

Street immediately adjacent to and abutting upon the lands above described.

Reconstruction of existing tunnel.

"SEC. 2. That the reconstruction of the existing tunnel shall be carried out in accordance with plans and specifications which shall have been, prior to the commencement of such reconstruction, submitted to and approved by the Secretary of the Treasury with respect to reconstruction through the lands now occupied by the Coast Guard and submitted to and approved by the Federal Works Administrator with respect to reconstruction through the lands now occupied by the Post Office Department.

Reversion to U. S.

"SEC. 3. That whenever said right-of-way shall cease to be used for the purpose of a tunnel through which to operate a railroad, it shall revert to the United States.

Rights reserved.

"SEC. 4. That the right to repeal, alter, or amend this Act is reserved to Congress."

Approved June 12, 1948.

[CHAPTER 457]

AN ACT

To amend section 303 (e) of the Interstate Commerce Act, as amended.

June 12, 1948
[H. R. 6078]
[Public Law 633]

Interstate Commerce Act, amendment.
54 Stat. 932.
49 U. S. C. § 903 (e).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 303 of the Interstate Commerce Act, as amended, is amended to read as follows:

"(e) (1) Notwithstanding any provision of this part the Commission may, by order, from time to time, upon application, or upon its own initiative without application, exempt from the requirements of this part the transportation of passengers between points in the United States by way of a foreign port or ports, upon a finding that application of such requirements thereto is not necessary to carry out the national transportation policy declared in this Act.

Exclusion of certain noncompetitive transportation.

"(2) It is hereby declared to be the policy of Congress to exclude from the provisions of this part, in addition to the transportation otherwise excluded under this section, transportation by contract carriers by water which, by reason of the inherent nature of the commodities transported, their requirement of special equipment or their shipment in bulk, is not actually and substantially competitive with transportation by any common carrier subject to this part or part I or part II. Upon application of a carrier, made in such manner and form as the Commission may by regulations prescribe, the Commission shall, subject to such reasonable conditions and limitations as the Commission may prescribe, by order exempt from the provisions of this part such of the transportation engaged in by such carrier as it finds necessary to carry out the policy above declared. A carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended) making such application prior to January 1, 1941, shall be exempt from the provisions of this part until a final determination has been made upon such application if such carrier or a predecessor in interest was in bona fide operation as a contract carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, for interruptions of service over which such carrier or its predecessor in interest had no control".

54 Stat. 929.
49 U. S. C. ch. 12.
24 Stat. 379; 49 Stat. 543.
49 U. S. C. chs. 1, 8.
Ante, pp. 163, 295; *post*, p. 662.

47 Stat. 1425.
46 U. S. C. §§ 843-848.

Approved June 12, 1948.

[CHAPTER 458]

AN ACT

To withdraw certain land as available land within the meaning of the Hawaiian Homes Commission Act of 1920 (42 Stat. 108), as amended, and to restore it to its previous status under the control of the Territory of Hawaii.

June 12, 1948
[H. R. 6091]
[Public Law 634]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of Hawaiian Homes Commission land of Waiakea-Kai or Keaukaha, South Hilo, Hawaii, Territory of Hawaii, more fully described as follows, is withdrawn as "available land" within the meaning of the Hawaiian Homes Commission Act of 1920 (42 Stat. 108), as amended, and is hereby restored to its previous status under the control of the Territory of Hawaii:

Hawaii.
Withdrawal of certain "available land."

48 U. S. C. § 691 *et seq.*
Ante, pp. 295, 303;
post, p. 390.

Portion of Hawaiian home land of Keaukaha, tract 2, Waiakea, South Hilo, island of Hawaii, Territory of Hawaii, as returned to the Commissioner of Public Lands of the Territory of Hawaii by resolution numbered 85 of the Hawaiian Homes Commission, dated July 18, 1944, and more particularly described as follows:

Beginning at a spike at the northwest corner of this tract of land and on the southeast corner of the intersection of Nene and Akepa Streets, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halai" being five thousand two hundred and eight and twenty-one one-hundredths feet north and twenty-four thousand eight hundred and eighteen and six one-hundredths feet east, and running by azimuths measured clockwise from true south:

1. Two hundred and ninety degrees eleven minutes five hundred and sixty-one and eighty-two one-hundredths feet along the south side of Nene Street;

2. Thence along same on a curve to the left with a radius of one thousand four hundred and sixty-five and four-tenths feet, the chord azimuth and distance being two hundred and sixty-eight degrees thirty-seven minutes one thousand and seventy-seven and thirty one-hundredths feet;

3. Two hundred and forty-seven degrees three minutes five hundred and ninety-six and sixty-two one-hundredths feet along same;

4. Three hundred and sixty degrees no minutes one thousand two hundred and thirty-seven and eighty-five one-hundredths feet;

5. Ninety degrees no minutes two thousand one hundred and fifty-three and sixty-nine one-hundredths feet;

6. One hundred and eighty degrees no minutes one thousand one hundred and seventy-three and four one-hundredths feet along the east side of the proposed extension of Akepa Street to the point of beginning, and containing an area of fifty acres, more or less.

SEC. 2. Notwithstanding the foregoing provisions of this Act, if, at any time, in the opinion of the Commissioner of Public Lands, use of the above-described lands has been discontinued by the Department of Commerce, upon the making of such a determination by the Commissioner of Public Lands such lands shall become available lands within the meaning of section 203 of title II of the Hawaiian Homes Commission Act, 1920, as amended.

42 Stat. 109.
48 U. S. C. § 697.
Ante, pp. 295, 303.

Approved June 12, 1948.

[CHAPTER 459]

JOINT RESOLUTION

To extend the time for the release, free of estate and gift tax, of powers of appointment, and for other purposes.

June 12, 1948
[H. J. Res. 395]
[Public Law 635]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 (d) (3) of

Revenue Act of 1942, amendments.