493.34 feet, an arc distance of 54.39 feet to a point in the line dividing lot 4C and lot 1A; thence (10) north 33 degrees 13 minutes 08 seconds west, a distance of 273.59 feet to the point of beginning, containing 396,913.0 square feet more or less, or 9.11 acres more or less, being also designated as part of lots 1A, 1D, 2, 3C in block 1500, and part of lot 1D in block 1494 on the tax map of the city of Jersey City, together with any and all right of direct access to and from the aforementioned extension of the New Jersey Turnpike constructed or to be constructed on land hereinabove described.

Conditions.

SEC. 2. The conveyance authorized by this Act shall be made subject to (a) the condition that the New Jersey Turnpike Authority pay into the Treasury of the United States, in return for the land conveyed, an amount equal to the fair market value of such land to be determined by the Secretary of the Army after appraisal of such land, and (b) such other conditions, limitations, or reservations as the Secretary may deem necessary to assure that the use of such land by the New Jersey Turnpike Authority, its successors, contractors, lessees, or assigns, shall not interfere with the operation of the aforementioned installation and to assure that the interest of the United States shall be protected.

Reservations to U. S.

SEC. 3. All mineral rights, including gas and oil, in the lands authorized to be conveyed by this Act shall be reserved to the United States.

SEC. 4. There shall be further reserved to the United States in the conveyance of the above-described lands, rights-of-way for water lines, sewer lines, telephone and telegraph lines, power lines, and such other utilities which may now exist or which may become necessary to the operation of the Caven Point Terminal and Ammunition Loading Pier. Any such utility crossings required by the United States subsequent to the opening of the Newark Bay-Hudson County extension of the New Jersey Turnpike to traffic shall be installed underground and at the expense of the United States.

SEC. 5. In executing the deed of conveyance authorized by this Act, the Secretary of the Army shall include specific provisions covering the reservations contained in sections 3 and 4 of this Act.

Reversion to U. S.

SEC. 6. In the event actual construction of such street or road and other construction connected therewith or related thereto is not commenced within two years from the date of enactment of this Act, or in the event such property shall cease to be used for street or road purposes and other purposes connected therewith or related thereto for a period of two consecutive years, then title to such land, including all improvements made by the New Jersey Turnpike Authority, shall immediately revert to the United States without any payment by the United States of compensation therefor.

Nonapplicability. 65 Stat. 365. 50 USC 551.

SEC. 7. The provisions of section 601 of the Act of Congress approved September 28, 1951 (Public Law 155, Eighty-second Congress), shall not apply to the conveyance authorized by this Act.

Approved February 18, 1956.

Public Law 413 CHAPTER 60

AN ACT

February 18, 1956 [S. 2624]

To amend an Act entitled "An Act to provide for the sale of the Port Newark Army Base to the city of Newark, New Jersey, and for other purposes" approved June 20, 1936, as amended.

Port Newark Army Base. Sale to Newark, N. J.

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

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national interest in the future maintenance and development of the Port Newark Army Base as a marine terminal in good operating condition, and to encourage, by providing a sound economic basis therefor, the investment by the Port of New York Authority, during the remainder of its term as lessee of the premises, of such sums for maintenance, repair, rehabilitation, or reconstruction of wharves, buildings, or other installations as may be necessary to provide and maintain such a terminal, now therefore, the first section of the Act entitled "An Act to provide for the sale of the Port Newark Army Base to the city of Newark, New Jersey, and for other purposes", approved June 20, 1936, as amended, is further amended by striking out "*And provided further*, That such conveyance shall be made upon the condition that the United States, in the event of war or of any national emergency declared by Congress to exist, shall have the right to take over said property and shall pay to the city of Newark as liquidated damages a sum equal to 3 per centum per annum on the amount theretofore paid on the purchase price of the said property by the said city during each year or part thereof that the said property is occupied under such taking by the United States, the said property to be returned to the city of Newark upon the expiration of such war or national emergency", and inserting in lieu thereof the following: "*And provided further*, That such conveyance shall be made upon the condition that the deed executed by the Secretary of the Army shall include a provision prohibiting the city of Newark from utilizing or allowing the property to be utilized for purposes other than as a marine terminal and shall contain the express condition that whenever the Congress of the United States declares a state of war or other national emergency to exist, the United States shall have the right, subject to the obligation to make payments as hereinafter provided, to reenter the property and use the same or any part thereof, including any and all improvements made thereon during its occupancy by the city of Newark or its lessees, for the duration of such state of war or other national emergency. If the property is not returned by the United States to the city of Newark prior to the termination of such state of war or other national emergency, it shall revert to the city of Newark upon the termination of such state of war or other national emergency. During each year or part thereof that the said property is occupied by the United States under a reentry during such state of war or other national emergency, the United States shall pay to the city of Newark or, if the property is then under lease, then to the city's then lessee, a rental or rentals to be computed as follows:

49 Stat. 1557.

National emergency.
Reentry by U. S.

"(1) If subsequent to August 1, 1955, but prior to the date of such reentry there has been expended (other than by the United States) less than the sum of $3,000,000 for the capital repair or improvement, and reconstruction or rehabilitation, other than normal maintenance, of the said property including any part thereof and the wharves, buildings, structures, or other installations thereon or therein, then and in such event the United States shall pay as the annual rent a sum equal to 3 per centum of the amount theretofore paid on the purchase price of said property by or on behalf of the city of Newark.

Computation of rentals.

"(2) If subsequent to August 1, 1955, but prior to the date of such reentry, there has been expended (other than by the United States) $3,000,000 or more but less than $10,000,000, for the capital repair or improvement, and reconstruction or rehabilitation, other than normal maintenance, of said property including any part thereof and the wharves, buildings, structures, or other installations thereon or therein, then and in such event the United States shall pay as the annual rent $60,000 plus a sum equal to three-fifths of the annual fair rental value of said property on the date of such reentry.

"(3) If subsequent to August 1, 1955, but prior to the date of reentry, there has been expended (other than by the United States) $10,000,000 or more for the capital repair or improvement, and reconstruction or rehabilitation, other than normal maintenance, of the said property including any part thereof, and the wharves, buildings, structures, or other installations thereon or therein, then and in such event the United States shall pay as the annual rent $60,000 plus a sum equal to that part of the annual fair rental value of the property on the date of such reentry which is the same proportionate part of the annual fair rental value on that date as the excess of the fair market value of the premises on the date of such reentry over $3,200,000 is of the total fair market value on that date.

"The deed shall further provide that in establishing the fair market value or the annual fair rental value as of the date of reentry when such value or values are required for rent computation purposes, the United States and the city of Newark, or if the property is then under lease, then the United States and the city's lessee, shall be guided by two appraisers, one to be appointed by the United States and one by the city or the city's lessee, and if the United States and the city, or if the property is then under lease, then the United States and the city's lessee are unable to agree on the fair market value or the annual fair rental value as of the date of reentry, then said value or values shall be determined by the United States District Court in and for the District of New Jersey, and jurisdiction is conferred on that court for such purpose.

Right of U. S. to make additions, etc.

"The deed shall further provide that there shall be excluded from consideration as part of the sums expended by others than the United States any moneys that may be paid to the city of Newark or its lessee by the United States in lieu of restoration, if any, of the said property to be performed under any lease to the United States of said property or as restoration costs incurred by the United States, during any period of reentry as herein provided, regardless of whether or not the funds are thereafter actually expended for capital repair or improvement, or reconstruction or rehabilitation, of the said property.

"The deed shall further provide that during any period of reentry hereunder, the United States shall have the right to make additions, alterations, modifications, or improvements to the property and that such additions, alterations, modifications, or improvements placed in, upon, or attached to said property may be removed by the United States prior to the return of the property to the city of Newark or its lessee.

"Prior to or at the expiration of the state of war or other national emergency during and on account of which the right to reenter said property herein granted, is exercised, but not later than the expiration thereof, the property shall be returned to the city of Newark or if the property is then under lease, then to the city's then lessee: *Provided, however*, That unless the United States shall return the property and the wharves, buildings, structures, and installations thereon and therein in the same condition as at the time of reentry the fair and reasonable restoration costs (which costs shall include the fair and reasonable costs of the reinstallation of any machinery, equipment, or fixtures placed on the property prior to the reentry and removed therefrom by or at the request of the United States during the period of its occupancy), as agreed upon by the United States and the city of Newark or if the property is then under lease, then by the United States and the city's then lessee shall be allocated between the United States and the city of Newark or its then lessee as follows:

"(a) If the annual rent paid by the United States is computed in accordance with subparagraph (1) hereinabove, then and in that event the United States shall pay no part of such costs;

"(b) If the annual rent paid by the United States is computed in accordance with subparagraph (2) hereinabove, then and in that event the United States shall pay to the city of Newark or if the property is then under lease, then to the city's then lessee three-fifths of such costs; and

"(c) If the annual rent paid by the United States is computed in accordance with subparagraph (3) hereinabove, the United States shall pay to the city of Newark or, if the property is then under lease, then to the city's then lessee so much of the said costs as is the same proportionate part of the total of such costs as the annual rental paid by the United States (less $60,000) is of the annual fair rental value.

"In the computation of restoration costs damage caused by reasonable wear and tear, by action of the elements, or by circumstances beyond the control of the United States other than acts of war or of enemies of the United States, shall be excluded.

"If the United States and the city of Newark or its then lessee are unable to agree on the fair and reasonable restoration costs, then said costs shall be determined by the United States District Court in and for the District of New Jersey in accordance with the provisions of this Act and jurisdiction is conferred on that court for such purpose."

Rights of U. S.

SEC. 2. Nothing contained in this Act shall impair, or be construed to impair, in any manner whatsoever, any other right or rights the United States may now or hereafter possess to condemn, seize, lease, or otherwise take over the property in accordance with the applicable provisions of the laws of the United States.

Contract supplement.

SEC. 3. The Secretary of the Army is authorized to execute a supplement to the contract of sale entered into with the city of Newark, New Jersey, pursuant to the Act of June 20, 1936, in order to make effective the amendments made to said Act by this Act, but, in any event, the deed to be delivered to said city by the United States upon receipt of the final payment of the purchase price shall conform to these amendments.

Approved February 18, 1956.

Public Law 414 CHAPTER 63

AN ACT

February 20, 1956
[H. R. 2667]

To amend section 208 (b) of the Technical Changes Act of 1953, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 208 (b) of the Technical Changes Act of 1953 is amended by striking out "1950" and inserting in lieu thereof "1947".

Technical Changes Act of 1953, amendment. 67 Stat. 624.

(b) The amendment made by subsection (a) shall be effective as if enacted as a part of section 208 (b) of the Technical Changes Act of 1953.

Effectivity.

SEC. 2. Section 2053 of the Internal Revenue Code of 1954 (relating to deductions from the gross estate for expenses, indebtedness, and taxes) is hereby amended by redesignating subsection (d) to be subsection (e) and by adding after subsection (c) a new subsection as follows:

68A Stat. 390. 26 USC 2053.

"(d) CERTAIN STATE DEATH TAXES.—

"(1) GENERAL RULE.—Notwithstanding the provisions of subsection (c) (1) (B) of this section, for purposes of the tax imposed