(b) Technical amendments.—

(1) The heading of table II in such section 400 is hereby amended to read as follows:

"Table II

"Taxable Years Beginning After October 31, 1951, and Before July 1, 1953 (Other Than the Calendar Year 1953 to Which Table I Applies)"

(2) The heading of table III in such section 400 is hereby amended to read as follows:

"Table III

"Taxable Years Beginning After June 30, 1953"

(c) Effective date: Except as provided in section 5, the amendments made by this section shall apply only with respect to taxable years ending after June 30, 1953.

SEC. 4. Collection of income tax at source.

Section 1622 of the Internal Revenue Code (relating to income tax collected at source) is hereby amended—

(1) by striking out "January 1, 1954" wherever it occurs in subsection (a) and subsection (c) (1) (A) and inserting in lieu thereof "July 1, 1953"; and

(2) by striking out "December 31, 1953" wherever it occurs in subsection (c) (1) (B) and inserting in lieu thereof "June 30, 1953."

SEC. 5. Computation of tax in case of certain joint returns.

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before July 1, 1953, and ended after June 30, 1953, the amendments made by this act shall apply in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

Mr. MALONE. Mr. President, I am opposed to the continuation of the war-emergency taxes. I am not only opposed to the extension of the war-emergency so-called excess-profits tax, but I also favor, as provided in the proposed legislation which I have just introduced, setting back the expiration date of the emergency individual income taxes to coincide with the expiration date of the excess-profits tax.

J. DON ALEXANDER—VETO MESSAGE (S. DOC. NO. 51)

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill referred to the Committee on the Judiciary, and ordered to be printed:

To the United States Senate:

I return herewith, without my approval, the enrolled bill (S. 484) conferring jurisdiction upon the United States District Court for the District of Colorado to hear, determine, and render judgment upon the claim of J. Don Alexander against the United States.

The bill confers jurisdiction on the United States District Court for the District of Colorado to hear, determine, and render judgment on the claim of J. Don Alexander, of Colorado Springs, Colo., against the United States for recovery of income tax paid by him for the year 1929, which covered the capital net gain for the sale of 9,000 shares of stock in the Alexander Industries, Inc., which stock was later held by the United States circuit court of appeals to be the property of Alexander Industries, Inc., and not of J. Don Alexander (69 F. 2d 610 (1934)). Section 2 of the bill provides that such suit may be instituted within 1 year after date of enactment of the act; that proceedings for the determination of the claim and review thereof and payment of any judgment thereon, shall be as in other cases under title 28, United States Code, section 1346 (a) (1); that nothing contained in the act shall be construed as an inference of liability on the part of the United States.

The Congress, in changing this bill from its original form to that of a jurisdictional bill, apparently believed that its action would provide a greater degree of protection to the interests of the United States. A review of the facts and of the decision of the circuit court of appeals convinces me that this action of the Congress has had quite the opposite effect from what was intended.

The opinion of the court in the case of *Alexander* v. *Theleman* referred to in the bill discusses in some detail (1) the relationship of Mr. Alexander to the corporation, in which he owned a considerable portion of stock, and (2) the question of the ownership of the 9,000 shares, the sale of which Mr. Alexander had assumed, in paying his income tax in 1930, gave rise to a capital net gain to him. Although the opinion raises some doubt whether equitable considerations are presented so as to justify a refund of the principal amount of the tax payment of $16,720.41, the bill, in conferring jurisdiction upon the United States District Court for the District of Colorado, provides for the payment of any judgment recovered in accordance with the provisions of law applicable to tax cases of which the court has jurisdiction. Accordingly, the bill might permit Mr. Alexander to recover, not only the amount paid by him, but also interest at the rate of 6 percent per annum for the period from 1930 to date of payment. Thus, in effect, Mr. Alexander might recover over $23,000 in interest alone.

The requirement that the United States pay interest on a refund is entirely proper where the Government has retained a taxpayer's money, notwithstanding the fact that by means of a timely refund claim the officials of the Treasury were put on notice and had an opportunity to examine the merits of the claim. Such circumstances do not exist in this case. No reason appears why the Government should pay in interest a sum far in excess of the original amount claimed by Mr. Alexander.

If the Congress should decide again to review Mr. Alexander's original claim and should resolve the equities in this case in favor of the claimant, I would be willing to give the case further consideration.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *June 15, 1953.*

CRITICAL SITUATION OF LEAD AND ZINC MINERS

Mr. WATKINS. Mr. President, will the Senator from Maryland yield to me?

Mr. BUTLER of Maryland. I shall be very happy to yield to the Senator from Utah, but I must catch a train. I will not yield for a 15-minute speech. How much time will the Senator require?

Mr. WATKINS. I do not think I shall require more than 3 minutes.

Mr. BUTLER of Maryland. I am glad to yield.

Mr. WATKINS. Mr. President, most of the lead and zinc mines in the State of Utah and elsewhere in the United States are now virtually shut down. During the past year 22 of Utah's 30 lead and zinc mines have ceased operations. By March 30, 1953, approximately 1,600 people in my State had lost their jobs as a consequence of the curtailment of lead and zinc mining operations.

The falling off of lead and zinc mining operations in the State of Utah and elsewhere in the United States is largely due to ruinous competition in the American market by lead and zinc producers from foreign producing areas.

Legislation has been proposed which would impose a sliding scale stabilization tax on importations of lead and zinc. I strongly favor this move. Obviously some form of protective action is necessary in order to restore the lead and zinc mining industry to a competitive status with foreign imports. It might be of some help to use the escape clause in our present tariff legislation. Up to the present time the executive department of the United States has failed to use the escape clauses in the reciprocal trade treaties to protect the American industries which are endangered.

I recently received petitions from various mining communities in the State of Utah bearing the signatures of several thousand citizens in stricken lead and zinc mining areas. On May 25, some of these communities observed "Preserve Your Community Day" for the purpose of organizing themselves and bringing to greater public attention the critical situation with which they are faced. They have appealed to the Congress of the United States for help, and in my view the Congress must take some immediate action to help relieve this desperate situation.

I ask unanimous consent to have printed in the body of the RECORD immediately following my remarks the communications which I have received from the mayors of Eureka, Utah; Park City, Utah; Heber City, Utah; and Lark, Utah. I ask unanimous consent also that there be inserted in the body of the RECORD after my remarks a letter from the Tooele Mill and Smeltermen's Union, Local No. 55, of Tooele, Utah, together with a statement which appeared in various weekly newspapers throughout Utah during the week of June 1, 1953.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

LARK, UTAH, *June 11, 1953.*

Senator ARTHUR V. WATKINS,
Washington, D. C.:

The community of Lark, Utah, depends entirely upon the lead-zinc mining industry. Three hundred and seventy-two signatures from the community of Lark ask you to support H. R. 5496 to help preserve the lead-zinc