

S. 1012. An act for the relief of Dr. Otto F. Kernberg;

S. 1076. An act for the relief of Kurush Sahbaz;

S. 1760. An act to authorize the acceptance of a settlement of certain indebtedness of Greece to the United States and to authorize the use of the payments resulting from the settlement for a cultural and educational exchange program;

S. 1903. An act to amend the United Nations Participation Act, as amended (63 Stat. 734-736);

S. 2080. An act to provide for the coinage of the United States;

S.J. Res. 56. Joint resolution authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of James Smithson;

S.J. Res. 71. Joint resolution to amend the joint resolution of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission; and

S. Con. Res. 40. Concurrent resolution authorizing the Secretary of the Senate to make a correction in the enrollment of S. 1229.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1229) entitled "An act to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JUNE 25, 1965.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to authority granted on June 24, 1965, the Clerk received from the Secretary of the Senate today, the following message:

That the Senate passed H.J. Res. 541, entitled "Joint resolution to extend the Area Redevelopment Act for a period of 2 months."

Respectfully yours,

RALPH R. ROBERTS,

Clerk,

U.S. House of Representatives.

HOUSE BILLS AND JOINT RESOLUTION ENROLLED

Mr. BURLESON, from the Committee on House Administration, announced that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles:

H.R. 3994. An act to remove the present \$5,000 limitation which prevents the Secretary of the Air Force from settling and paying certain claims arising out of the crash of a U.S. aircraft at Wichita, Kans.;

H.R. 3996. An act to amend provisions of law relating to the settlement of admiralty claims;

H.R. 6507. An act to make section 1952 of title 18, United States Code, applicable to travel in aid of arson;

H.R. 6848. An act to amend section 35 of title 18 of the United States Code relating to the imparting or conveying of false information;

H.R. 5988. An act to provide that Commissioners of the Federal Maritime Commission shall hereafter be appointed for a term of 5 years, and for other purposes; and

H.J. Res. 451. Joint resolution to extend the Area Redevelopment Act for a period of 2 months.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, June 24, 1965, he did on June 25, 1965, sign the following enrolled bill of the House:

H.R. 5988. An act to provide that Commissioners of the Federal Maritime Commission shall hereafter be appointed for a term of 5 years, and for other purposes.

And on June 26, 1965, sign the following enrolled bills and joint resolution of the House:

H.R. 3994. An act to remove the present \$5,000 limitation which prevents the Secretary of the Air Force from settling and paying certain claims arising out of the crash of a U.S. aircraft at Wichita, Kans.;

H.R. 3996. An act to amend provisions of law relating to the settlement of admiralty claims;

H.R. 6507. An act to make section 1952 of title 18, United States Code, applicable to travel in aid of arson;

H.R. 6848. An act to amend section 35 of title 18 of the United States Code relating to the imparting or conveying of false information; and

H.J. Res. 541. Joint resolution to extend the Area Redevelopment Act for a period of 2 months.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JUNE 26, 1965.

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 12:03 p.m. on June 26, 1965, and said to contain H.R. 2166, an act for the relief of Stalman Brothers-Simon Wrecking Co., and a veto message thereon.

Respectfully yours,

RALPH R. ROBERTS,

Clerk,

U.S. House of Representatives.

STALMAN BROS.-SIMON WRECKING CO.—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 221)

The SPEAKER. The Clerk will read the message.

The Clerk read as follows:

To the House of Representatives:

I return without my approval H.R. 2166, a bill "For the relief of Stalman Brothers-Simon Wrecking Co."

The bill confers jurisdiction on the Court of Claims to render judgment on the claim of Stalman Brothers-Simon Wrecking Co. for losses allegedly sustained by them in connection with a \$301,000 contract for the purchase from the General Services Administration of

buried cast iron pipe in a surplus military water system which had been laid some 16 years previously. The bill also waives all defenses of the United States based upon provisions in the purchase contract explicitly denying warranty as to quantity, size, and character and barring claims based on errors or omissions in the description of the pipe.

The claimants allege that the weight of the pipe which they removed fell almost 40 percent short of the estimated weights. They argue that adequate inspection was not possible because the pipe was underground and that under these circumstances the descriptions of the pipe set out in the Government's invitation to bid should be regarded as nullifying by implication the express disclaimers by the Government of any warranty or guaranty.

The conditions of sale of the property were clear and specific. The invitation to bid invited bidders to inspect the material being offered, with a notation that failure of a bidder to do so or to fully inform himself as to the condition of the property would not constitute grounds for any adjustment. It also stated that the property was being sold without warranty as to quantity, condition, size, or kind and that no claim for deduction on such grounds would be considered. It further indicated that while identification and location of the property were believed to be correct, any error or omission in the description would not constitute ground for a claim.

In short, the contract involved a substantial business risk—the amount of pipe actually in the ground could exceed, equal, or fall below expectations, with consequent effect on profits from the contract.

The General Accounting Office denied a claim submitted administratively in a decision dated May 25, 1962.

I note that this bill would restrict the Court of Claims' authority to decide this case on the merits, since it would waive the Government's defenses based on contract provisions to which the claimants agreed with their eyes wide open.

Many other purchasers of Government surplus property have had to abide by provisions in their contracts like the ones involved in this case even though losses were the consequence. The decision of the Comptroller General referred to above cited numerous similar contract cases in which the courts have applied the rule of caveat emptor.

In summary, I believe that the relief which this bill would grant would be discriminatory and would set an unwise and unfortunate precedent. Accordingly, I am constrained to withhold my approval.

LYNDON B. JOHNSON.

THE WHITE HOUSE, June 26, 1965.

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message will be referred to the Committee on the Judiciary and ordered to be printed.

There was no objection.