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**APPROVED**  
**MAY 29 1976**

85/29/76


THE WHITE HOUSE  
WASHINGTON  
May 28, 1976

ACTION  
Last Day: June 4

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON 

SUBJECT:

S. 3399 - Conveyance of land to the Commonwealth of Massachusetts

*Posted*  
*6/1/76*

*To Archives*  
*6/1/76*

Attached for your consideration is S. 3399, sponsored by Senator Ribicoff. The enrolled bill would authorize the Administrator of the General Services Administration to convey to the Commonwealth of Massachusetts a ten-acre tract in Cambridge formerly owned by the Massachusetts Bay Transportation Authority. This tract was donated to the U.S. in 1968 as a site for the John F. Kennedy Library but the Library's Board of Trustees voted not to construct the facility in Cambridge.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 3399 at Tab B.





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

MAY 27 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3399 - Conveyance of land to the  
Commonwealth of Massachusetts  
Sponsor - Sen. Ribicoff (D) Conn.

Last Day for Action

June 4, 1976 - Friday

Purpose

To authorize and direct the General Services Administration (GSA) to convey certain land in Cambridge, Massachusetts to the Commonwealth of Massachusetts.

Agency Recommendations


Office of Management and Budget	Approval
General Services Administration	Approval

Discussion

The enrolled bill would authorize and direct the GSA Administrator to convey, without consideration, to the Commonwealth of Massachusetts a ten-acre tract in Cambridge formerly owned by the Massachusetts Bay Transportation Authority. This tract was donated to the United States on January 24, 1968, by the Commonwealth as a site for the John F. Kennedy Library. However, because of the Cambridge community's concern over the environmental impact of this proposed project, the Library's Board of Trustees voted not to construct the facility in Cambridge.

No provision was made in the deed for a reversion of the land if the property was not used for its intended purpose. Therefore, in the absence of the proposed legislation, the tract could only

be returned upon payment by the Commonwealth of its estimated fair market value, or at no cost, or at a discount, provided in the latter two instances that the Commonwealth agreed to restrict the property's use to certain public purposes. S. 3399 would permit the unrestricted return of this property to the Commonwealth of Massachusetts on the same cost-free basis that it was originally donated.

  
Assistant Director  
for Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 28

Time: 900am

FOR ACTION:

Lynn May *LM*  
Max Friedersdorf *MF*  
Ken Lazarus *KL*

cc (for information):

Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: May 28

Time: 500pm

SUBJECT:

S. 3399 - Conveyance of land to the Commonwealth  
of Massachusetts

ACTION REQUESTED:

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

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405



May 24, 1976

Honorable James T. Lynn  
Director, Office of  
Management and Budget  
Washington, DC 20503

Dear Mr. Lynn:

By letter of May 21, 1976, your office requested the views of the General Services Administration (GSA) on enrolled bill S. 3399, a bill "To authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts.

GSA supports enactment of the enrolled bill.

Sincerely,

A handwritten signature in cursive script that reads "Terry Chambers".

TERRY CHAMBERS  
Acting Administrator

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 28

Time: 900am

FOR ACTION:

Lynn May  
Max Friedersdorf  
Ken Lazarus

cc (for information):

Jack Marsh  
Jim Cavanaugh  
Ed Schmults

*m.6.*

FROM THE STAFF SECRETARY

DUE: Date: May 28

Time: 500pm

SUBJECT:

S. 3399 - Conveyance of land to the Commonwealth  
of Massachusetts

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.

James M. Cannon  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 28

Time: 900am

FOR ACTION: Lynn May  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

---

DUE: Date: May 28

Time: 500pm

---

SUBJECT:

S. 3399 - Conveyance of land to the Commonwealth  
of Massachusetts

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

No objection -- K. Lazarus 5/28/76

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.

James M. Cannon  
For the President



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

MAY 27 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3399 - Conveyance of land to the  
Commonwealth of Massachusetts  
Sponsor - Sen. Ribicoff (D) Conn.

Last Day for Action

June 4, 1976 - Friday

Purpose

To authorize and direct the General Services Administration (GSA) to convey certain land in Cambridge, Massachusetts to the Commonwealth of Massachusetts.

Agency Recommendations

Office of Management and Budget	Approval
General Services Administration	Approval

Discussion

The enrolled bill would authorize and direct the GSA Administrator to convey, without consideration, to the Commonwealth of Massachusetts a ten-acre tract in Cambridge formerly owned by the Massachusetts Bay Transportation Authority. This tract was donated to the United States on January 24, 1968, by the Commonwealth as a site for the John F. Kennedy Library. However, because of the Cambridge community's concern over the environmental impact of this proposed project, the Library's Board of Trustees voted not to construct the facility in Cambridge.

No provision was made in the deed for a reversion of the land if the property was not used for its intended purpose. Therefore, in the absence of the proposed legislation, the tract could only

**AUTHORIZING AND DIRECTING THE ADMINISTRATOR OF GENERAL SERVICES TO CONVEY CERTAIN LAND IN CAMBRIDGE, MASSACHUSETTS, TO THE COMMONWEALTH OF MASSACHUSETTS**

MAY 13, 1976.—Ordered to be printed

Mr. RIBICOFF, from the Committee on Government Operations, submitted the following

## REPORT

[To accompany S. 3399]

The Committee on Government Operations, to which was referred the bill (S. 3399) to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

### PURPOSE

The purpose of this bill is to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts.

### BACKGROUND

The bill would require the Administrator of General Services to convey to the Commonwealth of Massachusetts, without consideration, all interests of the United States in a tract of land containing approximately 10 acres which was formerly owned by the Massachusetts Bay Transportation Authority. The land was formerly part of a train yard owned by the authority and is located at the terminus of the Dorchester Cambridge rapid transit line in the City of Cambridge. It was donated to the United States by deed dated January 24, 1968, by the Commonwealth of Massachusetts, as a gift from the people of the Commonwealth, in order to provide a site for the John Fitzgerald Kennedy Library (attachment a includes copy of deed). Public Law 89-547, 80 Stat. 370, approved August 27, 1966, authorized the Administrator to "... accept title to the structure or structures to be

erected and equipped at Cambridge, Massachusetts, by the John Fitzgerald Kennedy Library, Incorporated, to be transferred to the United States Government, without reimbursement, for use as a Presidential archival depository to be known as the John Fitzgerald Kennedy Library, and to maintain, operate, and protect such depository as a part of the National Archives System . . .”

Because of opposition within the Cambridge community based on concern for the environmental impact of the project, the Board of Trustees of the John F. Kennedy Memorial Library voted not to construct the facility in Cambridge. It is now proposed that the Library be constructed on the site of the Harbour Campus of the University of Massachusetts in Dorchester, Massachusetts.

Although the act of the Massachusetts legislature in authorizing the gift; Public Law 89-547, authorizing acceptance by the United States of the conveyance; and the deed of conveyance all recite the purpose of the gift, the deed did not include a provision requiring a reversion of the land in the event the property was not used for the intended purpose. Accordingly, in the event the proposed bill is not enacted, the property upon determination that it is surplus to the needs of the Federal Government will be disposed of pursuant to the Federal Property and Administrative Services Act of 1949, as amended. In such event, the property could only be returned to the Commonwealth upon payment of the estimated fair market value of the property, or at no cost, or at a discount, provided, in the latter two instances, the Commonwealth agree to restrict use of the property for certain public purposes.

#### SUMMARY

Because the Library will now be built on the site of the Harbour Campus of the University of Massachusetts in Dorchester, Massachusetts, rather than on the Cambridge site, the original intent that the property be given to the United States to be used as a site for the Kennedy Library cannot be satisfied.

Ordinarily, property of this nature is disposed of pursuant to the Federal Property and Administrative Services Act, as amended. Accordingly, the property could only be returned to the Commonwealth upon payment of the estimated fair market value of the property, or at no cost, or at a discount, provided, in the latter two instances that the Commonwealth agrees to restrict the use of the property for certain public purposes. Due to the fact that the property was a gift, without cost, to the Federal Government with the specific purpose that it be a site for the John Fitzgerald Kennedy Library, the bill is intended to return the property to the Commonwealth which the Federal Government had acquired at no cost in 1968.

On May 11, 1976, the Senate Government Operations Committee ordered S. 3399 favorably reported, by voice vote, with amendments of a technical nature for purposes of clarification only.

Comments submitted by the General Services Administration on April 13, 1967, to the House Government Operations Committee on H.R. 12339, a similar bill, strongly favors enactment of this legislation.

#### ATTACHMENT A

RACKEMANN, SAWYER & BREWSTER,  
Boston, Mass., March 7, 1968.

Re John Fitzgerald Kennedy Library.

HARRY R. VAN CLEVE, Esq.,  
General Counsel, General Services Administration,  
Washington, D.C.

DEAR VAN CLEVE: Enclosed herewith is the deed from the Massachusetts Bay Transportation Authority to the United States of America duly recorded in Book 11467, Page 668, which has just come back to us from the Middlesex South District Registry of Deeds.

Yours very truly,

WILLIAM L. PAYSON.

Enclosure.

Whereas, St. 1965, Chapter 864 authorizes the Massachusetts Bay Transportation Authority (the "Authority"), a body politic and corporate and a political subdivision of The Commonwealth of Massachusetts established under the provisions of Chapter 563 of the Acts of 1964, to convey to the United States of America (the "United States"), in order to provide a site for the presidential archival depository of the John Fitzgerald Kennedy Library, a part of the train yards (the Yards") owned by the Authority and located at the terminus of the Dorchester-Cambridge rapid transit line in the City of Cambridge, Middlesex County, Massachusetts, said part not to exceed ten acres bounded on the east by Boylston Street and on the south by Memorial Drive, the exact metes and bounds of which have been agreed upon by the Authority and the United States acting by and through the Administrator of General Services (the "Administrator") and are the premises shown as Parcel 1 on the plan hereinafter referred to; and

Whereas by joint resolution the Senate and House of Representatives of the United States have authorized the acceptance of such conveyance (Public Law 89-547; 80 Stat. 370); and

Whereas it is anticipated that it will be necessary to adjust the metes and bounds of the part of the Yards to be owned by the United States and of the remaining part to be owned by the John Fitzgerald Kennedy Library Incorporated (the "Library Corporation"), a non-profit corporation duly organized under the laws of The Commonwealth of Massachusetts, and in order to accomplish such result without the necessity of the execution and delivery by the United States of a deed or deeds conveying a portion of said Parcel 1, it has been agreed to grant to the Library Corporation a future interest in a portion thereof: now, therefore,

The Massachusetts Bay Transportation Authority, for consideration paid, gives, grants, bargains and sells, enfeoffs and conveys to the United States of America (mailing address: General Services Administration, Washington, D.C. 20405) with quitclaim covenants,

subject to the provisions hereinafter set forth, a certain parcel of land situated on Memorial Drive, Boylston Street, Bennett Street and University Road in said Cambridge, shown as Parcel 1 on a plan entitled "Plan of Land in Cambridge—Mass.," dated December 26, 1967, revised January 12, 1968, by William S. Crocker, Inc., to be recorded herewith, containing 435,561 square feet or 9.999 acres, and bounded and described as follows:

Southeasterly by a curved line at the junction of Boylston Street and Memorial Drive, about twenty-eight and 15/100 (28.15) feet;

Southerly about three hundred six and 53/100 (306.53) feet;

Westerly twenty-six and 34/100 (26.34) feet;

Southwesterly fifty-seven and 36/100 (57.36) feet;

Southerly thirty-eight and 45/100 (38.45) feet; and

Southwesterly about four hundred seventy-six and 59/100 (476.59) feet, all of the foregoing courses being by Memorial Drive;

Northwesterly in part by land now or formerly of the Society of St. John the Evangelist and in part by the southeasterly line of University Road, five hundred and 42/100 (500.42) feet;

Northeasterly by Bennett Street, four hundred three and 07/100 (403.07) feet;

Southeasterly by land of The Commonwealth of Massachusetts, sixteen and 20/100 (16.20) feet, and by Parcel 2 on said plan, three hundred sixty-six and 19/100 (366.19) feet;

Northeasterly by said Parcel 2, three hundred thirty-six and 11/100 (336.11) feet; and

Southeasterly by Boylston Street, four hundred two and 98/100 (402.98) feet.

To have and to hold the granted premises, together with all privileges and appurtenances thereto belonging to the grantee, its successors and assigns, until the recording of an agreement and certificate (the "certificate") to which reference is hereafter made in Paragraph I, and then to the use of the Library Corporation (mailing address: 122 Bowdoin Street, Boston, Massachusetts 02108) of so much of said Parcel 1 as is covered by such certificate.

I. Promptly after each notice given by the Library Corporation of the Additional Land (as hereinafter defined) it wishes, the exact metes and bounds of the part of the Yards thereafter to be owned by the United States and the remaining part to be owned by the Library Corporation shall be agreed upon by the Authority and the United States acting by and through the Administrator, and title to such Additional Land, subject to the payment by the Library Corporation to The Commonwealth of Massachusetts of the sum of \$14 per square foot for such Additional Land, shall automatically vest in the Library Corporation upon the filing in the Middlesex South District Registry of Deeds within twenty (20) years from the date hereof of a certificate which (a) shall set forth the exact metes and bounds of the part of the Yards thereafter to be owned by the United States and the exact metes and bounds of the remaining part of the Yards to be owned by the Library Corporation, (b) shall state the area in square feet of the

Additional Land so to be acquired by the Library Corporation, and (c) shall be executed on behalf of the Authority by properly authorized officers and by the Administrator to evidence their mutual agreement upon said exact metes and bounds and by the Treasurer and Receiver General of The Commonwealth of Massachusetts to evidence receipt by said Commonwealth from the Library Corporation of \$14 per square foot for the Additional Land so acquired by the Library Corporation.

The term Additional Land shall mean land within said Parcel 1 acquired by the Library Corporation as the result of the filing of one or more of the certificates referred to in the preceding paragraph; provided, however, that the total area of Additional Land shall not exceed three acres plus an area equal to any part of Parcel 2 on said plan which may have been conveyed by the Library Corporation to the United States subsequent to the date hereof.

II. By the acceptance of this deed the United States agrees that it will make arrangements with the Library Corporation to cause a suitable memorial to be placed in a prominent place indicating that the site of Library was a gift from the people of The Commonwealth of Massachusetts.

III. The granted premises are conveyed subject to an easement hereby reserved to use the existing tracks and facilities, and any additions or alterations thereto, at the Yards for such period as the Authority may require, but in no event after the Termination Date referred to below. The Authority shall exercise its best efforts to relocate such tracks and facilities, to vacate the Yards and to deliver full possession thereof, free of all tenants and occupants, to the United States as soon as practicable, and in any event by January 1, 1970, provided, however, that if the Authority shall be unable to move prior to said date, then said date may be postponed by mutual agreement of the Authority and the Library Corporation (January 1, 1970, or such postponed date if there be one, being herein called the "Termination Date").

IV. The granted premises also are conveyed subject to the building line on said Memorial Drive, formerly Charles River Road, created by vote of the City of Cambridge Park Commissioners on November 29, 1898, a copy of which is recorded with said Deeds, Book 2709, Page 588, and to the building line on Boylston Street created by order of the City Council dated February 12, 1962, recorded with said Deeds, Book 9997, Page 599, all so far as now in force and applicable.

V. The Authority shall indemnify the United States and hold it harmless against any loss, cost, damage or expense whatsoever which it may incur or suffer by reason of public liability or taxes, if any, or by any other reason, if such loss, cost, damage or expense is based upon or results from the ownership, use or occupancy of the Yards prior to the time the full possession thereof shall have been delivered to the United States and to the Library Corporation.

VI. No Massachusetts deed excise stamps are affixed hereto, none being required by law.

In witness whereof the Massachusetts Bay Transportation Authority has caused its corporate seal to be affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Charles C. Cabot, William J. Fitzgerald, Philip Kramer, Robert P. Springer and Forrest I. Neal, Jr., hereto duly authorized, this 24th day of January, 1968.

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY,  
By CHARLES C. CABOT,  
WILLIAM J. FITZGERALD,  
PHILIP KRAMER,  
ROBERT P. SPRINGER,  
FORREST I. NEAL, JR.

The Commonwealth of Massachusetts, Suffolk, ss., January 24, 1968. Then personally appeared the above-named Charles C. Cabot, William J. Fitzgerald, Philip Kramer, Robert P. Springer and Forrest I. Neal, Jr., known to me to be all of the Directors of the Massachusetts Bay Transportation Authority, and acknowledged the foregoing instrument to be the free act and deed of the Massachusetts Bay Transportation Authority, before me.

[SEAL]

JEANETTE S. CORRIGAN,  
*Notary Public.*

My commission expires May 25, 1973.

○

RETURNING CERTAIN LAND IN CAMBRIDGE, MASS.,  
TO THE COMMONWEALTH OF MASSACHUSETTS

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MAY 20, 1976.—Ordered to be printed

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Mr. Brooks, from the Committee on Government Operations,  
submitted the following

**REPORT**

[To accompany H.R. 12339]

The Committee on Government Operations, to whom was referred the bill (H.R. 12339) to authorize the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

On the first page, line 8, after "United States," strike out "as a gift from the people of The Commonwealth of Massachusetts" and insert "by the Commonwealth of Massachusetts, as a gift on behalf of its people".

Amend the title so as to read:

"A bill to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts."

**PURPOSE**

The purpose of H.R. 12339 is to require the Administrator of General Services to convey to the Commonwealth of Massachusetts without consideration approximately 10 acres of land situated in Cambridge, Massachusetts. This is land that was given to the United States in 1968 on behalf of the people of Massachusetts in order to provide a site for the Presidential archival depository of the John Fitzgerald Kennedy Library, which is now expected to be built elsewhere.

**COMMITTEE VOTE**

At a meeting of the full Committee on Government Operations on May 20, 1976, H.R. 12339 as amended was approved unanimously.

## HEARING

On May 13, 1976, the Committee, through its Government Activities and Transportation Subcommittee, held a hearing on H.R. 12339. Witnesses were the Special Assistant to the Administrator of General Services and the Acting Assistant General Counsel, General Services Administration. The General Services Administration submitted a prepared statement in support of the bill. After the hearing, the subcommittee adopted two proposed technical amendments to H.R. 12339 and voted unanimously to report the bill to the Full Committee.

## EXPLANATION OF THE AMENDMENTS

The first technical amendment makes clear that the gift conveyance of the land in 1968 was by the Commonwealth of Massachusetts on behalf of its people. Thus it is that the bill directs the land to be returned to the Commonwealth.

The second technical amendment is to conform the language of the title to the operative language of the bill.

## BACKGROUND

Chapter 864 of the Massachusetts Statutes of 1965 authorized a political subdivision of the Commonwealth, the Massachusetts Bay Transportation Authority (MBTA) to donate to the United States up to 10 acres in the City of Cambridge to provide a site for the Presidential archival depository of the John F. Kennedy Library. In 1966, the Congress authorized the Administrator to accept title to the library to be erected at the Cambridge site and to do so without reimbursement (P.L. 89-547; August 27, 1966; 80 Stat. 370). The House Committee on Government Operations had considered and reported this measure as H.J. Res. 1207 (H. Report 89-1801). P.L. 89-547 also authorized the Administrator to maintain, operate, and protect the depository as part of the National Archives system. With respect to this site, the Administrator was expressly relieved of having to comply with certain reporting requirements of general law (now found in 44 U.S.C. 2108) with regard to any proposed gift of property for Presidential archives.

The land for the Library was accepted by GSA on behalf of the United States on February 15, 1968. However, according to GSA testimony, the MBTA has been permitted to continue its use of the tract.

## DISCUSSION

All plans to use the Cambridge site for the John F. Kennedy Library have been abandoned. The reasons reportedly involve difficulties in relocating train and bus-storage facilities for the MBTA and also serious misgivings on the part of some neighbors that the proposed Library facility would adversely affect the environment by attracting much automobile and pedestrian traffic to the area.

Because of the prospect of added delay, the Board of Directors of the Kennedy Library Corporation voted not to construct the facility in Cambridge. Plans are well advanced for use of an alternate site

located at the Harbour Campus of the University of Massachusetts in Dorchester, Massachusetts. Consequently, the Commonwealth of Massachusetts desires that the Cambridge land it gave in 1968 be returned without consideration.

The 1968 deed of conveyance to the United States did not provide for reversion of the land to the donor in the event the land should not be used for the intended purpose, which purpose was clearly expressed in that deed as well as in both the 1965 Massachusetts statute and P.L. 89-547.

There is a general law that would allow the Administrator to dispose of property to the Commonwealth by direct negotiation. This is found in section 203(e)(3)(H) of the Federal Property Act (40 U.S.C. 484(e)(3)(H)). But such a transfer would require the Administrator to obtain consideration representing the estimated fair market value of the property. Moreover, even before any such negotiated disposal, the Administrator would have to give other Federal agencies a chance to pick up the property for further Federal utilization.

In order to assure that the Commonwealth be made whole after the purpose of its gift of land to the United States failed because of unusual circumstances, it will be necessary for the Congress to enact special legislation. That is the function of this bill.

In a letter dated April 13, 1976, the General Services Administration supportst he bill, expressing the belief that since the intent of the donor of the Cambridge site cannot now be satisfied, "the United States has both an equitable and moral obligation to return to the Commonwealth the same interest in the land it acquired at not cost in 1968." The letter follows:

GENERAL SERVICES ADMINISTRATION,  
Washington, D.C., April 13, 1976.

HON. JACK BROOKS,  
Chairman, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In a letter dated March 10, 1976, your committee requested the views of the General Services Administration on H.R. 12339, a bill "To authorize the Administrator of General Services to convey certain land in Cambridge, Mass., to the Commonwealth of Massachusetts."

The bill, if enacted, would require the Administrator to convey to the Commonwealth of Massachusetts without consideration all interests of the United States in a tract of land containing approximately 10 acres which was formerly owned by the Massachusetts Bay Transportation Authority. The land was formerly part of a train yard owned by the authority and is located at the terminus of the Dorchester Cambridge rapid transit line in the City of Cambridge. It was donated to the United States by deed dated January 24, 1968, by the Commonwealth of Massachusetts, as a gift from the people of the Commonwealth, in order to provide a site for the John F. Kennedy Library. Public Law 89-547, 80 Stat. 370, approved August 27, 1966, authorized the Administrator to accept the gift.

Because of opposition within the Cambridge community based on concern for the environmental impact of the project, the Board of Trustees of the John F. Kennedy Memorial Library voted not to con-

struct the facility in Cambridge. It is now proposed that the library be constructed on the site of the Harbour Campus of the University of Massachusetts in Dorchester, Massachusetts.

Although the act of the Massachusetts legislature in authorizing the gift; Public Law 89-547, authorizing acceptance by the United States of the conveyance; and the deed of conveyance all recite the purpose of the gift, the deed did not include a provision requiring a reversion of the land in the event the property was not used for the intended purpose. Accordingly, in the event the proposed bill is not enacted, the property upon determination that it is surplus to the needs of the Federal Government will be disposed of pursuant to the Federal Property and Administrative Services Act of 1949, a law of general application. In such event, the property could only be returned to the Commonwealth upon payment of the estimated fair market value of the property, or at no cost, or at a discount, provided, in the latter two instances, the Commonwealth agree to restrict use of the property for certain public purposes.

In view of the above, GSA strongly favors enactment of H.R. 12339. The property was donated to the United States on the implied condition that it be used as a site for the Kennedy Library. The intent of the donor cannot now be satisfied. It is believed that the United States has both an equitable and moral obligation to return to the Commonwealth the same interest in the land it acquired at no cost in 1968. Enactment of H.R. 12339 is necessary to accomplish this objective.

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.

We thank you for the opportunity of expressing the views of the General Services Administration on this legislation.

Sincerely,

KENNETH M. DUBERSTEIN,  
*Director of Congressional Affairs.*

#### CONCLUSION

The Committee concludes that reason and equity strongly justify returning this property to the Commonwealth of Massachusetts. Accordingly, the Committee favors the enactment of this bill.

#### ESTIMATED COST OF LEGISLATION

Enactment of this bill would not result in additional cost to the Government other than the minimal, one-time administrative expense that attends the conveyancing.

#### MATTERS REQUIRED TO BE DISCUSSED UNDER HOUSE RULES

In compliance with clauses 2(1)(3) and 2(1)(4) of rule XI of the Rules of the House of Representatives, the following statements are made:

With respect to subdivision (A) of clause 2(1)(3), the Government Activities and Transportation Subcommittee has reviewed application

and administration of the general laws relating to real property disposal and to Presidential archival depositories as well as the organization and operation of the Federal agency responsible for administration and execution thereof. The Committee has determined that the particular need for this bill, arising out of an earlier special enactment and unusual circumstances, does not indicate need for new or additional legislation of a general nature.

With respect to subdivision (C), the Committee advises that no estimate or comparison has been prepared by the Director of the Congressional Budget Office relative to the provisions of H.R. 12339.

In compliance with clause 2(1)(4), the Committee states that this legislation in and of itself is not expected to have an inflationary impact on prices and costs in the operation of the national economy.

○



S. 3399

# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

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

## An Act

To authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey to the Commonwealth of Massachusetts, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to that certain tract of land, situated in Cambridge, Massachusetts, which was conveyed to the United States, by the Commonwealth of Massachusetts, as a gift on behalf of its people in order to provide a site for the Presidential archival depository of the John Fitzgerald Kennedy Library, by a deed dated January 24, 1968, and recorded with the Middlesex, Massachusetts, Southern District Registry of Deeds in book 11467 at page 668.*

*Speaker of the House of Representatives.*

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

May 24, 1976

Dear Mr. Director:

The following bills were received at the White House on May 24th:

S. 2129 ✓  
S. 2498 ✓  
S. 3399 ✓

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 James T. Lynn  
Director  
Office of Management and Budget  
Washington, D.C.