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APPROVED
JAN 2-1975

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day: January 4

December 31, 1974

*Postal
1/3
Jo Archibald
1/3*

MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill H.R. 1820
Land to Arkansas

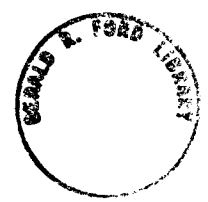
Attached for your consideration is H.R. 1820, sponsored by Representative Mills which would direct the Administrator of the General Services Administration to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States. All amendments which were suggested by GSA and Interior were included in the enrolled bill.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Max Friedersdorf (Loen) and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign H.R. 1820 (Tab B).



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 26 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 1820 - Land to Arkansas
Sponsor - Rep. Mills (D) Arkansas

Last Day for Action

January 4, 1975

Purpose

To permit Arkansas to exchange certain land for other land of comparable value that can be better used for the preservation of wildlife.

Agency Recommendations

Office of Management and Budget

Approval

General Services Administration

No objection

Department of the Interior

Approval

Department of Defense

Approval (Informally)

Discussion

On June 29, 1949, approximately 4,206 acres of excess Federal land in Arkansas was conveyed to the Arkansas Game and Fish Commission to be managed for wildlife conservation. The conveyance was made subject to the following requirements:

- the U.S. reserves all oil, gas and mineral rights
- the property shall continue to be used for wildlife purposes, and
- if the land is no longer needed for conversation purposes, it is to be returned to the U.S. for disposal.

Approximately 4,000 acres of the Arkansas land is used for game production. The remaining 200 acres, which is not contiguous to the 4,000, is fenced and isolated in three separate tracts for hunting. It is also managed separately because of its location. The State is interested in exchanging these three tracts to acquire land which would allow them to consolidate ownership for more efficient management of the hunting land. Although the State has no opportunities for exchange at the present, it would like to take advantage of any future opportunities which might arise.

In order to achieve these purposes, the bill would authorize GSA to release the conditions on which the land was originally purchased. This release -- effective when the property is actually exchanged -- is conditioned on:

- the exchanged tracts would be of comparable value and would be contiguous at some point with the 4,000 acre tract, and
- the real property acquired in the exchange would be subject to the same conditions as the exchanged land.

Interior, in a report to the Senate Committee on Commerce stated:

"It is our judgment that the consolidation that would be accomplished by this legislation would provide a better management unit for the State for its fish and wildlife resources."

All amendments suggested by GSA and Interior were included in the enrolled bill.

Wesley H. Rommel

Assistant Director for
Legislative Reference

Enclosures



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

27 DEC 1974

Honorable Roy L. Ash

Director, Office of Management and Budget

Dear Mr. Ash:

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment H. R. 1820, 93rd Congress, "To direct the Administrator of General Services to release a condition with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes."

The Department of the Army, on behalf of the Department of Defense, recommends approval of the enrolled enactment.

This act provides for the Administrator of General Services, notwithstanding any provision of the Act of May 19, 1948 (62 Stat. 240), or any other law, to release on behalf of the United States, the condition in the deed, dated June 29, 1949, whereby the United States conveyed to the State of Arkansas certain real property in the county of Faulkner, State of Arkansas, that the property be continuously used only for the conservation of wildlife, other than migratory birds, and that the property revert to the United States at any time it ceases to be so used. The granting of the release is to be applicable only to that property described in an agreement entered into by the Administrator of General Services and the State of Arkansas under which the State of Arkansas agrees to exchange such property for property of comparable value and that the property acquired by exchange shall be subject to the identical condition released. The bill further provides for the release of mineral interests by the Secretary of the Interior.

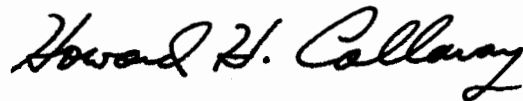
The enactment of this measure is recommended because the provisions thereof have no effect upon the military departments of the Department of Defense.

Approval of the enactment will cause no apparent increase in budgetary requirements of the Department of Defense.



This report has been coordinated within the Department of Defense in accordance with the procedures prescribed by the Secretary of Defense.

Sincerely,

A handwritten signature in cursive script that reads "Howard H. Callaway". The signature is written in black ink and is positioned centrally below the word "Sincerely,".

Howard H. Callaway
Secretary of the Army



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

Honorable Roy L. Ash

Director, Office of Management and Budget

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The enactment of this measure is recommended because the provisions thereof have no effect upon the military departments of the Department of Defense.

Approval of the enactment will cause no apparent increase in budgetary requirements of the Department of Defense.

Advance Copy



This report has been coordinated within the Department of Defense in accordance with the procedures prescribed by the Secretary of Defense.

Sincerely,



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 24 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on the enrolled bill H.R. 1820, "To direct the Administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes."

We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 1820 would direct the Administrator of General Services to release on behalf of the United States conditions that real property be continuously used only for the conservation of wildlife other than migratory birds, and that such lands revert to the United States at any time it cease so to be used, or is needed for national defense purposes, with respect to certain real property in Faulkner County, Arkansas, conveyed to the State of Arkansas by the United States. Section 2 makes such release contingent upon the Administrator and the State of Arkansas entering into an agreement whereby the State agrees to exchange for the subject lands real property of approximately comparable value abutting, at least in part, the subject lands, and that the real property so exchanged shall be continuously used for the conservation of wildlife, other than migratory birds. Title to such lands would revert to the United States in the event it was no longer so used or is needed for national defense purposes. The release of the conditions described in the first section of H.R. 1820 would not take effect, with respect to any portion of the subject lands, until an exchange is executed in accordance with the terms of agreement described in Section 2.

On June 29, 1949, pursuant to the Act of May 19, 1948, as amended (16 U.S.C. 6676), the Arkansas Game and Fish Commission was deeded some 4,200 acres of land which was a part of that originally acquired and managed by the Department of Defense for the

OFFICE OF MANAGEMENT
AND BUDGET

74 DEC 29 PM 2:18

RECEIVED

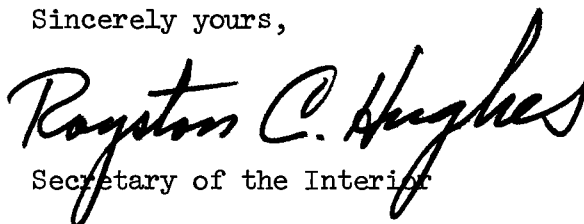


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installation known as Camp Robinson. The deed stipulated that the area was to be used only for the conservation of wildlife other than migratory birds, and that it would revert to the United States at any time it ceases to be so used. On April 29, 1959, the General Services Administration conveyed the subject mineral interests pursuant to Section 203 the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484).

Currently the State is using this area primarily as a hunting dog training area, and national field trails for quail, fox, and raccoon dogs were recently completed. Local field dog trails are frequent. There are about 200 acres in several small tracts detached from the main unit by a State highway. This bill would enable the State Game and Fish Commission to negotiate exchange of these lands to permit additions to the main unit for a larger and more manageable unit. We understand that one of the proposed uses for land so acquired would be to enhance the hunter safety program authorized under P.L. 91-503 and P.L. 92-558. It is our judgment that the consolidation that would be accomplished by this legislation would provide a better management unit for the State for its fish and wildlife resources.

Sincerely yours,


Secretary of the Interior

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

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



DEC 24 1974

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

Dear Mr. Ash:

By referral dated December 23, 1974, from the Assistant Director for Legislative Reference, your office requested the views of the General Services Administration on enrolled bill H. R. 1820, 93rd Congress, an act "To direct the Administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes."

Enactment of the bill will enable the Arkansas Game and Fish Commission, through an exchange of lands, to consolidate its ownership of a wildlife preserve and permit more efficient administration, while adequately protecting the interests of the United States.

GSA has no objection to Presidential approval of the enrolled bill.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "A. F. Sampson". The signature is written over the typed name and extends across the width of the page.

Arthur F. Sampson
Administrator

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

DEC 26 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 1820 - Land to Arkansas
Sponsor - Rep. Mills (D) Arkansas

Last Day for Action

January 4, 1975

Purpose

To permit Arkansas to exchange certain land for other land of comparable value that can be better used for the preservation of wildlife.

Agency Recommendations

Office of Management and Budget	Approval
General Services Administration	No objection
Department of the Interior	Approval
Department of Defense	Approval (Informally)

Discussion

On June 29, 1949, approximately 4,206 acres of excess Federal land in Arkansas was conveyed to the Arkansas Game and Fish Commission to be managed for wildlife conservation. The conveyance was made subject to the following requirements:

- the U.S. reserves all oil, gas and mineral rights
- the property shall continue to be used for wildlife purposes, and
- if the land is no longer needed for conversation purposes, it is to be returned to the U.S. for disposal.

To
Sharon Hendricks
12-26-74
7:00 p.m.

Approximately 4,000 acres of the Arkansas land is used for game production. The remaining 200 acres, which is not contiguous to the 4,000, is fenced and isolated in three separate tracts for hunting. It is also managed separately because of its location. The State is interested in exchanging these three tracts to acquire land which would allow them to consolidate ownership for more efficient management of the hunting land. Although the State has no opportunities for exchange at the present, it would like to take advantage of any future opportunities which might arise.

In order to achieve these purposes, the bill would authorize GSA to release the conditions on which the land was originally purchased. This release -- effective when the property is actually exchanged -- is conditioned on:

- the exchanged tracts would be of comparable value and would be contiguous at some point with the 4,000 acre tract, and
- the real property acquired in the exchange would be subject to the same conditions as the exchanged land.

Interior, in a report to the Senate Committee on Commerce stated:

"It is our judgment that the consolidation that would be accomplished by this legislation would provide a better management unit for the State for its fish and wildlife resources."

All amendments suggested by GSA and Interior were included in the enrolled bill.

Wesley H. Rommel

Assistant Director for
Legislative Reference

Enclosures



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR: WARREN HENDRIKS
FROM: *Vern Loefer* MAX L. FRIEDERSDORF
SUBJECT: Action Memorandum - Log No. 882
Enrolled Bill H. R. 1820

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

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 882

Date: December 28, 1974 Time: 9:00 a.m.

FOR ACTION: ~~Geoff Shepard~~ *Miles*
Max Friedersdorf *of*, cc (for information): Warren Hendriks
Phil Areeda *no copy* Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30 Time: 1:00 p.m.

SUBJECT:

Enrolled Bill HR. 1820 - Land to Arkansas

ACTION REQUESTED:

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

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 882

Date: *Mike Duval*
December 28, 1974

Time: 9:00 a.m.

FOR ACTION: ~~Geoff Shepard~~ ✓
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill .R. 1820 - Land to Arkansas

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

OK Mike Duval
Approval
P.C.S.

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.: 882

Date: December 28, 1974
FOR ACTION: Geoff Shepard
Max Friedersdorf
Phil Areeda ✓

Time: 9:00 a.m.
cc (for information): Warren Hendriks
Jerry Jones

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SUBJECT:

Enrolled Bill .R. 1820 - Land to Arkansas

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

OK
No objection
p Areeda

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

AUTHORIZE EXCHANGE OF REAL PROPERTY IN THE STATE OF ARKANSAS

MAY 31, 1973.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and
Fisheries, submitted the following

REPORT

[To accompany H.R. 1820]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 1820) to direct the Administrator of General Services to release a condition with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

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

That (a) notwithstanding any provision of the Act of May 19, 1948 (62 Stat. 240, 16 U.S.C. 667b), or of any other law, the Administrator of General Services (hereafter referred to in this Act as the "Administrator") is authorized and directed to release, subject to section 2 of this Act, on behalf of the United States with respect to certain portions of the real property which is located in the County of Faulkner, State of Arkansas, and which was conveyed by the United States to the State of Arkansas by deed dated June 29, 1949, the conditions in that deed which require that the real property so conveyed—

(1) be continuously used only for the conservation of wildlife, other than migratory birds; and

(2) revert to the United States at any time it ceases to be so used, or in the event it is needed for national defense purposes.

(b) As used in this Act, the term "certain portions" means those portions of the real property conveyed by the United States to the State of Arkansas by such deed dated June 29, 1949, which in part abut the east boundary of such real property and which lie generally east of Saltillo Road.

Sec. 2. (a) The release of the conditions described in subsection (a) of the first section of this Act with respect to the certain portions is contingent upon the entering into of an agreement between the Administrator and the State of Arkansas under which the State of Arkansas, in consideration for the release of such conditions to the certain portions, agrees—

(1) to exchange such certain portions for one or more parcels of real property which are of approximately comparable value and which at least in part abut any of the boundaries of the real property conveyed by the United States to the State of Arkansas by such deed dated June 29, 1949; and

(2) that the real property so acquired by exchange shall be continuously used only for the conservation of wildlife, other than migratory birds, and in the event it is no longer used for such purpose or in the event it is needed for national defense purposes, title thereto shall vest in the United States.

(b) The release of the conditions described in subsection (a) of the first section of this Act shall not take effect with respect to any of the certain portions until such time as an exchange of real property for that certain portion is executed in accordance with the terms of agreement described in subsection (a) of this section.

Amend the title so as to read: "A bill to direct the Administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes."

PURPOSE OF THE BILL

The purpose of this legislation is to permit the State of Arkansas to exchange certain lands for certain other lands of comparable value that can be better managed for the preservation of wildlife.

In achieving this purpose, the bill would direct the General Services Administration (GSA) to release certain conditions attached to a portion (three small tracts) of the real property conveyed in 1949 to the State of Arkansas by the United States. The release of the conditions would be contingent upon the entering into of an agreement between GSA and the State that the State would exchange the three small tracts for one or more parcels of real property which are of approximately comparable value and which abut the real property conveyed in the 1949 deed. The acquired property would be required to be subject to the same conditions as those released on the three small tracts.

LEGISLATIVE BACKGROUND

H.R. 1820 was introduced on January 11, 1973, by Congressman Mills of Arkansas.

The Subcommittee on Fisheries and Wildlife Conservation and the Environment held hearings on the legislation on May 2, 1973. The Department of Commerce in its report on the legislation deferred to the views of GSA. The Department of the Interior recommended that the legislation be enacted into law with certain suggested amendments. GSA in its report stated that it would have no objection to the passage of the legislation provided certain suggested amendments were included in the reported bill. Congressman Mills testified at the hearings in support of the bill and introduced in the hearing record a letter dated April 26, 1973, from the Arkansas Game and Fish Commission also in support of the legislation.

After giving thorough consideration to the evidence presented at the hearings (including testimony from the Department of the Interior and GSA) and the departmental reports, your Committee unanimously ordered the bill reported, with amendments, by voice vote. The amendments, which amended the title of the bill and struck out all after the enacting clause and inserted new language, contained all of the amendments suggested by GSA and the Department of the Interior.

BACKGROUND AND NEED FOR THE LEGISLATION

On June 29, 1949, the War Assets Administration conveyed to the Arkansas Game and Fish Commission approximately 4,206 acres of

land located in the Counties of Pulaski and Faulkner to be managed for wildlife conservation purposes.

The conveyance was made subject to the requirements of 16 U.S.C. 667b, which authorizes real property under the control of a Federal agency which is no longer required by such agency to be transferred to a State wildlife agency for wildlife conservation purposes subject to the reservation by the U.S. of all oil, gas, and mineral rights, and to the condition that the property shall continue to be used for wildlife conservation. In the event it is no longer used for such purposes or in the event it is needed for national defense purposes, title thereto shall revert to the U.S. Accordingly, the deed of conveyance for the 4,206 acres of land contains a clause reflecting these restrictions.

Approximately 4,000 acres of the conveyed land is managed for game production and it is fenced and separated from three isolated tracts containing approximately 200 acres. These three tracts are used primarily for hunting and are not being managed together with the main tract. It is with respect to these three tracts that the State wishes to use the proposed exchange authority. Although the State has no firm exchange opportunities at present, it would like to be able to take advantage of any opportunity that may arise to exchange the three tracts for comparable land that could be more appropriately managed together with the 4,000-acre area and other State wildlife preserve lands. The State maintains that this transaction would consolidate its ownership at this wildlife preserve, resulting in more efficient administration in a manner consistent with the purposes of the Act of May 19, 1948.

The 1948 Act does not contain authority for abrogation of the use restriction in a deed conveying property thereunder. Accordingly, your Committee recognizes the need for legislation such as H.R. 1820 if the State's objectives are to be accomplished. Your Committee believes the State's proposal to be reasonable and in consonance with the purposes of the 1948 Act. The interest of the United States could be protected adequately by the presence of restrictions on the lands acquired in exchange for those as to which restrictions are released.

WHAT THE BILL DOES: SECTION-BY-SECTION ANALYSIS

As indicated in the legislative background of this report, your Committee ordered reported to the House H.R. 1820, with amendments, which was accomplished by amending the title of the bill and striking out all after the enacting clause and inserting new language.

There follows a section-by-section summary of H.R. 1820 accompanied by discussion where appropriate.

SECTION I

Section 1, subsection (a) of the bill would authorize and direct GSA to release on behalf of the United States the conditions in the deed with respect to certain portions of the real property which is located in Faulkner County, Arkansas, and which was conveyed in 1949 by the War Assets Administration to the State of Arkansas. The conditions that would be released are those enumerated in 16 U.S.C. 667b, which require the property (1) to be continuously used for the conservation of wildlife, other than migratory birds, and (2) to revert

to the United States at any time the property ceases to be so used, or in the event it is needed for national defense purposes.

The bill, as introduced, failed to include language that would eliminate the possibility of reverter in case the real property would ever be needed for national defense purposes. The bill, as ordered reported, included appropriate language that would correct this oversight by authorizing the release of all of the conditions attached to the real property when conveyed in 1949, that is with respect to the three small tracts with which this legislation is concerned.

Subsection (b) of Section 1 of the bill was added by your Committee. This subsection would define the term "certain portions" as used throughout the legislation. The effect of the definition is to restrict the real property that could be exchanged to the three small tracts which abut the east boundary of such real property and which lie generally east of Saltillo Road.

The bill, as introduced, would authorize the State of Arkansas to exchange any of the 4,200 acres of land contained in the 1949 deed for lands of approximately comparable value located elsewhere in the State. Since the Arkansas Game and Fish Commission indicated in its letter to Congressman Mills that it was interested in exchanging only those three small tracts lying each of Saltillo Road, your Committee amended this section to restrict the exchange authority to only those three tracts.

SECTION II

Section 2, subsection (a) of this bill would provide that the release of the conditions described in Section 1 of the bill would be contingent upon GSA and the State of Arkansas entering into an agreement under which the State would agree (1) to exchange the three small tracts for one or more parcels of real property which would be of approximately comparable value and which would at least in part abut any of the boundaries of the land described in the 1949 deed; and (2) that the real property acquired in exchange would be subject to the same conditions as those released on the three small tracts of land.

The bill, as introduced, would not require the land to be acquired by the State of Arkansas in exchange to abut or be in close proximity to the real property described in the 1949 deed. Although the legislative history contained in the departmental reports and in the letter from the Arkansas Fish and Game Commission would indicate otherwise, your Committee felt that language should be included in the bill to make it clear that the land to be acquired in exchange would have to abut at least in part the main tract of land retained by the State. In this way, the State could carry out its mission of managing this land for the preservation of wildlife in an effective and economical manner.

In addition, language was added to subsection (a) by your Committee, which was not contained in the bill as introduced, to provide that title to the acquired land would vest in the United States in the event it is needed for national defense purposes. The net effect of this amendment is to make the land acquired in exchange subject to the same conditions that were originally attached to the land by the 1949 deed.

Subsection (b) of Section 2 of the bill would provide that the conditions attached to the three small tracts would not be released until such time as the three tracts are actually exchanged pursuant to an agreement entered into by GSA and the State of Arkansas.

Your Committee deemed it appropriate to add language to this subsection to make it clear that the conditions attached to the three tracts, particularly the one that requires the land to be used for the conservation of wildlife, would remain in effect until the actual exchange takes place since a considerable time might elapse between the signing of the agreement and the exchange.

The bill, as introduced, contained a section 3 which would authorize the Secretary of the Interior to convey to the State of Arkansas, for an appropriate consideration, all of the undivided mineral interests of the United States in any land as to which GSA released the conditions authorized by the bill. On April 28, 1959, the mineral interests were sold to a private person, pursuant to the powers and authority contained in the provisions of the Federal Property and Administrative Services Act of 1949. Therefore, in accordance with the suggestion of both GSA and the Department of the Interior that this section of the bill was no longer needed, your Committee deleted Section 3 from the bill.

COST OF THE LEGISLATION

In the event the legislation is enacted into law, it has been estimated by the Department of the Interior and the General Services Administration that there would be no cost to the Federal Government.

After consideration of the foregoing, your Committee finds that the estimate of the Federal agencies is correct.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DEPARTMENTAL REPORTS

The departmental reports received on the bill are as follows:

UNITED STATES OF AMERICA,
GENERAL SERVICES ADMINISTRATION,
Washington, D.C., May 1, 1973.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: Your letter of February 7, 1973, requests the views of the General Services Administration on H.R. 1820, 93rd Congress, a bill "To direct the Administrator of General Services to release a condition with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes."

On June 29, 1949, the War Assets Administration conveyed, on behalf of the United States, approximately 4,206 acres of land to the State of Arkansas to be managed by the Arkansas Game and Fish Commission for wildlife conservation purposes. The conveyance was

made pursuant to the Act of May 19, 1948, as amended (62 Stat. 240; 16 U.S.C. 667b, c, d) which requires that the property continue to be used for wildlife conservation purposes and in the event that it is not so used title thereto shall revert to the United States. Accordingly, the deed of conveyance contains a condition reflecting this use restriction.

H.R. 1820 would authorize and direct the Administrator of General Services to release this condition in the deed, but only with respect to such portion of the property as may be described in an agreement entered into by the Administrator and the State of Arkansas under which the State, in consideration for release of the condition, will exchange the property for other property of approximately comparable value, which then shall be continuously used only for wildlife conservation.

The property conveyed to the State is situated in both Pulaski and Faulkner Counties. We have been advised by a representative of the Arkansas Game and Fish Commission that roughly 4,000 acres of the originally conveyed land is managed for game production, is appropriately fenced, and is separated from three isolated tracts containing approximately 160 to 200 acres of land by Clinton Road in Faulkner County. It is with respect to these tracts that the State wishes to use the proposed exchange authority. The three tracts are not being managed together with the main portion of the wildlife preserve because of their location and are used primarily for hunting.

Although the State has no firm exchange opportunities at present, it desires authority to take advantage of any opportunity which may arise to exchange the three tracts (except for a small area containing the game manager's residence) for lands of comparable value which could more appropriately be managed together with the 4,000-acre area and other State wildlife preserve lands. The State maintains that this transaction would consolidate its ownership at the wildlife preserve, resulting in more efficient administration in a manner consistent with the purposes of the Act of May 19, 1948.

The 1948 Act does not contain authority for abrogation of the use restriction in a deed conveying property thereunder. Accordingly, we recognize the need for legislation such as H.R. 1820 if the State's objectives are to be accomplished. We believe the State's proposal to be reasonable and in consonance with the purposes of the 1948 Act. The interest of the United States could be protected adequately by the presence of restrictions on the lands acquired in exchange for those as to which restrictions are released.

We note, however, that the 1949 deed to the State also provides that the property will revert to the United States should it be needed for national defense uses—a restriction also required in wildlife conservation conveyances to States. Inasmuch as a private party very likely would be reluctant to accept property so encumbered, it is suggested that this reversionary interest also be extinguished by the bill as to the tracts to be exchanged. This may be accomplished by inserting the words "or in the event it is needed for national defense purposes" immediately following the word "used" on line 7, page 2 of the bill.

In addition, although the bill provides that lands received in exchange shall be used only for wildlife conservation, we recommend a requirement that any conveyance of lands to the State in exchange for

lands released from the present conditions contain similar provisions for vesting title in the United States if not used continuously for wildlife conservation purposes or if needed for national defense purposes, thus preserving the original terms of the 1949 deed.

Section 3 of the bill would authorize the Secretary of the Interior to convey to the State of Arkansas, for an appropriate consideration, all the undivided mineral interests of the United States in any land as to which the Administrator releases conditions as authorized by the bill. Pursuant to the requirements of the 1948 Act, the mineral interests in the land conveyed to the State were reserved in the United States. On April 28, 1959, the mineral interests were sold to a private person. Accordingly, section 3 should be deleted from the bill.

Except as noted above, GSA has no objection to the enactment of H.R. 1820.

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

Sincerely,

ARTHUR F. SAMPSON,
Acting Administrator.

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., May 1, 1973.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: This is in reply to your request for the views of this Department concerning H.R. 1820, a bill to direct the Administrator of General Services to release a condition with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes.

Pursuant to the Act of May 19, 1948 (62 Stat. 240), the United States conveyed certain lands in the State of Arkansas to that State subject to the conditions that these lands be used for the conservation of fish and wildlife, other than migratory birds, and that, should they not be so used, they would revert to the United States. In their conveyance, the United States specifically reserved all mineral rights in the lands.

H.R. 1820 would authorize the Administrator of General Services to lift the two conditions upon which the lands originally were conveyed and to grant mineral rights in these lands to Arkansas. In consideration of the lifting of the conditions on the lands, Arkansas would agree "to exchange such real property for real property of approximately comparable value," with the condition "that the property so acquired by exchange shall be continuously used only for the conservation of wildlife, other than migratory birds."

This Department would have no objection to enactment of H.R. 1820. However, since the conveyance of the lands proposed in the bill involves matters for which GSA is directly responsible, we would defer to the views of that agency as to the technical adequacy of the legislation.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our proposed report to the Congress from the standpoint of the Administration's program.
Sincerely,

KARL E. BAKKE,
FOR WILLIAM N. LETSON,
General Counsel.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 1, 1973.

HON. LEONOR K. (Mrs. John B.) SULLIVAN,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.*

DEAR MADAM CHAIRMAN: YOUR Committee has requested the views of this Department on H.R. 1820, a bill "To direct the Administrator of General Services to release a condition with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes."

We recommend that this bill be enacted.

H.R. 1820 would direct the Administrator of General Services to release on behalf of the United States a condition that real property be continuously used only for the conservation of wildlife other than migratory birds with respect to certain real property in Faulkner County, Arkansas, conveyed to the State of Arkansas by the United States. Section 2 directs the Administrator to release the condition relating to use for wildlife purposes with respect to such portions of the land as may be described in an agreement between the Administrator and the State of Arkansas under which the State in consideration for such release agrees to exchange such real property for real property of comparable value and that the property so acquired shall be continuously used for conservation of wildlife other than migratory birds. In addition, Section 3 of the bill would direct the Secretary of the Interior, upon application, to convey to the State of Arkansas all the undivided mineral interests of the United States in any parcel with respect to which the Administrator has released the condition.

On June 29, 1949, pursuant to the Act of May 19, 1948, as amended (16 U.S.C. 6676), the Arkansas Game and Fish Commission was deeded some 4,200 acres of land which was a part of that originally acquired and managed by the Department of Defense for the installation known as Camp Robinson. The deed stipulated that the area was to be used only for the conservation of wildlife other than migratory birds, and that it would revert to the United States at any time it ceases to be so used. On April 29, 1959, the General Services Administration conveyed the subject mineral interests pursuant to Section 203 the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484).

Currently the State is using this area primarily as a hunting dog training area, and national field trails for quail, fox, and raccoon dogs were recently completed. Local field dog trials are frequent. There are about 200 acres in several small tracts detached from the main

unit by a State highway. This bill would enable the State Game and Fish Commission to negotiate exchange of these lands to permit additions to the main unit for a larger and more manageable unit. We understand that one of the proposed uses for land so acquired would be to enhance the hunter safety program authorized under P.L. 91-503 and P.L. 92-558. It is our judgment that the consolidation that would be accomplished by this legislation would provide a better management unit for the State for its fish and wildlife resources.

However, since the Secretary of the Interior administers no mineral interests with respect to these lands, we recommend that Section 3 of H.R. 1820 be deleted.

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

Sincerely yours,

NATHANIEL P. REED,
Assistant Secretary of the Interior.

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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 direct the Administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any provision of the Act of May 19, 1948 (62 Stat. 240, 16 U.S.C. 667b), or of any other law, the Administrator of General Services (hereafter referred to in this Act as the "Administrator") is authorized and directed to release, subject to section 2 of this Act, on behalf of the United States with respect to certain portions of the real property which is located in the county of Faulkner, State of Arkansas, and which was conveyed by the United States to the State of Arkansas by deed dated June 29, 1949, the conditions in that deed which require that the real property so conveyed—

(1) be continuously used only for the conservation of wildlife, other than migratory birds; and

(2) revert to the United States at any time it ceases to be so used, or in the event it is needed for national defense purposes.

(b) As used in this Act, the term "certain portions" means those portions of the real property conveyed by the United States to the State of Arkansas by such deed dated June 29, 1949, which in part abut the east boundary of such real property and which lie generally east of Saltillo Road.

SEC. 2. (a) The release of the conditions described in subsection (a) of the first section of this Act with respect to the certain portions is contingent upon the entering into of an agreement between the Administrator and the State of Arkansas under which the State of Arkansas, in consideration for the release of such conditions to the certain portions, agrees—

(1) to exchange such certain portions for one or more parcels of real property which are of approximately comparable value and which at least in part abut any of the boundaries of the real property conveyed by the United States to the State of Arkansas by such deed dated June 29, 1949; and

(2) that the real property so acquired by exchange shall be continuously used only for the conservation of wildlife, other than migratory birds, and in the event it is no longer used for such purpose or in the event it is needed for national defense purposes, title thereto shall vest in the United States.

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(b) The release of the conditions described in subsection (a) of the first section of this Act shall not take effect with respect to any of the certain portions until such time as an exchange of real property for that certain portion is executed in accordance with the terms of agreement described in subsection (a) of this section.

Speaker of the House of Representatives.

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