

within the Grapevine Dam and Reservoir project to the city of Grapevine, Tex., for sewage disposal purposes;

H. R. 6727. An act to authorize the Administrator of Veterans' Affairs to convey certain land to the city of Milwaukee, Wis.

H. R. 6886. An act to amend the act of October 19, 1949, entitled "An act to assist States in collecting sales and use taxes on cigarettes";

H. R. 6896. An act for the relief of Luisa Guidi Miller;

H. R. 7000. An act to provide for strengthening of the Reserve Forces, and for other purposes;

H. R. 7035. An act to amend section 1 of the act entitled "An act to authorize relief of accountable officers of the Government, and for other purposes," approved August 1, 1947 (61 Stat. 720);

H. R. 7148. An act to amend the Internal Revenue Codes so as to provide a personal exemption with respect to certain dependents in the Republic of the Philippines;

H. R. 7244. An act to provide for the striking of medals in commemoration of the 120th anniversary of the signing of the Texas Declaration of Independence and the Battles of the Alamo, Goliad, and San Jacinto in the year 1836;

H. R. 7301. An act to amend the Rubber Producing Facilities Disposal Act of 1953, as heretofore amended, so as to permit the disposal thereunder of Plancor No. 980 at Institute, W. Va.;

H. R. 7684. An act to authorize the Atomic Energy Commission to pay the salary of a Commissioner during the recess of the Senate, and for other purposes;

H. J. Res. 157. Joint resolution to establish a Commission on Government Security;

H. J. Res. 251. Joint resolution to authorize the President to issue posthumously to the late Seymour Richard Belinky, a flight officer in the United States Army, a commission as second lieutenant, United States Army, and for other purposes;

H. J. Res. 276. Joint resolution to authorize the Texas Hill Country Development Foundation to convey certain land to Kerr County, Tex.; and

H. J. Res. 278. Joint resolution to provide that a gold medal be coined and presented to Dr. Jonas E. Salk in honor of his achievements in the field of medicine.

On August 11, 1955:

H. R. 100. An act to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes;

H. R. 929. An act for the relief of Mrs. Maria Del Mul.

H. R. 1003. An act for the relief of Mrs. Lorenza O'Malley (de Amusatagui), Jose Maria de Amusatagui O'Malley, and the legal guardian of Ramon de Amusatagui O'Malley;

H. R. 1235. An act for the relief of Vera Gregovich Kenter;

H. R. 1319. An act for the relief of Vasilios Liakopoulos;

H. R. 1909. An act for the relief of Rodolfo Pugada de la Cerna;

H. R. 2079. An act for the relief of Ingrid Liselotte Poch;

H. R. 2235. An act for the relief of Mrs. Margarete Gick Scordas;

H. R. 2339. An act for the relief of Monika Schefbanker;

H. R. 2553. An act to amend section 223 of the Revenue Act of 1950, relating to the use of corporation property by a shareholder;

H. R. 2704. An act for the relief of Kazuko Iwata Rausch;

H. R. 2897. An act for the relief of Chung Polk Cha and her child, Myra Polk Cha;

H. R. 2907. An act for the relief of Thomas F. Harney, Jr., doing business as the Harney Engineering Co.;

H. R. 2916. An act for the relief of Mrs. Elfrieda Schoeppe;

H. R. 3063. An act to confer jurisdiction upon the United States District Court for the

Northern District of California, to hear, determine, and render judgment upon the claims of the Bartlett Springs Co. and certain others;

H. R. 3195. An act for the relief of Rolf Hugo Neuman;

H. R. 3507. An act for the relief of Luise Pempfer (now Mrs. William L. Adams);

H. R. 3628. An act for the relief of Luise Isabella Chu, also known as Luise Schneider;

H. R. 3635. An act for the relief of Brigit Camara, also known as Brigit Heinemann;

H. R. 4508. An act for the relief of Henry T. Quisenberry;

H. R. 4544. An act for the relief of Andrew Carrigan;

H. R. 4581. An act to amend the Internal Revenue Code of 1954 with respect to the tax on cutting oils;

H. R. 4672. An act to increase the annuities of certain retired civilian members of the teaching staffs of the United States Naval Academy and the United States Naval Postgraduate School;

H. R. 5074. An act for the relief of Miss Blanca Lina Rionegro;

H. R. 5082. An act for the relief of Mrs. Koto Nakagawa;

H. R. 5168. An act to provide for retirement of the Government capital in certain institutions operating under the supervision of the Farm Credit Administration; to increase borrower participation in the management and control of the Federal Farm Credit System; and for other purposes;

H. R. 5249. An act to amend the Internal Revenue Code of 1954 to provide for refund or credit of internal revenue taxes and customs duties paid on distilled spirits and wines lost, rendered unmarketable, or condemned by health authorities as a result of the hurricanes of 1954;

H. R. 5546. An act for the relief of Francisca Alemany;

H. R. 5908. An act for the relief of Mrs. Johanna Eckles;

H. R. 5913. An act for the relief of Mock Jung Shue (Mock Jung Liu);

H. R. 6199. An act to amend the act of October 14, 1940, to authorize the sale of personal property held in connection with housing under such act;

H. R. 6600. An act to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes;

H. R. 6741. An act for the relief of Elfriede Rosa (Kup) Kraft;

H. R. 6994. An act to provide for entry and location, on discovery of a valuable source material, upon public lands of the United States classified as or known to be valuable for coal, and for other purposes;

H. R. 7018. An act to authorize subpoenas in connection with the enforcement of the narcotic laws, and for other purposes;

H. R. 7024. An act to remove the manufacturers' excise tax from the sales of certain component parts for use in other manufactured articles, to confine to entertainment-type equipment the tax on radio and television apparatus, and for other purposes.

H. R. 7034. An act to provide permanent authority for the relief of certain disbursing officers, and for other purposes;

H. R. 7095. An act to provide that the tax on admissions shall not apply to certain athletic events held for the benefit of the United States Olympic Association;

H. R. 7289. An act to authorize the States to organize and maintain State Defense Forces, and for other purposes;

H. R. 7300. An act to amend the Internal Revenue Code of 1954 with respect to the tax treatment of income received from patent infringement suits; and

H. R. 7618. An act to amend section 8 of the Civil Service Retirement Act of May 29, 1930, as amended.

On August 12, 1955:

H. R. 191. An act to regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes;

H. R. 257. An act to amend section 112 (n) (8) of the Internal Revenue Code of 1939, relating to the suspension of certain periods of limitation while the taxpayer is on extended active duty with the Armed Forces, and to amend the Internal Revenue Code of 1954 with respect to tax treatment where the taxpayer recovers amounts held by another under claim of right;

H. R. 4663. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Trinity River division, Central Valley project, California, under Federal reclamation laws;

H. R. 4744. An act to amend the Railroad Retirement Act of 1937, as amended, and the Railroad Unemployment Insurance Act;

H. R. 5647. An act to repeal the manufacturers' excise tax on motorcycles;

H. R. 6182. An act to amend the Federal Property and Administrative Services Act of 1949 to make temporary provision for making payments in lieu of taxes with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments;

H. R. 6263. An act to amend section 1233 and section 542 (a) (2) of the Internal Revenue Code of 1954;

H. R. 7245. An act to amend Public Laws 815 and 874, 81st Congress, which provide for assistance to local educational agencies in areas affected by Federal activities, and for other purposes;

H. R. 7628. An act to authorize the appointment in a civilian position in the White House office of Maj. Gen. John Stewart Bragdon, United States Army, retired, and for other purposes;

H. R. 7746. An act to provide tax relief to a charitable foundation and the contributors thereto; and

H. J. Res. 330. Joint resolution to provide for the acceptance and maintenance of presidential libraries, and for other purposes.

HOUSE BILLS DISAPPROVED AFTER SINE DIE ADJOURNMENT

The President of the United States, subsequent to the sine die adjournment of the Congress, transmitted to the Clerk of the House a list of bills disapproved, together with his reasons for such actions, as follows:

On August 12, 1955:

E. J. ALBRECHT CO.

H. R. 1393. I have withheld my approval from the bill (H. R. 1393) "For the relief of the E. J. Albrecht Co."

The bill directs the Secretary of the Treasury to pay \$142,007.75 to the E. J. Albrecht Co. as reimbursement for actual losses sustained by it in performing its contract with the United States for the construction of the outlet works for Sardis Dam on the Little Tallahatchie River, near Sardis, Miss.

After an exhaustive review, the Court of Claims dismissed this claim as being without merit. While this decision was based on legal grounds, the opinion issued by the court in connection with its decision shows, particularly when taken in conjunction with the rest of the record, that there is no basis for affording relief to the contractor on equitable grounds. From these sources it is clear that the overriding causes of the losses which the contractor sustained were its own acts or omissions and the weather

conditions it encountered in the performance of the work. I see nothing in these circumstances giving rise to equitable liability on the part of the Government.

The continued success of the policy of awarding public contracts by competitive bids depends, of course, on the knowledge that successful bidders will be held to their bids with the same strictness as if they were dealing with private contractors. Relieving bidders of losses occasioned by the submission of bids that were successfully low because of over-optimism or failure to account for risks would not only strike a serious blow at the integrity of the competitive bidding system but would be unfair to more provident bidders who might otherwise have received the awards. It would deprive the Government of benefits resulting from favorable circumstances occurring during the performance of a contract while requiring compensation for losses encountered as a result of unfavorable circumstances.

There are no circumstances in this case that would serve to distinguish it from others wherein contractors with the United States have suffered losses for which the Government was not responsible. In view of this fact and in the absence of any equitable considerations in favor of the contractor, I perceive no merit in the claim for special treatment in this case.

Accordingly, I am constrained to withhold my approval from the bill.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, August 12, 1955.

STEPHEN SWAN OGLETREE

H. R. 6232. I have withheld my approval of enrolled enactment H. R. 6232, 84th Congress, "To include as Spanish-American War service under laws administered by the Veterans' Administration certain service rendered by Stephen Swan Ogletree during the Spanish-American War."

The effect of this legislation would be to determine by legislative decree, contrary to the facts, that, for the purpose of laws administered by the Veterans' Administration, Stephen Swan Ogletree rendered at least 70 days' active military service as a member of Company G, 2d Regiment, Alabama Volunteer Infantry, and was honorably discharged therefrom. No benefits would accrue by reason thereof prior to the date of receipt of an application to be filed subsequent to the date of its enactment.

There have been a number of affidavits submitted in support of Mr. Ogletree's contention that he served on active duty during the Spanish-American War. These affidavits are all dated some 29 or more years after the occurrence of the events to which they relate. In some, the affiant could "almost" swear that Mr. Ogletree served with Company G, 2d Regiment, Alabama Volunteer Infantry. In others, the affiant states that Mr. Ogletree did serve with that organization. However, most of these affidavits are entirely consistent with the official records of the organization which show that any service of Mr. Ogletree with that organization was prior to the time that

it entered into active Federal service. In addition, the statement of one individual, who was of the opinion that Mr. Ogletree did serve in active Federal service, indicates that during such period the commanding officer of the company was J. H. Brazila. The records of the company show that Brazila did not command the company while it was in Federal service. Therefore, it is apparent that the passage of time has dimmed the recollection of the individuals who made these affidavits and that they have become confused as to the actual period of time during which the company was in Federal service or when Mr. Ogletree was a member thereof.

Military records pertaining to Mr. Ogletree show quite clearly that he was not a member of Company G, 2d Regiment, Alabama Volunteer Infantry, while that organization was in Federal service. The frequent muster rolls submitted on behalf of that organization, certified by the commanding officer and by the individual who acted as mustering officer, not only show the men who were present with the organization but also all men who were members of the organization during the period and who were absent for any reason whatsoever. The name of Stephen Swan Ogletree does not appear on any of these muster rolls.

Company G, 2d Regiment, Alabama Volunteer Infantry, was mustered into Federal service on May 31, 1898. During the Spanish-American War, regulations provided that before volunteer organizations were mustered into the service of the United States, the members thereof should be medically examined to determine whether or not they were physically qualified for active military service. Retained records of the 2d Regiment, Alabama Volunteer Infantry, clearly show that Mr. Ogletree was medically examined in accordance with such regulations, that he was rejected for service because of physical disqualification at least 12 days prior to the time that this organization was mustered into the service of the United States, and that he was returned to his home at Eufaula, Ala., through issuance of a "request for transportation," which provided as follows:

"M. No. 28570
Request for Transportation
Good for one day from date
Date. Mobile Ala May 19 1898
To The L & N RR Co
For John H. Nowlund and 26 men no
pounds extra baggage, Co & Regt. Co "G"
2d Regt Ala Vols
From Mobile Ala
To Eufaula Ala
Via The L & N and Central of Ga
En route from Mobile Ala
To Eufaula Ala
Remarks: Recruit Co G. 2d Regt Ala Vol
Rejected by Medical Board
Issued on authority of telegram dated
May 3 1898

H C CORBIN,
AG [Adjutant General]
[See otherside]
[other side]

Stephen S. Ogletree

Section 131 of the Legislative Reorganization Act, approved August 2, 1946 (60

Stat. 812), provides, pertinently, as follows:

No private bill or resolution (including pension bills), . . . authorizing or directing . . . the correction of a military or naval record, shall be received or considered in either the Senate or the House of Representatives.

H. R. 6232 would change the military records of Stephen Swan Ogletree.

Section 207 of the Legislative Reorganization Act, supra, established the Army Board for the Correction of Military Records. That Board was established for the purpose of reviewing military records and recommending to the Secretary of the Army the correction of any such records, where, in the judgment of the Board, such action might be necessary to correct an error or remove an injustice. Upon the recommendation of the Board, the act authorized the Secretary to take corrective action. No application for the correction of the military records of Stephen Swan Ogletree has been received by that Board.

The Congress, by general legislation, has determined that cases of this character should be considered by the Army Board for the Correction of Military Records rather than by the Legislature itself. The affidavits which have been presented in Mr. Ogletree's behalf are entirely consistent with the fact that any service which he may have rendered was prior to the time that the organization was mustered into Federal service. Official records pertaining to the matter show quite clearly that Mr. Ogletree was not at any time during the Spanish-American War in the service of the United States. Under such circumstances, to determine by legislative decree that he rendered any active military service during such war and was honorably discharged therefrom would be entirely discriminatory. There is nothing in law or equity which would justify approval of this bill. To do so would confer upon Mr. Ogletree benefits provided for Spanish-American War veterans to which he is no more entitled than are other individuals who may have been members of local volunteer units prior to the time the unit was mustered into the Federal service, but who were physically disqualified for Federal service and were rejected prior to the mustering-in of the unit. I cannot, in justice, approve this enrolled enactment.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, August 12, 1955.

INTERNAL REVENUE CODE

H. R. 6887. I have withheld my approval from the bill H. R. 6887, "To extend for 1 year the application of section 108 (b) and to amend section 2053 of the Internal Revenue Code of 1954." This bill would extend for 1 year a section of the Revenue Code designed to facilitate certain railroad reorganizations. In addition, it would safeguard certain bequests to charity from the pyramiding effect of State and Federal inheritance and estate taxes.

Federal law properly exempts bequests to charity from estate taxation. In some situations, however, the intent of the Federal law is negated by the imposition of State taxes on charitable be-