

ADDENDUM
TO
MEMORANDUM
OF

SAMUEL I ROSENMAN

BRUCE BROMLEY

CHARLES POLETTI

Special Counsel

ADDRESSED TO

THE HONORABLE ANTHONY J. CELEBREZZE

Secretary of Health, Education and Welfare

A REVISED
APPLICATION BY THE COUNTY OF NASSAU
FOR SURPLUS FEDERAL LAND AT MITCHEL FIELD
FOR PUBLIC EDUCATION AND CULTURAL USES

SUPERVISOR GEORGE B. COSTIGAN
SUPERVISOR RALPH G. CASO

NASSAU COUNTY BOARD OF SUPERVISORS
SPECIAL COMMITTEE ON EDUCATION FOR MITCHEL FIELD

Mitchell Field
Hall
[Signature]

Vocational
School

Extension
Services

Central
Library

Community
College

RESOLUTION PASSED BY NASSAU COUNTY BOARD OF SUPERVISORS,
APPROVED AND SIGNED BY COUNTY EXECUTIVE ON MAY 17, 1963

WHEREAS, on April 29, 1963, the Board of Supervisors of the County of Nassau adopted Resolution No. 310-D, urging the United States Department of Health, Education and Welfare and the United States Department of the Interior to make recommendations to the General Services Administration to the effect that the County of Nassau would obtain the maximum public benefit allowances permissible in connection with the pending acquisition by the County of the surplus properties at Mitchel Field; and

WHEREAS, the determination of the Board of Supervisors, as expressed in the said resolution, was predicated upon a decision of the Governmental Operations Committee of the United States Senate, made on April 26, 1963, in which it was recommended that the General Services Administration obtain the recommendations of the Department of Health, Education and Welfare and the Department of the Interior in view of the County's plan, as filed, indicating educational, cultural, park and civic uses for such property; and

WHEREAS, a public announcement has just been made from Washington, D.C., that at the request of Senator Hubert Humphrey, Senator John McClelland, Chairman of the Committee on Governmental Operations, has called a closed meeting of the said Committee to be held in Washington, D.C., on May 27, 1963, at 10 a.m. for the purposes of reviewing the action previously taken by the said committee on April 26, 1963; and

WHEREAS, it has been reported in the public press that the request for review of the Senate Committee's decision has been induced by "enormous political pressure exerted from high places"; and

WHEREAS, this Board of Supervisors resents any attempt at political pressure or interference detrimental to the interests of the taxpayers which would serve to cause the citizens of our County to spend many millions of dollars needlessly after having been assured that consideration would be given to their rightful request for public benefit allowances; and

WHEREAS, it is the duty of all officials of the government of the County of Nassau to condemn strongly the use of political influence or pressure of any kind or from any source designed to reverse the previously announced decision of the Governmental Operations' Committee of the United States Senate; and

WHEREAS, in the interests of the taxpayers of the County of Nassau, it is important that the Governmental Operations' Committee of the United States Senate be made aware of the determination of the County of Nassau to continue to press for the public benefit allowances which would save the County's taxpayers many millions of dollars; now, therefore, be it

RESOLVED that the Governmental Operations' Committee of the United States Senate is hereby strongly urged to reaffirm its previously announced decision of April 26, 1963, requesting that the General Services Administration obtain the recommendations of the Department of Health, Education and Welfare and the Department of the Interior in relation to the acquisition by the County of Nassau of the surplus properties at Mitchel Field.

THIS IS AN ADDENDUM TO THE MEMORANDUM BY COUNSEL ROSENMAN, POLETTI,
BROMLEY ON DISPOSAL OF SURPLUS FEDERAL LAND FOR
PUBLIC EDUCATION AT MITCHEL FIELD

Following the action of the United States Senate Government Operations Committee on April 26th, the Nassau County Board of Supervisors appointed a "Special Bi-Partisan Committee on Education for Mitchel Field" with Supervisor George B. Costigan of Long Beach, a trustee for Nassau Community College, a Chairman, and Supervisor Ralph G. Caso of Hempstead in which Mitchel Field is physically located.

The Committee was instructed to be of every assistance possible in furnishing revised up-to-the-minute facts and statistics which might be helpful to the Department of Health, Education and Welfare in arriving at recommendations to be sought by the General Services Administration, upon advice of the Senate Committee.

Conferences were held with all those concerned with public education in the County of Nassau which, according to figures just released by the New York State Department of Education, "has more children in public schools than any other county in the State outside of New York City."

To many, with no idea of the size and population density of Nassau County, it is "just a metropolitan suburb." A governmental entity with a population pressing one and one half million residents, has educational problems far exceeding those of 15 individual states. Were Nassau County a city, it would be the SIXTH in size in the United States!

PUBLIC SCHOOL NEEDS

A summary of the property needed at Mitchel Field for public school purposes in Nassau County:

	Needed	Received
Nassau Community College	235 Acres	135 Acres
Nassau Vocational Board	45 Acres	0
Nassau Extension Services	20 Acres	0
Central Reference Library	12 Acres	0
	312 Acres	135 Acres

The Department of Health, Education and Welfare, itself, recommended the necessity of 235 acres for Nassau Community College, based on a survey of the County's present and future needs. A detailed summary of the Community College's projections concludes this addendum, since it is, by far, the paramount single need for higher education.

Summaries of the needs of other public educational agencies in Nassau County, dependent on space at Mitchel Field for expansion, are put forth in this addendum as expressed to the Special Education Committee in its series of conferences with boards and agencies.

VOCATIONAL EDUCATION & EXTENSION BOARD

This Board has been serving schools and fire districts of Nassau County for 30 years. It has pressing needs for the expansion of vocational training, and plans for a Technical and Trade High School and a new Special Services School at Mitchel Field. A minimum of 25 acres is required for the Technical and Trade School at Mitchel Field, with three more units of similar size needed in other areas of the County to service the 57 schools whose children attend daily classes.

Enrollment of physically and mentally handicapped children is increasing at an alarming rate, as people from New York City move to Nassau County to take advantages of these opportunities for their "exceptional" children. There are classes for the following:

Severely mentally retarded, with speech therapy, psychologists, psychiatrists, social workers, medical consultants; brain injured, emotionally disturbed, hard-of-hearing, legally blind and blind with special problems, limited vision.

Thousands must now attend classes in converted factories to receive training so desperately needed to equip them for jobs in industry that will make them self supporting. Electronics, mechanics, mechanical drafting, cosmetology, refrigeration and air conditioning are just a few of the subjects taught by a staff of skilled teachers.



The Nassau County Vocational Education and Extension Board feels that, in every way, it is fulfilling President Kennedy's request for a re-evaluation of the National Vocational Acts. It is offering training opportunities for non-college graduates who will enter the labor market after High School, and retraining workers whose skills must be up-dated.

One of the nation's best-equipped Firemen's Training Centers, operated by this Vocational Board, stands in dire need of space in which to expand its comprehensive program.

NASSAU COUNTY EXTENSION SERVICE*

More than 10,000 residents of Nassau County participate in teaching programs of this local affiliate of the Federal Extension service, with its research and community instruction schedules for subjects related to agriculture, home horticulture, home economics, home demonstrations, and 4-H Clubs.

The three departments of the Extension Service Association have filed requests for 12 acres at Mitchel Field on which to build badly needed educational centers for both youth and adults. Space is needed for classrooms for many subjects, conference rooms, laboratories, workshops, lecture halls for seminars, and an auditorium for "Open House" exhibits.

Agriculture demands laboratories for testing and experimenting, 4-H Clubs for classrooms and laboratories to learn methods and develop skills. Home Demonstration needs room for the training of some 4,000 women annually in domestic accomplishments. Facilities are required for the handling of thousands of phone calls, and the answering of thousands of letters to suburbanites on myriad subjects related to the Extension Services.

The activities of the Nassau County Extension Service have been warmly praised by Cornell University, which strongly supports its educational efforts and the need for space at Mitchel Field to expand its teaching programs.

NASSAU COUNTY TEMPORARY COMMISSION ON VOCATIONAL AND SPECIAL EDUCATION

There is now at work in Nassau County, created by a special act of the New York State Legislature, a study commission—the only one of its kind—devoted to a survey of the present and future needs of our people. Members of this Commission, interviewed by the Board of Supervisors Special Committee on Education, were unanimous in their expression of the dire need for added educational locations in Nassau County.

*Statistics, complete data on file with H. E. & W.

CENTRAL REFERENCE LIBRARY

One of the most important developments in the Civic Center at Mitchel Field will be the creation of a central reference library. Twelve acres of surplus land at Mitchel have been requested for the development of this building.

A central reference library is one of the major unmet educational needs in Nassau County today. A central research and reference facility is urgently needed for the rapidly growing population and industry in the County, added to which the rapid expansion of colleges on the Island and changing patterns of curriculum, which place greater emphasis of individual research are straining the resources and facilities of local public and college libraries. Within walking distance there will be three colleges: Nassau Community College, Hofstra University and Mitchel College. Within seven miles there are three other colleges: Adelphi University, C. W. Post College and Molloy College.

In the past fifteen years, during the period of the greatest population growth in Nassau, the County has witnessed a remarkable development and use of library services in local Nassau communities. However, it is unrealistic and economically unsound to expect public libraries, designed to serve populations of 12,000 to 50,000 people, to develop extensive reference collections in depth on a wide range of subject matter. The establishment of a central reference library for the County is in keeping with good library patterns as recommended by State and Federal agencies and established in other concentrations of population in the State—Rochester, Buffalo, Brooklyn, Queens, New York City.

From a long range point of view the planning for central reference library is a natural outgrowth of the organization of the Nassau Library System in the past four years, in accordance with 1958 State Legislation which provided for annual State grants for the support of cooperative systems of autonomist libraries.

One of the primary purposes behind the organization of systems of libraries in the State of New York was to make possible central reference collections in depth that would be above and beyond the everyday needs of the participating libraries. The law requires a central collection of books numbering at least 100,000 volumes within each system. A further requirement of the law stipulates that one library in the system be designated as the central public library. No library in Nassau was large enough to house the central collection when the system began, nor is any library large enough today. As a stopgap measure, it was decided to divide the central book collection among five libraries in the system as well as housing the remaining portion in the Civic Center of the System where it could be available to the public at large on inter-library loan.



Exterior views of buildings at Mitchel show evidence of deterioration. However, the interiors of these and other buildings are actually a shambles, due to lack of maintenance. Their possession by Nassau County would save millions of dollars in new construction.

a nursing arts buildings, a multi media room, a cold storage room for the Chemistry Department and a cafeteria. At the present time only enough cafeteria space to seat 175 students is available. The unused cafeteria in parcel "C" is a modern cafeteria large enough to feed 1500 at one sitting. Presently, and for some time prior to the abandonment of the field, these buildings have been unoccupied and have been permitted to deteriorate rapidly (see pictures). If these buildings are not made available to the County and College, equivalent buildings will have to be constructed from the ground up on other parts of the campus at enormous cost to the County. It is unnecessary to point out that the expenditure of such moneys could be used for other purposes, enlarging the faculty and enriching the educational program.

Table 3 relates the increase of student enrollment to needed instructional space. Using the factor in table 3, the College presently has an instructional space deficiency of 630,281 square feet. It can continue to operate only by renting a large high school to take care of the part-time overflow. To avoid increasing the student space deficiency, temporary structures in parcel "D" may have to be used. Even with the addition of parcel "C" buildings (see Map 1 and Table 5), the College will still have deficiencies of instructional space to the extent of 549,588 square feet.

It must be remembered that parcel "B" (see Map 2) with 20.4 acreage is a concrete runway 36" thick, ideal for parking for both College and Civic Center. Parcel "D" (see Map 3) of 34.3 acreage contains all temporary wooden barracks buildings of World War II vintage. Some of these buildings might have temporary use. Eventually they will have to be torn down to provide space for new buildings. Of the parcels under consideration for College acquisition, only Parcel "C" (see Map 1 and Table 5) has the buildings now needed to accommodate partially the present program and students of the College. The land and buildings are not being used but as yet they have not been declared surplus by the Federal Government. If such a decision could be made by the General Services Administration and these buildings could be assigned on application to the Nassau Community College, it would go far to help meet the higher educational demands now being made on the College.

CONCLUSION TO ADDENDUM

Nassau County plans to spend many millions of dollars in the development of an educational, cultural and recreational center at Mitchel Field. It is entitled to every possible consideration, under the law, for public benefit allowances.

Latest Federal statistics show that

- (a) New York State receives the lowest return in Federal Aid as against tax contributions.
- (b) One dollar (\$1.00) of Federal Aid costs each New York State taxpayer \$2.07.
- (c) Nassau County pays among the highest amounts to the Federal government in income taxes.

Nassau County claims for surplus property discounts at Mitchel Field are justified by the facts, by applications on file in detail in Washington, and by every standard of equity and fair play.

We respectfully submit to the Secretary of Health, Education and Welfare that this addendum to the memorandum of our distinguished Counsel Samuel I. Rosenman, Charles Poletti, and Bruce Bromley be considered as a modest attempt to purvey information on the aims and aspirations of Nassau County's various public educational institutions which are so dependent on securing public benefit allowances of Mitchel Field Surplus property.

Respectfully submitted,

George B. Costigan
GEORGE B. COSTIGAN, Chairman

Ralph G. Caso
RALPH G. CASO
Nassau County Board of Supervisors
Special Committee on Education for
Mitchel Field,

May 17, 1963

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
ALBANY 1

Honorable Anthony J. Celebrezze, Secretary
U.S. Department of Health, Education,
and Welfare
Washington 25, D.C.

Dear Mr. Secretary;

The Board of Regents of the University of the State of New York and I, as President of the University and Commissioner of Education, share the concern of the Special Education Committee of the Nassau County Board of Supervisors for improved and expanded educational facilities including those required by the Nassau Community College, a county-wide vocational technical high school, area facilities for exceptional children, Nassau County extensions services and a centrally located county library. We are confident that following a thorough examination of the documentary materials you will share our belief that the request for acreage is educationally sound and that additional discounts are wholly justified and actually minimal for a population in excess of 1,300,00.

Nassau County is to be commended for its leadership. To give further encouragement to this leadership I recommend that every possible consideration be given to the requests of the Special Education Committee.

Sincerely,

(s)

James E. Allen, Jr.

JEA;hw

STATE UNIVERSITY OF NEW YORK
THURLOW TERRACE
ALBANY 1, N. Y.

May 14, 1963

Honorable Anthony J. Celebrezze
Secretary, Department of Health,
Education and Welfare
Washington, D.C.

Dear Mr. Celebrezze:

In the Master Plan for the State University of New York for this decade it is expected that Nassau Community College will accommodate some 8,000 full-time students as well as extensive part-time and evening programs which may run from 18,000 to 20,000.

It can only meet this exploding enrollment if it is in a position to obtain the necessary land area and facilities now, since an extensive program of capital construction and rehabilitation must be started in the immediate future. The State University has inspected and tentatively approved 235 acres of the former Mitchel Field Air Base as a site for the Nassau Community College. Of this amount, 135 acres have been made available to the county by the United States government, but this is wholly inadequate to provide for the additional buildings, necessary parking areas, and health and recreational facilities needed for an enrollment of that magnitude.

It is our understanding that Nassau County is now seeking the additional 100 acres facing Stewart Avenue as requested in the original County submission to your office. The Trustees of the State University of New York, which has direct supervision over the Nassau Community College, wish to add their support to the Nassau request and respectfully urge your approval of the allocation of this additional Mitchel Field land in Nassau County for the community college program.

Very truly yours,

(s)

James J. Warren
State University Trustee and
Chairman, Committee on Two-Year Colleges

TABLE 1
INDIVIDUAL STUDENT ENROLLMENT PER YEAR

Year	Semester	Full-Time	Part-Time	Total
1960	Spring	182	450	632
1960-61	Fall, Spring, Summer	519	1,063	1,572
1961-62	Fall, Spring Summer	716	2,045	2,761
1962-63	Fall, Spring, Summer*	897	3,128	4,025

*Figures include projected summer session enrollment of 1,656 individual part-time students.

TABLE 2
PROJECTED ENROLLMENT AND CAPACITY

Date	Capacity	Potential	+ or -	Expand During Year	Total
September 1962	750	1,500	-750	500	750
1963	1,250	2,500	-1,250	1,250	2,500
1964	2,500	3,500	-1,000	1,500	4,000
1965	4,000	5,000	-1,000	1,500	5,500
1966	5,500	6,000	-500	1,500	7,000
1967	7,000	6,500	+500	1,000	8,000
1968	8,000	7,000	+1,000	-	8,000
1969	8,000	7,500	+500	-	8,000
1970	8,000	8,000	0	0	8,000

TABLE 3
PROJECTED REQUIRED SPACE

A generally accepted average is 165 square feet per student in classrooms and 225 square feet per student in laboratories. For purposes of this application, we averaged this out at 195 square feet per student:

Year	Total Students	Instructional Space in Sq. Ft.
1963	3,605	712,975
1964	4,812	928,340
1965	6,011	1,172,145
1966	6,360	1,240,200
1967	6,713	1,309,035
1968	7,303	1,424,085
1969	7,890	1,538,550
1970	8,172	1,593,540

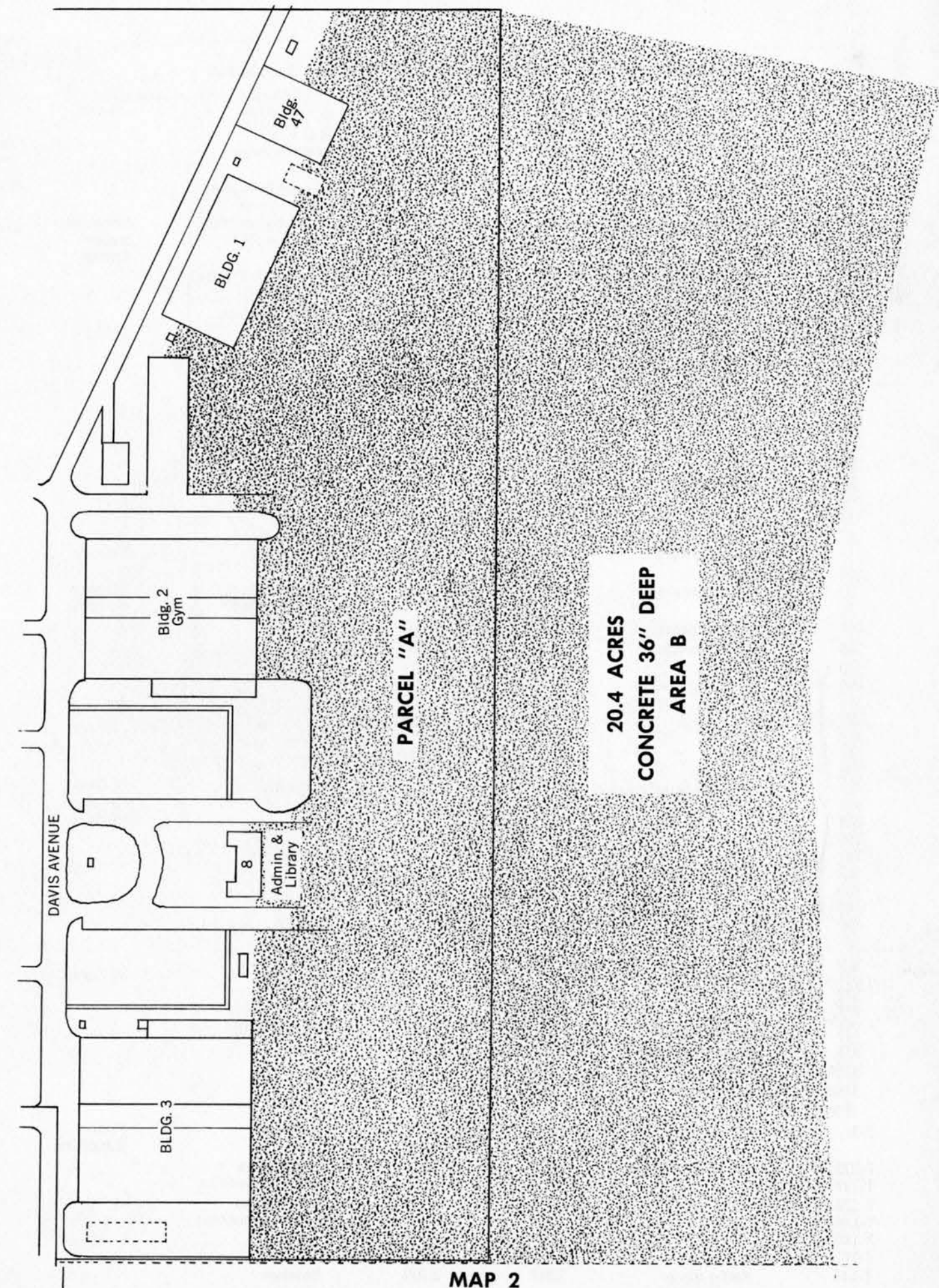


TABLE 4

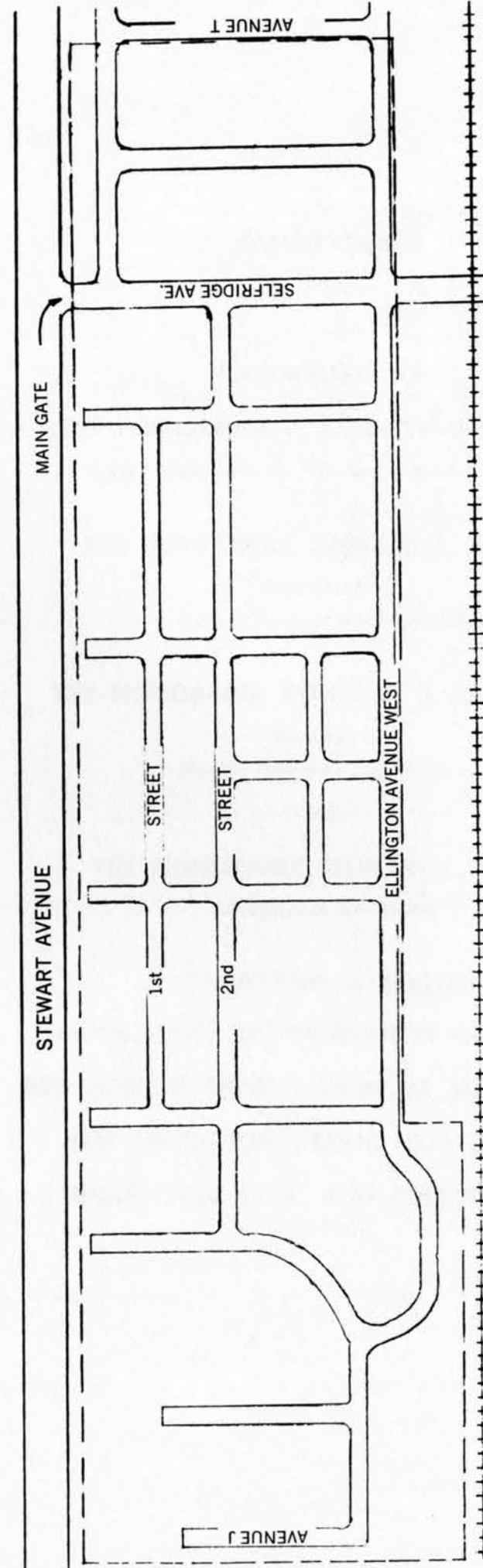
Poor
Condition



TABLE 5

PROPOSED ADDITIONAL CAMPUS AND ACREAGE

Bldg. No.	Location	AAF Design Use	Last Army Use	Size SF (Floors)	Area SF	Use SF	Htg. & Kind	Year Built	Orig. AAF Cost	Cost AAF To Date	College Use
101	Davis Av & Av "N"	Dorm Amn	BNCO & Adm. Supply and Issue	Bldg. 142x39 (3) Wings 2 (93x34) Attic 142x25 (1) Wings 2 (78x19) Porch 64x10 (2) Porch 32x15.5 (2) Porch 10x142 (2)	48,075	28,715	Oil Hot Water	1930	\$139,091	\$240,865	Class-room/ Lab.
105	Miller Av & Av N	Dorm Amn	Adm. Office	Bldg 142x39 (4) Wings (2) (93x34) (2) Attic 2 (78x19) (1) Base 10x48 (1) Enc. Porch 2 (32x15.5) (2) Enc. Porch 2 (7x10) (2) Enc. Porch (10x142) (2) Enc. Porch (10x113.5) (2)	48,912	35,626	Oil Hot Water	1928	128,686	223,216	Class-room/ Lab.
111	Hospital	Mortuary	Same	Bldg 21.2x24 (1)	509	403	Oil Hot Water	1931	1,793	2,804	Biology & Chem. Cold Room
112	Hospital	Dispensary	Dental Clinic	Bldg 129x38.5 (3) 35x4 (3) Wing 44x36.5 (3) 13x12.1 (3) 11x8.6 (1) 17x9 (1) Porch 12x30 (1)	21,217	12,274	Oil Hot Water	1932	139,302	176,079	Nursing Arts
127	Hospital Rd. S. Miller Av	Telephone Exchange	Telephone Exchange	Bldg 81.33x28.5 (1) (1) Basement 81.5x28.7 (1) Corr 14.6x4.70	4,709	3,696	Oil Steam	1944	25,062	39,312	Multi Media Room
147	Davis Av & Hospital Road	Dining Hall Amn	Dining Hall Amn	(1) Bldg 79'2"x111'4" (1) Offset 8'7"x23' (1) Wing 26'5"x101'11" (1) Basem't 27'2"x51'9"	13,426	8,945	N/a	1953	164,951	175,563	Cafeteria



AREA D
34.3 ACRES
ALL BUILDINGS IN THIS AREA
ARE TEMPORARY

MEMORANDUM

ADDRESSED TO

THE HONORABLE P. KENNETH O'DONNELL

Special Assistant to the President of the United States

THE HONORABLE BERNARD L. BOUTIN,

Administrator,
General Services Administration,

THE HONORABLE ANTHONY J. CELEBREZZE,

Secretary of
Health, Education and Welfare,

AND

THE HONORABLE STEWART L. UDALL,

Secretary of the Interior

**SUBMITTING A REVISED
APPLICATION BY THE COUNTY OF NASSAU
FOR SURPLUS FEDERAL LAND AT MITCHEL FIELD
FOR EDUCATION, PUBLIC HEALTH, PARK,
RECREATION, CIVIC AND CULTURAL USES**

**SAMUEL I. ROSENMAN
CHARLES POLETTI
BRUCE BROMLEY**

Counsel

**THIS IS A MEMORANDUM AND REVISED APPLICATION ON
THE DISPOSAL OF SURPLUS FEDERAL LAND AT MITCHEL FIELD**

The undersigned Special Counsel for the County of Nassau submit this memorandum and revised application for allocation of parts of the surplus land at the abandoned Mitchel Air Force Base in Nassau County for education, public health and park purposes.

We request that twelve acres of the surplus land at Mitchel be donated to the County of Nassau for a site for a public library and eight acres for a public health center.

The County of Nassau proposes to establish a public library and a public health center at Mitchel Field and for these purposes requires approximately 20 acres of surplus land.

The proposed library will be located in the northwest corner of Mitchel Park and Civic Center. The site will be improved with a library building, planted and landscaped grounds and a parking area to accommodate the cars of visitors. The library will be open to the public generally and will well serve the needs of the students at Nassau Community College, nearby Hofstra College and the schools which are projected at Mitchel Field.

During a conference which the special counsel held with the Secretary of Health, Education and Welfare and with top ranking members of his staff on October 16, 1962, we discussed this proposed library. H.E.&W. stated that the library should be placed on the site which has been allocated to the Nassau Community College. This is obviously a misunderstanding by H.E.&W. of the nature and purpose of the library. The proposed library is a public library to serve the entire community and is not a library of the Nassau Community College. Hence it would not serve the purpose of the library to place it on the campus of the college.

The proposed County health center, located within the area of the Park and Civic Center, will contain a building for the Department of Health of the County of Nassau, possibly a health clinic and other public health facilities and necessary parking space for cars.

Under the Surplus Property Act, General Services Administration is authorized to assign surplus property to the Secretary of Health, Education and Welfare as is recommended by the Secretary as being needed for public health or for school or other educational purposes (40 U.S.C. 484 (k) (1)). Subject to the disapproval of General Services Administration, the Secretary is authorized to convey such surplus property to qualified applicants.

The regulations and the established formula of the Department of Health, Education and Welfare pro-

vide that land for a public library and for public health administration shall be conveyed with a public benefit allowance of a flat 100%.

The County of Nassau respectfully requests General Services Administration to transfer to the Department of Health, Education and Welfare the land shown on the attached plan of the development of Mitchel Park and Civic Center for conveyance, with the established public benefit allowance, to the County of Nassau as sites for a public library and a public health center to be built and operated by the County.

We request an equal exchange of land. Nassau Community College should be given the 34 acres on Stewart Avenue and the 9-acre parcel west of the land allocated to it in exchange for a tract of land of equal acreage adjoining the Parkway, which latter tract will then be purchased from G.S.A. by the Long Island State Park Commission for open-space park and parkway purposes.

The Patterson-Moses Committee recommended the allocation of a tract of 235 acres with the buildings thereon as a site for Nassau Community College, which has no campus or buildings and has been operating in one of the Court House buildings at Mineola, which it must completely vacate before January 1, 1963. This area — 235 acres — was recommended by the officials of the Department of Health, Education and Welfare to the officials of the County and the College as needed to meet the requirements of this rapidly expanding institution, which is expected to serve a minimum of 2,500 students in 1963 and an estimated 10,000 full time students by 1970. The State University of New York, which supervises the College, made a similar recommendation with respect to the area needed for present operations and future growth.

General Services Administration in its report of May 11, 1962, allocated only 135 acres for the use of the College. In deference to G.S.A.'s proposal to retain approximately 350 acres of Mitchel Field for possible use by the Federal Government, the College reduced its immediate request from 235 acres to 206 acres. The college has now received a deed conveying 135 acres to it. However, its application for the additional 71 acres of land was denied. G.S.A. insists that these 71 acres of abandoned and unused surplus property, so desperately needed to promote the education of the youth of the community, must be sold at full price.

The fully documented application filed with the Department of Health, Education and Welfare shows the urgent and immediate need of the 34.3 acres and buildings fronting on Stewart Avenue. Plans are already in existence for the immediate conversion of these buildings into classrooms, laboratories, offices and other required educational facilities. The College is ready to move into the buildings on this 34-acre plot and asks to be permitted to do so as soon as possible.

At the recent conference in Washington Secretary Celebrezze and his staff stressed the matter of the number of acres allotted to Nassau Community College for its campus and referred to a formula establishing the number of acres needed for each 1,000 students in planning a site for a college. They indicated that, in their opinion, 135 acres were sufficient for the present and future needs of Nassau Community College. This is a wide departure from the earlier estimates made by representatives of H. E. & W.* However, the College and the County of Nassau wish to adjust the location of part of the campus by proposing an exchange of lands which will not increase the number of acres granted but will be very helpful to the College.

Because of the immediate and urgent need of the College for readily usable buildings, the College and the County of Nassau herewith offer to reconvey to the Department of Health, Education and Welfare or to General Services Administration the most easterly 45.3 acres (shown as Parcel E on the attached map) of the present 135-acre tract in exchange for the 34.4 acres shown as Parcel D on the map and the tract of 9.1 acres shown as Parcel C.

Nassau Community College is in most urgent need of the 9.1 acres designated as Parcel C on the attached map with the buildings thereon. This strip contains five buildings, all of which are vacant and rapidly deteriorating from non-use and damage by vandalism. One of these buildings can quickly be converted into a student cafeteria, another into a nursing arts building and a third used by laboratory classes. Unless the College is given the use of these vacant buildings it will have to construct, at large expense, a new building for its laboratory classes, a cafeteria and a building for its nursing school.

We are authorized to state that if this exchange of lands is accomplished, the State of New York, through

the Long Island State Park Commission, will immediately offer to purchase Parcel E for use for park purposes. It should be noted here that Parcel E, or most of it, is land which the State of New York purchased in 1953 and 1954 for park purposes in connection with the building of the Meadowbrook Parkway Extension and which was taken in 1955 by the Federal Government from the State by eminent domain for the extension of one of the runways at Mitchel.

In addition to the exchange of lands referred to, Nassau Community College respectfully requests the conveyance of the 20-acre strip of land adjacent to the proposed highway adjoining its tract on the south side and designated as Parcel B on the attached map. This strip of land, earmarked for sale by General Services Administration, is needed to round out the campus, for parking space and other college facilities.

The College also respectfully asks for the land and buildings referred to as the "corridor" which separates the allotted campus area from the 34 acres fronting on Stewart Avenue and any other contiguous property in the event that the Federal Government finds that it does not need or cannot profitably use such property for Federal residential purposes.

Nassau Community College urges the Department of Health, Education and Welfare and General Services Administration to round out the College site by the proposed exchange of lands and the transfer of the additional 20-acre strip.

Hofstra College should be given additional land on Hempstead Turnpike for the expansion of its cramped campus.

The Patterson-Moses Plan allocated 150 acres of land to Hofstra College, whose inadequate campus lies directly across Hempstead Turnpike from the southwest corner of Mitchel Field. This proposal received the tentative approval of the officials of the Department of Health, Education and Welfare, who are entirely familiar with the operation and needs of this highly rated, private educational institution.

General Services Administration's plan allocated only 88 acres of land to Hofstra. The College has now received a deed from the Department of Health, Education and Welfare and is grateful for this grant. However, Hofstra College, we are informed, respectfully submits that the 88 acres fall far short of its immediate and future needs and asks for additional acreage shown as Parcel F on the attached map, pointing out that the imminent widening of Hempstead Turnpike will remove several acres from the parcel already granted.

This 19-acre tract (Parcel F) now contains several

of the seepage basins of Mitchel Field's sanitary sewerage disposal plant. It is suggested that the conveyance of this parcel to Hofstra College be made subject to the continued use of the sewerage disposal plant until such time as it is abandoned and replaced by the installation of the sanitary sewers which will be required to service the buildings and improvements to be added to the Field.

The surplus land lying south of Hempstead Turnpike, now earmarked for sale by General Services Administration, should be retained and allocated as building sites for the elementary and secondary schools.

After the announcement of General Services Administration's plan of May 11, 1961, the officials of Nassau County and the Patterson-Moses committee restudied their earlier recommendations in the light of G.S.A.'s decision to retain a substantial portion of Mitchel Field for use by the Federal Government. The Patterson-Moses Committee prepared a Supplemental Report dated July 2, 1962, and a revised "interim" plan which recommended that all of the surplus land lying south of the Hempstead Turnpike with the exception of the Wherry Housing Development should be allocated for elementary and high school use.*

The G.S.A. plan allotted only 22 acres (designated as Parcel 3 on the attached map) of the 1100-acre Field for secondary and elementary schools. It has been publicly announced that the Roman Catholic Diocese of Rockville Centre will receive from the Department of Health, Education and Welfare a conveyance of this 22-acre tract for the establishment of a high school. Under the G.S.A. plan this leaves no land available for the other elementary and high school sites needed at Mitchel Field.

Nassau County and the Patterson-Moses Committee respectfully request that the area recommended in the Committee's Supplemental Report of July 2, 1962 now be allocated by the Department of Health, Education and Welfare and General Services Administration for school use as follows:

The Vocational Education and Extension Board, County of Nassau, has filed with H. E. & W. an application for 20 acres (designated as Parcel H on the attached map) for a site for the Special Services

School for Exceptional Children, a much needed facility for the training and education of unusual and retarded children. This proposed school is to be designed to accommodate 1,200 students of different groups.

The Vocational Education and Extension Board also has made formal application for 25 acres (designated as Parcel G) for a site for its Technical and Trade Training High School, which affords instruction in the fields of vocational and special education. As the application shows, this school would provide accommodation for 2,000 students seeking technical and trade instruction.

There seems to be some misunderstanding as to the status of the application by the Vocational Board for sites for the two schools above mentioned. A representative of H. E. & W. has stated that the application has been withdrawn. Such is not the fact. The application for these two schools has not been withdrawn and the County of Nassau and the Vocational Board request the Department of Health, Education and Welfare and General Services Administration to give favorable consideration to the request for these special schools, which are so essential to an adequate and balanced educational program for the community.

The space requirements of the Nassau County Extension Service Association have now been accurately defined. The needs of the association for its Agricultural, Home Bureau and 4 H Club programs, including teaching and demonstration areas may be accommodated in a 20-acre parcel designated as Parcel J on the attached map and application is herewith made therefore.

We are informed that the Hebrew Academy of Nassau County has applied to the Department of Health, Education and Welfare for a conveyance of a tract of about 30 acres (designated as Parcel K on the map) fronting on Hempstead Turnpike together with the buildings now contained thereon. This tract lies within the area recommended by the Patterson-Moses Supplemental Plan for use by the elementary and secondary schools. The Patterson-Moses Committee endorses the transfer of this land to the Hebrew Academy.

All of the above mentioned school sites would be established on land declared to be surplus by General Services Administration and earmarked for disposal by sale. None would encroach on the land allotted to Mitchel College and none would interfere with the Wherry Housing Development, which everyone agrees should be retained as Federally owned property.

*The representatives of H. E. & W. had previously told the President and Vice President of Nassau Community College that the formula of H. E. & W. for colleges was 30 gross acres for each 1,000 students. Under this formula Nassau Community College would require 300 acres to accommodate its expected 1970 enrollment of 10,000 full time students.

*The Patterson-Moses Committee also recommended the retention by Mitchel College of the land and buildings which now constitute the campus of that College. We are informed that General Services Administration has now agreed to allocate to Mitchel College approximately five acres at its present site so as to permit the continuance of its operations there.

The 180 acres of surplus land required for Mitchel Park and Civic Center should be transferred to the County of Nassau at the discount price established by law for park and recreation lands.

The Surplus Property Act of 1944 provides that surplus Federal land which "in the determination of the Secretary of the Interior is suitable and desirable for use as a public park or recreation area" may be conveyed to a State or municipality at 50% of its fair value (50 U.S.C. App. 1622 (h)).

Nassau County intends to establish a public park, cultural and civic center at Mitchel Field. For this purpose it requests an allocation of approximately 180 acres of unimproved and unused surplus land at Mitchel with the benefit of the statutory discount to which land to be used for public park and recreation purposes is entitled under the above provision of the law.

The park will be known as John Purroy Mitchel Park and Civic Center. A plan of the proposed development is attached hereto. In addition to gardens, walks, ponds and planted areas, the Park will contain a children's zoo, a planetarium, a botanical conservatory, an art gallery and museum of natural history, a theatre for the performing arts, a park restaurant or cafeteria and necessary parking spaces to accommodate visitors. This park and civic center was one of the principal recommendations of the Patterson-Moses Plan.

The Surplus Property Act, which prescribes the duties and obligations of the Administrator of General Services Administration with respect to the disposal of surplus Federal property, provides:

"The Administrator shall advise and consult with the interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this Act" (40 U.S.C. 486 (h)).

The statute and the official rules of procedure definitely establish that it is the Secretary of the Interior, acting through the National Park Service, who is to "determine" whether or not particular surplus property, not used and not needed by the Federal Government, is "suitable and desirable" for use as a public park or recreation area "for the benefit of the public."

In the present case there is no indication that the National Park Service was ever requested by General Services Administration to make a recommendation with respect to the use of part of Mitchel as a public park or, specifically, was ever given an opportunity to consider the urgent request of Nassau County for the land needed for its proposed park and civic center.

Accordingly, we respectfully request the Honorable Secretary of the Interior to direct the National Park Service, or other appropriate division of his Department, after proper investigation, to recommend the conveyance to the County of Nassau of the parcel of land requested for its park and civic center at the statutory discount price of 50% of fair value.

All other surplus land at Mitchel Field not accounted for in this Memorandum will be purchased by the County of Nassau at fair market value.

In conclusion, we respectfully submit that the proposal of General Services Administration to sell at full value surplus land at Mitchel Field which is so urgently needed for education, public parks, public health and cultural advancement violates the spirit and intent of the law and is directly contrary to President Kennedy's oft-repeated purpose of assisting education and public recreation by Federal grants.

In this connection, we point out that the amount of money required to be expended by the County of Nassau and the local educational institutions for the development and construction of the buildings and improvements to be used for education, public health and recreation will far exceed the value of the lands on which they are to be built and dwarf any monetary return which the Federal Government might achieve by negotiated sales or public auction.

Respectfully submitted,

Samuel I. Rosenman

SAMUEL I. ROSENMAN,
Rosenman, Colin, Kaye, Petschek & Freund
575 Madison Avenue
New York 22, N. Y.

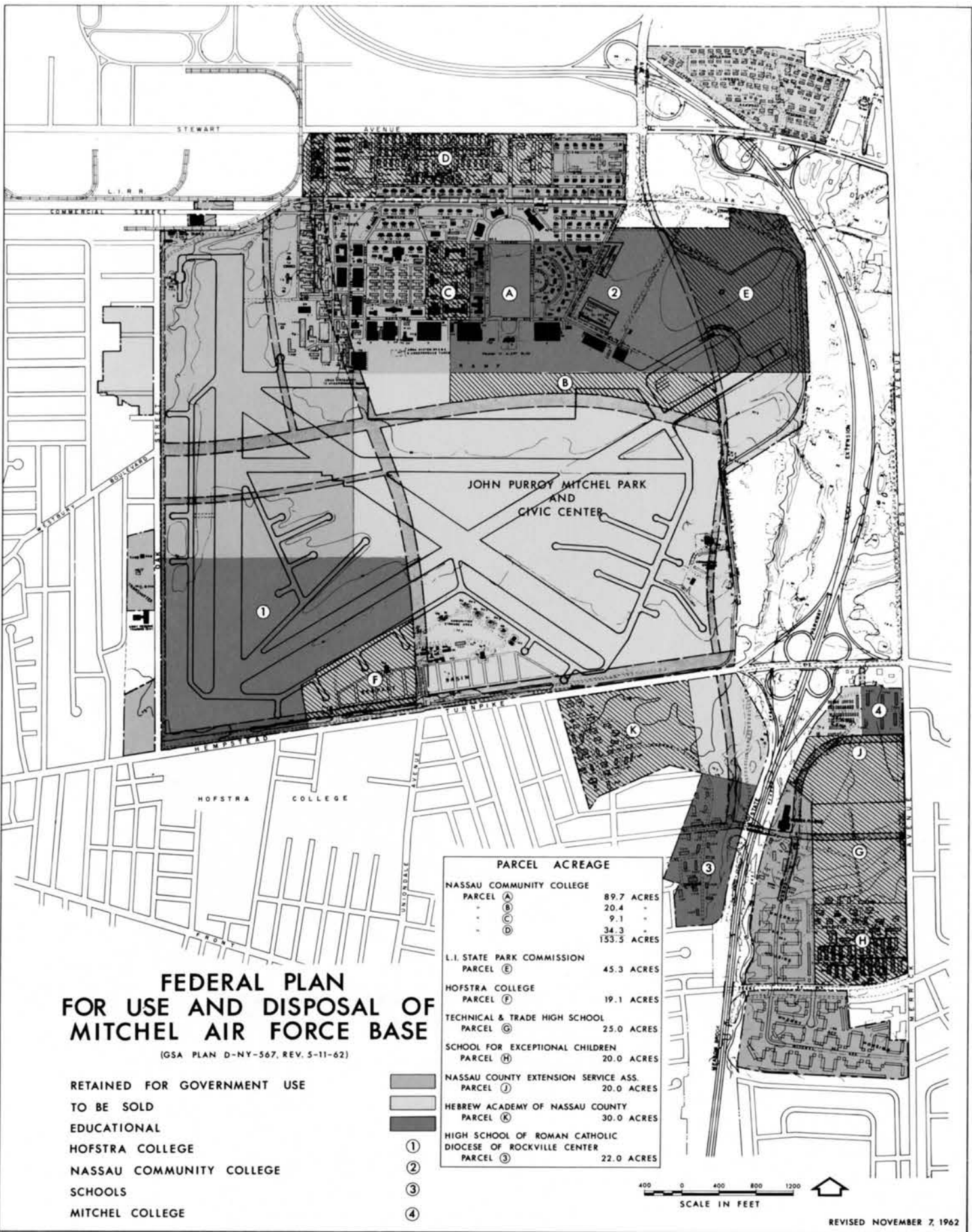
Charles Poletti

CHARLES POLETTI
Poletti, Freiden, Prashker & Harnett
598 Madison Avenue
New York 22, N. Y.

Bruce Bromley

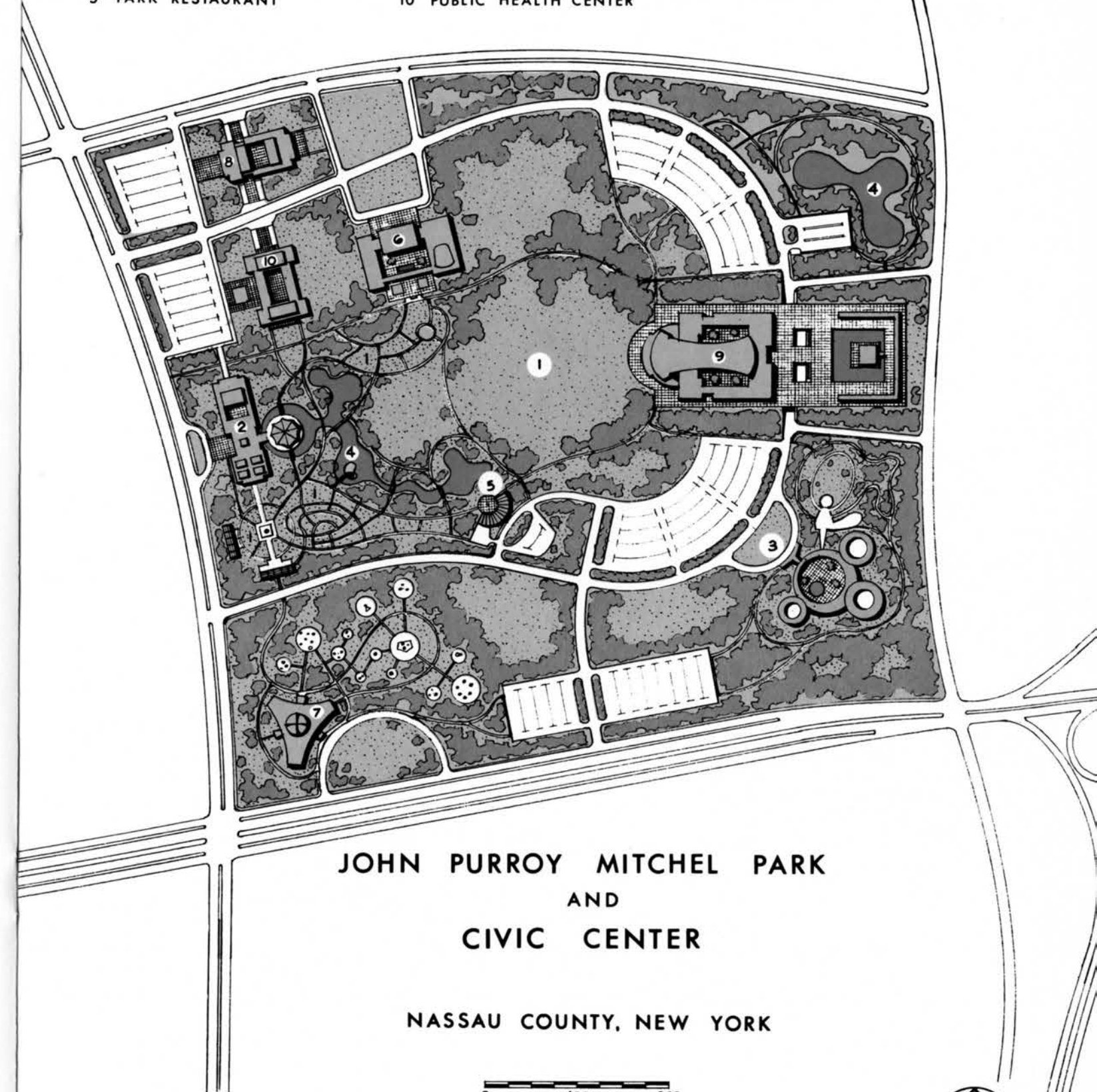
BRUCE BROMLEY
Cravath, Swaine & Moore
1 Chase Manhattan Plaza
New York 5, N. Y.

December 5, 1962



LEGEND

- | | |
|--------------------------|--|
| 1 GARDENS AND PARK | 6 ART GALLERY & MUSEUM OF NATURAL HISTORY |
| 2 BOTANICAL CONSERVATORY | 7 PLANETARIUM & MUSEUM OF SCIENCE TECHNOLOGY |
| 3 CHILDREN'S ZOO | 8 PUBLIC LIBRARY |
| 4 PONDS | 9 THEATER FOR THE PERFORMING ARTS |
| 5 PARK RESTAURANT | 10 PUBLIC HEALTH CENTER |



JOHN PURROY MITCHEL PARK AND CIVIC CENTER

NASSAU COUNTY, NEW YORK

0 400 800





YEAS AND NAYS

Committee on Government Operations UNITED STATES SENATE

*Humphrey to
Reconsider*

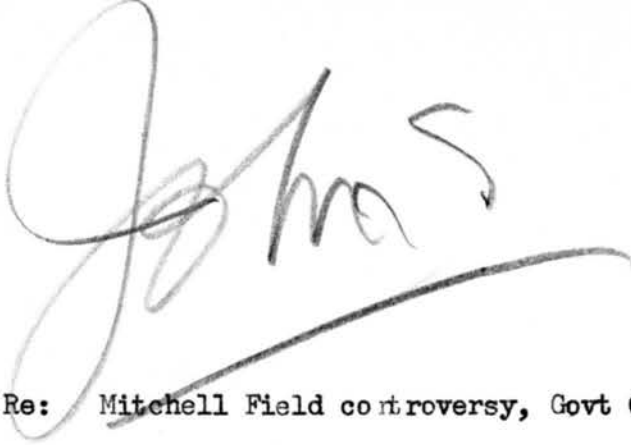
VOTE ON

*January 20, 1963
Joint Point
of Order*

YEAS		NAYS
✓	Mr. JACKSON.....	
	Mr. ERVIN.....	
✓	Mr. HUMPHREY.....	
✓	Mr. GRUENING.....	
✓	Mr. MUSKIE.....	
✓	Mr. PELL.....	
✓	Mr. McINTYRE.....	
✓	Mr. RIBICOFF.....	
✓	Mr. BREWSTER.....	
	Mr. MUNDT.....	✓
	Mr. CURTIS.....	✓
	Mr. JAVITS.....	✓
	Mr. MILLER.....	✓
	Mr. PEARSON.....	✓
✓	Mr. CHAIRMAN.....	
9		5

Memo to HH

From Bill



Re: Mitchell Field controversy, Govt Ops. Ctee.

McClellan will take up several bills first before "entertaining a motion to reconsider the vote of April 26." This means that you will have to be broken out of your Small Business committee hearings any time after 10:30, and Neal will keep in touch with Jim Calloway of McClellan's committee staff to make sure that you get there for the vote.

Handwritten: H.R. 1

United States Senate

COMMITTEE ON GOVERNMENT OPERATIONS

May 16, 1963

SIR:

There will be an executive session

COMMITTEE ON GOVERNMENT OPERATIONS
(Room 3302, New Senate Office Bldg.)

Handwritten: 4754
Handwritten: JIM CALLOWAY

on Monday next, May 20, 1963 at 10:00 a. m.
to consider matters before the Committee, including attached agenda;
and possibly to entertain and make disposition of a
motion to reconsider motion adopted by committee on
April 26, 1963, relating to the negotiated sale of
a portion of Mitchel Field, Hempstead, N.Y.

By order of the Chairman

WALTER L. REYNOLDS, Chief Clerk.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

STAFF MEMORANDUM NO. 88-1-33

May 16, 1963

SUBJECT: AGENDA, Executive Session, May 20, 1963,
10:00 A.M., Room 3302, New Senate Office Building

1. S. 572 (Gruening, and 11 co-sponsors), to amend Section 201(a)(3) of the Federal Property and Administrative Services Act (40 U.S.C. 481 (a)(3)), and for other purposes. (Calloway) (GAO amendment).

The purpose of this bill is to provide uniformity and equality in Government contracting for public utility services and in the purchase of natural gas, coal, or oil for the production of such utilities, by providing that all such contracts may be made for periods not exceeding ten years.

Staff Memorandum No. 88-1-19 sets forth the background of this proposed legislation, which has been approved by the General Services Administration; the Bureau of the Budget has no objection.

2. S. 876 (Brewster), to authorize the Administrator of General Services to convey certain land in Prince Georges County, Maryland, to the American National Red Cross. (Shriver).

The bill would authorize the Administrator of General Services to convey to the American National Red Cross, within a period of two years following enactment of the bill, two and one-half acres of land in Prince Georges County, Maryland. The American National Red Cross would be required to pay the fair market value of the property as determined by the Administrator, and the cost of any survey required in connection with the conveyance of the property.

Staff Memorandum No. 88-1-24 sets forth an outline of a proposed favorable report on S. 876, with suggested amendments, for committee consideration.

3. S. 814 (McClellan, by request), to amend Section 7 of the Administrative Expenses Act of 1946, as amended. (Shriver)

The bill would amend section 7(b) of the act to authorize payment of travel and transportation expenses to student trainees when assigned, with or without promotion, upon completion of college work to positions for which there is determined by the Civil Service Commission to be a manpower shortage. The Civil Service Commission reports that this is perfecting legislation - to correct an inadvertence when the original Act was approved (P.L. 86-587) - and its passage would involve no additional expenditure over the estimated cost of the original proposal.

Staff Memorandum No. 88-1-23, sets forth a proposed favorable report on this bill.

4. S. 445 (Beall), to authorize the Administrator, General Services Administration, to convey by quitclaim deed a parcel of land to the Lexington Park Volunteer Fire Department, Incorporated. (Calloway)

The purpose of this bill is to authorize the Administrator of General Services to convey, upon such terms and conditions as he may prescribe, not to exceed 0.37 acre of land located in Saint Marys County, Maryland, to the Lexington Park Volunteer Fire Department, Incorporated, for the purpose of maintaining a fire station to provide continued protection for the facilities of the Naval Air Station, Patuxent River, Maryland, upon request, and for the adjacent community.

Full background information on S. 445 is included in Staff Memorandum No. 88-1-25.

S. 261 (Yarborough), to authorize the conveyance of certain lands in Harris County, Texas, to the State of Texas or the county of Harris. (Shriver)

This bill is identical to S. 3041, reported by the committee (S.Rept. No. 2183) and passed by the Senate in the 87th Congress. It would authorize the Administrator of General Services to convey certain lands in Harris County, Texas, to the State of Texas or the county for historic-monument use or for park and recreational use, or both. The lands are adjacent to the San Jacinto Battleground Park in Harris County and consist of 142 acres. The bill further authorizes the Administrator to convey as many of these acres as may be approved in the manner prescribed by section 13(h) of the Surplus Property Act of 1944, as amended. That act provides for the conveyance of Federal surplus property to States or their political subdivisions for historic-monument purposes without monetary consideration, or for public park purposes at 50 percent of fair market value.

The agencies affected, and the Bureau of the Budget have no objection to passage of the bill.

Walter L. Reynolds
Chief Clerk and Staff Director

HH

For the vote
Monday a.m.
on the Mitchell
Field flag.

B.

FACT SHEET

SUBJECT: Disposal of Mitchel Field, Hempstead, Long Island, New York--
Controversy Regarding Conveyances at Full Market Value vs.
Conveyances at a Discounted Price

Under applicable law, particularly section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)), concerning disposals for educational and public health uses (and certain other laws such as section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h) relating to transfers for public park or public recreation purposes) there is no automatic or absolute entitlement to Federal surplus property based on verification of the intended use. Availability of surplus realty for public benefit disposal is a matter of discretion vested by law in the Administrator of General Services who, as provided by statute, administers the law with the recommendatory assistance of certain agencies, the Department of Health, Education, and Welfare, for example, in the case of education and public health uses.

The General Services Administration thus determines whether and how much surplus real property is to be made available to communities or nonprofit organizations for educational or health uses, while DHEW determines whether property to be thus made available is actually needed for the requested use, whether the applicants are eligible, and what public benefit allowances are appropriate.

In administering the law, the basic objective of GSA has been to dispose of surplus real property owned by all of the people of the nation in a manner which will be of the greatest national benefit. In arriving at a decision, the relative national benefits of sale at full value versus donation for public use must be carefully weighed and evaluated in each instance. The decision cannot be based upon precise dollar comparisons because both tangible and intangible values are involved.

GSA's final plan for use and disposal of Mitchel Field was finalized after months of protracted discussion and exhaustive consideration of use plans and proposals by the county and various other organizations. The GSA and DHEW jointly agreed that assignment of 250 acres together with many valuable buildings and other improvements located thereon, approximating \$9,000,000 in value, represented a reasonable and fair allocation for educational uses. Of these 250 acres, DHEW has since conveyed 135 acres to Nassau County for use by the Nassau Community College; 88.01 acres to Hofstra College; and 5.15 acres to Long Island University for use by Mitchel College. The transfers of these 228.16 acres were made at 100 percent discount.

The remaining 22 acres of land were allocated for undesignated elementary and secondary school use. Following standard procedure, notices of availability for educational use were sent out by DHEW. At the expiration of the application period on July 16, 1962, the only application received by DHEW was from the Roman Catholic Diocese of Rockville Centre. Therefore, on request of DHEW, this 22-acre parcel was assigned to that Department by GSA for conveyance to the applicant and was subsequently conveyed by DHEW to the Roman Catholic Diocese of Rockville Centre at 70 percent discount.

In addition, applications for other portions of the property were received by DHEW from Nassau County, East Meadow Union Free School District No. 3, and the Hebrew Academy of Nassau County, all of which were denied because all of the land available for health and educational uses had already been allocated.

Following is the complete use plan for Mitchel Field (approximately 1,121 acres) which was determined by GSA to be in the best over-all interests of the Government, the taxpayers as a whole, and of the local community:

Retention for continued Government use as a Federal Center, 315 acres, including 38 acres of Navy family housing area;

Retention of 13.47 acres for an Army Reserve Facility;

Retention of 35.1 acres representing the Sewage Treatment Plant area to serve the Government areas;

Disposal at 100 percent public benefit allowance of 135 acres (\$5.8 million at appraised fair market value) for the Nassau Community College;

Disposal at 100 percent public benefit allowance of 88.01 acres (\$2.6 million appraised fair market value) to Hofstra College;

Disposal at 100 percent public benefit allowance of 5.15 acres (\$212,000 appraised fair market value) to Mitchel College of Long Island University;

Disposal at 70 percent public benefit allowance of 22 acres (\$540 thousand appraised fair market value) for school use by the Roman Catholic Diocese of Rockville Centre;

72.5 acres to be deeded to New York State without cost for highway uses;

Balance to be disposed of by sale to return the value of the property to the Treasury for the general public benefit.

GSA asserts that in the disposal of surplus Mitchel Field property the Federal Government has been demonstrably fair in providing for local community needs, based upon the following:

1. The military air base has been closed, removing what was characterized locally as a menace to local safety.

2. Plans of the Federal Aviation Agency to convert a portion of the base to civil aviation uses were not fulfilled when GSA, with due regard for local objections to such proposed use, determined that the property would be used and disposed of for nonaviation purposes.

3. A total of about 250 acres, which comprises more than one-third of the total available surplus portion of the property, has been set aside for public benefit transfers, most at 100 percent discount. The fair market value of this 250 acres, including the many valuable improvements thereon, approximates \$9,000,000. This donation is among the largest donations of surplus Federal property ever made for educational purposes. By agreeing to assign this property for such conveyances by DHEW, the Federal Government has made possible the immediate expansion of urgently needed educational facilities in the community, the provision of which undoubtedly would have been long delayed, if in fact ever provided, had acquisition of land and facilities at full value been necessary.

The foregoing disposals leave an estimated 435 acres for disposal at full value to the general public. The county was afforded the customary

opportunity under section 203(e)(3)(H) of the Property Act, to acquire the property by negotiated purchase at the fair market value in lieu of having to participate competitively with others in a public bid sale to secure its interest in the property.

Nassau County submitted an offer to GSA to purchase the remaining 435 acres of land at the appraised fair market value of \$13,628,800. In accordance with section 203(e)(6) of the Property Act, this offer was submitted to the Committees on Government Operations of the United States Senate and House of Representatives on February 8, 1963, for their consideration prior to consummation of the negotiated sale.

→ *Extensive hearing by Muskie subcommittee*
The Senate Committee, in executive session on April 26, 1963, adopted the following motion submitted by Senator Jacob K. Javits:

That the Committee requests the General Services Administration to postpone the operation of the contract of sale with Nassau County, in order to give the Department of Health, Education, and Welfare, and the Department of the Interior, an opportunity to make recommendations as to the portions of the surplus property which in their judgment is needed for use for educational, health, and public park purposes, Provided, however, that the educational uses which may be reconsidered shall be limited to public schools, and Provided further, that this Committee's request shall not be construed as implying any criticism of the action taken in this case to date by the General Services Administration.

Humphrey

MOTION ON MITCHEL FIELD DISPOSAL
BY SENATOR JACOB K. JAVITS
SENATE GOVERNMENT OPERATIONS COMMITTEE
April 26, 1963

*File
+
Hold*

That the Committee requests the General Services Administration to postpone the operation of the contract of sale with Nassau County, in order to give the Departments of Health, Education and Welfare and of the Interior an opportunity to make recommendations as to the portions of the surplus property which in their judgment is needed for use for educational, health, and public park purposes; Provided, however, that the educational uses which may be reconsidered shall be limited to public schools, and Provided further, that this committee's request shall not be construed as implying any criticism of the action taken in this case to date by the General Services Administration.

88TH CONGRESS
1ST SESSION

S. 261

IN THE SENATE OF THE UNITED STATES

JANUARY 16 (legislative day, JANUARY 15), 1963

Mr. YARBOROUGH introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To authorize the conveyance of certain lands in Harris County, Texas, to the State of Texas or the county of Harris.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding the provisions of section 109 of the
4 Act of August 20, 1958 (72 Stat. 641), as amended, the
5 Administrator of General Services is authorized to convey
6 to the State of Texas or the county of Harris, Texas, for
7 historic monument use, or for park and recreational use, or
8 both, in accordance with the provisions of section 13 (h)
9 of the Surplus Property Act of 1944, as amended, so many
10 of such parcels of certain lands adjacent to the San Jacinto
11 Battleground Park located in Harris County, Texas, as

1 may be approved under said section 13 (h) for such use
 2 or uses, the parcels (containing approximately one hundred
 3 and forty-two acres) being more specifically described as
 4 parcels A-23, A-25, A-26, A-27, and A-28, as shown on
 5 General Services Administration's resubdivision map, dated
 6 January 1962, of the San Jacinto Ordnance Depot prop-
 7 erty, Harris County, Texas.

88TH CONGRESS
 1ST SESSION

S. 261

A BILL

To authorize the conveyance of certain lands in
 Harris County, Texas, to the State of Texas
 or the county of Harris.

By Mr. YARBOROUGH

JANUARY 16 (legislative day, JANUARY 15), 1963

Read twice and referred to the Committee on
 Government Operations

MAY 20, 1963

Calendar No.88TH CONGRESS
1st Session

SENATE

REPORT
No. —**AUTHORIZING THE CONVEYANCE OF CERTAIN LANDS
IN HARRIS COUNTY, TEX., TO THE STATE OF TEXAS OR
THE COUNTY OF HARRIS**

MAY —, 1963.—Ordered to be printed

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

R E P O R T

[To accompany S. 261]

The Committee on Government Operations, to whom was referred the bill (S. 261) to authorize the conveyance of certain lands in Harris County, Tex., to the State of Texas or the county of Harris, report favorably thereon, without amendment, and recommend that the bill do pass.

PURPOSE

The purpose of this bill is to authorize the Administrator of General Services to convey certain lands in Harris County, Tex., to the State of Texas or the county for historic-monument use or for park and recreational use, or both. The lands are adjacent to the San Jacinto Battleground Park in Harris County and consist of 142 acres. The bill further authorizes the Administrator to convey as many of these acres as may be approved in the manner prescribed by section 13(h) of the Surplus Property Act of 1944, as amended. That act provides for the conveyance of Federal surplus property to States or their political subdivisions for historic-monument purposes without monetary consideration, or for public park purposes at 50 percent of fair market value.

BACKGROUND

The land covered by this bill is part of the former San Jacinto Ordnance Depot which originally comprised approximately 4,902 acres of land located outside of the city of Houston, Tex. The depot was

established in 1941-42 in Harris County, Tex., with an investment of \$14,855,974 for the land, buildings, and appurtenances thereto. The depot was used for ammunition storage and outloading of ships during World War II and during the Korean war. The property was declared excess to the needs of the U.S. Army on March 17, 1960, and on March 22 the General Services Administration proceeded to sell it without screening for possible use by other Government agencies as required by the Federal Property and Administrative Services Act of 1949, as amended. This action was taken by the General Services Administration pursuant to section 109(a) of the Military Construction Act of 1958, Public Law 85-685, approved August 20, 1958, which provided as follows:

(a) The Secretary of the Army is authorized and directed, unless the Secretary of Defense finds after due investigation that such action would be inimical to the national security, to make available to the Administrator of the General Services Administration, or his designee, the San Jacinto Ordnance Depot, Texas. Upon such property being made available, the Administrator or his designee is authorized and directed to enter into a contract or contracts for the sale of such property in lots or in its entirety under public bid procedures and at not less than the fair market value and to convey by quitclaim deed, all right, title, and interest of the United States, except as retained in this act, in and to such property to any legal person or group except Government agencies or departments upon such terms and conditions as the Administrator or his designee determines to be in the public interest.

(b) Any conveyance made pursuant to the provisions of subsection (a) hereof shall include the following conditions:

(1) All mineral rights, including gas and oil, in the lands to be conveyed shall be reserved to the United States;

(2) The San Jacinto property shall be offered for sale within twenty-four months from the date of enactment of this Act;

(3) Title in and to such property shall remain in the United States until full payment of the agreed purchase price is made.

The committee is informed that the General Services Administration has sold several parcels of land, improvements, railroad sidings and rights-of-way of the original depot and recovered in excess of \$3 million.

An identical bill (S. 3041) was reported by the committee and passed the Senate during the 87th Congress.

S. 261 authorizes the conveyance of 142 acres of land, which surrounds the De Zavala Cemetery and burial plot of Lorenzo De Zavala, who was active in Mexican politics during the early 1800's as Governor of the State of Mexico, member of the Mexican Senate and Chamber of Deputies, and Minister Plenipotentiary to France. This area has sufficient historical importance to be preserved and the State and local historical societies have strongly recommended that this property be preserved for these purposes.

The committee has also received several communications from the Honorable Price Daniel, Governor of the State of Texas, and from the county commissioners of Harris County and other local civic organizations urging enactment of this measure.

AGENCY COMMENTS

This bill has been approved by the Bureau of the Budget, General Services Administration, Department of the Interior, and other affected agencies. The views, recommendations, and comments of the agencies are as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., April 15, 1963.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of January 22, 1963, requested the views of the General Services Administration on S. 261, 88th Congress, a bill to authorize the conveyance of certain lands in Harris County, Tex., to the State of Texas or the county of Harris.

The purpose of the bill is to authorize the Administrator of General Services, notwithstanding the provisions of the act of August 20, 1958, as amended, to convey certain lands at the San Jacinto Ordnance Works to the State of Texas for park and recreational, or historic-monument use in accordance with the provisions of section 13(h) of the Surplus Property Act of 1944, as amended.

GSA has no objection to the enactment of S. 261.

The enactment of this measure would not affect the budgetary requirements of GSA.

The Bureau of the 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 yours,

BERNARD L. BOUTIN, *Administrator.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 15, 1963.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
U.S. Senate, Washington, D.C.

DEAR SENATOR McCLELLAN: Your committee has requested a report on S. 261, a bill to authorize the conveyance of certain lands in Harris County, Tex., to the State of Texas or the county of Harris.

We recommend that the bill be enacted.

S. 261 authorizes the Administrator of General Services to convey certain lands in Harris County, Tex., to the State of Texas or the county for historic monument use or for park and recreational use, or both. The lands are adjacent to the San Jacinto Battleground Park in Harris County and consist of 142 acres. The bill further authorizes the Administrator to convey as many of these acres as may be approved in the manner prescribed by section 13(b) of the

Surplus Property Act of 1944, as amended. That act provides for the conveyance of Federal surplus property to States or their political subdivisions for historic-monument purposes without monetary consideration, or for public-park purposes at 50 percent of the fair market value.

The area is well suited for development as a public park. It has a pleasing contour and an abundance of trees, grasses, and other natural vegetation. Moreover, it contains the De Zavala Cemetery and burial plot of Lorenzo De Zavala, and apparently State and local historical societies and patriotic groups feel that the area is of sufficient historical importance to warrant its preservation in State or county ownership.

Lorenzo De Zavala was born in 1789 in southeast Mexico. He was active in Mexican politics during the early 1800's, as Governor of the State of Mexico, as a member of the Mexican Senate and Chamber of Deputies, and as Mexican Minister Plenipotentiary to France. De Zavala returned to Texas in 1835 and established a home on Buffalo Bayou near the present San Jacinto State Park. Then he became an active participant in the events of the Texas revolution, supporting first the cause of Mexican Federation and later Texas independence.

Following the Battle of San Jacinto, the decisive engagement of the Texas revolution, the De Zavala home just across Buffalo Bayou from the battlefield was used as a hospital for wounded Texans and Mexicans.

Legislation is required to dispose of these Federal surplus lands in the manner which S. 261 prescribes because section 109, Public Law 685, 85th Congress, directs the Administrator to enter into contracts for the sale of San Jacinto Ordnance Depot lands at not less than fair market value.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 11, 1963.

HON. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your letter of January 22, 1963, requesting our views on S. 261, a bill to authorize the conveyance of certain lands in Harris County, Tex., to the State of Texas, or the county of Harris.

The proposed legislation would authorize the Administrator of General Services to convey to the State of Texas, or Harris County, certain surplus property for park and recreational or historic monument use. The conveyance would be in accordance with the provisions

of section 13(h) of the Surplus Property Act of 1944, as amended, and involves approximately 142 acres of land.

There is no objection from the standpoint of the administration's program to the enactment of S. 261.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
April 24, 1963.

HON. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of January 22, 1963, for a report on S. 261, a bill to authorize the conveyance of certain lands in Harris county, Tex., to the State of Texas or the County of Harris.

The bill would authorize the Administrator of General Services to convey up to five designated parcels of land in Harris County, Tex., to the State or the county, in accordance with the provisions of section 13(h) of the Surplus Property Act of 1944 (50 App. U.S.C. 1622), for use as a park and recreational area, or for an historic monument. (Sec. 13(h), which now establishes procedures for the disposal to States, their political subdivisions, and municipalities, for park, recreational, or historic monument purposes, of Federal property that has been declared to be surplus, provides inter alia for payment by the recipient of 50 percent of the property's fair market value, and the reservation of mineral rights to the United States.)

The bill would be a pro tanto modification of section 109 of the act of August 20, 1958 (72 Stat. 636, 641), as amended by section 413 of the act of August 10, 1959 (73 Stat. 302, 322), which directs the Secretary of the Army (subject to a "veto" by the Secretary of Defense) to transfer the San Jacinto Ordnance Depot, Tex. (which contains the parcels that are the subject of the bill) to GSA for sale under public bid procedures, except for certain lands to be used for channel straightening and temporary spoil disposal.

Inasmuch as the Congress has enacted legislation specifically providing for the disposition of the San Jacinto Ordnance Depot property, we interpose no objection to its modification, subject to the views of the General Services Administration and the Department of the Interior.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

IVAN A. NESTINGEN,
Acting Secretary.

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88TH CONGRESS
1ST SESSION

S. 445

IN THE SENATE OF THE UNITED STATES

JANUARY 23 (legislative day, JANUARY 15), 1963

Mr. BEALL introduced the following bill; which was read twice and referred
to the Committee on Government Operations

A BILL

To authorize the Administrator, General Services Administration, to convey by quitclaim deed a parcel of land to the Lexington Park Volunteer Fire Department, Incorporated.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Administrator, General Services Administration, is
4 authorized to convey by quitclaim deed, upon such terms and
5 conditions as he may prescribe, not to exceed 0.37 acre of
6 land located in Saint Marys County, Maryland, to the Lex-
7 ington Park Volunteer Fire Department, Incorporated, a
8 body corporate of the State of Maryland, for the purpose
9 of maintaining a fire station to provide continued protection
10 for the facilities of the Naval Air Station, Patuxent River,

1 Maryland, upon request, and for the adjacent community.
 2 The land to be deeded is in part now occupied by a fire
 3 station within boundaries described as beginning at the inter-
 4 section of the southeasterly right-of-way line of Great Mills
 5 Road (State Route Numbered 246) with the northeasterly
 6 right-of-way line of Coral Place; thence north 63 degrees,
 7 16 minutes, 30 seconds east, 108.68 feet along the south-
 8 easterly line of Great Mills Road; thence south 59 degrees,
 9 05 minutes, 46 seconds east, 88.87 feet; thence south 30
 10 degrees, 54 minutes, 14 seconds west, 157.73 feet to a point
 11 in the northeasterly line of Coral Place; thence along the
 12 northeasterly line of Coral Place along the arc of a curve
 13 concave to the east with a radius of 1,030.47 feet, the chord
 14 of said curve bears north 34 degrees, 57 minutes, 45 seconds
 15 west, 161.08 feet, to the point of beginning. Containing
 16 0.37 acre of land, more or less.

THE SENATE
 SEN. CON. 2. 442

A BILL

To authorize the Administration of the

Department of the Interior to

the

Department of the Interior to

88TH CONGRESS
1ST SESSION

S. 445

A BILL

To authorize the Administrator, General Services Administration, to convey by quitclaim deed a parcel of land to the Lexington Park Volunteer Fire Department, Incorporated.

By Mr. BEALL

JANUARY 23 (legislative day, JANUARY 15), 1963

Read twice and referred to the Committee on Government Operations

Maryland, upon request, and for the adjacent community.

The land to be deeded is in part now occupied by a fire station within boundaries described as beginning at the intersection of the southeasterly right-of-way line of Great Mills Road (State Route Numbered 246) with the northeasterly right-of-way line of Coral Place: thence north 63 degrees, 16 minutes, 20 seconds east, 108.08 feet along the southeasterly line of Great Mills Road thence south 59 degrees, 05 minutes, 46 seconds east, 88.00 feet to a point in the northeasterly line of Coral Place; thence north 34 degrees, 24 minutes, 14 seconds east, 161.08 feet, to the point of beginning.

0.37 acre of land, more or less.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

STAFF MEMORANDUM No. 88-1-25

April 2, 1963

SUBJECT: S. 445 - to authorize the Administrator of General Services to convey by quitclaim deed a parcel of land to the Lexington Park Volunteer Fire Department, Incorporated.

PURPOSE

The purpose of this bill is to authorize the Administrator of General Services to convey, upon such terms and conditions as he may prescribe, not to exceed 0.37 acre of land located in Saint Marys County, Maryland, to the Lexington Park Volunteer Fire Department, Incorporated, a body corporate of the State of Maryland, for the purpose of maintaining a fire station to provide continued protection for the facilities of the Naval Air Station, Patuxent River, Maryland, upon request, and for the adjacent community.

BACKGROUND

The 0.37 acre of land involved is a portion of a 42½ acre tract of land at the Lexington Park Housing Project reported to General Services Administration as excess property by the Department of the Navy on June 19, 1961, and subsequently determined surplus to the needs of the Government.

The firehouse on this 0.37 acre was constructed for the fire department by the Housing and Home Finance Agency when the housing project was developed in 1943. When the Navy assumed management of the property in 1952 the premises were leased to the fire department for a period of ten years for the consideration of one dollar. The lease, which was renewed for another ten years beginning on July 1, 1962, obligates the fire department to maintain the property and furnish fire protection to Navy housing and the surrounding area. Under the terms of the lease all additions, improvements and betterments to the property become the property of the Government.

GSA records indicate that the Government constructed the fire house at a cost of \$25,000 and the Lexington Park Volunteer Fire Department completed an addition thereto in 1961 at its own expense. GSA has appraised the entire property for commercial use, at \$64,000, the addition built by the Fire Department being valued at about \$10,000.

The Navy Department is retaining 316 units of the original housing in this area and, in addition, sponsors 1,000 Wherry units in the vicinity for which the Lexington Park Volunteer Fire Department furnishes protection.

AGENCY COMMENTS

The Bureau of the Budget advises that there is no objection from the standpoint of the Administration's program to the enactment of S. 445. The Bureau's report, as well as a report on S. 445 from the General Services Administration, the Department of the Navy and the General Accounting Office, follow:

EXECUTIVE OFFICE OF THE PRESIDENT
Bureau of the Budget

March 22, 1963

Dear Mr. Chairman:

This is in reply to your letter of January 25, 1963, requesting our comments on S. 445, a bill "To authorize the Administrator, General Services Administration, to convey by quitclaim deed a parcel of land to the Lexington Park Volunteer Fire Department, Incorporated".

The proposed legislation would authorize the Administrator of General Services to convey to the Lexington Park Volunteer Fire Department, Incorporated, a firehouse with not to exceed 0.37 acre of land located in Saint Marys County, Maryland. There is no objection from the standpoint of the Administration's program to the enactment of S. 445.

Sincerely yours,
/s/ PHILLIP S. HUGHES
Assistant Director for
Legislative Reference

GENERAL SERVICES ADMINISTRATION
Washington, D.C.

March 28, 1963

Dear Mr. Chairman:

Your letter of January 25, 1963, requested the views of the General Services Administration on S. 445, 88th Congress, a bill "To authorize the Administrator, General Services Administration, to convey by quitclaim deed a parcel of land to the Lexington Park Volunteer Fire Department, Incorporated."

The purpose of the bill is to authorize the Administrator of General Services to convey, upon such terms and conditions as he may prescribe, not to exceed 0.37 acre of land located in Saint Marys County, Maryland, to the Lexington Park Volunteer Fire Department, Incorporated, a body corporate of the State of Maryland, for the purpose of maintaining a fire station to provide continued protection for the facilities of the Naval Air Station, Patuxent River, Maryland, upon request, and for the adjacent community.

On June 19, 1961, the Department of the Navy reported to GSA as excess property pursuant to the Federal Property and Administrative Services Act of 1949, forty-two and one-half acres of land at the Lexington Park Housing Project including 77 double-unit dwellings, three community service buildings, and related facilities and furnishings. The 0.37 acre described in this bill is a portion of the excess property.

The firehouse on the 0.37 acre was constructed for the fire department by the Housing and Home Finance Agency when the housing project was developed in 1943. When the Navy assumed management of the property in 1952 the premises were leased to the fire department for a nominal monetary consideration for a period of ten years expiring June 30, 1962, and renewable on 90 days notice to the lessor for a similar period at the option of the lessee. The lease obligates the fire department to maintain the property and furnish fire protection to Navy Housing and the surrounding area. On March 27, 1962, the lessee notified the Navy that in accordance with its right under the lease, it was renewing its lease term for a further ten years beginning July 1, 1962.

If the payment of the fair market value of this property is contemplated by the bill, it could be conveyed to the fire department pursuant to section 203 (e)(3)(G) of the Federal Property and Administrative Services Act of 1949, as amended, and the enactment of S. 445 would therefore be unnecessary. If, however, the bill contemplates a conveyance without such payment, we would normally oppose its enactment inasmuch as it would provide for the disposition of specific property under terms and conditions less favorable to the Government than those provided for by existing laws of general application.

However, in this case it is apparent that the Government has been receiving fire fighting service from the Lexington Park Volunteer Fire Department, Incorporated, since 1952 pursuant to the fire department's contractual obligation in the lease of the fire station. Furthermore, the fire department intends to continue such services for another 10-year period. In this connection, we understand that the surplus property is a minor portion of the Navy housing project at Lexington Park.

In view of the foregoing, GSA is not opposed to the enactment of S. 445.

Reference in the title and text of the bill to "Administrator, General Services Administration" should read "Administrator of General Services".

The financial effect of the enactment of this measure has not been estimated by GSA.

The Bureau of the 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 yours,
/s/ LAWSON B. KNOTT, Jr.
Acting Administrator

DEPARTMENT OF THE NAVY
Office of the Secretary

March 27, 1963

Dear Mr. Chairman:

Your request for comment on S. 445, 88th Congress, a bill "To authorize the Administrator, General Services Administration, to convey by quitclaim deed a parcel of land to the Lexington Park Volunteer Fire Department, Incorporated," has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

This bill would authorize the Administrator, General Services Administration to convey a certain parcel of land described in the bill located in Saint Marys County, Maryland, to the Lexington Park Volunteer Fire Department, Incorporated for the purpose of maintaining a fire station to provide continued protection for facilities of the Naval Air Station, Patuxent River, Maryland, and the adjacent community. The fire station located on this land was built in 1945 at a cost of \$25,000 as part of a Federal Public Housing Project. The Federal Public Housing Administration leased the property to the Lexington Park Volunteer Fire Department and in addition paid for fire protection services to the 470 housing units in the Project. Subsequently on October 15, 1947, the entire housing area, including the fire station, was transferred to the Department of the Navy which continued to lease the facilities to the Lexington Park Volunteer Fire Department. The Department of the Navy is retaining 316 units of the original housing and in addition sponsors 1,000 Wherry units in the vicinity for which the Lexington Park Volunteer Fire Department furnishes protection. The 0.37 acre of land proposed for transfer under S. 445 was included in a report on excess dated June 15, 1961 to the General Services Administration.

The Department of the Navy, on behalf of the Department of Defense, defers to the views of the General Services Administration on S. 445.

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

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on S. 445 for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

/s/ C. R. KEAR, Jr.
Captain, U.S. Navy, Deputy Chief.

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COMPTROLLER GENERAL OF THE UNITED STATES
Washington, D.C.

February 4, 1963

Dear Mr. Chairman:

Your letter dated January 25, 1963, requests our comments on S. 445.

The bill would authorize the Administrator of General Services to convey, by quitclaim deed upon such terms and conditions as he may prescribe, a certain surplus parcel of land to the Lexington Park Volunteer Fire Department, Incorporated, for the purpose of maintaining a fire station to provide continued protection for the facilities of the Naval Air Station, Patuxent River, Maryland, and for the adjacent community.

We understand that the subject land is a part of the Lexington Park Housing Project, Naval Air Station, Patuxent River, Maryland, which the Department of Defense had declared excess to its needs and the General Services Administration has determined surplus to the needs of the Federal Government. The tract consisting of about 0.37 acre and a firehouse has been leased by the Government to the Lexington Park Volunteer Fire Department since 1953, for 10 years with an option to renew for another 10 years. In consideration thereof, the Lexington Park Volunteer Fire Department paid one dollar and, without cost to the Government, provides fire

protection service to all Government-owned housing situated in the vicinity. Under the terms of the lease, all additions, improvements, and betterments to the property become the property of the Government.

General Services Administration records indicate that the Government constructed the firehouse in 1945 at a cost of \$25,000 and the Lexington Park Volunteer Fire Department completed an addition thereto in 1961 at its own expense. General Services Administration has appraised the entire property for commercial use, at \$64,000, the addition built by the Fire Department being valued at about \$10,000.

We have no special information concerning the desirability of this legislation. Consequently, and since it appears that the matter is primarily a question of policy for determination by the Congress, we offer no recommendation concerning the merits of the bill.

We should like to point out, however, that under existing law, 40 U.S.C. 484(e)(3)(G) the property could be sold to the Fire Department by negotiated sale on the basis of fair market value without competitive bidding. While it apparently is the intent of the bill to authorize the sale of the property at less than fair market value, we suggest that the bill be amended to clearly indicate the mandate of the Congress in this respect.

Sincerely yours,

/s/ JOSEPH CAMPBELL
Comptroller General of the
United States

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James R. Calloway
Professional Staff Member

Approved:

Walter L. Reynolds
Chief Clerk and Staff Director

S. 572

IN THE SENATE OF THE UNITED STATES

JANUARY 29 (legislative day, JANUARY 15), 1963

Mr. GRUENING (for himself, Mr. BARTLETT, Mr. BENNETT, Mr. BURDICK, Mr. CLARK, Mr. COOPER, Mr. DOUGLAS, Mr. METCALF, Mr. MOSS, Mr. RANDOLPH, Mr. SCOTT, and Mr. SPARKMAN) introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To amend section 201 (a) (3) of the Federal Property and Administrative Services Act (40 U.S.C. 481 (a) (3)), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 201 (a) (3) of the Federal Property and
4 Administrative Services Act of 1949, as amended (40 U.S.C.
5 481 (a) (3)), is amended by changing the proviso at the
6 end thereof to read as follows: "*Provided*, That contracts for
7 public utility services, and for the purchase of natural gas,
8 coal, or oil for the production of such utilities directly or
9 indirectly by any executive agency, may be made for periods
10 not exceeding ten years; and".

88TH CONGRESS
1ST SESSION

S. 572

A BILL

To amend section 201 (a) (3) of the Federal Property and Administrative Services Act (40 U.S.C. 481 (a) (3)), and for other purposes.

By Mr. GRUENING, Mr. BARTLETT, Mr. BENNETT,
Mr. BURDICK, Mr. CLARK, Mr. COOPER, Mr.
DOUGLAS, Mr. METCALF, Mr. MOSS, Mr.
RANDOLPH, Mr. SCOTT, and Mr. SPARKMAN

JANUARY 20 (legislative day, JANUARY 15), 1963

Read twice and referred to the Committee on
Government Operations

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

STAFF MEMORANDUM No. 88-1-19

March 19, 1963

SUBJECT: S. 572 - to amend Section 201(a)(3) of the Federal Property and Administrative Services Act (40 U.S.C. 481 (a)(3)), and for other purposes.

At the request of Senator Ernest Gruening, the sponsor of this measure, the agencies involved were requested to expedite their reports on S. 572. Favorable reports have been received and are set forth in the following staff memorandum.

PURPOSE

S. 572 is designed to provide uniformity and equality in Government contracting for public utility services and in the purchase of natural gas, coal, or oil for the production of such utilities, by providing that all such contracts may be made for periods not exceeding ten years.

BACKGROUND

The provision to be amended by S. 572, Section 201 of the Federal Property and Administrative Services Act, sets forth the authority of the Administrator of General Services with regard to procurement, warehousing, and related activities on behalf of the Government.

The pertinent language of that section currently provides:

Sec. 201. (a) The Administrator shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program activities of the agencies concerned --

(1) prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including related functions such as contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting; and

(2) operate, and, after consultation with the executive agencies affected, consolidate, take over, or arrange for the operation by any executive agency of warehouses, supply centers, repair shops, fuel yards, and other similar facilities; and

(3) procure and supply personal property and nonpersonal services for the use of executive agencies in the proper discharge of their responsibilities, and perform functions related to procurement and supply such as those mentioned above in subparagraph

(1): Provided, That contracts for public utility services may be made for periods not exceeding ten years; and

S. 572 would amend the underlined provision by changing it to read:

"Provided, that contracts for public utility services, and for the purchase of natural gas, coal, or oil for the production of such utilities directly or indirectly by any executive agency, may be made for periods not exceeding ten years; and".

Senator Gruening explained the need for this legislation in the following extracts of a statement made on the floor when introducing S. 572: (Cong. Record p. 1210, Jan. 29, 1963)

The need for this amendment arises because of the interpretation of a provision in the Federal Property and Administrative Services Act which permits natural gas suppliers to enter into 10-year contracts to supply Government agencies with natural gas for the production of utilities but denies the same privilege to coal and oil producers.

The present provision states clearly:

"Provided, That contracts for public utility services may be made for periods not exceeding 10 years."

The intent of the law has been spelled out and all three fuels should be treated alike and should be permitted to compete equally.

However, the provision of the Federal act to which I have referred, places coal and oil under a competitive handicap in bidding for Government contracts and gives to natural gas a competitive advantage.

That should not be. An oil producer, a natural gas producer, a coal producer faces long term expenditures and investments if he is to operate properly. Producers of one fuel should not have an advantage denied to their competitors.

To achieve and insure equality, the enactment of my amendment is necessary.

With regard to the intent of the present law, an analysis of this provision prepared by the General Services Administration in 1958, stated that:

The Administrator is authorized to negotiate contracts for public utility services, for agencies and departments, where it is deemed advantageous to the Government for periods not exceeding 10 years.

The purpose of this provision is to permit the Government to take advantage of discounts which may be obtained only under authorized contracts for periods of longer than 1 year, particularly under contracts for electric power requirements.

AGENCY COMMENTS

The General Services Administrator favors this legislative proposal and the Bureau of the Budget interposes no objection to its enactment. Their reports on S. 572 follow:

GENERAL SERVICES ADMINISTRATION
Washington, D.C.

March 15, 1963

Dear Mr. Chairman:

Your letter of February 12, 1963, requests comments concerning S.572, a bill "To amend section 201(a)(3) of the Federal Property and Administrative Services Act (40 U.S.C. 481(a)(3)), and for other purposes."

This legislative proposal is designed to provide uniformity and equality in Government contracting for public utility services and in the purchase of natural gas, coal, or oil for the production of such utilities, by stipulating that all such contracts may be made for periods not exceeding ten years. The Executive agencies as users of public utilities services will indirectly benefit from the provisions of this legislative proposal.

Under the Federal Property and Administrative Services Act of 1949 (63 Stat. 383; 40 U.S.C. 481), GSA is interested in public utilities as a user of public utilities services. Accordingly, since S. 572 benefits the Executive agencies as users of public utilities services, GSA favors this legislative proposal.

The Bureau of the 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 yours,

/s/ LAWSON B. KNOTT, Jr.
Acting Administrator

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EXECUTIVE OFFICE OF THE PRESIDENT
Bureau of the Budget
Washington, D.C.

March 13, 1963

Dear Mr. Chairman:

This is in response to your letter of February 12, 1963, requesting a report on S. 572, a bill "To amend section 201(a)(3) of the Federal Property and Administrative Services Act (40 U.S.C. 481(a)(3)), and for other purposes."

This proposal would authorize any executive agency to make contracts for the purchase of natural gas, coal or oil for the production of public utility services for a period not to exceed 10 years. At the present time the Federal Property and Administrative Services Act of 1949, as amended, provides that contracts for public utility services may be made for periods not exceeding 10 years. This provision of law would cover contracts for natural gas but would not authorize long term contracts for coal or oil which may be used for the production of public utilities. Hence the purpose of the bill is to permit uniform treatment between suppliers of natural gas, coal or oil used for the production of utilities.

There would be no objection from the standpoint of the Administration's program to enactment of this bill.

Sincerely yours,

/s/ Phillip S. Hughes
Assistant Director for
Legislative Reference

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James R. Calloway
Professional Staff Member

Approved:
Walter L. Reynolds
Chief Clerk and Staff Director

S. 814

IN THE SENATE OF THE UNITED STATES

FEBRUARY 18, 1963

Mr. McCLELLAN (by request) introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To amend section 7 of the Administrative Expenses Act of 1946,
as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (b) of section 7 of the Administrative
4 Expenses Act of 1946 (60 Stat. 808, as amended; 5 U.S.C.
5 73b-3 (b)) is amended by deleting the word "promoted"
6 wherever it appears and substituting the word "assigned",
7 and by deleting the word "promotion" wherever it appears
8 and substituting the word "assignment".

88TH CONGRESS
1ST SESSION

S. 814

A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended.

By Mr. McClellan

FEBRUARY 18, 1963

Read twice and referred to the Committee on Government Operations

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

STAFF MEMORANDUM No. 88-1-23

March 28, 1963

SUBJECT: S. 814 - To amend Section 7 of the Administrative Expenses Act of 1946, as amended.

There is submitted herewith, for the information of members of the committee, a draft of a proposed report on S. 814, a bill introduced at the request of the Chairman of the United States Civil Service Commission, proposing a perfecting amendment to Section 7 of the Administrative Expenses Act of 1946, as amended. It is identical to H.R. 8798 which passed the House of Representatives in the 87th Congress, on September 21, 1961.

The Chairman of the United States Civil Service Commission again requested favorable action on this proposal in a letter addressed to the President of the Senate on January 25, 1963.

REPORT

The Committee on Government Operations, to whom was referred the bill (S. 814) to amend Section 7 of the Administrative Expenses Act of 1946, as amended, having considered the same, report favorably thereon without amendment, and recommend that the bill do pass.

PURPOSE

S. 814 amends the Administrative Expenses Act of 1946 to authorize payment of travel and transportation expenses to student trainees when assigned, with or without promotion, upon completion of college work to positions for which there is determined by the Civil Service Commission to be a manpower shortage.

Upon recommendation of this committee, the 86th Congress approved S. 3485 which became Public Law 86-587, providing authority to pay travel expenses of Federal appointees to duty stations in occupations where a manpower shortage exists. The bill also gave such authority with respect to student trainees when promoted upon completion of their college work. The legislation was needed as the Federal Government had been placed at a disadvantage in its recruitment of personnel in certain specialized fields because private industry customarily paid the travel expenses of newly hired employees to their duty stations.

It now appears that a few student trainees failed to receive these benefits because they had received promotions while in school or before. To cover this group, the Civil Service Commission requested that the law be broadened to include those "assigned" to the specified positions.

The bill would amend section 7(b) of the act to authorize payment of travel and transportation expenses to student trainees when assigned, with or without promotion, upon completion of college work to positions for which there is determined by the Civil Service Commission to be a manpower shortage.

STATEMENT OF JUSTIFICATION OF S. 814 SUBMITTED
BY THE CIVIL SERVICE COMMISSION

Section 7(b) of the Administrative Expenses Act of 1946 provides that appropriations for the departments shall be available for travel and transportation expenses of student trainees when promoted upon completion of college work to positions for which there is determined by the Civil Service Commission to be a manpower shortage.

Ostensibly, this subsection provides authority for all student trainees who, upon graduation, are placed in shortage category positions. Actually, a small group of trainees are excluded from coverage. Although assuming full professional status upon graduation, a small number of trainees do not at that time, receive a promotion to a higher grade. These are the trainees covered by special training agreements between their employing agencies and the Civil Service Commission. These agreements are desirable, because of critical shortages in some occupations, to provide for more rapid advancements as trainees. This small group has, prior to graduation, already reached the grade level to which the majority of the trainees are promoted at time of graduation.

This amendment to section 7(b) of the Administrative Expenses Act is

intended to provide the same authority for payment to all student trainees, whether or not a promotion to a higher grade level at time of graduation is involved. Enactment will affect very few employees, but will remove a potential source of irritation over unequal treatment of two groups of employees.

Cost estimates furnished by the Civil Service Commission in connection with enactment of Public Law 86-587 were based on the assumption that all student trainees moving into shortage category positions upon graduation would be eligible to receive these payments. Enactment of this legislation will not, therefore, result in Federal expenditures in excess of earlier cost estimates for this purpose. In connection with enactment of Public Law 86-587, the Civil Service Commission had estimated an annual cost of about \$1 million. Only a very small fraction of this amount is to be paid to student trainees upon graduation from college. Most of the payments are to be made to persons appointed from outside the Federal service to shortage category positions.

AGENCY COMMENTS

This bill has the approval of the Bureau of the Budget. The recommendations from that office, together with a communication dated January 30, 1963 from the Chairman of the Civil Service Commission, are made a part of this report, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT Bureau of the Budget

March 18, 1963

Dear Mr. Chairman:

Reference is made to your request for the views of the Bureau of the Budget respecting S. 814, a bill "To amend section 7 of the Administrative Expenses Act of 1946, as amended."

The proposal, submitted by the Civil Service Commission, is a perfecting amendment to existing law which now permits payment of travel and transportation expenses to student trainees on promotion to shortage category positions, following completion of college training. In certain cases, however, students may receive promotion prior to graduation.

As now worded, the law precludes payment of travel expenses to such students. Substitution of the word "assigned," as proposed by S. 814, will permit payment of these expenses to all student trainees upon graduation, irrespective of the timing of promotion.

There would be no objection from the standpoint of the Administration's program to enactment of the bill.

Sincerely yours,

/s/ Phillip S. Hughes
Assistant Director for
Legislative Reference

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UNITED STATES CIVIL SERVICE COMMISSION

January 30, 1963

Dear Mr. Chairman:

The Civil Service Commission on January 28, 1963 transmitted to the President of the Senate the attached legislative proposal "To amend section 7(b) of the Administrative Expenses Act of 1946, as amended". The Congressional Record shows that this proposal is now before your Committee.

The proposal is a perfecting amendment that would authorize travel expenses for Student Trainees who are "assigned" to manpower shortage positions upon completion of college work.

Last year the Commission transmitted to Congress a similar proposal which was passed by the House and referred to your Committee (H.R. 8798). A companion measure, S. 2592, was introduced by Senator Johnston and was pending before the Post Office and Civil Service Committee at adjournment of the 87th Congress.

I appreciate your past support and I would like to enlist your future support of the proposal.

Sincerely yours,

/s/ John W. Macy, Jr.

Chairman

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Glenn K. Shriver
Professional Staff Member

Approved:

Walter L. Reynolds
Chief Clerk and Staff Director

88TH CONGRESS
1ST SESSION

S. 876

IN THE SENATE OF THE UNITED STATES

FEBRUARY 21, 1963

Mr. BREWSTER introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To authorize the Administrator of General Services to convey certain land in Prince Georges County, Maryland, to the American National Red Cross.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, should such land become surplus property pursuant to
4 the Federal Property and Administrative Services Act of
5 1949, as amended, the Administrator of General Services is
6 authorized to convey, within a period of two years fol-
7 lowing the date of enactment of this Act, not to exceed two
8 and one-half acres of land located at the northeast corner of
9 the intersection of Rhode Island Avenue and Sunnyside
10 Road in Prince Georges County, Maryland, to the American

1 National Red Cross upon the payment to the United States
 2 of the fair market value of the property as determined by the
 3 Administrator: *Provided*, That the instrument of conveyance
 4 authorized by this Act shall provide that upon determination
 5 by the Administrator of General Services that the American
 6 National Red Cross has failed to begin construction of a
 7 chapter house on said property within two years after the
 8 conveyance and to complete construction thereof within a
 9 reasonable time after such construction has begun, all right,
 10 title, and interest to the property shall revert to the United
 11 States in the then existing condition of that property, and the
 12 Secretary of the Treasury is authorized upon such reverter to
 13 pay from the general funds of the Treasury to the American
 14 National Red Cross the amount, without interest, paid by the
 15 American National Red Cross to the United States for such
 16 property.

17 SEC. 2. The cost of any survey required in connection
 18 with the conveyance of this property shall be at the expense
 19 of the American National Red Cross.

Government of the United States
 Department of the Interior
 Bureau of Land Management
 National Red Cross
 Secretary of the Treasury
 To authorize the Administrator of General Services to convey certain land in Prince George's County, Maryland, to the American National Red Cross, and for other purposes.

A BILL

2826

88TH CONGRESS
1ST SESSION

S. 876

A BILL

To authorize the Administrator of General Services to convey certain land in Prince Georges County, Maryland, to the American National Red Cross.

By Mr. BREWSTER

FEBRUARY 21, 1963

Read twice and referred to the Committee on Government Operations

1 National Red Cross upon the payment to the United States
2 of the fair market value of the property as determined by the
3 Administrator: *Provided*, That the instrument of conveyance
4 authorized by this Act shall provide that upon determination
5 by the Administrator of General Services that the American
6 National Red Cross has failed to begin construction of a
7 chapter house on said property within two years after the

8 conveyance and to complete construction thereof within
9 reasonable time after such construction has begun, the right
10 title, and interest to the property shall revert to the United
11 States in the then existing condition. The Secretary of the Treasury is authorized
12 Secretary of the Treasury is authorized to pay from the general funds of the United States to the
13 pay from the general funds of the United States to the American National Red Cross the amount
14 National Red Cross the amount of the cost of any survey required in connection
15 American National Red Cross to the United States for such
16 property.

17 Sec. 2. The cost of any survey required in connection
18 with the conveyance of this property shall be at the expense
19 of the American National Red Cross.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

STAFF MEMORANDUM No. 88-1-24

March 29, 1963

SUBJECT: S. 876 - to authorize the Administrator of General Services to convey certain land in Prince Georges County, Maryland, to the American National Red Cross.

This bill is identical to H.R. 10134 of the 87th Congress which was amended and approved by the House of Representatives on August 20, 1962.

Purpose

The bill would authorize the Administrator of General Services to convey to the American National Red Cross, within a period of two years following enactment of the bill, two and one-half acres of land located at the northeast corner of the intersection of Rhode Island Avenue and Sunnyside Road in Prince Georges County, Maryland. The American National Red Cross would be required to pay the fair market value of the property as determined by the Administrator, and the cost of any survey required in connection with the conveyance of the property.

The bill authorizes conveyance of the land only if it is designated as surplus property pursuant to the Federal Property and Administrative Services Act of 1949. The Department of Agriculture, in June 1962, declared the property excess to the Department's needs. Since no other Federal agency has indicated a desire to utilize the land, the General Services Administration has declared the property surplus.

The American National Red Cross is a nonprofit corporation created by Congress for the purpose of rendering public service. However, the corporation does not qualify for priority in the disposal of surplus property under section 203(k) of the Federal Property and Administrative Services Act. Since there is apparently no other existing law under which this land could be conveyed upon a negotiated basis to the American National Red Cross, congressional authorization is required to permit such conveyance.

The American National Red Cross now maintains a chapter house in Takoma Park, Prince Georges County, Md. Since that chapter house is inadequate for the performance of its public services functions in that area, the American National Red Cross desires to construct a new headquarters for its Prince Georges County chapter. In view of the worthy purposes to be served by the construction of such a chapter house, the committee believes that it would be in the public interest to convey this 2½ acre tract to the American National Red Cross for that purpose. The American National Red Cross would be required to pay the current fair market value for the land which, according to the General Services Administration, is estimated at approximately \$50,000, but the exact price will be determined by an appraisal before the sale is effected.

Proposed Amendments

The General Accounting Office has recommended to the committee that for "greater clarity", the bill, S. 876, should be amended as follows:

On page 2, line 8 strike out the word "and" and insert in lieu thereof the word "or".

The Department of Agriculture objects to the wording of the bill which would require the Government in exercising its reverter to return the full purchase price regardless of any damages to the land which might result from failure to complete construction, such as the removal of top soil, leaving open excavation or unfinished structures, etc. The Department further stated that these damages could require substantial expenditure by the Government, or if the land were to be sold, in the receipt of less value than that returned to the American National Red Cross.

The Department therefore suggested that the bill be amended as follows:

Page 2, line 14, after the words "without interest" insert "and less any damage to the land as determined by the Administrator".

Agency Comments

The Bureau of the Budget, General Services Administration, Department of Agriculture and the General Accounting Office have approved the bill, with the amendments as outlined above. Their views and recommendations are made a part of this report, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT
Bureau of the Budget

March 23, 1963

Dear Mr. Chairman:

Reference is made to the request from your Committee of March 4, 1963, for the views of the Bureau of the Budget on S. 876, a bill "To authorize the Administrator of General Services to convey certain land in Prince Georges County, Maryland, to the American National Red Cross."

The proposed legislation would authorize the Administrator of General Services to convey to the American National Red Cross under certain conditions, $2\frac{1}{2}$ acres of surplus land which is a part of the Agricultural Experimental Station in Prince Georges County, Maryland. The payment to the United States of the fair market value of the property as determined by the Administrator would be required.

There is no objection from the standpoint of the Administration's program to the enactment of S. 876.

Sincerely yours,

/s/ Phillip S. Hughes
Assistant Director for
Legislative Reference

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GENERAL SERVICES ADMINISTRATION
Washington, D.C.

March 25, 1963

Dear Mr. Chairman:

Your letter of March 4, 1963, requested the views of the General Services Administration on S. 876, 88th Congress, a bill "To authorize the Administrator of General Services to convey certain land in Prince Georges County, Maryland, to the American National Red Cross."

The purpose of the bill is to authorize the Administrator of General Services to convey, should such property become surplus to the needs of the Federal Government, a certain tract of land, not exceeding $2\frac{1}{2}$ acres, at the Agricultural Experimental Station, Prince Georges County, Maryland, to the American National Red Cross upon payment of the fair market value thereof.

Although the American National Red Cross is a nonprofit corporation created by the Congress for the purpose of rendering public services including those of an educational and public health nature, we are informed by the Department of Health, Education, and Welfare that the corporation does not qualify for a priority and public benefit allowance in the disposal of surplus property under section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended.

Further, the conveyance contemplated by this bill could not be accomplished pursuant to other provisions of law of general application governing the disposal of Federal property by negotiation.

In view of the foregoing, GSA would not object to the enactment of S. 876.

The enactment of this measure would not affect the budgetary requirements of GSA.

The Bureau of the 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 yours,
/s/ LAWSON B. KNOTT, Jr.
Acting Administrator

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DEPARTMENT OF AGRICULTURE

March 25, 1963

Dear Mr. Chairman:

We wish to thank you for your letter of March 4, 1963, giving us the opportunity to report on Senate bill 876, entitled, "To authorize the Administrator of General Services to convey certain land in Prince Georges County, Maryland, to the American National Red Cross."

The bill authorizes the sale, at the fair market value, of approximately 2.5 acres of land to the American National Red Cross, should the land become surplus property pursuant to the Federal Property and Administrative Services Act of 1949, as amended. The land, now a part of the Agricultural Research Center, is located at the northeast corner of the intersection of Rhode Island Avenue and Sunnyside Road. The Red Cross would be required to tender the purchase price within two years after enactment of the bill. In addition the bill provides that the property would revert to the United States should construction of a chapter house not be started and completed within specified times.

This bill is similar to H.R. 10134, 87th Congress, for which this Department recommended enactment and, as a result of such recommendation, declared the land to the General Services Administration as excess to the needs of this Department. We understand the General Services Administration has not disposed of the land although it has been determined to be surplus to the needs of the Government by that Agency.

This Department would have no objection to the enactment of S. 876, if amended as hereinafter suggested.

The bill differs from H.R. 10134 by establishing limits of time within which the American National Red Cross must tender the purchase price and complete construction of a chapter house. We object to the wording which would require the Government in exercising its reverter to return the full purchase price regardless of any damages to the land which might result from failure to complete construction such as the removal of top soil, leaving open excavation or unfinished structures, etc. These damages could require substantial expenditure by the Government, or if the land were to be sold, in the receipt of less value than that returned to the American National Red Cross. We therefore, suggest that in line 14, page 2, after the words "without interest" the phrase "and less any damage to the land as determined by the Administrator," be added.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

/s/ ORVILLE L. FREEMAN
Secretary

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COMPTROLLER GENERAL OF THE UNITED STATES
Washington, D.C.

March 11, 1963

Dear Mr. Chairman:

Your letter of March 4, 1963, acknowledged March 5, requests our comment on S. 876.

The bill would authorize the Administrator of General Services to convey to the American National Red Cross, within a period of two years following enactment of the bill, two and one-half acres of land located at the northeast corner of the intersection of Rhode Island Avenue and Sunnyside Road in Prince Georges County, Maryland. The American National Red Cross is to pay the fair market value of the property as determined by the Administrator, and the cost of any survey required in connection with the conveyance of the property.

The land involved, currently surplus to the needs of the Government, is to

be conveyed to the American National Red Cross subject to the condition that all right, title, and interest to the property shall revert to the United States upon determination by the Administrator of General Services that the "American National Red Cross has failed to begin construction of a chapter house on said property within two years after the conveyance and to complete construction thereof within a reasonable time after such construction has begun* * *." Upon such reversion the amount paid by the American National Red Cross to the United States for the property is to be returned without interest.

This bill would permit a negotiated sale of the property to the American National Red Cross, an organization not qualified for a priority and public benefit allowance in the disposal of surplus real property under section 203(k) of the Federal Property and Administrative Services Act. It thus involves congressional policy regarding the disposition of surplus Federal property.

We are not in a position to comment on the merits of the proposed legislation or make any recommendation concerning your Committee's action with regard thereto. However, it is suggested with a view to greater clarity that the word "and", line 8 of page 2, used in setting forth the situation for the reversion of the property to the Government be changed to "or". We also suggest for your consideration the desirability of providing that the purchase price, which is for repayment in the event of reversion, be made applicable to outstanding liens on the property at the time of reversion.

Sincerely yours,

/s/ JOSEPH CAMPBELL

Comptroller General of
the United States

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Glenn K. Shriver
Professional Staff Member

Approved:

Walter L. Reynolds
Chief Clerk and Staff Director

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

STAFF MEMORANDUM NO. 88-1-33

May 16, 1963

SUBJECT:

AGENDA, Executive Session, May 20, 1963,
10:00 A.M., Room 3302, New Senate Office Building

1. S. 572 (Gruening, and 11 co-sponsors), to amend Section 201(a)(3) of the Federal Property and Administrative Services Act (40 U.S.C. 481(a)(3)), and for other purposes. (Calloway) (GAO amendment).

The purpose of this bill is to provide uniformity and equality in Government contracting for public utility services and in the purchase of natural gas, coal, or oil for the production of such utilities, by providing that all such contracts may be made for periods not exceeding ten years.

Staff Memorandum No. 88-1-19 sets forth the background of this proposed legislation, which has been approved by the General Services Administration; the Bureau of the Budget has no objection.

2. S. 876 (Brewster), to authorize the Administrator of General Services to convey certain land in Prince Georges County, Maryland, to the American National Red Cross. (Shriver).

The bill would authorize the Administrator of General Services to convey to the American National Red Cross, within a period of two years following enactment of the bill, two and one-half acres of land in Prince Georges County, Maryland. The American National Red Cross would be required to pay the fair market value of the property as determined by the Administrator, and the cost of any survey required in connection with the conveyance of the property.

Staff Memorandum No. 88-1-24 sets forth an outline of a proposed favorable report on S. 876, with suggested amendments, for committee consideration.

3. S. 814 (McClellan, by request), to amend Section 7 of the Administrative Expenses Act of 1946, as amended. (Shriver)

The bill would amend section 7(b) of the act to authorize payment of travel and transportation expenses to student trainees when assigned, with or without promotion, upon completion of college work to positions for which there is determined by the Civil Service Commission to be a manpower shortage. The Civil Service Commission reports that this is perfecting legislation - to correct an inadvertence when the original Act was approved (P.L. 86-587) - and its passage would involve no additional expenditure over the estimated cost of the original proposal.

Staff Memorandum No. 88-1-23, sets forth a proposed favorable report on this bill.

4. S. 445 (Beall), to authorize the Administrator, General Services Administration, to convey by quitclaim deed a parcel of land to the Lexington Park Volunteer Fire Department, Incorporated. (Calloway)

The purpose of this bill is to authorize the Administrator of General Services to convey, upon such terms and conditions as he may prescribe, not to exceed 0.37 acre of land located in Saint Marys County, Maryland, to the Lexington Park Volunteer Fire Department, Incorporated, for the purpose of maintaining a fire station to provide continued protection for the facilities of the Naval Air Station, Patuxent River, Maryland, upon request, and for the adjacent community.

Full background information on S. 445 is included in Staff Memorandum No. 88-1-25.

S. 261 (Yarborough), to authorize the conveyance of certain lands in Harris County, Texas, to the State of Texas or the county of Harris. (Shriver)

This bill is identical to S. 3041, reported by the committee (S.Rept. No. 2183) and passed by the Senate in the 87th Congress. It would authorize the Administrator of General Services to convey certain lands in Harris County, Texas, to the State of Texas or the county for historic-monument use or for park and recreational use, or both. The lands are adjacent to the San Jacinto Battleground Park in Harris County and consist of 142 acres. The bill further authorizes the Administrator to convey as many of these acres as may be approved in the manner prescribed by section 13(h) of the Surplus Property Act of 1944, as amended. That act provides for the conveyance of Federal surplus property to States or their political subdivisions for historic-monument purposes without monetary consideration, or for public park purposes at 50 percent of fair market value.

The agencies affected, and the Bureau of the Budget have no objection to passage of the bill.

Walter L. Reynolds
Chief Clerk and Staff Director

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

STAFF MEMORANDUM No. 88-1-34

May 16, 1963

SUBJECT: Proposed disposal of seven surplus C-74 (Globemaster) aircraft by the Defense Supply Agency.

A proposed sale of these seven aircraft to W. J. Chalk Associates, Toronto, Canada was initially submitted to this committee in October, 1962. Senator Gruening objected to that sale and suggested that the committee hold hearings on the matter before approving the transaction. (See staff memorandum 88-1-1 and 88-1-2, attached.)

The committee subsequently held hearings on January 11, 1963, and received testimony from interested bidders and representatives of the government agencies involved.

Following these hearings the committee recommended that all proposals relating to the disposal of these airplanes be rejected, and that new negotiations be entered into after all the facts presented to the committee had been carefully weighed and considered by the Defense Supply Agency. The committee also emphasized the need for establishing a firm policy relating to the disposal of surplus airplanes in order to insure that they would not be sold to any proposed purchaser who might permit them to be used for purposes that would militate against the security of the United States.

The Defense Supply Agency acceded to the committee's request and, by letter of May 14, has advised the committee of its proposed procedures for disposing of these aircraft.

The Chairman's letter, outlining the committee's recommendations, and the Defense Supply Agency's response of May 14th, are set forth below for the information of members of the committee:

UNITED STATES SENATE
Washington, D. C.

January 17, 1963

Lt. General Andrew T. McNamara
Director
Defense Supply Agency - Cameron Station
Alexandria, Virginia

Dear General McNamara:

Reference is made to the proposed negotiated sale of seven C-74 Globemaster airplanes which was submitted to this committee on October 26, 1962 by your agency, and was postponed at the request of this committee until January 20, 1963.

The committee, after careful consideration of the facts brought out at the conference held in executive session on January 11, 1963, recommends that all proposals now pending before your agency relating to the disposal of these airplanes be rejected, and that new negotiations be entered into after all the facts presented to the committee at the conference have been carefully weighed and considered by your agency.

The committee also wishes to emphasize the need for establishing a firm policy relating to the disposal, not only of these seven Globemasters, but of any other surplus airplanes which your agency may wish to dispose of in the future, in order to insure that such airplanes will not be sold to any proposed purchaser who might permit them to be utilized for a purpose or in missions that would militate against the security or best interest of the United States.

Sincerely yours,

/s/ JOHN L. McCLELLAN
Chairman

- 2 -

HEADQUARTERS
DEFENSE SUPPLY AGENCY
Cameron Station
Alexandria, Virginia

May 14, 1963

Honorable John L. McClellan
Chairman, Committee on Government Operations
United States Senate

Dear Mr. Chairman:

As a result of the conference conducted on the proposed sale of C-74 aircraft on 11 January 1963, the Committee requested by letter of 17 January 1963 that consideration be given to the security problems involved in disposing of these aircraft before any further action was undertaken.

As a result of this consideration, it has been decided that these aircraft should not be offered for sale as operable aircraft. Instead, it is planned to sell them by formally advertised sale subject to warranty that the purchaser, after removing any saleable commercial components, will reduce them to scrap. This decision has been coordinated with the Department of State, the Department of Commerce, and the Federal Aviation Administration.

One of the prime factors leading to this decision was the fact that these aircraft could not be economically licensed for commercial use in the United States due to their age, modifications required, and other factors that were brought out during the conduct of the conference. Under these circumstances, it appears likely that any prospective purchaser interested in these aircraft as flyable aircraft would have to use them outside of the United States. Although the Department of State administers the controls on export of aircraft, once these aircraft are legitimately removed from the United States it would be difficult to further control their ultimate use.

The problems inherent in the sale of flyable aircraft are still being studied and no decision has been made. You will be notified as soon as a policy has been developed.

Sincerely,

/s/ A. T. McNAMARA
Lt. General, USA
Director

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James R. Calloway
Professional Staff member

Approved:

Walter L. Reynolds
Chief Clerk and Staff Director

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION
TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

A

SYMBOLS

DL=Day Letter

NL=Night Letter

LT=International
Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

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HON. HUBERT H. HUMPHREY

U.S. SENATE WASHDC

1963 MAY 17 PM 8 29

*morning
may 18**File
Mitchel
Field*

WE HAVE JUST BEEN INFORMED THAT THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS HAS ANNOUNCED THAT A MEETING OF THE COMMITTEE HAS BEEN CALLED FOR MONDAY MORNING MAY TWENTIETH TO RECONSIDER IT'S DECISION IN THE MITCHEL FIELD CASE. THIS COMES AS A SHOCK TO US, TO THE BOARD OF SUPERVISORS OF NASSAU COUNTY AND UNDOUBTEDLY WILL BE A SHOCK TO THE PEOPLE OF THE COUNTY NOW WITH ALMOST ONE AND ONE-HALF MILLION INHABITANTS AND ONE OF THE FASTEST GROWING IN THE NATION. THE MCCLELLAN COMMITTEE ON APRIL TWENTY-SIX BY MAJORITY VOTE REQUESTED THE GENERAL SERVICES ADMINISTRATION TO CONFER WITH H.E.W. AND INTERIOR FOR THE PURPOSE OF CONSIDERING FURTHER FEDERAL AID IN THE DISPOSAL OF SURPLUS MITCHEL FIELD PROPERTY FOR THE BENEFIT OF THE YOUTH OF LONG ISLAND SEEKING

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION

TELEGRAM

W. P. MARSHALL, PRESIDENT

SF 1201 (4-60)

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1963 MAY 17 PM 8 29

EDUCATION NEAR THEIR HOMES AND IN THE INTEREST OF ADDITIONAL VITALLY NEEDED RECREATION IN THIS COUNTY. THE COUNTY OF NASSAU HAS PREPARED A BRIEF SUMMARIZING THE CIRCUMSTANCES AND HAS BEEN WAITING FOR A CALL FROM THE SECRETARIES OF H.E.W. AND INTERIOR SO THAT IT MIGHT PRESENT ITS REQUESTS TO THEM IN WASHINGTON.

HOWEVER, G.S.A. HAS FAILED TO ACCEDE TO THE REQUEST OF THE MCCLELLAN COMMITTEE WITH THE RESULT THAT WE HAVE BEEN LEFT WAITING FOR A DATE FOR THE NECESSARY CONFERENCE IN WASHINGTON. IT SEEMS INCREDIBLE THAT THE URGENT NEEDS FOR EDUCATION AND RECREATION IN THIS HEAVILY POPULATED COUNTY SHOULD BE SO REJECTED. MOREOVER THE SPIRIT IF NOT THE LETTER OF THE LAW PROVIDES FOR PRECISELY THIS KIND OF FEDERAL AID NOT TO MENTION THE POLICIES IN THIS REGARD AS EXPRESSED TIME AND AGAIN BY THE PRESIDENT OF THE UNITED STATES AND SECRETARY CELEBREZZE AND SECRETARY

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

A

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1963 MAY 17 PM 8 29

UDALL. WE ARE SERVING AS SPECIAL COUNSEL WITHOUT REMUNERATION AND AS A MATTER OF PUBLIC SERVICE. WE URGE THE MCCLELLAN COMMITTEE TO ABIDE BY ITS OWN RESOLUTION OF APRIL TWENTY-SIX AND INSIST THAT THE G.S.A. GIVE H.E.W. AND INTERIOR AN OPPORTUNITY TO PRESENT THEIR RECOMMENDATIONS IN THIS MATTER SO VITAL TO NASSAU COUNTY. WE APPEAL TO YOU FOR HELP IN THIS SITUATION

SAMUEL I ROSENMAN CHARLES POLETTI, BRUCE BROMLEY
(42).

W F: Mitchell Field

X

COPY

Official

1313 New Senate Office Building

1:40 p.m.
5/22/63

Mr. George B. Costigan
Chairman
Board of Supervisors
Committee on Education
Nassau County
Mineola, New York

Reurtel bringing your telegram to attention Chairman McClellan.

Hubert H. Humphrey

5/22

hand delivered
to Walter Reynolds

HHH --

Bill
Reply

Re this flap about Mitchel field.

Nickerson, the Democratic county executive of Nassau County, is boxed in by the Republicans, who are accusing him of scuttling the educational plans, etc. of the county. He has to take a public position requesting you to change your vote, and may even be down here Thursday to see you with his flanks covered by Republicans, asking you to change. Whatever he says, his commitment is to an agreement with Boutin for the exchange of part of the land on a non-paid basis, and the sale of other parts of the land to the county.

This issue is not whether or not the land will be dedicated to educational purposes, but rather how much the County will have to pay net for the whole block of land.

The local Democratic County Committee, Nickerson (their white hope), the DNC, and Bernie Boutin are solid that we hold fast along the lines of the vote yesterday.



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