H. R. 8918. An act to further amend the act of August 7, 1946 (60 Stat. 896), as amended by the act of October 25, 1951 (65 Stat. 657), to provide for the exchange of lands of the United States as a site for the new Sibley Memorial Hospital; to provide for the transfer of the property of the Hahnemann Hospital of the District of Columbia, formerly the National Homeopathic Association, a corporation organized under the laws of the District of Columbia, to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries including Sibley Memorial Hospital, a corporation organized under the laws of the District of Columbia, and for other purposes;

H. R. 8994. An act to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes;

H. R. 9280. An act to facilitate the conduct of fishing operations in the Territory of Alaska, to promote the conservation of fishery resources thereof, and for other purposes;

H. R. 9406. An act to amend the act of June 23, 1949, as amended, to provide that telephone and telegraph service furnished Members of the House of Representatives shall be computed on a biennial rather than an annual basis;

H. J. Res. 374. Joint resolution for the relief of certain aliens; and

H. J. Res. 453. Joint resolution establishing that the 2d regular session of the 85th Congress convene at noon on Tuesday, January 7, 1958.

On September 7, 1957:

H. R. 277. An act to amend title 17 of the United States Code, entitled "Copyrights," to provide for a statute of limitations with respect to civil actions;

H. R. 1411. An act for the relief of George H. Meyer Sons, Brauer & Co., Joseph McSweeney & Sons, Inc., C. L. Tomlinson, Jr., and Richmond Livestock Co., Inc.;

H. R. 1474. An act for the relief of Mrs. Jennie Maurello;

H. R. 1883. An act for the relief of Benedict M. Kordus;

H. R. 1937. An act to authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of a stadium in the District of Columbia, and for other purposes;

H. R. 2486. An act to authorize Commodity Credit Corporation to grant relief with respect to claims arising out of deliveries of eligible surplus feed grains on ineligible dates in connection with purchase orders under its emergency feed program;

H. R. 3370. An act to amend section 1871 of title 28, United States Code, to increase the mileage and subsistence allowances of grand and petit jurors;

H. R. 3468. An act for the relief of J. A. Ross & Co.;

H. R. 3625. An act to amend section 214 of the Interstate Commerce Act, as amended, to prevent the use of arbitrary stock par values to evade Interstate Commerce Commission jurisdiction;

H. R. 4335. An act for the relief of Ramon Tavarez;

H. R. 4992. An act for the relief of Michael D. Ovens;

H. R. 5719. An act for the relief of Clara M. Briggs;

H. R. 6760. An act to grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes;

H. R. 7014. An act for the relief of Mme. Henriette Buaillon and Stanley James Carpenter;

H. R. 7536. An act to amend the act of January 12, 1951, as amended, to continue in effect the provisions of title II of the First War Powers Act, 1941;

H. R. 7654. An act for the relief of Richard M. Taylor and Lydia Taylor;

H. R. 7900. An act to permit the Secretary of Agriculture to sell to individuals land in Ottawa County, Mich., which was acquired pursuant to the provisions of title III of the Bankhead-Jones Farm Tenant Act;

H. R. 7964. An act to remove the limitation on the use of certain real property heretofore conveyed to the city of Austin, Tex., by the United States;

H. R. 8576. An act to authorize the conveyance of certain lands within the Old Hickory lock and dam project, Cumberland River, Tenn., to Middle Tennessee Council, Inc., Boy Scouts of America, for recreation and camping purposes;

H. R. 8928. An act to amend the act of June 9, 1880, entitled "An act to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city";

H. R. 9282. An act to provide additional office space in home districts of Congressmen, Delegates, and Resident Commissioners; and

H. J. Res. 253. Joint resolution to establish a commission to commemorate the 100th anniversary of the Civil War, and for other purposes.

On September 9, 1957:

H. R. 6127. An act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

HOUSE BILLS DISAPPROVED AFTER SINE DIE ADJOURNMENT

The message further announced that the President had disapproved the following bills of the House; his reasons for such actions are as follows:

State of Washington, Highway Payment

H. H. 2224: I am withholding approval of H. R. 2224, directing the payment of $581,721.91 to the State of Washington as full satisfaction of a claim against the United States for the cost of replacing and relocating a 28-mile portion of secondary Highway 11–A which was condemned and taken by the United States in 1943 as part of the Hanford atomic energy project.

The claim involved in the bill has been thoroughly litigated and its payment denied by judicial determination. The statements in House Report No. 401, 85th Congress, on H. R. 2224, concerning the basis of the court decisions appear to be in error. Both the United States District Court for the Eastern District of Washington and the United States Court of Appeals for the Ninth Circuit found that there was in 1943 no necessity for replacing the road since there were adequate substitutes available. They held that the State was therefore not entitled to compensation. Certiorari was denied.

No equitable reason for overruling the decision of the courts has been advanced. This is not an instance in which a strict application of the law of eminent domain renders a claim noncompensable or in which denial of the claim will cause undue hardship and suffering to the condemnee because of peculiar circumstances. The doctrine requiring payment only when a substitute highway is necessary is based on the consideration that there is no money loss when it is unnecessary to replace the road. As a matter of fact, there is a saving of expense to the State in that the burden of maintaining a road has been removed. Enactment of this bill would encourage the reopening of other similar claims which the courts have denied.

The State is now constructing a new road across a portion of the Hanford project. The findings of the courts indicate that any need which this road may serve as a substitute for Highway 11–A must have been created by developments since 1943 and not by the Government's taking of a portion of Highway 11–A. Furthermore, the Atomic Energy Commission has contracted to give the State an easement over Commission-owned lands for such a highway. The Department of the Army has constructed 14 miles of this road to serve its own needs. While the State has reimbursed the Department for the extra expense involved in constructing the road to meet State specifications, the contribution of the Department has resulted in substantial savings to the State. No equitable reason has been established to justify further Federal contributions to the cost of this road.

Dwight D. Eisenhower.

The White House, *September 2, 1957.*

Direct Loans, Veterans Housing

H. R. 4602: I am withholding approval of H. R. 4602, which would extend and expand the direct-loan program for housing for veterans in rural areas and small cities and towns.

The Veterans' Administration direct-loan program was established for the purpose of granting to veterans for whom guaranteed loans were not readily available an equal opportunity to receive the homeownership benefits of the Servicemen's Readjustment Act. The terms and conditions of these direct loans were intended to conform as closely as possible to the guaranteed loans. Since the direct-loan program was established, in 1950, approximately $700 million in funds have been disbursed.

In recent months a steadily expanding economy with continued strong demand for available investment funds has resulted in a general rise in the interest-rate structure. Because of the higher yields available on other forms of investment, the flow of investment funds into VA-guaranteed mortgages has been drastically reduced. To correct this situation, this administration strongly urged the Congress to increase the maximum interest rate on VA-guaranteed mortgages from 4½ to 5 percent. No action was taken on this recommendation and, as a result, eligible veterans are finding guaranteed mortgages almost impossible to obtain. It is still within the power of Congress, however, to stimulate the flow of private investment funds into VA-guaranteed mortgages by adjustment of the maximum interest rate.

What the proposed legislation seeks to do is to make substantial amounts of additional mortgage funds available by providing for direct Government loans at interest rates well below the current market. These funds are to be made available only to a limited number of veterans—namely, those in rural areas and small cities and towns. I cannot approve a program that has such a po-

tential inflationary effect upon the economy or that is so discriminatory. There is no justifiable reason for making loans at interest rates below the current market available to some veterans and denying them to others.

Help to veterans in the field of housing can be met most effectively with programs available to all our citizens, veterans and nonveterans alike, through the coordinated activities of the Housing and Home Finance Agency. The recent liberalization of loan terms under the FHA mortgage-insurance program should make this program available to a far wider segment of the population, thus stimulating private home-building activity to meet the growing needs.

It is my considered judgment that the above-mentioned deficiencies of H. R. 4602 are of a magnitude and importance which preclude my approval of the bill.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 2, 1957.*

MR. AND MRS. C. H. PAGE

H. R. 1315: I have withheld my approval from H. R. 1315, a bill for the relief of Mr. and Mrs. Charles H. Page.

H. R. 1315 would pay the sum of $14,430.88 to Mr. and Mrs. Charles H. Page in connection with the wrongful death of their son who was a member of the Armed Forces.

On the night of July 4, 1954, the decedent, Pfc. Charles H. Page, Jr., was a member of a motorized patrol at Killeen Army Base, Killeen, Tex. As the patrol approached a classified area after dark it was properly halted and challenged by a posted walking sentry. The decedent identified the patrol, whereupon the sentry requested that the dome light inside the vehicle be turned on. The patrol had twice passed the same sentry earlier that evening after the fall of darkness and had been allowed to proceed after the sentry had been informed that the light did not work. But, this time, on again being informed that the light did not work, the sentry directed the decedent to dismount and be recognized. The latter refused, calling out to inquire if the sentry did not recognize his voice and, at the same time, directing the driver of the vehicle to proceed. The sentry ordered the vehicle to halt and then fired, fatally wounding the decedent.

The decedent was survived by his parents who are the beneficiaries of this bill. The parents were paid a death gratuity of $569.22 and are currently in receipt of monthly benefits from the decedent's free $10,000 indemnity. In addition, upon a showing of dependency, they could qualify for regular monthly payments under the Social Security Act and under laws administered by the Veterans' Administration. The award proposed in H. R. 1315 is additive to the foregoing benefits.

I cannot see my way clear to approve this bill. The Federal Government has provided a costly, comprehensive, and orderly system of benefits for survivors of members of the Armed Forces who die in service. As long as the death is service connected, these benefits are payable regardless of the cause, whether it be in combat or as the result of a tragic incident like the present one. As I have previously noted, the parents here have already received, and presently are continuing to receive, substantial benefits on account of their son's death. On a showing of dependency they could qualify for additional benefits.

H. R. 1315 would add to the benefits, to which the parents have heretofore or may hereafter become entitled, a further award in the amount of $14,430.88. To make such an award in this case would establish a most undesirable precedent with respect to other cases involving service-connected deaths. If this bill were approved, it would be difficult to deny similar awards to the survivors of other servicemen who die under a wide variety of circumstances. To follow such a course would, in my opinion, jeopardize the entire structure of benefits which has been built up for the protection of servicemen's survivors.

I am constrained, therefore, to withhold my approval from H. R. 1315.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 7, 1957.*

MRS. HANNAH MAE POWELL

H. R. 1419: I have withheld my approval of H. R. 1419 entitled "An act for the relief of Mrs. Hannah Mae Powell."

The bill would authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Hannah Mae Powell, 1950 East Lehigh Avenue, Philadelphia, Pa., the sum of $11,197.95 in full settlement of all claims of said Mrs. Hannah Mae Powell for refund of excise taxes and other expenses sustained as a result of the actions of the collector of internal revenue of Philadelphia, Pa., in the years 1937, 1941, and 1942.

An examination by the Treasury Department of the facts in this case discloses that Mrs. Hannah Mae Powell has recovered by court action all taxes assessed and collected from her which were in dispute—plus interest—except $464.76 which was barred by the expiration of the statutory period of limitations. These taxes which were in dispute were manufacturers' excise taxes.

After a recovery of the taxes, Mrs. Hannah Mae Powell instituted a damage suit against the former collector, both individually and as collector of internal revenue of Philadelphia, Pa. The district court rendered a judgment in favor of the former collector and denied damages to Mrs. Hannah Mae Powell. This judgment was later upheld by the court of appeals.

The bill, therefore, would give to Mrs. Hannah Mae Powell the sum of $11,197.95 as damages which were denied to her by the Federal district court and the court of appeals. The court of appeals in affirming the decision of the lower court stated (*Powell* v. *Rothensies* (C. A. 3d, 1950), 183 F. 2d 774, 775):

> The evidence offered by the plaintiff herself conclusively establishes that at the time of the levy and seizure in question there were outstanding in the hands of the defendant 2 unpaid assessments against the plaintiff for manufacturer's excise taxes and that the warrant for distraint under which the levy and seizure were made was expressly based upon these 2 outstanding assessments, which with interest and penalty then amounted to $4,718.44. Under these circumstances it was within the scope of the defendant's ministerial duty to make the levy and collection here in controversy and he cannot be held answerable in damages for so doing. The trial judge, therefore, rightly directed a verdict for the defendant.

It would thus appear that the damages sustained by Mrs. Powell resulted from her failure to satisfy two unpaid assessments and that, in collecting the unpaid assessments, the former collector of internal revenue was acting within the scope of his ministerial duties.

H. R. 1419 would have a discriminatory effect, as it would afford to Mrs. Powell relief which had been denied her by the Federal Courts and which would be denied all others in similar circumstances who do not have the benefit of special legislation. Furthermore, H. R. 1419 would create an undesirable precedent by allowing damages to be collected from the United States under these circumstances.

Under the circumstances, therefore, I am constrained to withhold my approval of the bill.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 7, 1957.*

PACIFIC CUSTOMS BROKERAGE CO.

H. R. 1591: I am withholding approval of H. R. 1591, a bill for the relief of the Pacific Customs Brokerage Co., of Detroit, Mich.

The proposed legislation would provide for the payment of $29,502.55 to the beneficiary in full settlement of all claims against the United States arising out of an erroneous classification of baler twine which was imported at Detroit, Mich., between May 5, 1950, and February 16, 1951. The collector of customs liquidated these entries at the rate of 15 percent ad valorem, the rate applicable under paragraph 1005 (b) of the Tariff Act of 1930, as modified, in accordance with established and uniform practice for merchandise of this type. The importer failed to protest this ruling within 60 days after liquidation of the entry.

About a year after the entries had been liquidated, the Customs Court, in connection with the importation made by another importer, decided that similar merchandise was entitled to entry free of duty under paragraph 1622 of the Tariff Act. This decision was later affirmed by the Court of Customs and Patent Appeals. This interpretation of the law had no effect on the classification of the merchandise in H. R. 1591, since that duty determination had been made and had become final and binding.

The Congress has established a regular procedure for importers to contest the rate of duty and obtain a judicial determination by the Customs Court of the correct rate. This judicial review is obtained by filing a protest to the collector's decision within 60 days after it is made. No protest was filed by the Pacific Customs Brokerage Co. The Congress, in section 514 of the Tariff Act, has provided that if such a protest is not made within 60 days, the decision of the collector is final and conclusive upon the