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**APPROVED**  
**DEC 26 1974**

ACTION

**THE WHITE HOUSE**

Last Day: December 27

WASHINGTON

December 23, 1974

*Posted in  
Colorado  
12/26*

*To Archive  
12/30*

MEMORANDUM FOR THE PRESIDENT

FROM: KEN COLE

SUBJECT: H.R. 1355  
Railway Equipment to Hawaii

Attached for your consideration is H.R. 1355, sponsored by Representative Matsunaga, which directs the Administrator of General Services to transfer certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Inc. The property to be transferred to the Society will be used and displayed in a public park.

OMB recommends approval and provides you with additional background information in its enrolled bill report (Tab A).

Max Friedersdorf and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign H.R. 1355 (Tab B)



APPROVED  
DEC 26 1974

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 20 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 1355 - Railway equipment to Hawaii  
Sponsor - Rep. Matsunaga (D) Hawaii

Last Day for Action

December 27, 1974 - Friday

Purpose

To donate surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Inc.

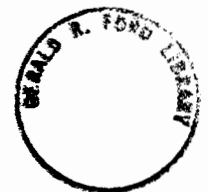
Agency Recommendations

Office of Management and Budget	Approval
General Services Administration	Approval
Department of Defense	No objection

Discussion

Hawaii has historically been the site of many defense installations of the United States. The Navy, in particular, has constructed extensive facilities including a small railway used for transporting supplies and equipment.

In 1971 DOD reported to GSA as excess property a locomotive and twelve flatcars previously used by the Navy. After GSA screening for other Federal uses or donation, the property is now being held for disposal in Honolulu. The only alternatives to continued storage of this equipment are its disposal as scrap for minimal value or its donation for historical display purposes.



H.R. 1355 would transfer the locomotive and flatcars to the Hawaii Chapter of the National Railway Historical Society, Inc., for use as a public park or museum. The transfer is to be made on the following conditions:

- a railway park and museum be built within three years of enactment
- the donated equipment be used in the park
- the equipment be reasonably maintained and accessible to the public at minimum or no charge, and
- the Historical Society have legal title to the donated railway equipment.

The property would be donated on an "as is" and "where is" basis, and without warranty of any kind. If any of the preceding conditions are not satisfactorily met, the Administrator of General Services may repossess the railway equipment.

In a letter to the House Committee on Government Operations, the Comptroller General states:

"Government surplus rail equipment is generally sold as scrap. The resulting proceeds are an extremely poor return on the original investment. The proposed donation, though it cannot be measured in dollars, would probably be the greater benefit."

GSA in its views letter on the enrolled bill states with respect to the property that they "believe that its preservation for historical purposes would be of benefit to the citizens of Hawaii and the nation."

*Walter H. Rommel*  
Assistant Director for  
Legislative Reference

Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 20 1974

To  
Karen Henderson  
12-20-74  
1:00 P.M.

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 1355 - Railway equipment to Hawaii  
Sponsor - Rep. Matsunaga (D) Hawaii

Last Day for Action

December 27, 1974 - Friday

Purpose

To donate surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Inc.

Agency Recommendations

Office of Management and Budget

Approval

General Services Administration

Approval

Department of Defense

No objection

Discussion

Hawaii has historically been the site of many defense installations of the United States. The Navy, in particular, has constructed extensive facilities including a small railway used for transporting supplies and equipment.

In 1971 DOD reported to GSA as excess property a locomotive and twelve flatcars previously used by the Navy. After GSA screening for other Federal uses or donation, the property is now being held for disposal in Honolulu. The only alternatives to continued storage of this equipment are its disposal as scrap for minimal value or its donation for historical display purposes.



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 808

Date: December 20, 1974

Time: 9:30 p.m.

FOR ACTION: Geoff Shepard *ok*  
Max Friedersdorf *ok*  
Phil Areeda *ok*

cc (for information): Warren Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: ~~Monday~~, December 23

Time: noon

SUBJECT:

Enrolled Bill H.R. 1355 - Railway Equipment to Hawaii

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405



DEC 18 1974

Honorable Roy L. Ash  
Director, Office of  
Management and Budget  
Washington, DC 20503

Dear Mr. Ash:

By referral dated December 16, 1974, from the Assistant Director for Legislative Reference, your office requested the views of the General Services Administration on enrolled bill H. R. 1355, 93rd Congress, an act "To donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Incorporated."

The bill would authorize the Administrator of General Services to donate to the Chapter, without monetary consideration, a locomotive and twelve flat cars to be maintained in a public railroad park and museum to be built in Hawaii within three years.

The property has been declared excess by the Department of Defense, has been screened by GSA for possible further Federal use and declared surplus, and is presently available and held at the Kapalama Army Facility in Honolulu. We believe that its preservation for historical purposes would be of benefit to the citizens of Hawaii and the nation. The alternative would appear to be disposal of the property for its scrap value.

GSA favors Presidential approval of the enrolled bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Sampson".

ARTHUR F. SAMPSON  
ADMINISTRATOR

VLD DIVISION  
OFFICE OF MANAGEMENT

DEC 18 1974 4:14

RECEIVED





DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20350

December 17, 1974

Dear Mr. Ash:

Your transmittal sheet of December 16, 1974, enclosing a facsimile of an enrolled bill of Congress, H.R. 1355, "To donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Incorporated," and requesting comment of the Department of the Navy, has been received.

The bill would authorize the Administrator of General Services to donate to the Hawaii Chapter of the National Railway Historical Society, Incorporated, without consideration, all right, title, and interest of the United States in and to one locomotive and twelve flatcars to be used for park or museum purposes in a railroad park and museum to be built in the State of Hawaii and open to the public within three years of the date of enactment.

The locomotive and flatcars were in the custody of the Department of Defense in late 1971 when they were reported to the General Services Administration as excess property to be screened for other Federal use or donation as permitted by statute. There being no such requirements, the property was released to the Department of Defense for other disposal action, and is now held by the Navy at a storage area in Honolulu.

Accordingly, the Department of the Navy interposes no objection to the approval of this enrolled enactment.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "D S Potter".

D. S. Potter  
Under Secretary of the Navy

Honorable Roy L. Ash  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

NO BUREAU  
OFFICE OF MANAGEMENT

DEC 18 1974 4:14

RECEIVED



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 808

Date: December 20, 1974

Time: 9:30 p.m.

FOR ACTION: Geoff Shepard  
Max Friedersdorf  
Phil Areeda

cc (for information): Warren Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday , December 23

Time: noon

SUBJECT: Enrolled Bill H.R. 1355 - Railway Equipment to Hawaii

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

OK      J.L. [Signature] for G.E.S.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.


Warren K. Hendriks  
For the President

THE WHITE HOUSE

WASHINGTON

December 23, 1974

MEMORANDUM FOR: WARREN HENDRIKS

FROM: MAX L. FRIEDERSDORF 

SUBJECT: Action Memorandum - Log No. 808  
Enrolled Bill H.R. 1355 - Railway Equipment  
to Hawaii

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

726

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 808

Date: December 20, 1974

Time: 9:30 p.m.

FOR ACTION: Geoff Shepard  
Max Friedersdorf  
Phil Areeda ✓

cc (for information): Warren Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday , December 23

Time: noon

SUBJECT: Enrolled Bill H.R. 1355 - Railway Equipment to Hawaii

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*to Johnston  
Phil Areeda  
12/23*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

## TRANSFER OF RAILWAY EQUIPMENT IN HAWAII

AUGUST 23, 1974.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HOLIFIELD, from the Committee on Government Operations, submitted the following

### REPORT

[To accompany H.R. 1355]

The Committee on Government Operations, to whom was referred the bill (H.R. 1355) to donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Incorporated, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### HEARING

On July 16, 1974, the Committee, through its Government Activities Subcommittee, held a hearing on H.R. 1355, which was introduced by Congressman Spark M. Matsunaga.

#### PURPOSE OF THE BILL

H.R. 1355 would direct the Administrator of General Services to transfer to the Hawaii Chapter of the National Railway Historical Society, Inc., without monetary consideration, all right, title, and interest of the United States in and to certain surplus railway equipment consisting of one locomotive and twelve flatcars. This property, located on the Island of Oahu, has been screened by the GSA for further Federal use and no requirements have been found.

If the property is transferred to the Society, it will be used and displayed in a public park and museum for the benefit of visitors and local citizens in Hawaii.

#### COMMITTEE VOTE

H.R. 1355 was unanimously approved by voice vote at a meeting of the Full Committee on August 15, 1974, a quorum being present.

## DISCUSSION

Hawaii has played an important role in American history. It has been our link with the nations of the Pacific and the Far East. It is also the home of some of our most vital defense installations.

The Navy, in particular, has constructed extensive facilities among the Islands, especially on the Island of Oahu. Among the facilities utilized by the Navy on the Island was a small railway used to transport supplies and equipment in and among its facilities.

In 1971, the Department of Defense reported to the GSA as excess property a locomotive and twelve flatcars previously used by the Navy. The GSA screened other government agencies for further Federal use or for donation as permitted by statute. No further Federal use was identified and no qualified donees submitted a request for the property.

The property was subsequently released to the Department of Defense for other disposal action and is now held by the Navy at a shortage area in Honolulu. It is not now being used, and the Navy has advanced no plans for reactivating this equipment. The only alternative for continued storage of this equipment appears to be a disposal as scrap for minimal value or the disposal contemplated by this legislation.

Under this legislation, the locomotive and twelve flatcars would be transferred to the Hawaii Chapter of the National Railway Historical Society, Inc., for use as a public park or museum. Although at one time trains were a significant part of Hawaii's transportation system among the military installations and the sugar plantations there are at present no trains operating on the Island of Oahu. It is the desire of the Hawaii Chapter of the National Railway Historical Society to preserve and utilize this train for the benefit of the citizens of and visitors to the State of Hawaii.

This organization has previously acquired and restored some railroad equipment which was used in the sugar industry. Their efforts have been successful enough to win resolutions of commendation from both Houses of the State Legislature. The organization has established a record of commendable achievement and appears to be capable of meeting the conditions set forth in this legislation.

The transfer of this surplus equipment is conditioned upon the following:

1. That a railway park and museum be built within three years;
2. That the property donated be used in conjunction with such park;
3. That the donated property be maintained in a reasonable state of repair and be accessible to the public at little or no charge; and
4. That the donee have the legal capacity to receive and hold title to the donated rail equipment.

A separate proposal being considered by another congressional committee will provide for the transfer of a relatively intact railroad right-of-way and track to the city and county of Honolulu. Under existing law, that proposal does not require legislative action but is applicable to real property interests only. It is anticipated that this track

will be included in plans for a major historical park to be built on the Island of Oahu. It is at this location that the National Railway Historical Society expects to operate the equipment that would be granted under this legislation.

Under the Federal Property and Administrative Services Act, this property would not normally qualify for donation for the purposes intended. However, the Committee concludes that approval of this donation is justified because of the vastly more beneficial use proposed than would be available through alternative disposals. The American public would clearly benefit more from the preservation and continued use of this property in the manner specified than from the destruction and disposal of the equipment as scrap.

## ESTIMATED COST

Passage of this legislation will not result in any cost to the U.S. government. Proceeds that the government might forgo as a result of not selling the equipment for scrap are negligible if any.

## SECTION-BY-SECTION ANALYSIS

Section 1 of H.R. 1355 authorizes the Administrator of General Services to transfer, without monetary consideration, one locomotive and twelve flatcars to the Hawaii Chapter of the National Railway Historical Society, Incorporated.

Section 2 of the bill sets forth the conditions for the donation of the property. These conditions include: (a) the building of a public railroad park and museum in Hawaii within three years after the enactment of the bill; (b) that the equipment be used for park or museum purposes; (c) that the property be maintained in a reasonable state of repair and available to the public without charge or with minimal charge; and, (d) that the Hawaii Chapter of the National Railway Historical Society, Inc., have the legal capacity to receive and hold title to the property donated pursuant to this legislation.

Section 3 of the bill authorizes the Administrator of General Services, or his authorized delegate, to retake title and possession of any and all such donated property if the above-mentioned conditions (except (a)) are not met. If the condition specified in subsection (a) is not met, the Administrator, or his authorized delegate, may retake title and possession only if the property conveyed is not being used for other similar public purposes.

Section 4 of the bill states that the property shall be donated on an "as is" and "where is" basis, without warranty of any kind.

Section 5 of the bill specifies by description and number the property to be donated.

## REPORTS OF AGENCIES

Reports on H.R. 1355 were furnished by (1) the Comptroller General, (2) the Department of Transportation, (3) the Department of the Navy, (4) the Department of the Interior, (5) the General Services Administration, and (6) the Office of Management and Budget. The reports are as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, D.C., March 7, 1973.

HON. CHET HOLIFIELD,  
Chairman, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of February 21, 1973, requests our comments on H.R. 1355, which is a bill to donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Incorporated.

Government surplus rail equipment is generally sold as scrap. The resulting proceeds are an extremely poor return on the original investment. The proposed donation, though it cannot be measured in dollars, would probably be the greater benefit.

Since the bill is for a one-time donation, it will not adversely affect the Government's donation program or any other program of which we are aware.

Sincerely yours,

PAUL G. DEMBLING,  
(For the Comptroller General  
of the United States).

OFFICE OF THE SECRETARY OF TRANSPORTATION,  
Washington, D.C., February 15, 1974.

HON. CHET HOLIFIELD,  
Chairman, Committee on Government Operations,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department on H.R. 1355, a bill "to donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Incorporated."

Section 1 of the bill would direct the Administrator of General Services Administration to donate to the Hawaii Chapter of the National Railway Historical Society, Inc. within 30 days after enactment, without monetary consideration, all of the right, title and interest of the United States in and to specified surplus railway equipment, consisting of one locomotive and twelve flat cars.

Section 2 provides that the donation is to be subject to the following conditions:

- (1) That a rail park and museum be built within three years;
- (2) That the property donated hereunder be used in conjunction with said park;
- (3) That the donated property be maintained in a reasonable state of repair and be accessible to the public at not to exceed a minimal charge; and
- (4) The donee have the legal capacity to receive and hold title to the donated rail equipment.

Section 3 provides that if the above conditions, except for number 1, are not met, the Administrator may retake title and possession of the donated property. If the first condition is not met the Administrator may retake the property unless it is being used for other similar public purpose.

Section 4 provides that the donation is to be on an "as is" and "where is" basis, and without warranty of any kind.

Section 5 states the car numbers of the equipment to be donated.

While the Department basically defers to the expertise of the General Services Administration on this matter, the Department would have no objection to the enactment of this legislation.

The proposed action would not have a significant impact on the environment.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report for the Committee's consideration.

Sincerely,

RODNEY E. EYSTER,  
General Counsel.

DEPARTMENT OF THE NAVY,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, D.C., August 30, 1973.

HON. CHET HOLIFIELD,  
Chairman, Committee on Government Operations,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of February 21, 1973, to the Administrator of General Services, requesting views on H.R. 1355, a bill "To donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Incorporated," has been referred by the Office of Management and Budget to the Department of Defense for reply since the property involved in the bill is now under the cognizance of the Department of Defense vice the General Services Administration.

The bill would authorize the Administrator of General Services to donate to the Hawaii Chapter of the National Railway Historical Society, Incorporated, without consideration, all right, title, and interest of the United States in and to one locomotive and twelve flatcars to be used for park or museum purposes in a railroad park and museum to be built in the State of Hawaii and open to the public within three years of the date of enactment.

The locomotive and flatcars were in the custody of the Department of Defense in late 1971 when they were reported to the General Services Administration as excess property to be screened for other Federal use or donation as permitted by statute. There being no such requirements, the property was released to the Department of Defense for other disposal action, and is now held by the Navy at a storage area in Honolulu.

In the circumstances, it is recommended that the bill be amended to refer to the Secretary of Defense rather than the Administrator of General Services.

The Department of the Navy, on behalf of the Department of Defense, has no objection to the enactment of H.R. 1355.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee. For the Secretary of the Navy.

Sincerely yours,

T. J. BALL,  
*Deputy Chief, Acting.*

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., August 24, 1973.*

HON. CHET HOLIFIELD,  
*Chairman, Committee on Government Operations,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to the request of your Committee for the views of this Department on H.R. 1355, a bill "To donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Incorporated."

We defer to the views of the Department of the Navy concerning H.R. 1355.

The bill provides that the Administrator of General Services shall donate to the Hawaii Chapter of the National Railway Historical Society, Inc., within 30 days of enactment, all right, title, and interest of the United States in specified surplus railway property, consisting of 1 locomotive and 12 flatcars. The donation is subject to certain enumerated conditions concerning exhibition of the property, and provides for return of the property to the United States if the conditions are not met.

We understand that the locomotive and flatcars which are the subject of this bill are now being held for disposal by the Department of the Navy. This Department does not have an interest in them. We therefore defer to the views of the Department of the Navy concerning the provisions of H.R. 1355.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

DOUGLAS P. WHEELER,  
*Acting Assistant Secretary of the Interior.*

GENERAL SERVICES ADMINISTRATION,  
*Washington, D.C., September 4, 1973.*

HON. CHET HOLIFIELD,  
*Chairman, Committee on Government Operations,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Your letter of February 21, 1973, requested the views of the General Services Administration on H.R. 1355, 93rd Congress, a bill "To donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Incorporated."

The bill would authorize the Administrator of General Services to donate to the Hawaii Chapter of the National Railway Historical Society, Incorporated, without consideration, all right, title, and interest of the United States in and to one locomotive and twelve flatcars to be used for park or museum purposes in a railroad park and museum to be built in the State of Hawaii and open to the public within three years of the date of enactment.

The locomotive and flatcars were in the custody of the Department of Defense in late 1971 when they were reported to GSA as excess property to be screened for other Federal use or donation as permitted by statute. There being no such requirements, the property was released to the Department of Defense for other disposal action, and is now held by the Navy at a storage area in Honolulu.

In the circumstances, it is recommended that the bill be amended to refer to the Secretary of Defense rather than the Administrator of General Services.

The Office of Management and 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,

ALLAN G. KAUPINEN,  
*Assistant Administrator.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
*Washington, D.C., August 31, 1973.*

HON. CHET HOLIFIELD,  
*Chairman, Committee on Government Operations, House of Representatives, Rayburn House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request of February 21, 1973 for the views of the Office of Management and Budget on H.R. 1355, a bill "To donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Incorporated."

This Office has no objection to enactment of H.R. 1355 if amended as recommended by the Department of the Navy in its report to your Committee.

Sincerely,

WILFRED H. ROMMEL,  
*Assistant Director for  
Legislative Reference.*

The property was released by GSA to the Department of Defense for further disposal and is now being held by the Navy at a storage area in Honolulu. The Navy has advanced no plans for reactivating the equipment, and the only alternative to continued storage under present law, appears to be disposal as scrap for minimal value.

The bill provides for the donation of the locomotive and 12 flatcars to the Hawaii Chapter of the National Railway Historical Society, Inc., for use as a public park or museum. The transfer is made subject to four conditions:

First, that a railway park and museum be built within three years;

Second, that the property donated be used in conjunction with such park.

Third, that the property be maintained in a reasonable state of repair and be accessible to the public at little or no charge.

Fourth, that the Society have the legal capacity to receive and hold title to the equipment.

The Hawaii Chapter of the National Railway Historical Society has previously acquired and restored some railroad equipment which was used in the sugar industry, and it appears to be capable of meeting the conditions set forth in the bill.

#### SECTION-BY-SECTION ANALYSIS

Section 1 of H.R. 1355 authorizes the Administrator of General Services to transfer, without monetary consideration, one locomotive and twelve flatcars to the Hawaii Chapter of the National Railway Historical Society, Incorporated.

Section 2 of the bill sets forth the conditions for the donation of the property. These conditions include: (a) the building of a public railroad park and museum in Hawaii within three years after the enactment of the bill; (b) that the equipment be used for park or museum purposes; (c) that the property be maintained in a reasonable state of repair and available to the public without charge or with minimal charge; and (d) that the Hawaii Chapter of the National Railway Historical Society, Inc., have the legal capacity to receive and hold title to the property donated pursuant to this legislation.

Section 3 of the bill authorizes the Administrator of General Services, or his authorized delegate, to retake title and possession of any and all such donated property if the above-mentioned conditions (except (a)) are not met. If the condition specified in subsection (a) is not met, the Administrator, or his authorized delegate, may retake title and possession only if the property conveyed is not being used for other similar public purposes.

Section 4 of the bill states that the property shall be donated on an "as is" and "where is" basis, without warranty of any kind.

Section 5 of the bill specifies by description and number the property to be donated.

#### ESTIMATED COST OF THE LEGISLATION

Enactment of this bill will not result in any cost to the Government. The proceeds which the Government will forgo as a result of not selling the equipment as scrap will be negligible, especially when compared to the public benefit to be derived from the donation.

#### AGENCY COMMENTS

Comments were submitted to the House Committee on Government Operations by the Comptroller General, the Department of Transportation, the Department of the Navy, the Department of the Interior, the General Services Administration, and the Office of Management and Budget. These comments were included in the House Committee's report on the bill (H. Rept. No. 93-1336). No objection to the bill was expressed in any of the comments.

○





# Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

## An Act

To donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Incorporated.

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

SECTION 1. The Administrator of General Services shall donate to the Hawaii Chapter of the National Railway Historical Society, Incorporated, a Hawaii corporation, within thirty days after the date of enactment of this Act without monetary consideration, all right, title, and interest of the United States in and to surplus railway property consisting of one locomotive and twelve flatcars more particularly described in section 5 of this Act.

SEC. 2. The donation of the surplus property described in section 1 is subject to the following conditions:

(a) A railroad park and museum will be built in the State of Hawaii and open to the public within three years after the date of the enactment of this Act.

(b) After the park and museum mentioned in subsection (a) becomes open to the public, all property donated pursuant to this Act will be used for park or museum purposes in or in conjunction with such park and museum.

(c) All property donated pursuant to this Act shall be maintained in a reasonable state of repair, and (after the opening of the park and museum mentioned in subsection (a)) shall be available for public access without charge or with minimal charge.

(d) The Hawaii Chapter, as such, of the National Railway Historical Society, Incorporated, is of legal capacity, according to the law of the appropriate jurisdiction, to receive and hold title to the property donated pursuant to this Act.

SEC. 3. Upon failure of any condition in section 2 of this Act, except the condition in section 2(a), the Administrator of General Services, or his authorized delegate, may retake title and possession of any and all such donated property. In the event the condition in section 2(a) fails, the Administrator, or his authorized delegate, may retake title or possession unless the property conveyed is being used for other similar public purposes.

SEC. 4. Donation of property pursuant to this Act shall be on an "as is" and "where is" basis, and without warranty of any kind.

H. R. 1355—2

Sec. 5. The surplus property donated pursuant to this Act comprises one 25-ton Cummins, 6 cylinder diesel engine locomotive, USA numbered 7750; and twelve wooden platformed railway flatcars, USA numbered 91816, 91899, 91868, 91903, 91872, 91912, 91876, 91915, 91932, 91878, 91920, and 91940.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

December 16, 1974

Dear Mr. Director:

The following bills were received at the White House on December 16th:

✓ S.J. Res. 263	✓ H.R. 14749
✓ H.R. 1355	✓ H.R. 15067
✓ H.R. 5056	✓ H.R. 15818
✓ H.R. 7072	✓ H.R. 16006
✓ H.R. 7077	✓ H.R. 16424
✓ H.R. 11013	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.