

## AUTHORIZING THE SECRETARY OF WAR TO TRANSFER CERTAIN LAND TO THE TERRITORY OF HAWAII

SEPTEMBER 14, 1942.—Committed to the Committee of the Whole House on the  
state of the Union and ordered to be printed

Mr. KING, from the Committee on Military Affairs, submitted the  
following

### R E P O R T

[To accompany H. R. 6013]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6013) to authorize the Secretary of War to transfer certain land to the Territory of Hawaii, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Substitute a colon for the period in line 24, page 2, and add:

*And provided further*, That the War Department reserves the right to remove such material as is needed from the howitzer emplacements, if such removal has not been accomplished prior to the effective date of this Act.

The Bureau of the Budget has advised that there is no objection to the enactment of this legislation, and the War Department has approved its adoption as is shown in the attached letter of March 4, 1942, from the Secretary of War to the chairman of the House Military Affairs Committee, which follows:

MARCH 4, 1942.

HON. ANDREW J. MAY,  
*Chairman, Committee on Military Affairs,  
House of Representatives, Washington, D. C.*

DEAR MR. MAY: Careful consideration has been given to the bill H. R. 6013, Seventy-seventh Congress, first session, entitled "To authorize the Secretary of War to transfer certain land to the Territory of Hawaii," which you transmitted to the War Department under date of November 24, 1941, with a request for information and the views of the Department relative thereto.

There is no existing law under which the War Department would be authorized to transfer to the Territory of Hawaii the land in question.

The tract which is the subject of this bill consists of 5.95 acres and was acquired by condemnation proceedings in the local United States District Court for the sum of \$140 in Civil No. 227, June 2, 1931. This parcel, together with two other

## 2      TRANSFER CERTAIN LAND TO THE TERRITORY OF HAWAII

small tracts which were set apart from the public lands of Hawaii, constituted the Makua Military Reservation. In October 1939, it was recommended by the headquarters of the Hawaiian Department that the three parcels be returned to the Territory of Hawaii, the site being no longer necessary for military purposes. Parcels No. 2 and 3 were restored by Executive order dated April 12, 1940, and the act in question, H. R. 6013, is designed to convey parcel No. 1 to the Territory.

The records of this Department indicate that the transfer is to be conditioned upon a reservation by the War Department of the right to remove such material as is needed from the howitzer emplacements, if such removal has not been accomplished prior to the date of the transfer. A provision to this effect was inserted in the Executive order covering parcels 2 and 3, and it was the understanding of this Department that a similar clause should be contained in the legislation pertaining to parcel 1.

In view of the fact that this reservation is no longer needed for military purposes, and since the transfer of parcels No. 2 and 3 to the Hawaiian Government has rendered parcel No. 1 inaccessible and entirely surrounded by public lands, it is recommended that this legislation be enacted, provided, however, that the following provision be inserted immediately following line 24 of page 2 of the bill:

*"Provided further, That the War Department reserves the right to remove such material as is needed from the howitzer emplacements, if such removal has not been accomplished prior to the effective date of this act."*

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HENRY L. STIMSON, *Secretary of War.*

