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EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

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BULLETIN NO. 59-1

August 4, 1958

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

X OF 103

SUBJECT: Effects of Alaska statehood

1. Purpose. In view of the imminent admission of Alaska to statehood, the President has directed the Bureau of the Budget to take the initiative in the executive branch, beyond the regular responsibilities of the Department of the Interior, in making a study of the effects of statehood on Federal laws and activities in order to develop a program for an orderly transition from territorial status. A copy of the President's letter is attached. Appropriate arrangements will be made centrally to assure necessary coordination with the government of Alaska.

2. Program to be developed on Alaska. Each agency which has functions affected by the admission of Alaska to statehood shall:

- a. Review the laws, treaties, Executive orders, and directives which it administers, and its implementing regulations, instructions, and procedures in the light of Public Law 85-508 (the Act to provide for the admission of the State of Alaska into the Union) for the purpose of (1) determining what changes, if any, will be necessary or desirable because of Alaska's changed status; (2) identifying any questions, such as those involving statutory interpretation or policy issues, which will require resolution; (3) identifying Federal programs which cannot be initiated or continued without legislative or other action by the State of Alaska; and (4) developing, where necessary, drafts of proposed Federal legislation, Executive orders, proclamations, and other appropriate instruments.

This review should include any pending legislation or legislative proposals in the draft stage.

- b. Review organizational arrangements for administration of the agency's programs in Alaska and internal agency regulations to identify actions required to accomplish such adjustments and modifications as should be made in connection with the transition to statehood.

CROSS CARD FOR STAFF SECRETARY

- c. Review the grant-in-aid programs administered by the agency, and provide, in tabular form, the following data on each of those programs: (1) title of program; (2) comparison of matching or other provisions now applicable to the Territory of Alaska with those now applicable to the States, with specific description of and citations for any special provisions governing grants-in-aid to Alaska (including identification of any instances in which the agency would have administrative discretion to make a grant to Alaska on terms different from those applicable to other States); (3) effect of statehood legislation on any special provisions; and (4) estimated amount of annual grant to Alaska for fiscal years 1959 and 1960 (A) under present law, (B) under conditions of statehood, and (C) in case any special provisions would remain when Alaska attains statehood, under formulas applicable to other States if those were applied to Alaska. This table should be consistent with the assumptions and policies set forth in paragraph 3.
- d. Review the effects of Alaska statehood upon the agency's budget and prepare a statement indicating and explaining, by appropriation or fund account, the changes for the fiscal years 1959 and 1960 in appropriation requirements and expenditures as a result of Alaska statehood. This statement shall follow the assumptions and policies set forth in paragraph 3.

3. Assumptions and policies for budget purposes. In order to assure uniformity of estimates, the following assumptions and policies will be used both in the preparation of the statement required by paragraph 2c and in the regular preparation of budget estimates:

- a. It will be assumed that Alaska will be a State for approximately the last 6 months of the current fiscal year.
- b. It will be assumed that present differentials which apply on a Government-wide basis, such as those relating to salaries and travel, will remain in effect.
- c. It will be assumed that new legislative proposals required as a result of Alaska's admission to statehood will generally become effective about the beginning of the fiscal year 1960. Such items will be handled in the same manner as other supplemental budget estimates under proposed legislation, and will not be included in the regular budget schedules for the appropriation or fund involved.

4. Reports. The following reports shall be made to the Bureau of the Budget:

- a. By August 15, 1958, identification of the officer supervising the review required under paragraph 2 and a listing of any studies or plans made to that date in preparation for Alaska statehood.
- b. By September 15, 1958, the statements on grants-in-aid and budgetary changes referred to in paragraphs 2c and 2d, together with a preliminary report: (1) outlining plans for the review required under paragraphs 2a and 2b, indicating areas and types of programs being covered; and (2) highlighting any issues or problems identified by that time which may require the attention of the President or action by the Congress, and any other matters which may require action, including any questions of statutory interpretation which are not resolved.
- c. By November 15, 1958, a final report summarizing the results of the review and indicating the significant actions contemplated, and questions raised, together with pertinent conclusions and recommendations. Drafts of proposed legislation, Executive orders, proclamations, and other instruments as may be found necessary should be submitted not later than this date.

Five copies should be furnished of all submissions. The submission of information in response to this Bulletin is not a substitute for submission and clearance in the customary manner of those matters which require clearance under Budget Circular No. A-11 or Budget Circular No. A-19.

5. Action during continuance of Territorial status. Pending the proclamation of statehood for Alaska, the Office of Territories of the Department of the Interior will continue to coordinate the Federal programs in Alaska which it has heretofore coordinated.

Inquiries about this Bulletin should be addressed to Harold Seidman, Assistant Chief, Office of Management and Organization (code 113, extension 2128).

MAURICE H. STANS
Director

Attachment



Office of the Attorney General
Washington, D. C.

DEC 31 1958

MEMORANDUM CONCERNING THE TIME OF
ADMISSION OF THE STATE OF ALASKA

Admission of the State of Alaska into the Union will automatically entitle that State to representation in the Congress, and, by the same token, will signify the beginning of the terms of the senators and representative from Alaska.

If the new State is admitted to the Union before the expiration of the Eighty-fifth Congress, the respective Houses of the Congress could hold that the terms of the senators and representative from that State commenced during the Eighty-fifth Congress. This would, of course, bar the representative from Alaska from being seated in the new Eighty-sixth Congress unless he were subsequently elected to that Congress in a new election. Likewise, the admission of the new State during the Eighty-fifth Congress might bar the new senators from that State from being eligible to draw for a possible six-year term commencing at the beginning of the Eighty-sixth Congress.

Admission of the new State before noon on January 3, 1959, would constitute admission during the Eighty-fifth Congress; admission subsequent to noon on January 3, 1959, would constitute admission during the Eighty-sixth Congress. Admission at precisely noon on January 3, 1959, might be deemed admission during either of those Congresses, and only the respective Houses of the Congress could finally resolve that issue and even they might arrive at contrary results.

In order to avoid that issue and to assure that the commencement of the terms of those senators and representative will not be unduly delayed, the admission of the State should be accomplished immediately after the stroke of noon, official time, on January 3, 1959. This should not adversely affect the seniority of the Alaskan group because seniority among

senators or representatives whose terms commence at the same precise moment is generally determined by the admission date of the States of the senators or representatives concerned. Inasmuch as the State of Alaska will be the State most recently admitted to the Union, the senators and representative from that State will probably be junior to other newly elected senators and representatives. Consequently, the fact that the terms of the senators and representative from Alaska will have begun one minute after the terms of the other newly elected senators and representatives should result in no diminution of the congressional seniority rights of the Alaskan group.

Under the provisions of section 8 (b) of the act of July 7, 1958, the admission of the State of Alaska will be deemed accomplished when the President issues a proclamation declaring that the new State has complied with the procedural requirements specified in that act. Necessarily, it follows that proclamation of the President should be issued immediately after the stroke of noon, official time, on January 3, 1959.

It has been suggested that it might be desirable for the President to "sign" the proclamation on January 2, 1959, if it were possible to postpone the official "issuance" of the proclamation, within the meaning of section 8 (b) of the act (and consequently postpone the admission of the new State), until January 3, 1959.

References to "signing" proclamations and to "issuing" proclamations are generally used interchangeably. Accordingly, it would be inadvisable to attempt to distinguish those terms in connection with the promulgation of this proclamation. Any doubt concerning the precise moment that the admission of the new State will have been accomplished might result in extensive litigation and might seriously impair important rights and privileges, including the seating rights of the elected senators and representative of that State.

In this connection, the General Counsel of the Bureau of the Budget suggested that the President might be able to establish January 3, 1959, as the "issuance" date of the proclamation even if he "signed" the proclamation on January 2, 1959, if he specified in the proclamation that the proclamation was to become effective on January 3, 1959.

Although the inclusion of a January 3, 1959, "effective" date in the proclamation might be determinative of the "issuance" date of the proclamation (and the admission time of the State of Alaska), that result is by no means assured, and, in fact, a contrary result would appear more probable. In any event, inclusion of the postponed effective date in the proclamation would create more legal questions than it would resolve and would probably produce quantities of unnecessary and burdensome litigation.

On the other hand, if the proclamation is effective as soon as it is signed, and if the signing of the proclamation is immediately disclosed, there can be no reasonable doubt that the "issuance" of the proclamation shall have occurred, within the meaning of section 8 (b), at the precise moment of that signing.

It has also been suggested that the President might sign the proclamation on January 2, 1959, but date it January 3, 1959. The date of signature of a proclamation is an integral part of the affidavit which formalizes the document; consequently, any postdating of that affidavit would, in effect, render it a false affidavit. That should be positively avoided.

The views expressed in this memorandum concerning the effect that the issuance of this proclamation might have upon the terms of the senators and representative from Alaska are based upon precedents of the Senate and the House of Representatives. It should be recognized, of course, that those bodies have the sole authority to determine the qualifications of their respective members and under that authority finally determine all questions concerning the terms, seating, and seniority of their members.