order to eliminate any inference that the lands might be conveyed without a mineral reservation or without conditions for use of the land, lines 3 through 11 on page one be amended to read as follows:

"That notwithstanding the acreage limitation in the Act of June 14, 1926 as amended, 43 U.S.C. § 869-4, the Secretary of the Interior may convey to the New Mexico State University at Las Cruces, New Mexico in accordance with the provisions of that Act, all or any part of the following described lands:"

Exceptions to the acreage limitations of the Recreation and Public Purposes Act have recently been made in a few other instances, the Act of December 24, 1969, 83 Stat. 445, and the Act of October 15, 1970, 84 Stat. 978. In these cases, as in the instant case, the Department determined that it was desirable to have the authority to consider applications without regard to acreage limitations.

Within the exterior boundary of the lands described in the bill, there are 160 acres of public lands which the bill would not authorize to be conveyed. For the purpose of continuity, we recommended that the authorization include the 160 acres. This can be accomplished by amending H.R. 5641 on page 2 as follows: delete the word "and" on line 2; insert the word "and" at the end of line 4; and insert the following between lines 4 and 5:

"(3) Southwest $\frac{1}{4}$, section 14, township 23 south, range 2 east, New Mexico principal meridian, consisting of 160 acres;"

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

Sincerely yours,

JACK O. HORTON,
Assistant Secretary of the Interior.

STATEMENT OF GEORGE L. TURCOTT, ASSOCIATE DIRECTOR,
BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE
INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS,
U.S. SENATE COMMITTEE ON INTERIOR AND INSULAR
AFFAIRS, JULY 17, 1974

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee to comment on several bills under consideration today. Because of the large number of bills being considered, it has been suggested that I not describe each bill but merely give you the Department's position on the bill. My statement, therefore, follows:

S. 2429—A bill "To authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, New Mexico," and

H.R. 5641—An act "To authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, New Mexico."

Enactment of S. 2013 recently passed by the Senate would make it unnecessary to enact private bills such as S. 2429 to take care of individual situations where the acreage limitations of the Recreation and Public Purposes Act prove to be unrealistic or too limiting. However, we have no objection to enactment of S. 2429 if it is amended as suggested in our report so that it is identical to H.R. 5641 as passed by the House. The amendment makes it clear that only the acreage limitations of the Recreation and Public Purposes Act are being waived, and that any patent issued to the New Mexico State University must be in accordance with the other standards and guidelines of that Act. A more recent study of the land in question has been made since our report was sent to you. We now estimate the value of the land to be about \$400 per acre.

VIII. CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, the Committee states that no changes in existing law would be made by H.R. 5641.



**AUTHORIZING THE CONVEYANCE OF CERTAIN LANDS
TO THE NEW MEXICO STATE UNIVERSITY, LAS
CRUCES, N. MEX.**

APRIL 11, 1974.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

REPORT

[To accompany H.R. 5641]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 5641) to authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, N. Mex., having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, strike out lines 3 through 11 and insert in lieu thereof:

That notwithstanding the acreage limitation in the Act of June 14, 1926 as amended, 43 U.S.C. § 869-4, the Secretary of the Interior may convey to the New Mexico State University at Las Cruces, New Mexico in accordance with the provisions of that Act, all or any part of the following described lands:

Page 2, line 2, strike out the word "and".

Page 2, line 4, following "acres;" insert "and".

Page 2, following line 4, insert:

(3) Southwest $\frac{1}{4}$, section 14, township 23 south, range 2 east, New Mexico principal meridian, consisting of 160 acres.

Page 2, line 5, strike out "all such lands lying in" and insert in lieu thereof: "All of the above-described lands lie in".

PURPOSE

The purpose of H.R. 5641, introduced by Mr. Runnels and, as amended by the Committee, is to convey all right, title and interest of the United States in 4,342.26 acres of Federal land to the New Mexico State University, Las Cruces, New Mexico.

EXPLANATION

The lands in question lie adjacent to the eastern boundary of the campus of the New Mexico State University. The University wishes to purchase the land, but under the Recreation and Public Purposes Act (43 U.S.C. 869, 44 Stat. 741) a state university is allowed to purchase only 640 acres of land each year from the Bureau of Land Management. The legislation waives this 640 acres per year limitation.

The lands in question have been withdrawn from the public domain by two public land orders. One order withdrew 1,393 acres for use by the University for educational purposes, the other order withdrew 2,789 acres for the use of the National Aeronautics and Space Administration for research being conducted at the University. The Bureau of Land Management had no opposition or objection to enactment of the legislation provided it merely waived the acreage limitation and that any patent would be issued in accordance with the other standards and guidelines of the Recreation and Public Purposes Act. The National Aeronautics and Space Administration has no objection to relinquishing its withdrawal upon the condition its improvements may be used for research purposes and that it retain ownership of those improvements.

The University, for years, has been using over 10,500 acres of BLM land for research purposes. The University's Physical Science Laboratory is currently using part of the land for antenna research and development under two contracts with the National Aeronautics and Space Administration. Other research is being done for the Air Force Cambridge Research Laboratories and the Naval Research Laboratories. The Department of Astronomy is conducting planetary observation from the land under another grant from the National Aeronautics and Space Administration. Seismograph research is being conducted on earthquake predictions. Finally, both the Biology Department and the Wildlife Department are using the area for habitat studies.

The University has entered into a cooperative use and research agreement with the Bureau of Land Management on 6,400 acres of the 10,500 acres. The State Director of the BLM has advised that the best course for the University on the remaining 4,182 acres, would be to have legislation enacted allowing it to be purchased as one piece. There is no known opposition from any source to the proposed purchase acquisition by the University.

The Federal government retains the mineral rights on the lands. Acquisition of the mineral rights is not being sought by the University. There has been, in the past, some 20,000 tons of fluorspar mined from part of the land. There is also sand and gravel and other minerals as well as potential geothermal resources under the surface. Of course, the Federal government would continue to own these minerals. An amendment recommended by the Department of the Interior would include an additional 160 acres already within the exterior boundaries of the lands described in the bill, but not covered by it.

The estimated value of the land is placed at \$300 per acre. The purchase price for land conveyed under the Recreation and Public Pur-

poses Act may be less than fair market value as the price depends on the purpose for which the land is to be used.

COMMITTEE AMENDMENTS

The Committee amended the bill, as recommended by the Department of the Interior, to eliminate any inference the land might be conveyed without a mineral reservation or without conditions for the use of the land. It also added 160 acres that were inadvertently left out of H.R. 5641.

COST

Enactment of H.R. 5641 as amended, will require no Federal expenditure.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends, by a voice vote, that the bill, H.R. 5641, as amended, be enacted.

DEPARTMENTAL REPORTS

The favorable report of the Department of the Interior, dated June 13, 1973, follows.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 13, 1973.

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

DEAR MR. CHAIRMAN: This responds to your request for this Department's views on H.R. 5641, a bill "To authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, New Mexico."

We have no objection to enactment of the bill if it is amended as recommended below.

H.R. 5641 would authorize the Secretary of the Interior to convey all right, title and interest of the United States in 4,182.26 acres of land to the New Mexico State University at Las Cruces, New Mexico in administering the Recreation and Public Purposes Act, 44 Stat. 741 as amended, 43 U.S.C. § 869 to 869-4 (1970), notwithstanding the acreage limitation of 640 acres per year designated in that Act.

The lands are adjacent to the eastern boundary of the University campus and have been withdrawn from the public domain by two public land orders (PLO). PLO 2051 withdrew 1,393 acres for the use of the University for educational purposes and PLO 3685 withdrew 2,789.07 acres for the use of the National Aeronautics and Space Administration (NASA) for research being conducted at the University.

These lands lie on a rolling alluvial plain extending westward from the Organ Mountains. The Geological Survey records indicate that 20,000 tons of fluorspar had been mined from part of the lands until

1950 and that the lands are valuable for sand, gravel, other minerals and geothermal resources. If ultimately we issue a patent for all or part of these lands, we intend to reserve to the United States all mineral deposits in the lands including sand and gravel, as required by the Recreation and Public Purposes Act. Under the Geothermal Steam Act of 1970, 84 Stat. 1573, 30 U.S.C. § 1024 (1970), these mineral reservations are now construed to include geothermal resources.

There are no streams on the lands and wildlife populations are low. The lands are not leased for grazing purposes and the soils have no potential for agricultural development.

The estimated value of the lands is \$300 per acre. The price for land conveyed under the Recreation and Public Purposes Act depends on the purpose for which the land will be used.

NASA is willing to relinquish its withdrawal upon the condition that the land and NASA's improvements thereon continue to be used for research activities conducted by the University for NASA and others, that NASA retain ownership of the improvements, and that the government (NASA) reserve the right to transfer, abandon or otherwise dispose of the NASA-owned improvements with no obligation to restore the land.

Some of the subject lands are encumbered by unpatented mining claims, rights-of-way, and one Recreation and Public Purposes lease. To date, three unpatented mining claims have been determined by contest to be valid. Determination of the validity of the other claims would be desirable before issuance of a patent pursuant to the Recreation and Public Purposes Act. Land within all valid claims would be omitted from the patent unless the University first arranged with the claimants to reimburse them for relinquishing their claims. The patent would be subject to the rights-of-way on the land and would either omit or be subject to the existing Recreation and Public Purposes lease.

The main campus of the University is approximately 2,068 acres and with the proposed conveyance, it would be 6,250 acres. The present enrollment is slightly over 9,000 and the anticipated enrollment for 1980 is 13,500 to 15,000.

Because the University does not yet have a plan showing definite proposed projects, it is not possible at this time to evaluate the need for and the intended use of the lands, nor have we made a study to determine whether the lands have values which would prevent conveyance under the Recreation and Public Purposes Act. However, we would have no objection to enactment of the legislation provided that it merely waives the acreage limitation and that any patent would be issued in accordance with the other standards and guidelines of the Recreation and Public Purposes Act. Accordingly, we recommend that in order to eliminate any inference that the lands might be conveyed without a mineral reservation or without conditions for use of the land, lines 3 through 11 on page one be amended to read as follows:

"That notwithstanding the acreage limitation in the Act of June 14, 1926 as amended, 43 U.S.C. § 869-4, the Secretary of the Interior may convey to the New Mexico State University at Las Cruces, New

Mexico in accordance with the provisions of that Act, all or any part of the following described lands:"

Exceptions to the acreage limitations of the Recreation and Public Purposes Act have recently been made in a few other instances, the Act of December 24, 1969, 83 Stat. 445, and the Act of October 15, 1970, 84 Stat. 978. In these cases, as in the instant case, the Department determined that it was desirable to have the authority to consider applications without regard to acreage limitations.

Within the exterior boundary of the lands described in the bill, there are 160 acres of public lands which the bill would not authorize to be conveyed. For the purpose of continuity, we recommended that the authorization include the 160 acres. This can be accomplished by amending H.R. 5641 on page 2 as follows: delete the word "and" on line 2; insert the word "and" at the end of line 4; and insert the following between lines 4 and 5:

"(3) Southwest $\frac{1}{4}$, section 14, township 23 south, range 2 east, New Mexico principal meridian, consisting of 160 acres;"

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

Sincerely yours,

JACK O. HORTON,
Assistant Secretary of the Interior.

○

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

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

An Act

To authorize the conveyance of certain lands to the New Mexico State University,
Las Cruces, New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the acreage limitation in the Act of June 14, 1926, as amended (43 U.S.C. 869-4), the Secretary of the Interior may convey to the New Mexico State University at Las Cruces, New Mexico, in accordance with the provisions of that Act, all or any part of the following described lands:

(1) Those lands described in Public Land Order Numbered 2051, containing 1,393.19 acres;

(2) Those lands described in Public Land Order Numbered 3685, containing 2,789.07 acres; and

(3) Southwest quarter, section 14, township 23 south, range 2 east, New Mexico principal meridian, consisting of 160 acres.

All of the above-described lands lie in sections 13, 14, 15, 22, 23, 24, 25, 26, and 35, township 23 south, range 2 east, New Mexico principal meridian.

~~*Speaker of the House of Representatives.*~~

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

October 8, 1974

Dear Mr. Director:

The following bills were received at the White House on October 8th:

- | | |
|-------------|--------------|
| S. 283 ✓ | H.R. 6202 ✓ |
| S. 634 ✓ | H.R. 6477 ✓ |
| S. 2001 ✓ | H.R. 7135 ✓ |
| H.R. 3532 ✓ | H.R. 12471 ✓ |
| H.R. 5641 ✓ | |

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.