PUBLIC HEALTH SERVICE, FOREIGN QUARANTINE DIVISION, H. R. 6253

H. R. 6253. I am withholding my approval of H. R. 6253, a bill to amend Public Law 410, 78th Congress, with regard to compensation for overtime, Sunday, and holiday work of employees of the United States Public Health Service, Foreign Quarantine Division.

This bill would amend the Public Health Service Act in two major respects. First, it would establish special rates of overtime, Sunday, and holiday pay for certain quarantine inspection personnel of the Public Health Service comparable to those received by customs inspectors of the Treasury Department and all employees of the Department of Justice under special premium pay statutes enacted many years ago. Second, with certain important exceptions, it would require that when night work, Sunday, or holiday inspections are performed, employees are paid at the rate of one-half time pay for Sunday work (unless performed less for less than a day's work), no extra pay for straight time, no overtime pay for Sunday work (unless performed in excess of 40 hours a week), and overtime pay at the rate of time and one-half for overtime work of employees of the Federal Employees' Pay Act of 1945, as amended, under which these employees are now paid, for the extra cost represented by overtime and premium pay set forth in the so-called fringe benefits bill recently enacted by Congress. This means that the Government must make it impossible for me to give my approval to this bill.

I recognize that the existence of the present uncoordinated pay structure is not brought about by this bill. Furthermore, the special pay features of this bill depart from principles of overtime and premium pay set forth in the so-called fringe benefits bill recently enacted by the Congress. This factor and the reimbursement requirement combine to make it impossible for me to give my approval to this bill.

I recognize that the existence of the highly preferential rates of customs and immigration premium pay rates is different in character from that for the Public Health Service, since quarantine inspectors work in close proximity with these other inspectional services. However, the premium bases for these inspectional groups have much merit, but equality of treatment for all inspectional employees is not brought about by this bill. Furthermore, the special pay features of the bill depart from principles of overtime and premium pay set forth in the so-called fringe benefits bill recently enacted by the Congress. This factor and the reimbursement requirement combine to make it impossible for me to give my approval to this bill.

In the recently enacted liberalizations of existing law governing overtime and holiday pay there are several special features: for example, provisions for call-back pay, standby pay in lieu of overtime, and the like, which will make considerably more equitable the premium pay available to these inspectional employees. Overtime compensation at the full rate of time and one-half be based on regular pay up to an amount equal to the entrance salary of grade 267, 1451; 5 U. S. C. 342c), and that, like such rates for regular, sporadic, and unpredictable nature of their overtime, Sunday, and holiday services is different in character from that to which most other Federal employees are subjected.

The contentsions require close examination. The claims of the shipowners for out-of-hours service have merit. The claims of the inspectorate employees for equal treatment with the other inspectional groups have much merit, but equality of treatment for all inspectional employees is not brought about by this bill. Furthermore, the special pay features of the bill depart from principles of overtime and premium pay set forth in the so-called fringe benefits bill recently enacted by the Congress. This factor and the reimbursement requirement combine to make it impossible for me to give my approval to this bill.

The special rates of pay proposed for these employees have been justified on the ground that these rates, and to a large extent the provisions of the bill, are patterned after similar legislation which has been long in effect for customs and immigration inspectors (19 U. S. C. 297, 1451; 5 U. S. C. 342c), and that, like such rates, the pay based on regular, sporadic, and unpredictable nature of their overtime, Sunday, and holiday services is different in character from that to which most other Federal employees are subjected. The contentsions require close examination. The claims of the shipowners for out-of-hours service have merit. The claims of the inspectional employees for equal treatment with the other inspectional groups have much merit, but equality of treatment for all inspectional employees is not brought about by this bill. Furthermore, the special pay features of the bill depart from principles of overtime and premium pay set forth in the so-called fringe benefits bill recently enacted by the Congress. This factor and the reimbursement requirement combine to make it impossible for me to give my approval to this bill.
sent any equitable consideration which warrants the direct gratuity award proposed. Unfortunately the procedural reversal by the circuit court of appeals has thrown into this instance an aspect of the administrative position which existed prior to the district court suit. The evidence in this case is complex and controversial. I believe, therefore, that in fairness to Mrs. May and to Miss Spagnola, entitled to a day in court for decision of her claim on its merits, and I would be willing to approve a jurisdictional enactment waiving the bar of any statute of limitations.

Dwight D. Eisenhower.

THE WHITE HOUSE, August 31, 1954.

S. H. PRATHER ET AL., H. R. 9357

H. R. 9357. I have withheld my approval from the bill (H. R. 9357) for the relief of S. H. Prather, Mrs. Florence Prather, and Mrs. Florence Prather, Jr.

The bill proposed to pay the sums of $5,000 to S. H. Prather, $2,000 to Mrs. Florence Prather Penman, and $1,000 to S. H. Prather, Jr., for personal injuries and property damage sustained by him in a collision with a car driven by one Howard Hart, an alleged bootlegger. The committee report on this bill (H. R. 9357) states that the accident occurred on August 6, 1935, when Hart was being pursued by an investigator of the Alcohol Tax Unit, Bureau of Internal Revenue, Treasury Department, on the ground that Hart was a bootlegger. The report of the Treasury Department embodied in the House report states that the officers, while traveling at approximately 70 miles per hour, had pursued the car for a distance of about 2 miles, but had slowed down when Hart turned into a dirt side street of the town of Quitman, picked up speed to 75 miles an hour, and ran on the car. The car, which was proceeding at a low rate of 20 to 25 miles per hour, Hart's car contained approximately 48 gallons of illicit whiskey at the time.

In this instance were acting in the performance of their official duties in attempting to apprehend persons who were violating the law in their presence. The report of the special investigator of the Alcohol Tax Unit states that Mr. Prather conceded when interviewed that the officers were doing their duty and were without blame, "but that he felt someone should compensate him for the damages suffered since the police officers who had caused the wreck had no financial responsibility.

The misfortune suffered by this family as a result of the automobile accident, for which no responsible person is responsible, is most lamentable. While it is true the accident might not have happened if the law-enforcement officers had stopped and by a State officer. The problem is one of the urgency of need and the extent of Federal interest in the Nation's Capital both for unification of regulatory authorities under Federal auspices, at least for some time being. Such arrangement means must be found to give adequate recognition to the rights and responsibilities of the District and of the States involved. Specifically, provisions for a Metropolitan Washington Commission to regulate public transportation by bus, streetcar, and taxicab in the District of Columbia and the counties of Montgomery and Prince Georges in the State of Maryland. The bill would establish a Washington Metropolitan Area Transit Commission, in strengthened form, most of the powers now separately exercised in this regard by the Interstate Commerce Commission and the Public Utilities Commission of Maryland and the District of Columbia.

Title II of the bill would create a temporary Metropolitan Washington Commission to study, investigate, and make recommendations with regard to certain aspects of the Washington metropolitan area transportation problem. The regulation of public transportation in the greater Washington area must contend with the growth of an integral economic community spreading far beyond the boundaries of the District of Columbia to include Montgomery and Prince Georges counties in Maryland and Arlington and Fairfax Counties and the cities of Alexandria and Falls Church in Virginia. Within this community, the daily travel of persons back and forth across dimensions with which present facilities cannot cope. Under these circumstances, it is understandable that the present division of responsibility for regulation among the different agencies no longer meets the need of the area. This division of responsibility has contributed, as it could not help but do, to the development of an inadequate system of public transportation which plainly requires unification of regulatory authorities over public transportation throughout the metropolitan area.

The present enactment, however, falls substantially short of being a comprehensive measure. Its failure to include the Virginia segment of the metropolitan area within the jurisdiction of the proposed Commission is a fundamental deficiency. Through this omission of an integral and important part of the greater economic community, a system of fragmented and divided regulatory authority is continued. What is worse, the Federal Government is placed in the position of treating the carriers and persons within one segment of the area on a different and discriminatory basis from the remainder of the area. In the absence of any substantial grounds for this differentiation, the measure is unacceptable even as a temporary expedient.

This bill is also unsatisfactory because it extends, without sufficient safeguards, the authority of the Federal Government to matters that have, hitherto, been considered as primarily the concern of the District of Columbia and of the States. The problem is one of the urgent need and the extent of Federal interest in the Nation's Capital both for unification of regulatory authorities under Federal auspices, at least for some time being. Such arrangement means must be found to give adequate recognition to the rights and responsibilities of the District and of the States involved. Specifically, provisions for a Metropolitan Washington Commission to regulate public transportation by bus, streetcar, and taxicab in the District of Columbia and the counties of Montgomery and Prince Georges in the State of Maryland. The bill would establish a Washington Metropolitan Area Transit Commission, in strengthened form, most of the powers now separately exercised in this regard by the Interstate Commerce Commission and the Public Utilities Commission of Maryland and the District of Columbia.

With respect to title II of the enactment, I agree that further study of metropolitan transportation problems is desirable. The primary mission assigned to the Commission is related directly to highway, bridge, and street problems. In emphasizing this role rather than consideration of mass transit problems, the bill unnecessarily complicates relationships with the National Capital Planning Commission and the National Capital Regional Planning Council. I believe that further consideration by the Congress will result in a more orderly allocation of responsibilities of the Commission and these existing planning agencies. Title II also establishes undesirable limitations governing the appointment and qualification of members of the Commission.

I hope that the 84th Congress will promptly enact a measure to unify regulatory authorities over public transportation and provide for a further transit system with adequate coverage and recognition of State and District responsibilities. Since title I of this bill would not have become fully effective until July 1, 1955, there need be no significant loss of time in obtaining its objectives. Similarly, time did not permit the Congress to provide funds for title II before adjournment. Therefore, since an approval cannot be made until after the Congress convenes in January, little time, if any, need be lost in the studies which a revised title II would encompass.

Dwight D. Eisenhower.


MRS. ROSALINE SPAGNOLA, H. R. 2881

H. R. 2881. I have withheld my approval from the bill (H. R. 2881) for the relief of Mrs. Rosaline Spagnola.

This enrolled enactment would pay to Mrs. Rosaline Spagnola the sum of $675.50 as additional compensation on account of the accidental death of her