

**DECISION**

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

60132

FILE: B-185203

DATE: APR 8 1976

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MATTER OF: Property of Federal-State Land Use Planning Commission  
for Alaska

**DIGEST:**

In absence of statutory provision to contrary, furniture and equipment which have been acquired by the Joint Federal-State Land Use Planning Commission for Alaska from commingled Federal and State funds without reference to the source of the funds may be considered to be jointly owned. When no longer needed by the Commission or at the time of the Commission's termination, such property may be sold as long as the United States receives one-half of proceeds or divided in half. If divided, Federal property should be disposed of in accordance with the Federal Property and Administrative Services Act.

The Federal Cochairman of the Federal-State Land Use Planning Commission for Alaska has requested a decision from this Office concerning the ownership and disposition of property obtained by that Commission.

The Joint Federal-State Land Use Planning Commission for Alaska was created by the Alaska Native Claims Settlement Act, Pub. L. No. 92-203, December 18, 1971, 85 Stat. 688, 43 U.S.C. §§ 1601 et seq. (Supp. IV, 1974), and by a complementary enactment of the Alaska State Legislature. The Commission is composed of five Federal and five State members. Section 17(a)(9)(A) of the Alaska Native Claims Settlement Act, supra, provides that the United States is responsible for paying no more than 50 per centum of the Commission's operating costs during any given fiscal year. The other 50 per centum of the Commission's costs are paid by the State of Alaska as provided by a complementary State statute.

In his submission, the Federal Cochairman advises that Federal and State cash contributions pursuant to the above-mentioned statutory provisions have been commingled in a single account maintained by the United States Department of the Treasury. The Commission has purchased equipment and furniture to be used in the normal course of its operations with funds from this account without regard to the initial source of such funds. The Commission is to issue its final report by May 30, 1976, and will expire on December 31, 1976. Therefore, the Federal Cochairman has asked the following questions pertaining to property purchased with commingled funds:

1. Are such items owned by the Federal Government, the State of Alaska, or by the two governments jointly?

2. What is the proper procedure for disposing of furniture and equipment when it becomes excess to the needs of the Commission or at the time of its termination? It is suggested that the Commission might sell the property at public auction and divide the proceeds between Alaska and the Federal Government or that it might simply make an equitable division of the property.

Neither the statute nor its legislative history provides for the handling of the Commission's funds or for the disposition of property purchased with commingled funds. Under these circumstances, we believe it is reasonable to conclude that the property in question is jointly owned by the United States and the State of Alaska.

Since the statute is silent on the matter, we feel that choosing the most appropriate method of disposing of this property—sale or division of the property—as between the State and the Federal Government would appear to be a matter for administrative determination by the Commission as long as the United States receives one half of the proceeds of any sale or of the actual property.

If the property is divided, the portion identified as belonging to the Federal Government, should be disposed of in accordance with the property disposal provisions of the Federal Property and Administrative Services Act (FPAS) as amended. 40 U.S.C. §§ 471 et seq. (1970). The remainder of the property will, of course, belong to the State of Alaska for disposition in accordance with its laws.

R. F. KELLER

~~Acting~~ Comptroller General  
of the United States