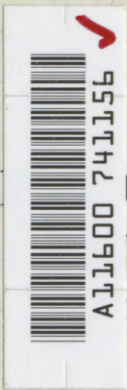


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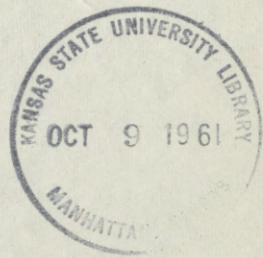
HEARING
BEFORE THE
COMMITTEE ON
OFFICE AND CIVIL SERVICE
SE OF REPRESENTATIVES
EIGHTY-SEVENTH CONGRESS
FIRST SESSION
ON

H.R. 7890

A BILL TO AUTHORIZE THE POSTMASTER GENERAL TO DISPOSE
OF CERTAIN LAND, AND FOR OTHER PURPOSES

AUGUST 24, 1961

Printed for the use of the
Committee on Post Office and Civil Service



489. 98433

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ARNOLD OLSEN, Montana	GLENN CUNNINGHAM, Nebraska
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AUTHORIZING THE POSTMASTER GENERAL TO DISPOSE OF CERTAIN LAND

THURSDAY, AUGUST 24, 1961

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met at 11.15 a.m., in room 215, House Office Building, Hon, Richard Ichord (chairman of the subcommittee) presiding.

Mr. ICHORD. The committee will come to order.

The Postmaster General has authority under existing law (39 U.S.C. 2103(a)(2)(B)), subject to certain limitations, to dispose of real property acquired for postal purposes by sale, lease, or otherwise, on such terms as he deems appropriate to the best interests of the United States.

(The provisions of 39 U.S.C. 2103 and the bill, H.R. 7890, follow:)

§ 2103. Additional leasing authority

(a) In addition to the authority vested in him by section 2102 of this title the Postmaster General may—

(1) negotiate and enter into lease agreements which do not bind the Government for periods exceeding thirty years, on such terms as the Postmaster General deems to be in the best interests of the United States, for the erection by the lessor of the buildings and improvements for postal purposes as the Postmaster General deems appropriate, on lands sold, leased, or otherwise disposed of by the Postmaster General to, or otherwise acquired by, the lessor;

(2) for the purposes of paragraph (1) of this subsection, and without regard to sections 630-630h of title 5, sections 471-475, 481, 483-492, and 511-514 of title 40, sections 5, 153, and 251-255, 257-260 of title 41, sections 391-401 of title 44, and section 1622 of title 50, appendix—

(A) acquire by purchase, condemnation, lease, donation, or otherwise, and on such terms as he deems appropriate to the best interests of the United States, real property and interests therein, for use for postal purposes; and

(B) dispose of real property, and interests therein, acquired for use or used for postal purposes by sale, lease, or otherwise, on such terms as he deems appropriate to the best interests of the United States.

(b) The Postmaster General may not, for the purpose of this section, dispose of (1) any Government-owned property, or interests therein, acquired pursuant to section 352 of title 40 or (2) any Government-owned property, or interests therein, acquired pursuant to law prior to July 22, 1954, on which there has been constructed a building to be used for postal purposes and which is presently being used for those purposes.

(c) Funds available to the Department for the payment of rents may be utilized by the Postmaster General for the purposes of this section.

[H.R. 7890, 87th Cong., 1st sess.]

A BILL To authorize the Postmaster General to dispose of certain land, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 2103(b) of title 39, United States Code, the Postmaster General is authorized to dispose of the following-described real property:

Beginning at the southwest corner of the intersection of West Lexington Avenue and South Osage Street; thence south 0 degrees 09 minutes 47 seconds east along the west side of South Osage Street 215.17 feet more or less to a point; thence south 90 degrees 00 minutes 00 seconds west 235.79 feet more or less to a point; thence north 0 degrees 06 minutes 46 seconds west 215.17 feet more or less to a point; thence north 90 degrees 00 minutes 00 seconds east 235.62 feet more or less to the place of beginning.

as provided in section 2103(a) (2) (B) of title 39, United States Code.

Mr. ICHORD. One of the limitations contained in 39 U.S.C. 2103(b) prohibits the Postmaster General from disposing of property acquired pursuant to 40 U.S.C. 352.

H.R. 7890 would permit the Postmaster General to dispose of a certain piece of property in Independence, Mo., notwithstanding the fact that it was acquired under authority of that section of the code.

We are pleased to have with us this morning as our first witness Congressman William J. Randall, of Missouri, the sponsor of H.R. 7890.

STATEMENT OF HON. WILLIAM J. RANDALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. RANDALL. Thank you, Mr. Chairman. Before proceeding further, I want to express my most sincere gratitude that this committee did convene, not only to you, Mr. Chairman, but to your colleagues, my good friend from Montana, Mr. Olsen, and my long-time friend, Mr. Cunningham, as well as my thanks to the gentlemen from the Department. This has been quite a little task getting everything coordinated. I am most grateful we are making some progress.

This is not a complex matter, at least it does not seem so to its author. It involves a tract of ground in the city of Independence.

H.R. 7890 contains the legal description by metes and bounds on a site of ground located at the southeast corner of Lexington and Osage Streets, Independence, Mo. The legal description we believe to be accurate and was obtained from the files of General Services Administration. The citations contained in the bill we believe to be accurate because they have been cited by the General Counsel of the Post Office Department, Mr. Louis Doyle, and the wording of our bill was suggested verbatim by his office.

We have subsequently discovered, however, that in the drafting of H.R. 7890, we omitted to show the name of the city and State and, accordingly, we will ask leave at this time to amend, or, the committee provide an amendment to be inserted in line 5 after the word "property" and before the colon: "situated in the city of Independence, Jackson County, Missouri."

This site was acquired in June 1952 as a site for a future Federal building. It contains 50,715 square feet and is 235 feet on Osage Street. It was purchased at a cost of \$225,609. The site was acquired by the Government under the Public Buildings Act of 1949

(40 U.S.C. 352). It was the opinion of the counsel of the Post Office Department that the Department is prevented by section 2103(b)(1) of title 39, United States Code from disposing of this property which, of course, is necessary to effectuate the present leasing program of the Post Office Department. Hence, it was thought necessary to get a statutory exemption from the prohibition of section 2103(b)(1). This is the subject of and the sole purpose of H.R. 7890. The particular objective is to permit the Post Office Department to proceed to advertise for bids and to dispose of this property to the successful bidder, under Post Office specifications who will become the builder and lessor, notwithstanding the provisions of the 1949 statute. Very simply stated, H.R. 7890 exempts this particular parcel of real estate from the terms of the 1949 statute which prohibits disposition of such Government-held land.

Now, just this one bit of testimony and I will try to expedite it as much as possible. I will not stand on this date, but I would say that about 1903 was the date of the last major post office improvement in the city of Independence. In 1935 there was a sort of lean-to or addition added to the building.

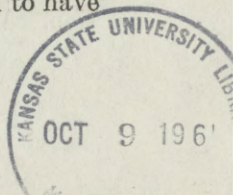
The city has grown in that length of time, even from the 1935 date, about that time it was from about 12,000 to 15,000 and has grown to a city now of almost 70,000. It is estimated that with the pending annexation the population will be 88,000 people. It has passed St. Joseph in population and is pressing Springfield. It may well be the third city in the State of Missouri in the very near future, in terms of population.

The Post Office concurs that there is a need. I suppose there are other sites available in the city. This site has always been in mind because of the fact that it has been held by the Government since the closing days of the Truman administration, I think in 1952. The Korean conflict came on and while condemnation proceedings were started in 1950, they continued until title was taken, I think, early in 1952.

To try to expedite this still further, the county of Jackson built an addition or annex, a courts building with the theory of creating a civic center. This vacant tract of ground is between the new courts building on the south and the present post office on the north. It adapts itself to a sort of quadrangle. The old courthouse is one corner of the quadrangle, the city hall another, the new courts building, and finally this new post office and the old post office fitting out the fourth corner of the civic quadrangle.

An additional reason why in our opinion this tract should be utilized for this purpose is the fact that it has remained, very frankly, a sort of eyesore. There have been some old buildings never removed, tenants have just been recently evicted, and it may well be that GSA will remove these old buildings, I do not know. The tract is sterile. It might be at some time utilized as a parking lot.

Here is an investment by the Government. We are proceeding under this lease arrangement. This investment will be a substantial contribution toward the overall cost of the entire project. It has been estimated that the cost of the project may run between \$400,000 and \$500,000. Here is a tract that cost \$225,000 and believed to have



remained about stable in its value, recently appraised at about the same figure.

If rentals would run from \$30,000 to \$40,000 a year, translated into that sort of thinking, this contribution toward the overall amortization of the building would be a substantial contribution. Very simply stated, it puts to use the original intention of the purchase of the property.

Mr. CUNNINGHAM. I do not know any thing about this except what has been stated. GSA bought this for a Federal buildings?

Mr. RANDALL. Public buildings, or Federal buildings, yes, I assume. GSA witnesses will be here. From recollections of it at the time, we have been residents there our entire lives, it was to be a new post office building. I do not know what other units were planned to be included.

Mr. CUNNINGHAM. If GSA purchased it, they probably had in mind a combined Federal and post office facility.

Mr. RANDALL. Probably.

Mr. CUNNINGHAM. Did they give up that idea?

Mr. RANDALL. I do not know. There has been no pursuit of it during all these years.

Mr. CUNNINGHAM. You want to build a post office there?

Mr. RANDALL. Yes. In direct answer to your question, we have some correspondence here about the uses of the present post office property for purposes other than a post office. There is a recitation, while it is not directed to our office, of the amount of space used by departments other than the post office in the area. It is limited to recruiting offices and ASC offices and Social Security.

Mr. CUNNINGHAM. Did the \$225,000 purchase price come out of the budget of GSA?

Mr. RANDALL. At the time it was purchased?

Mr. CUNNINGHAM. Yes.

Mr. RANDALL. I could not answer that. I assume it did.

Mr. CUNNINGHAM. Then if it is sold, would the money go back to GSA or whoever put this money up? Would it go back to their budget, or where would the money go?

Mr. RANDALL. That is an accounting consideration. I am not prepared to answer it except I know there has been a change of policy from the Government-owned post office during the interim to the leasing policy. I might add this. I would like this to be in the record. Our experience, gathered by many personal interviews in the past 3 years and from a large volume of correspondence, which is not even included in this file, the entire community—the chamber of commerce, all the business people, great majority of the citizens—feel we have an urgent need for a post office. There has been no correspondence as such urging a Federal building to congregate the other departments in the one-building unit. I think there may be some slight need. I am mindful that I am using the word “slight” because it is limited to the recruiting offices, ASC, and Social Security. Social Security is under a long-term lease and have just built a new building. The Internal Revenue had a lease. My recollection is that it has expired.

I call the attention of the gentleman from Nebraska to this situation. We are a populous area but substantially a bedroom area,

suburban area. Regional offices for all Federal agencies are in Kansas City, 10 miles to the west. There has been authorized, although there has been neither an appropriation for nor any funding considerations yet concluded, for a \$39 million Federal building in Kansas City, Mo.

Mr. ICHORD. Has the gentleman concluded?

Mr. CUNNINGHAM. Yes.

Mr. OLSEN. I have no questions.

Mr. ICHORD. Mr. Randall, for the record, will H.R. 7890 involve any cost to the Government?

Mr. RANDALL. No. I fail to see where it would be anything but a profit. In fact, it would be a substantial saving to the Government.

Mr. ICHORD. You consider the value of the land still to be about the same as the purchase price in 1952?

Mr. RANDALL. I think subsequent witnesses will testify to that, that it is substantially the same. Certainly it is not any less and not inflated much above the original cost.

Mr. ICHORD. Thank you very much, Mr. Randall.

The next witness is Mr. Adam G. Wenchel, Associate General Counsel of the Post Office Department, who is accompanied by Mr. Kenneth L. Rabidoux, Acting Director, Real Estate Division, Bureau of Facilities.

Mr. Wenchel.

STATEMENT OF ADAM G. WENCHEL, ASSOCIATE GENERAL COUNSEL, POST OFFICE DEPARTMENT, ACCOMPANIED BY KENNETH L. RABIDOUX, ACTING DIRECTOR, REAL ESTATE DIVISION, BUREAU OF FACILITIES

Mr. WENCHEL. Thank you, Mr. Chairman. We have no prepared statement. However, with your permission, we would like to insert our report in the record.

(The report follows:)

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., August 23, 1961.

HON. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on the bill H.R. 7890, proposing to dispose of certain described property, notwithstanding the provisions of section 2103 (b) of title 39, United States Code.

The property in question, although not mentioned in the bill, is the presently owned site purchased in Independence, Mo., under the Property Act of 1949.

We have reviewed the provisions of this bill and have no objection to its enactment. We suggest, however, that the present bill be amended to indicate that the property described in the bill is located in Independence, Mo.

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

Sincerely yours,

H. W. BRAWLEY,
Acting Postmaster General.

Mr. ICHORD. You may proceed.

Mr. WENCHEL. Congressman Cunningham had inquired about the proceeds. There is a specific provision of law on that. It is the last sentence of section 2113(a), title 39, United States Code, which in

effect says that any amount received by the Post Office Department in excess of what the Post Office Department itself has paid is covered into the general fund of the Treasury, and in this instance all proceeds would be in excess of that amount. They would all go in.

Mr. CUNNINGHAM. I was only asking for clarification. This tract of land was purchased by GSA?

Mr. WENCHEL. Yes.

Mr. CUNNINGHAM. Now you want to build a post office on this land under your present building program?

Mr. WENCHEL. Yes, sir.

Mr. CUNNINGHAM. So GSA, evidently out of their budget, put out \$225,000-odd. Now you want to sell this to the highest bidder. I was wondering where the proceeds go, to you or GSA.

Mr. WENCHEL. We will physically collect them, as I understand it, but we will then have to deposit them into the general miscellaneous Treasury receipts. They will not be available either for us or GSA to use.

Mr. CUNNINGHAM. That is too bad for GSA to have spent that money and not get it back in the budget.

Mr. ICHORD. Are there any further questions? Thank you very much. Next witness is Mr. Robert T. Davis, Director of Legislation, Office of Congressional and Public Affairs, GSA, accompanied by Mr. Bryan E. Harding, Assistant General Counsel, Real Property Division.

**STATEMENT OF ROBERT T. DAVIS, DIRECTOR OF LEGISLATION,
OFFICE OF CONGRESSIONAL AND PUBLIC AFFAIRS, GENERAL
SERVICES ADMINISTRATION, ACCOMPANIED BY BRYAN E.
HARDING, ASSISTANT GENERAL COUNSEL, REAL PROPERTY
DIVISION**

Mr. DAVIS. Mr. Chairman and members of the subcommittee, we have no prepared statement on this bill. However, we submitted this morning, pursuant to the chairman's request, GSA's official report on H.R. 7890. With your permission, I would like to insert the report in the record.

Mr. ICHORD. Without objection, the report will be inserted in the record at this point.

(The report follows:)

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., August 24, 1961.

HON. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of August 21, 1961, requested the views of the General Services Administration on H.R. 7890, 87th Congress, a bill to authorize the Postmaster General to dispose of certain land, and for other purposes.

The purpose of the bill is to authorize the Postmaster General, notwithstanding section 2103(b) of title 39, United States Code, to dispose of certain real property consisting of approximately 50,717 square feet of land in the city of Independence, Mo., as provided in section 2103(a) of the said title 39.

Section 2103(a) of title 39, United States Code, authorizes the Postmaster General to enter into agreements for the leasing for postal purposes of buildings to be constructed by lessors, for terms not exceeding 30 years, and to acquire and dispose of land incidental to the performance of such agreements. Section

2103(b) provides in part that the Postmaster General may not, for the purposes of the section, dispose of any Government-owned property or interests therein acquired pursuant to section 352 of title 40, United States Code. Inasmuch as the property described in H.R. 7890 is an undeveloped Federal building site acquired by GSA in the early 1950's at a cost of \$226,516, pursuant to the Public Buildings Act of 1949 (40 U.S.C. 352), the Post Office Department would be precluded from selling the site to a lease-contractor under section 2103(a) of title 39, if the site were transferred by GSA to that Department.

Under the provisions of the Federal Property and Administrative Services Act of 1949 the land described in this bill could be sold by GSA directly to the successful bidder on the Post Office Department's invitation for bids for lease-construction. Section 203(e) (3) (G) of the 1949 act authorizes the negotiated sale of real property where the character or condition of the property or unusual circumstances make it impractical to advertise publicly for competitive bids and the fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation.

Although the objectives of this bill can be accomplished administratively within the framework of the Federal Property and Administrative Services Act of 1949, as amended, if your committee considers that the said objectives may be accomplished more expeditiously in this instance through the enactment of this measure, GSA would not be opposed to the enactment of H.R. 7890.

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

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

Sincerely yours,

BERNARD L. BOUTIN,
Deputy Administrator.

Mr. DAVIS. I might add one thing. We are in agreement with the amendment that has been proposed this morning as being a desirable amendment to the bill.

Mr. ICHORD. Are there any questions of Mr. Davis?

Mr. OLSEN. I have a question I wanted to ask Mr. Rabidoux. I do not know if you were asked this. Are you going to build a post office in Independence, Mo.?

Mr. RABIDOUX. Yes, sir.

Mr. OLSEN. How immediate is that program?

Mr. RABIDOUX. I would expect that when we gain control of this ground, we will immediately be prepared to hire an architect to design the facility, and we estimate that it would take an architect in the area of 4 months to complete his plans and specifications. We would then bid the project for approximately 60 days and we would expect to be in construction shortly after the first of the year.

Mr. OLSEN. If we pass this bill through the Congress in the next few days, would you start right away on that program?

Mr. RABIDOUX. Yes, sir.

Mr. OLSEN. Will this bill give you that kind of control?

Mr. RABIDOUX. Yes, sir.

Mr. ICHORD. Mr. Randall, how many buildings are there on this tract of land?

Mr. RANDALL. There is a filling station that has now been vacated. There is an old residence that was converted into a printing shop and has now been vacated. An old garage to the west has now been vacated. Also an additional filling station, the canopy was taken off and was made into a little real estate office. That has now been vacated. I understand all the property has been vacated and all buildings are in a rundown condition. No money has been spent on

maintenance since the purchase of the property in 1950, if that is the date.

Mr. OLSEN. Mr. Rabidoux, I would like to ask you as to what will be the procedure of the Post Office Department in disposing of this land. I note the bill establishes no procedure for the disposal.

Mr. RABIDOUX. When the plans and specifications are completed on the building, we will solicit bids for a period of 60 days for anyone who is interested to build a building meeting our specifications on the site we are speaking of this morning and make it the obligation of the low bidder, when we make an award, to reimburse the Post Office Department for the funds necessary to pay for the ground.

Mr. OLSEN. You mean reimburse the Federal Government?

Mr. RABIDOUX. Yes, sir, reimburse the Federal Government.

Mr. ICHORD. The bid will be to buy the land and erect the post office?

Mr. RABIDOUX. That is correct, and lease it back to the Post Office Department for a specified number of years.

Mr. ICHORD. Then the money paid by the successful bidder will go into the General Treasury?

Mr. RABIDOUX. Yes, sir.

Mr. ICHORD. Any questions?

Mr. CUNNINGHAM. Will you need all this land for this proposed building?

Mr. RABIDOUX. Yes, sir.

Mr. OLSEN. Mr. Davis, how does this land get from GSA into the Postmaster General's hands?

Mr. DAVIS. May I answer that question by expanding a little. Let me point out first that General Services Administration acquired this property for the very purpose of using it as a site for the construction of a Federal building. We have had it in our inventory since acquisition.

Mr. CUNNINGHAM. That would include more than just a post office, then?

Mr. DAVIS. Yes, whatever the Federal requirements for space would be in Independence, Mo. It is our understanding that the primary space requirements of the Federal Government are postal. We are very happy to make this property available for a post office building. It would accomplish the purpose of its acquisition. Our only concern here is that in enacting this legislation there be no doubt cast as to GSA's authority under the Federal Property and Administrative Services Act of 1949 to dispose of this property, to sell it to the successful bidder. If this is the quickest way to handle it and get a post office building constructed in Independence, we are most happy to cooperate with the Post Office Department in this respect.

Your question was: How would we transfer it?

Mr. OLSEN. Yes.

Mr. DAVIS. Under the terms of this bill we would simply effect an administrative transfer so the Post Office Department and the Postmaster General could dispose of it to the successful bidder.

Mr. HARDING. Upon enactment of the bill, we would simply transfer this property as property no longer needed by GSA, transfer it to the Post Office without reimbursement. We can do that under the Federal Property Act.

Mr. ICHORD. You do not think you need any specific authorization to transfer it to the Post Office Department?

Mr. HARDING. No, sir; we have adequate authority to handle that.

Mr. ICHORD. You have that authority already?

Mr. HARDING. Yes, sir.

Mr. OLSEN. We can, if this bill is reported out by the full committee, in our report to the floor make abundantly clear all of this purpose of transfer so that there will not be any doubt about the purpose of the act.

Mr. RANDALL. There was another conference early this week with the office of one of our Senators. Your regional office does advance what I suppose would be called a plan, a proposal at least, that all Federal agencies may be housed in the Old Post Office Building if this is vacated, if the present postal space is vacated into the new space. We would have an old monumental type building there which can be remodeled and added to. It would very amply provide space. I have seen proposed plans for ASC quarters, for the Office of Internal Revenue, the branch office, probably a one- or two-man office operating out of Kansas City during the rush tax season, for the Social Security, and the recruiting offices. I think we have all four services scattered around in space now that is not costing them anything, in the courthouse and city hall. Those would all be consolidated in this old building. That is at least in the talking stage. They are right across the street from each other.

Without all the necessity of a separate authorization and separate appropriation, that could be enlarged, which is the present thinking, and we would have a Federal building right across the street from the post office.

Mr. HARDING. Just as soon as the Post Office Department proceeds, we would have an intensive survey of the old building, which the Post Office would vacate, for the very purpose Congressman Randall stated, to determine whether it would be economical to convert that for the use of other governmental agencies.

Mr. RANDALL. The Old Post Office Building will not be lost as a part of this civic center in any foreseeable disposition for the reason we have a separate arrangement, a political subdivision, the county library wants it in the event it is not used for a Federal building. Even the city is considering it as a city hall. This civic center will be preserved.

Mr. ICHORD. Thank you very much, gentlemen.

(Whereupon, at 11:50 a.m., the subcommittee adjourned.)

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Mr. Harman: You do not think you need any specific authorization to conduct a survey of the Post Office Department?

Mr. Harman: No, sir; we have adequate authority to handle that.

Mr. Harman: You have that authority already.

Mr. Harman: We can. If this bill is reported out by the full committee, in our report to the floor we make abundantly clear all of this purpose of transfer so that there will not be any doubt about the purpose of the act.

Mr. Harman: There was another conference early this week with the office of one of our Senators. Your regional office does advise what I suppose would be called a plan, a proposal at least, that all Federal agencies may be housed in the Old Post Office Building if this is feasible. If the present postal space is vacated into the new space, we would have an excellent opportunity to build there which can be remodelled and added to. It would very simply provide space for five or six proposed plans for 1,500 quarters for the Office of Internal Revenue, the Bureau of Internal Revenue, probably a one- or two-man office operation out of Kansas City during the rush tax season, for the Social Security and the Treasury offices. I think we have all four services squeezed around in space now that is not costing them anything in the court-house and city hall. Those would all be consolidated in this old building. That is at least in the talking stage. They are right across the street from each other.

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Mr. Harman: Thank you very much, gentlemen.
(Whereupon, at 11:50 a.m., the subcommittee adjourned.)

