FOLDER NO.

180.7
IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1955

Mr. Murray (for himself, Mr. Anderson, Mr. Barrett, Mr. Case of South Dakota, Mr. Chavez, Mr. Clements, Mr. Dirksen, Mr. Douglas, Mr. Green, Mr. Hennings, Mr. Holland, Mr. Humphrey, Mr. Jackson, Mr. Keating, Mr. Kilgore, Mr. Lehman, Mr. Magnuson, Mr. Mansfield, Mr. McNamara, Mr. Morse, Mr. Neuberger, Mr. O'Mahoney, Mr. Pastore, Mr. Payne, and Mr. Young) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs.

A BILL
To enable the people of Hawaii and Alaska each to form a constitution and State government and to be admitted into the Union on an equal footing with the original States.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITILE I

SEC. 101. That the citizens of the United States who are bona fide residents of that part of the United States now constituting the Territory of Hawaii are hereby authorized to form for themselves a constitution and State government, with the name "State of Hawaii", which State, when so
1 formed, shall be admitted into the Union, all as hereinafter
2 provided.
3 The State of Hawaii shall consist of all the islands, to-
4 gether with their appurtenant reefs and territorial waters,
5 now included in the Territory of Hawaii, except the atoll
6 known as Palmyra Island, together with its appurtenant
7 reefs and territorial waters, but said State shall not be
8 deemed to include the Midway Islands, Johnston Island,
9 Sand Island (offshore from Johnston Island), or Kingman
10 Reef, together with their appurtenant reefs and territorial
11 waters.

Sec. 102. Sections 2 and 3 of the Act of the Territorial
Legislature of Hawaii entitled "An Act to provide for a
constitutional convention, the adoption of a State constitu-
tion, and the forwarding of the same to the Congress of the
United States, and appropriating money therefor", approved
May 20, 1949 (Act 334, Session Laws of Hawaii, 1949),
which sections provide for the election of delegates, the organ-
ization of a constitutional convention and the forming of a
constitution and State government for the proposed State of
Hawaii, are hereby ratified, and the convention for which pro-
vision is made in said Act of the Territorial legislature shall
be, and is hereby, recognized as the body authorized to form a
constitution and State government for said proposed State.

The constitution shall be republican in form, shall make
1 no distinction in civil or political rights on account of race
2 or color, shall not be repugnant to the Constitution of the
3 United States and the principles of the Declaration of Inde-
4 pendence, and shall provide that no person who advocates,
5 or who aids or belongs to any party, organization, or asso-
6 ciation which advocates, the overthrow by force or violence
7 of the government of the State of Hawaii or of the United
8 States shall be qualified to hold any public office of trust or
9 profit under the State constitution. Said constitution shall
10 provide:
11 First. That no law shall be enacted respecting an es-
12 tablishment of religion or prohibiting the free exercise thereof;
13 or abridging the freedom of speech or of the press, or the right
14 of the people peaceably to assemble and to petition the
government for the redress of grievances.
15 Second. That provisions shall be made for the establish-
16 ment and maintenance of a system of public schools which
17 shall be open to all children of said State and free from
18 sectarian control.
19 Third. That the debts and liabilities of said Territory
20 of Hawaii shall be assumed and paid by said State and all
21 debts owed to said Territory of Hawaii shall be collected by
22 said State.
23 Fourth. That the State and its people cede to the United
24 States, and disclaim title to, the property in the Territory
of Hawaii set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union as more particularly provided in the next section of this Act.

Fifth. That, as a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, is adopted as a law of said State, subject to amendment or repeal only with the consent of the United States, and in no other manner: Provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for ordinary State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment or law, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any
amendment to increase the benefits to lessees of Hawaiian
home lands may be made in the constitution, or in the manner
required for ordinary State legislation, but the qualifications
of lessees shall not be changed except with the consent of the
United States; and (3) that all proceeds and income from
the "available lands", as defined by said Act, shall be used
only in carrying out the provisions of said Act.

Sixth. That the lands and other property belonging to
citizens of the United States residing without said State
shall never be taxed at a higher rate than the lands and other
property belonging to residents thereof.

Seventh. That said State and its people do agree and
declare that no taxes shall be imposed by said State upon
any lands or other property now owned or hereafter acquired
by the United States; and that all provisions of this Act
reserving rights or powers to the United States, as well
as those prescribing the terms or conditions of the grants of
lands or other property herein made to the said State, are
consented to fully by said State and its people.

Sec. 103. (a) The State of Hawaii and its political sub-
divisions, as the case may be, shall retain all the lands and
other public property title to which is in the Territory of
Hawaii or a political subdivision thereof, except as herein
provided, and all such lands and other property shall remain
and be the absolute property of the State of Hawaii and its
political subdivisions, as the case may be, subject to the constitution and laws of said State: Provided, however, That as to any such lands or other property heretofore or hereafter set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall be and become vested with absolute title thereto, or an interest therein conformable to such limitations, as the case may be.

(b) The United States hereby grants to the State of Hawaii, effective upon the date of its admission into the Union, the absolute title to all the public lands and other public property in Hawaii title to which is in the United States immediately prior to the admission of such State into the Union, except as otherwise provided in this Act: Provided, however, That as to any such lands or other property heretofore or hereafter set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall retain absolute title thereto, or an interest therein conformable to such
As used in this subsection, the term "public lands and other public property" means, and is limited to, the lands and other properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or other properties so ceded. The lands hereby granted shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(e) The lands granted to the State of Hawaii pursuant to the preceding subsection, together with the proceeds thereof and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other
educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under the preceding subsection shall be used for the support of any sectarian or denominational school, college, or university.

(d) Effective upon the admission of the State of Hawaii into the Union all laws of the United States reserving to the United States the free use or enjoyment of property hereinabove vested in the State of Hawaii or its political subdivisions, or the right to alter, amend, or repeal laws relating thereto, are hereby repealed.

(e) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

Sec. 104. The joint resolution of the Territorial Legislature of Hawaii entitled "Joint resolution providing for the submission to the people of the Territory of Hawaii of the constitution framed by the convention held pursuant to Act 334 of the Session Laws of Hawaii, 1949, and in the event of failure of ratification, the framing and submission of a new constitution, and making appropriations therefor", approved October 12, 1950 (Joint Resolution 1, Special Session Laws of Hawaii, 1950), which section provides for the submission
to the people of the Territory of Hawaii, for ratification or
rejection, of the proposed constitution framed by the consti-
tutional convention held pursuant to sections 2 and 3 of the
Act of the Territorial Legislature of Hawaii approved May
20, 1949 (Act 334, Session Laws of Hawaii, 1949), and
of any new constitution framed by such convention in con-
sequence of a rejection of the proposed constitution by the
people, is hereby ratified; and the election held on November
7, 1950, pursuant to section 1 of said joint resolution, at
which election the people of the Territory of Hawaii ratified
the proposed constitution by a majority of the votes cast shall
be, and hereby is, recognized as constituting due ratification
of said constitution by the people of Hawaii.

A certified copy of said constitution shall be submitted
by the Governor of the Territory of Hawaii to the President
of the United States. Thereupon the President of the United
States shall forthwith submit said constitution to the Congress
for its consideration. Should the Congress by a majority
vote approve said constitution, it shall be the duty of the
President, within thirty days after such action by the Con-
gress, to certify such approval to the Governor of the said
Territory. Thereupon the Governor, within thirty days
after receipt of such notification, shall issue his proclamation
for the election, as hereinafter provided, of officers for all
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elective offices provided for by the constitution and laws of said State, but the officers so to be elected shall in any event include two Senators and two Representatives in Congress. Until and unless otherwise required by the constitution or laws of said State, said Representatives shall be elected at large.

If the Congress shall disapprove said constitution, such disapproval shall immediately be certified by the President to the Governor of said Territory, with the objections to the proposed constitution; the Governor thereupon by proclamation shall order the constitutional convention to reassemble at a date not later than twenty days after receipt of such notification and thereafter a new constitution may be formed and the same proceedings shall be taken in regard thereto in like manner as if the proposed constitution had been rejected by the people and as if the new constitution were being originally submitted to the President for approval by the Congress: Provided, That not more than one election shall be held under the authority of this paragraph.

Sec. 105. In case the Congress approves the constitution duly ratified by the people of said Territory, all as herein-before provided, a primary and a general election shall be held pursuant to the laws of the Territory of Hawaii on dates duly named in the proclamation of the Governor of said Territory provided for in the preceding section. At
such elections the officers required to be elected as provided in section 4 shall be chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by said constitution and the laws of said State for the election of members of the State legislature. The returns thereof shall be made and certified in such manner as the constitution and laws of said State may prescribe.

At the general election to be held as herein provided there shall also be submitted to the electors qualified to vote in said election, for adoption or rejection, the following proposition: "The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress providing for the admission of this State into the Union, and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States." In the event the foregoing proposition is adopted at said election by a majority of the legal votes cast, section 1 of Article XIII of the proposed constitution of the State of Hawaii, as ratified by the people at the election held on November 7, 1950, and any definition of the boundaries of the State of Hawaii in any new constitution adopted pursuant to this Act, shall be deemed amended so as to contain the language of the second paragraph of section 1 of this Act in lieu of any other language. In the event the foregoing
1 proposition is not adopted at said election by a majority of the
2 legal votes cast, the provisions of this Act shall thereupon cease
3 to be effective. The Governor of said Territory is hereby
4 authorized and directed to take such action as may be neces-
5 sary or appropriate to insure the submission of said proposi-
6 tion at the general election herein provided, and a state-
7 ment of the votes cast on said proposition shall be included
8 in the returns of said election.

9 When the general election provided for in this section
10 shall have been held and the returns thereof made and certi-
11 fied as hereinbefore provided, the Governor of said Territory
12 shall certify the results of said election, as so ascertained,
13 to the President of the United States. Thereupon the Presi-
14 dent, if he finds that the proposition with respect to bound-
15 aries set forth in this section has been duly adopted by
16 the people of Hawaii as hereinbefore provided, shall im-
17 mediately issue his proclamation announcing the results
18 of said election as so ascertained. Upon the issuance of
19 said proclamation by the President of the United States,
20 the proposed State of Hawaii shall be deemed admitted
21 by Congress into the Union by virtue of this Act on an
22 equal footing with the other States.

23 Until the said State is so admitted into the Union, the
24 persons holding legislative, executive, and judicial offices in
25 or under or by authority of the government of said Territory,
and the Delegate in Congress thereof, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Hawaii into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representatives in the manner required by law, and the said Senators and Representatives shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

SEC. 106. The State of Hawaii upon its admission into the Union shall be entitled to two Representatives until the taking effect of the next reapportionment, and such Representatives shall be in addition to the membership of the House of Representatives as now prescribed by law: Provided, That such temporary increase in the membership of the House of Representatives shall not affect the basis of apportionment established by the Act of November 15, 1941.
(55 Stat. 761; 2 U. S. C., sec 2a), for the Eighty-third Congress and each Congress thereafter.

Sec. 107. Effective upon the admission of the State of Hawaii into the Union—

(a) the United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thenceforth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: Provided, however, That the terms of office of the district judges for the District of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

(b) the last paragraph of section 133 of title 28, United States Code, is repealed; and

(c) subsection (a) of section 134 of title 28, United States Code, is amended to read as follows:

"(a) The district judges, except in Puerto Rico, shall hold office during good behavior. The district judge in Puerto Rico shall hold office for the term of eight years, and until his successor is appointed and qualified."
SEC. 108. Effective upon the admission of the State of Hawaii into the Union the second paragraph of section 451 of title 28, United States Code, is amended by striking out the words "including the district courts of the United States for the districts of Hawaii and Puerto Rico," and inserting in lieu thereof the words "including the United States District Court for the District of Puerto Rico,"

SEC. 109. Effective upon the admission of the State of Hawaii into the Union—

(a) the last paragraph of section 501 of title 28, United States Code, is repealed;

(b) the first sentence of subsection (a) of section 504 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii, where the term shall be six years";

(c) the first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii where the term shall be six years"; and

(d) subsection (d) of section 541 of title 28, United States Code, is repealed.

SEC. 110. No action, case, proceeding, or matter pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii
shall abate by reason of the admission of said State into the Union, but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no indictment, action or proceedings shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and with like right of appellate re-
view, as if said State had been created and said State courts
had been established prior to the accrual of such causes of
action or the commission of such offenses. The admission
of said State shall effect no change in the substantive or criminal law governing such causes of action and
criminal offenses which shall have arisen or been committed;
and such of said criminal offenses as shall have been com-
mitted against the laws of the Territory shall be tried and
punished by the appropriate courts of said State, and such
as shall have been committed against the laws of the United
States shall be tried and punished in the United States Dis-
trict Court for the District of Hawaii.

SEC. 111. Parties shall have the same rights of appeal
from and appellate review of final decisions of the United
States District Court for the District of Hawaii or the
Supreme Court of the Territory of Hawaii in any case
finally decided prior to admission of said State into the
Union, whether or not an appeal therefrom shall have been
perfected prior to such admission, and the United States
Court of Appeals for the Ninth Circuit and the Supreme
Court of the United States shall have the same jurisdiction
therein, as by law provided prior to admission of said State
into the Union, and any mandate issued subsequent to the
admission of said State shall be to the United States District
Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

Sec. 112. Effective upon the admission of the State of Hawaii into the Union—

(a) title 28, United States Code, section 1252, is amended by striking out "Hawaii" from the clause relating to courts of record;

(b) title 28, United States Code, section 1293, is amended by striking out the words "First and Ninth Circuits" and by inserting in lieu thereof "First Circuit", and by striking out the words, "supreme courts of Puerto Rico and Hawaii, respectively" and inserting in lieu thereof "supreme court of Puerto Rico";

(c) title 28, United States Code, section 1294, is amended by striking out paragraph (5) thereof and by
renumbering paragraphs (6) and (7) as paragraphs (5) and (6) respectively;

(d) the first paragraph of section 373 of title 28, United States Code, is amended by striking out the words "United States District Courts for the districts of Hawaii or Puerto Rico," and inserting in lieu thereof the words "United States District Court for the District of Puerto Rico,"; and by striking out the words "and any justice of the Supreme Court of the Territory of Hawaii": Provided, That the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: And provided further, That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii or as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under section 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in commission as a district judge for the District of Hawaii on the date of enactment of this Act;

(e) section 92 of the Act of April 30, 1900 (ch.
1 339, 31 Stat. 159), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), are repealed;
2 (f) section 86 of the Act approved April 30, 1900 (ch. 339, 31 Stat. 158), as amended, is repealed;
3 (g) section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words “Supreme Courts of Hawaii and Puerto Rico” and inserting in lieu thereof the words “Supreme Court of Puerto Rico”; and
4 (h) section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words “Supreme Courts of Hawaii and Puerto Rico” and inserting in lieu thereof the words “Supreme Court of Puerto Rico”.

Sec. 113. All Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union shall continue in force in the State of Hawaii, except as modified or changed by this Act or by the constitution of the State, and shall be subject to repeal or amendment by the Legislature of the State of Hawaii, except as hereinbefore provided with respect to the Hawaiian Homes Commission Act, 1920, as amended; and the laws of the United
States shall have the same force and effect within the said State as elsewhere within the United States.

Sec. 114. (a) Notwithstanding the admission of the State of Hawaii into the Union, the United States shall continue to have sole and exclusive jurisdiction over the area which may then or thereafter be included in Hawaii National Park, saving, however, to the State of Hawaii the same rights as are reserved to the Territory of Hawaii by section 1 of the Act of April 19, 1930 (46 Stat. 227), and saving, further, to persons then or thereafter residing within such area the right to vote at all elections held within the political subdivisions where they respectively reside. Upon the admission of said State all references to the Territory of Hawaii in said Act or in other laws relating to Hawaii National Park shall be deemed to refer to the State of Hawaii. Nothing contained in this Act shall be construed to affect the ownership and control by the United States of any lands or other property within Hawaii National Park which may now belong to, or which may hereafter be acquired by, the United States.

(b) Notwithstanding the admission of the State of Hawaii into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of
the Constitution of the United States, in all cases whatsoever
over such tracts or parcels of land as, immediately prior to
the admission of said State, are owned by the United States
and held for military, naval, air force, or coast guard
purposes, whether such lands were acquired by cession and
transfer to the United States by the Republic of Hawaii and
set aside by Act of Congress or by Executive order or procla-
amation of the President or the Governor of Hawaii for the
use of the United States, or were acquired by the United
States by purchase, condemnation, donation, exchange, or
otherwise: Provided, (i) That the State of Hawaii shall
always have the right to serve civil or criminal process within
the said tracts or parcels of land in suits or prosecutions for or
on account of rights acquired, obligations incurred, or crimes
committed within the said State but outside of the said tracts
or parcels of land; (ii) that the reservation of authority
in the United States for the exercise by the Congress of the
United States of the power of exclusive legislation over the
lands aforesaid shall not operate to prevent such lands from
being a part of the State of Hawaii, or to prevent the said
State from exercising over or upon such lands, concurrently
with the United States, any jurisdiction whatsoever which it
would have in the absence of such reservation of authority
and which is consistent with the laws hereafter enacted by
the Congress pursuant to such reservation of authority; and
that such power of exclusive legislation shall vest and
remain in the United States only so long as the particular
tract or parcel of land involved is owned by the United States
and used for military, naval, air force, or coast guard
purposes.

Sec. 115. The first paragraph of section 2 of the
Federal Reserve Act (38 Stat. 251) is amended by strik-
ing out the last sentence thereof and inserting in lieu
of such sentence the following: "When any State is here-
after admitted to the Union the Federal Reserve districts
shall be readjusted by the Board of Governors of the Federal
Reserve System in such manner as to include such State.
Every national bank in any State shall, upon commencing
business or within ninety days after admission into the Union
of the State in which it is located, become a member bank of
the Federal Reserve System by subscribing and paying for
stock in the Federal Reserve bank of its district in accordance
with the provisions of this Act and shall thereupon be an
insured bank under the Federal Deposit Insurance Act, and
failure to do so shall subject such bank to the penalty pro-
vided by the sixth paragraph of this section."

Sec. 116. Nothing contained in this or any other
Act shall be construed as depriving the Federal Mar-
time Board of the exclusive jurisdiction heretofore con-
ferred on it over common carriers engaged in trans-

pollution by water between any port in the State
of Hawaii and other ports in the United States,
its Territories, or possessions, or as conferring
on the Interstate Commerce Commission jurisdiction over
transportation by water between any such ports.

Sec. 117. All Acts or parts of Acts in conflict with the
provisions of this Act, whether passed by the legislature
of said Territory or by Congress are hereby repealed.

TITLE II

Sec. 201. The citizens of the United States who are
bona fide residents of that part of the United States now
constituting the Territory of Alaska are hereby authorized to
form for themselves a constitution and State government,
with the name "State of Alaska", which State, when so
formed, shall be admitted into the Union, all as hereinafter
provided.

The State of Alaska shall consist of all the territory,
together with the territorial waters appurtenant thereto, now
included in the Territory of Alaska.

Sec. 202. All citizens of the United States who are
qualified to vote for representatives of the Territorial Legis-
lature of Alaska are hereby authorized to vote for and choose
delegates, having the same qualifications, to form a constitu-
tional convention in said Territory. The convention shall
consist of twenty-seven delegates apportioned among the sev-
oral judicial divisions of Alaska as follows: First judicial
division, six delegates; second judicial division, three dele-
gates; third judicial division, ten delegates; fourth judicial
division, five delegates; and three delegates to be chosen
at large from the entire Territory.

The Governor of Alaska shall, within thirty days after
the approval of this Act, issue a proclamation ordering an
election of such delegates to be held at a time designated
in the proclamation within eight months after the approval
of this Act. The proclamation shall be issued at least two
months prior to the date of election of such delegates. The
election shall be conducted without reference to the political
affiliations of the candidates. The ballots used at such elec-
tion shall be nonpartisan and shall not contain any reference
to or designation of the political party or affiliation of any
candidate. A separate ballot shall be prepared for each
judicial division. Each such ballot shall contain (1) the
names of the candidates running for the office of delegate
from such division and (2) the names of the candidates run-
ing for the office of delegate at large to the convention.

The six candidates in the first judicial division who re-
ceive the greatest number of votes shall be the delegates for
such division; the three candidates in the second judicial
division who receive the greatest number of votes shall be
the delegates for such division; the ten candidates in the third judicial division who receive the greatest number of votes shall be the delegates for such division; the five candidates in the fourth judicial division who receive the greatest number of votes shall be the delegates for such division; and the three candidates who receive the greatest number of votes at large from the entire Territory shall be delegates at large.

In case of a tie vote at the election, the candidates so tied shall draw lots under the supervision of the clerk of the District Court for the Territory of Alaska to determine which of them shall be elected.

In case of a vacancy in any office of delegate the candidate not theretofore certified who receives the next highest number of votes in the judicial division in which the vacancy occurs or the next highest number of votes in the Territory at large, as the case may be, shall become the delegate from such judicial division or from the Territory at large, as the case may be.

Except as otherwise specifically provided herein, the election for such delegates shall be conducted, the returns made, the results ascertained, and the certificates of persons elected to such convention issued in the same manner as is prescribed by the laws of Alaska regulating elections therein of members of the Territorial Legislature of Alaska.
SEC. 203. The delegates to the convention so elected shall meet at the capital of said Territory on the first Tuesday following the thirtieth day after their election, unless that date should occur during a session of the Territorial Legislature, in which event the constitutional convention shall convene on the first Tuesday following adjournment of the legislative session. The session shall not exceed seventy-five days, and after organization the delegates thereto shall declare on behalf of the people of the proposed State that they adopt the Constitution of the United States, upon which the said convention shall form a constitution and State government for the proposed State.

The constitution shall be republican in form, shall make no distinction in civil or political rights on account of race or color, shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and shall provide that no person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the Government of the State of Alaska or of the United States shall be qualified to hold any public office of trust or profit under the State constitution. Said convention shall provide in said constitution:

First. That no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof;
or abridging the freedom of speech or of the press, or the
right of the people peaceably to assemble and to petition the
government for the redress of grievances.

Second. That said State and its people do agree and
declare (1) that they forever disclaim all right and title in
or to any real or personal property belonging to the United
States and not granted or confirmed to the State or its politi-
cal subdivisions by or under the authority of this Act or any
real property that is owned by or, for a period of at least
three years immediately prior to the enactment of this Act,
has been in the possession and actually in the use or occupa-
tion of any Indian, Eskimo, Aleut (including any
Metlakahtlan Indian or Metlakahtlan), or any community
of such natives; and (2) that the title to any such property
of the United States or such natives shall remain subject to
the disposition of or extinguishment by the United States to
the same extent as though this Act had never been enacted;
and (3) that no taxes shall be imposed by the State upon
any such property of the United States or such natives until
the Congress provides otherwise, except when held by natives
without restrictions on alienation: Provided, That nothing
contained in this Act shall recognize, deny, enlarge, impair,
or otherwise affect any claim against the United States, and
any such claim shall be governed by the laws of the United
States applicable thereto; and nothing in this Act is intended
1 or shall be construed as a finding, interpretation, or con-
2 struction by the Congress that any law applicable thereto
3 authorizes, establishes, recognizes, or confirms the validity
4 or invalidity of any such claim, and the determination of the
5 applicability or effect of any law to any such claim shall be
6 unaffected by anything in this Act.

Third. That the debts and liabilities of said Territory
7 of Alaska shall be assumed and paid by said State and all
8 debts owed to said Territory of Alaska shall be collected by
9 said State.

Fourth. That provision shall be made for the establish-
10 ment and maintenance of a system of public schools which
11 shall be open to all children of said State and free from
12 sectarian control.

Fifth. That all provisions of this Act reserving rights
13 or powers to the United States, as well as those prescribing
14 the terms or conditions of the grants of lands or other
15 property herein made to said State, are consented to fully by
16 said State and its people.

Sixth. That the lands and other property belonging to
17 citizens of the United States residing without said State
18 shall never be taxed at a higher rate than the lands and
19 other property belonging to residents thereof.

Sec. 204. The State of Alaska and its political subdi-
visions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 5 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

Sec. 205. (a) For the purpose of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatever, or shall affect the rights of any such owner,
claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred million acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(c) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed the following amounts for internal improvements:

For legislative, executive, and judicial public buildings heretofore erected in said Territory or to be hereafter erected in the proposed State, five hundred thousand acres; for insti-
1. Institutions for the mentally ill, two hundred thousand acres;
2. for penitentiaries, two hundred thousand acres; for schools
3. and asylums for the deaf, dumb, and the blind, two hundred
4. thousand acres; for normal schools, five hundred thousand
5. acres; for State charitable, penal, and reformatory institutions,
6. two hundred thousand acres; for homes for needy
7. pioneer residents, two hundred fifty thousand acres; for the
8. University of Alaska, in addition to grants heretofore made,
9. five hundred thousand acres: Provided, That nothing herein
10. contained shall affect any valid existing claim, location, or
11. entry under the laws of the United States, whether for home-
12. stead, mineral, right-of-way, or other purposes whatsoever, or
13. shall affect the rights of any such owner, claimant, locator,
14. or entryman to the full use and enjoyment of the land so
15. occupied.

(d) Block 32, and the structures and improvements
thereon, in the city of Juneau are granted to the State of
Alaska for any or all of the following purposes or a com-
bination thereof: A residence for the Governor, a State
museum, or park and recreational use.

(e) Block 19, and the structures and improvements
thereon, and the interests of the United States in blocks C
and 7, and the structures and improvements thereon, in the
city of Juneau, are hereby granted to the State of Alaska.

(f) All real and personal property of the United States
situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U. S. C., secs. 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U. S. C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U. S. C., secs. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: Provided, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. The State of Alaska shall possess and exercise the same jurisdiction and control over the fisheries and the wildlife of Alaska as are possessed and exercised by the several States within their territorial limits, including adjacent waters. The rights of the State of Alaska over fisheries and wildlife shall not be construed to include control over fur seals, sea otters, and such other fish and wildlife resources as are protected under the provisions of international agreements. Commencing with the year during which Alaska is
admitted into the Union and until the Congress shall other-
wise provide, the Secretary of the Treasury, at the close of
each fiscal year, shall pay to the State of Alaska 50 per
centum of the net proceeds, as determined by the Secretary
of the Interior, derived during such fiscal year from all sales
of seal skins or sea otter skins made in accordance with the
provisions of the Act of February 26, 1944 (58 Stat. 100;
16 U. S. C., secs. 631a-631q), as supplemented and
amended.

(g) (1) Commencing with the year during which
Alaska is admitted into the Union and until the Congress
shall otherwise provide, the Secretary of the Treasury, at
the close of each fiscal year, shall pay to the State of
Alaska, in addition to payments made under the provisions
of law codified as title 16, United States Code, section 500,
12½ per centum of the money received during such fiscal
year from the national forests of Alaska.

(2) Section 3 (a) of the joint resolution entitled “Joint
resolution to authorize the Secretary of Agriculture to sell
timber within the Tongass National Forest”, approved August
8, 1947 (61 Stat. 920), is hereby repealed. Amounts in the
special account established under such section on the date of
enactment of this Act shall not be subject to the provisions
of this subsection, and shall be covered into the general fund
of the Treasury and shall be disposed of in accordance with
the provisions of law with respect to disposition of receipts from the national forests. Amounts hereafter received from the sale of timber or lands under section 2 of such joint resolution shall be deposited in the Treasury to the credit of miscellaneous receipts, subject to the provisions of this subsection and the provisions of law with respect to disposition of receipts from the national forests. In lieu of such special account, there is hereby authorized to be appropriated such sums as may be necessary to pay such judgments, if any, as may result from adverse native claims to timber or lands described in the Act of August 8, 1947 (61 Stat. 920).

(h) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

(i) All lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. All selections shall be made in reasonably compact tracts, taking into account the situation and
potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall not have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U. S. C., sec. 282), as now or hereafter amended, nor over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly
selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. As used in this subsection, the words "equitable claims subject to allowance and confirmation" include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

(j) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181 and following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U. S. C., sec. 432 and following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless such lease, permit, license, or contract is in effect on the date of approval of this Act, and unless an application to select such lands is filed with the Secretary of the Interior within a period of three years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act, and shall include the entire area that is subject to each lease, permit, license, or contract involved in the selections. Any patent for lands so selected shall vest in the State of Alaska all right, title, and interest of the United States in and to
any such lease, permit, license, or contract that remains out-
standing on the effective date of the patent, including the
right to all rentals, royalties, and other payments accruing
after that date under such lease, permit, license, or contract,
and including any authority that may have been retained by
the United States to modify the terms and conditions of such
lease, permit, license, or contract: Provided, That nothing
herein contained shall affect the continued validity of any
such lease, permit, license, or contract or any rights arising
thereunder.

(k) All grants made or confirmed under this Act shall
include mineral deposits. The grants of mineral lands to the
State of Alaska under subsections (b) and (c) of this section
are made upon the express condition that all sales, grants,
deeds, or patents for any of the mineral lands so granted shall
be subject to and contain a reservation to the State of all of
the minerals in the lands so sold, granted, deeded, or patented,
together with the right to prospect for, mine, and remove the
same. Mineral deposits in such lands shall be subject to lease
by the State as the State legislature may direct: Provided,
That any lands or minerals hereafter disposed of contrary to
the provisions of this section shall be forfeited to the United
States by appropriate proceedings instituted by the Attorney
General for that purpose in the United States District Court
for Alaska. For the purposes of this subsection the mineral
character of lands granted to the State of Alaska shall be
determined at the time patent issues and the patent shall be
conclusive evidence thereof.

(1) No order of withdrawal of public lands in Alaska
made within a period of five years after the date of approval
of this Act shall have the effect of withdrawing the lands
affected thereby from selection by the State of Alaska under
this Act, provided such lands are otherwise open to selection
under this Act, and provided an application to select such
lands is filed with the Secretary of the Interior before the
end of said period of five years. The foregoing restriction
shall not extend to withdrawals for military defense or for
Coast Guard purposes.

(m) The schools and colleges provided for in this section
shall forever remain under the exclusive control of the State,
and no part of the proceeds arising from the sale or disposal
of any lands granted herein for educational purposes shall
be used for the support of any sectarian or denominational
school, college, or university.

(n) Grants previously made to the Territory of Alaska
are hereby confirmed and transferred to the State of Alaska
upon its admission. Effective upon the admission of the
State of Alaska into the Union, section 1 of the Act of March
4, 1915 (38 Stat. 1214; 48 U. S. C., sec. 353), as amended,
and the last sentence of section 35 of the Act of February 25,
1920 (41 Stat. 450; 30 U. S. C., sec. 191), as amended, are repealed; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.

(o) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U. S. C., sec. 857), and in lieu of the swamp-land grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U. S. C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U. S. C., secs. 301–308), which grants are hereby declared not to extend to the State of Alaska.

(p) The Submerged Lands Act of 1953 (Public Law 81, Eighty-third Congress, first session; 67 Stat. 29) shall
be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

Sec. 206. (a) After a constitution and State government have been formed in compliance with the provisions of this Act, the convention forming the same shall provide by ordinance for submitting said constitution, for ratification or rejection, to the people of said proposed State at an election to be held at a date to be fixed by said convention, which shall be not less than seventy-five nor more than one hundred days from the date of its adjournment, at which election the citizens of the United States who are qualified to vote for members of the Territorial Legislature of Alaska shall vote directly for or against the proposed constitution. The returns of said election shall be made to the Governor of Alaska, who shall cause the same to be canvassed by the canvassing board of the Territory of Alaska in the manner now provided by law for the canvass of votes cast in general Territorial elections. If a majority of the legal votes cast at said election shall reject the constitution, the Governor of said Territory shall, by proclamation, order the constitutional convention to reassemble at a date not later than forty days after the votes have been canvassed as herein provided, and thereafter a new constitution may be formed by such convention and the same proceedings shall be taken in regard thereto in like
1 manner as if said constitution were being originally prepared
2 for submission and submitted to the people: Provided, That
3 not more than two elections shall be held under the authority
4 of this subsection.
5 (b) When said constitution shall have been duly ratified
6 by the people of said Territory, as aforesaid, by a majority of
7 the legal votes cast at an election held pursuant to this sec-
8 tion, a certified copy of the same shall be submitted by the
9 Governor of the Territory of Alaska through the President
10 of the United States to the Congress for approval or disap-
11 proval as hereinafter provided, together with a statement of
12 the votes cast thereon.
13 (c) If the Congress approves said constitution, it shall
14 be the duty of the President to certify such approval to the
15 Governor of said Territory, who shall within thirty days
16 after receipt of such notification from the President issue a
17 proclamation for the election provided for in section 7 of this
18 Act, said election to take place not earlier than two months
19 nor later than six months after the date of issuance of said
20 proclamation by the Governor.
21 (d) If the Congress shall disapprove the constitution,
22 such disapproval shall immediately be certified by the Presi-
23 dent to the Governor of said Territory, with the objections
24 to the proposed constitution; the Governor thereupon by
25 proclamation shall order the constitutional convention to
reassemble at a date not later than forty days after receipt
of such notification and thereafter a new constitution may
be formed and the same proceedings shall be taken in regard
thereto in like manner as if said constitution were being
originally prepared for submission and submitted to the
people: Provided, That not more than one election shall be
held under the authority of this subsection.

(e) When said new constitution as provided for in
subsection (d) of this section, shall have been duly rati-

fied by the people of said Territory, as aforesaid, by a major-
ity of the legal votes cast at an election held pursuant to this
section, a certified copy of the same shall be submitted by the
Governor of the Territory of Alaska through the President of
the United States to the Congress for approval, together with
a statement of the votes cast thereon; thereafter the procedure
shall be as prescribed in subsections (c) and (d) of this
section.

Sec. 207. (a) The constitutional convention shall by
ordinance provide that in case of ratification of the constitu-
tion by the people and in case the Congress of the United
States shall approve the same, an election shall be held at
the time named in the proclamation of the Governor of said
Territory hereinbefore provided, at which election officers
for a full State government, including a governor, members
of the State legislature, one Representative and two Senators
in the Congress of the United States to be elected at large
from said State, and such other officers as the constitution
shall prescribe, shall be chosen by the qualified voters of
Alaska. Unless the constitutional convention shall by ordi-
nance otherwise provide, such election, and an antecedent
primary election, shall be held, and the returns thereof
made, canvassed, and certified by the canvassing board,
in the same manner, as nearly as practicable, as is now
prescribed by law for the nomination, filing, and election,
and canvass and certification of election of Territorial officers
and members of the Territorial legislature. When such
State and other officers and members of the State legislature
and a Representative and Senators in the Congress of the
United States shall be so elected and the returns thereof
made, canvassed, and certified as herein provided, the Gov-
ernor of said Territory shall certify the result of said election
to the President of the United States, who shall thereupon
immediately issue his proclamation announcing the result of
said election so ascertained, and upon the issuance of said
proclamation by the President of the United States the State
of Alaska shall be deemed admitted by Congress into the
Union by virtue of this Act, on an equal footing with each of
the other States of the Union, and the Representative and
Senator from said State in the Congress of the United States
so elected and certified shall thereafter be entitled to seats
in the House of Representatives and Senate of the United States and to all of the rights and privileges of Representatives and Senators therein. Until the issuance of said proclamation by the President of the United States and until said State is so admitted into the Union and said officers are elected and qualified under the provisions of the Constitution, all of the officers of said Territory, including the Delegate in Congress from said Territory, shall continue to discharge the duties of said respective offices in and for said Territory.

Upon admission of Alaska as a State as herein provided and upon election and qualification of the officers of the State government formed in pursuance of and in accordance with the provisions of said constitution, said officers shall forthwith proceed to exercise all of the duties and functions of their respective offices; and all of the Territorial laws in force in the Territory of Alaska at the time of admission of said State into the Union shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term "Territorial laws" includes (in
addition to laws enacted by the Territorial Legislature of
Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the
authority of the Congress to provide for the government
of Alaska prior to its admission as a State, and the term
“laws of the United States” includes all laws or parts
thereof enacted by the Congress that (1) apply to or
within Alaska at the time of its admission as a State,
(2) are not “Territorial laws” as defined in this para-
graph, and (3) are not in conflict with any other provi-
sion of this Act.

(b) The State of Alaska upon its admission into the
Union shall be entitled to one Representative until the
taking effect of the next reapportionment, and such Repre-
sentative shall be in addition to the membership of the
House of Representatives as now prescribed by law: Pro-
vided, That such temporary increase in the membership of
the House of Representatives shall not affect the basis of
apportionment established by the Act of November 15, 1941
(55 Stat. 761; 2 U. S. C., sec. 2a), for the Eighty-third
Congress and each Congress thereafter.

Sec. 208. The sum of $200,000, or so much thereof as
may be necessary, is hereby authorized to be appropriated,
out of any money in the Treasury of the United States not
otherwise appropriated, for defraying the expenses of the
elections provided for in this Act and the expenses of the
corvention. The delegates shall receive for their services,
in addition to mileage at the rate of 20 cents a mile each
way, the sum of $1,000 each, payable in four equal install-
ments on and after the first, twentieth, fortieth, and sixtieth
days of the convention, excluding Sundays and holidays.
The disbursements of the money so appropriated shall be
made by the Secretary of the Territory of Alaska. The
Territorial legislature is hereby authorized to appropriate
such sum as it may deem advisable for the payment of
additional compensation to said delegates and for defraying
their expenses and for such other purposes as it may deem
necessary.

Sec. 209. The care and treatment of the mentally ill of
Alaska shall be assumed by the State of Alaska: Provided,
That the Federal Government shall continue to care for
and treat the mentally ill of Alaska who are receiving such
care and treatment in an institution at the expense of the
Federal Government at the time Alaska is admitted into the
Union.

Sec. 210. (a) Nothing in this Act shall affect the estab-
lishment, or the right, ownership, and authority of the
United States in Mount McKinley National Park, as now or
hereafter constituted; but exclusive jurisdiction, in all cases,
shall be exercised by the United States for the national park,
as now or hereafter constituted; saving, however, to the State of Alaska the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective political subdivisions of their residence in which the park is situated.

(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, air force, or coast guard purposes, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by the United
States by purchase, condemnation, donation, exchange, or otherwise: Provided, (i) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, air force, or coast guard purposes.

Sec. 211. Effective upon the admission of Alaska into the Union—

(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is
amended by inserting immediately after and underneath item 81 of such analysis, a new item to be designated as item 81A and to read as follows:

“81A. Alaska”;

(b) Title 28, United States Code, is amended by inserting immediately after section 81 thereof a new section, to be designated as section 81A, and to read as follows:

“§ 81A. Alaska

“Alaska constitutes one judicial district.

“Court shall be held at Anchorage, Fairbanks, Juneau, and Nome.”;

(c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such section immediately above the item: “Arizona * * * 2”, a new item as follows: “Alaska * * * 1”;

(d) The first paragraph of section 373 of title 28, United States Code, as heretofore amended, is further amended by striking out the words: “the District Court for the Territory of Alaska,”: Provided, That the amendment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;

(e) The words “the District Court for the Territory of Alaska,” are stricken out wherever they appear in sections 460, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;
(f) The first paragraph of section 1252 of title 28, United States Code, is further amended by striking out the word "Alaska," from the clause relating to courts of record;

(g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;

(h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: "including the District Court for the Territory of Alaska;";

(i) Section 3241 of title 18, United States Code, is amended by striking out the words: "District Court for the Territory of Alaska, the";

(j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words: "for Alaska or";

(k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "the Territory of Alaska;";

(l) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "the Territory of Alaska;"; and

(m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended by striking out from
the first paragraph of such section the words: “and of the
District Court for the Territory of Alaska”.

Sec. 212. No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State of Alaska into the Union, but the same shall be transferred and proceeded with as hereinafter provided.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and
punished in the United States District Court for the District of Alaska.

SEC. 213. All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this Act had not been passed. All cases in which final judgment has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require: Provided, That the time allowed by existing law for appeals from the district court for said Territory shall not be enlarged thereby.

SEC. 214. All causes pending in the District Court for
the Territory of Alaska at the time of the admission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the District of Alaska for final disposition. All other causes pending in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

Sec. 215. Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, docket, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the
United States district court, together with a transcript of all book entries to complete the record in such proceeding. Said cases so transferred, shall be in like manner transferred to said district court.

Sec. 215. All cases pending in the District Court of the Territory of Arizona, or in the District Court of any State not transferred to the United States District Court for the District of Arizona, or to the District Court of the Territory of Arizona, shall be proceeded with under the same rules and proceedings as in said State, and all writs of error and mandamus from both said courts shall be directed to the Supreme Court of the United States, as may be provided by law.

Sec. 216. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 551) is amended by striking out of the first sentence the words "the Federal Reserve Board," and substituting therefor the words "the Federal Reserve Board and the Federal Reserve Bank of New York."
1 United States district court, together with a transcript of
2 all book entries to complete the record in such particular
3 cases so transferred, shall be in like manner transferred to
4 said district court.

5 Sec. 216. All cases pending in the District Court for
6 the Territory of Alaska at the time said Territory becomes
7 a State not transferred to the United States District Court
8 for the District of Alaska shall be proceeded with and deter-
9 mined by the courts created by said State with the right to
10 prosecute appeals to the appellate courts created by said
11 State, and also with the same right to prosecute appeals or
12 writs of certiorari from the final determination in said causes
13 made by the court of last resort created by such State to the
14 Supreme Court of the United States, as now provided by law
15 for appeals and writs of certiorari from the court of last re-
16 sort of a State to the Supreme Court of the United States.

17 Sec. 217. The first paragraph of section 2 of the Fed-
18 eral Reserve Act (38 Stat. 251) is amended by striking out
19 the last sentence thereof and inserting in lieu of such sentence
20 the following: "When any State is hereafter admitted to
21 the Union the Federal Reserve districts shall be readjusted
22 by the Board of Governors of the Federal Reserve System
23 in such manner as to include such State. Every national
24 bank in any State shall, upon commencing business or within
25 ninety days after admission into the Union of the State in
which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section.”

Sec. 218. Section 2 of the Act of October 20, 1914 (38 Stat. 742; 48 U.S.C., sec. 433), is hereby repealed.

Sec. 219. (a) No area of land in Alaska shall be designated hereafter as an Indian reservation pursuant to section 2 of the Act of May 1, 1936 (49 Stat. 1250).

(b) The Secretary of the Interior is authorized, upon application, to issue patents to the appropriate native tribes and villages or individuals for any lands in Alaska that have been in their possession and actually in their use or occupation, for a period of not less than three years immediately prior to the effective date of this Act, for towns, villages, building sites, cultivated fields or gardens, hunting or fishing camps, dock or landing sites, business sites, meeting places, missionary stations, burial grounds, or other like purposes.

Sec. 220. There is hereby authorized to be appropriated out of any money in the Treasury of the United States not otherwise appropriated, to the State of Alaska the sum of $15,000,000 to be used for the following purposes:
struction and improvement of harbors, and State surveys of
land granted to the State of Alaska under this Act.

Sec. 221. (a) The State of Alaska shall be entitled to
share in authorized or appropriated funds that may hereafter
become available for apportionment under the Federal
Aid Road Act approved July 11, 1916 (39 Stat. 355),
as amended and supplemented, upon the same terms and
conditions as any of the several States and the State of
Alaska shall be included in the calculations to determine the
basis of apportionment of such funds; Provided, That for a
period of fifteen years after the admission of Alaska into
the Union, the maximum Federal share payable on account
of any project constructed under this section in the State of
Alaska shall be calculated, in accordance with section 11
of the Federal Highway Act, approved November 9, 1921
(42 Stat. 212), as amended and supplemented, on the
basis of the areas of unappropriated and unreserved public
lands and nontaxable Indian lands, individual and tribal,
eexisting in Alaska on the date of approval of this Act and
such share shall continue on the same basis irrespective
of any change in such areas during the fifteen year period.

(b) In addition to all other sums heretofore author-
ized to be appropriated for the construction of roads in
Alaska, there is hereby authorized to be appropriated,
out of any money in the Treasury not otherwise appro-
priated, for the construction of roads in Alaska after the
date of admission of Alaska to the Union, the following
sums:

(1) $17,000,000 for the first fiscal year beginning
after such date,
(2) $13,000,000 for the second fiscal year beginning
after such date,
(3) $9,000,000 for the third fiscal year beginning
after such date,
(4) $5,000,000 for the fourth fiscal year beginning
after such date,
(5) $3,000,000 for the fifth fiscal year beginning
after such date, and
(6) $1,000,000 for the sixth fiscal year beginning
after such date.

(c) In addition to all other sums heretofore authorized
to be appropriated for the maintenance of roads in Alaska,
there is hereby authorized to be appropriated, out of any
money in the Treasury not otherwise appropriated, for the
maintenance of roads in Alaska after the date of the admis-
sion of Alaska to the Union, the sum of $3,000,000 for each
of the first five fiscal years beginning after such date, the
sum of $2,000,000 for each of the second five fiscal years
beginning after such date, and the sum of $1,000,000 for
each of the third five fiscal years beginning after such date.
(d) All roads and trails and rights-of-way for roads and trails situated in the Territory of Alaska which on the date of the admission of Alaska into the Union are owned by the United States and administered by the Alaska Road Commission, and all real and personal property of the United States situated in the Territory of Alaska which is specifically used by the Alaska Road Commission for the sole purpose of construction and maintenance of roads and trails in Alaska shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency.

Sec. 222. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.
A BILL

To enable the people of Hawaii and Alaska each to form a constitution and State government and to be admitted into the Union on an equal footing with the original States.

By Mr. Murray, Mr. Anderson, Mr. Barrett, Mr. Capper, Mr. Case of South Dakota, Mr. Chavez, Mr. Clements, Mr. Dirksen, Mr. Douglas, Mr. Green, Mr. Hennings, Mr. Holland, Mr. Humphrey, Mr. Jackson, Mr. Kefauver, Mr. Kilgore, Mr. Lehman, Mr. Magnuson, Mr. Mansfield, Mr. McNamara, Mr. Morse, Mr. Neuberger, Mr. O'Mahoney, Mr. Pastore, Mr. Payne, and Mr. Young

January 6, 1955
Read twice and referred to the Committee on Interior and Insular Affairs