

and to amend the National Defense Education Act of 1958 with respect to certain requirements for payments or loans under the provisions of such act, and for other purposes;

H.R. 9199. An act for the relief of certain officers and enlisted personnel of the 1202d Civil Affairs Group (Reinf. Tng.), Fort Hamilton, Brooklyn, N.Y.;

H.R. 10650. An act to amend the Internal Revenue Code of 1954 to provide a credit for investment in certain depreciable property, to eliminate certain defects and inequities, and for other purposes; and

H.R. 12936. An act for the relief of Kenneth E. Fousse and others.

On October 17, 1962:

H.R. 11099. An act to amend the Public Health Service Act to provide for the establishment of an Institute of Child Health and Human Development, to extend for 3 additional years the authorization for grants for the construction of facilities for research in the sciences related to health, and for other purposes.

On October 18, 1962:

H.R. 8321. An act for the relief of Maj. Clara May Matthews;

H.R. 9128. An act for the relief of Sgt. Ernest I. Agullar;

H.R. 9804. An act for the relief of Cuyahoga County, Ohio;

H.R. 10931. An act to revise and codify the general and permanent laws relating to and in force in the Canal Zone and to enact the Canal Zone Code, and for other purposes;

H.R. 12580. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1963, and for other purposes; and

H.J. Res. 712. Joint resolution to direct the Franklin Delano Roosevelt Memorial Commission to consider possible changes in the winning design for the proposed memorial or the selection of a new design for such memorial.

On October 22, 1962:

H.R. 7283. An act to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses.

On October 23, 1962:

H.R. 555. An act for the relief of Elmore County, Ala.;

H.R. 1663. An act for the relief of Dr. Hans J. V. Tiedemann and family;

H.R. 5260. An act to continue for an additional 3-year period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof;

H.R. 5700. An act to amend the Tariff Act of 1930 to permit the designation of certain contract carriers as carriers of bonded merchandise;

H.R. 6190. An act to amend title 38 of the United States Code to provide for the repair or replacement for veterans of certain prosthetic or other appliances damaged or destroyed as a result of certain accidents;

H.R. 6836. An act to amend the Policemen and Firemen's Retirement and Disability Act;

H.R. 7781. An act to authorize the Administrator of General Services to convey by quitclaim deed a parcel of land in Prince Georges County, Md., to the Silver Hill Voluntary Fire Department and Rescue Squad;

H.R. 7932. An act to amend the act of July 2, 1948, so as to repeal portions thereof relating to residual rights in certain land on Santa Rosa Island, Fla.;

H.R. 8140. An act to strengthen the criminal laws relating to bribery, graft, and conflicts of interest, and for other purposes;

H.R. 8269. An act for the relief of Dr. Walter H. Dulsberg;

H.R. 8355. An act to authorize executive agencies to grant easements in, over, or upon

real property of the United States under the control of such agencies, and for other purposes;

H.R. 8563. An act to amend the Life Insurance Act of the District of Columbia to permit certain policies to be issued to members of duly organized national veterans' organizations;

H.R. 8874. An act to authorize certain banks to invest in corporations whose purpose is to provide clerical services for them, and for other purposes;

H.R. 8952. An act to amend the provisions of the Internal Revenue Code of 1954 relating to the conditions under which the special constructive sale price rule is to apply for purposes of certain manufacturers excise taxes and relating to the taxation of life insurance companies, and for other purposes;

H.R. 9045. An act to amend the Trading With the Enemy Act, as amended;

H.R. 9669. An act for the relief of Molly Kwauk;

H.R. 9777. An act to amend Private Law 87-197;

H.R. 10002. An act for the relief of civilian employees of the New York Naval Shipyard and the San Francisco Naval Shipyard erroneously in receipt of certain wages due to a misinterpretation of a Navy civilian personnel instruction;

H.R. 10026. An act for the relief of Thomas J. Fitzpatrick and Peter D. Power;

H.R. 10199. An act for the relief of Lester A. Kocher;

H.R. 10423. An act for the relief of Mrs. Dorothy H. Johnson;

H.R. 10501. An act for the relief of Kenyon B. Zahner;

H.R. 10541. An act to assist States and communities to carry out intensive vaccination programs designed to protect their populations, particularly all preschool children, against poliomyelitis, diphtheria, whooping cough, and tetanus;

H.R. 10620. An act to amend section 213 of the Internal Revenue Code of 1954 to increase the maximum limitations on the amount allowable as a deduction for medical, dental, etc., expenses, and for other purposes;

H.R. 10708. An act to amend section 203 of the Rural Electrification Act of 1936, as amended, with respect to communication service for the transmission of voice, sounds, signals, pictures, writing, or signs of all kinds through the use of electricity;

H.R. 10936. An act to permit the Postmaster General to extend contract mail routes up to 100 miles during the contract term, and for other purposes;

H.R. 11578. An act for the relief of Don C. Jensen and Bruce E. Woolner;

H.R. 11899. An act to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for a Federal telecommunications fund;

H.R. 12135. An act to authorize appropriations for the fiscal years 1964 and 1965 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 12217. An act for the relief of George Edward Leonard;

H.R. 12276. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1963, and for other purposes;

H.R. 12313. An act for the relief of Jane Froman, Gypsy Markoff, and Jean Rosen;

H.R. 12434. An act to facilitate the work of the Forest Service, and for other purposes;

H.R. 12599. An act relating to the income tax treatment of terminal railroad corporations and their shareholders, and for other purposes;

H.R. 12708. An act to increase the jurisdiction of the municipal court for the District of Columbia in civil actions, to change

the names of the court, and for other purposes;

H.R. 13175. An act making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes;

H.R. 13273. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; and

H.J. Res. 907. Joint resolution fixing the time of assembly of the 88th Congress.

On October 24, 1962:

H.R. 6371. An act to amend the Internal Revenue Code of 1954 with respect to the limitation on retirement income, and with respect to the taxable year for which the deduction for interest paid will be allowable to certain building and loan associations, mutual savings banks, and cooperative banks;

H.R. 8517. An act to grant emergency officer's retirement benefits to certain persons who did not qualify therefor because their applications were not submitted before May 25, 1929;

H.R. 11586. An act to amend section 502 of the Merchant Marine Act, 1936, as amended, and for other purposes;

H.R. 12648. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes;

H.R. 12820. An act to validate the coverage of certain State and local employees in the State of Arkansas under the agreement entered into by such State pursuant to section 218 of the Social Security Act, and for other purposes;

H.R. 12900. An act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes; and

H.J. Res. 489. Joint resolution to provide protection for the golden eagle.

HOUSE BILLS DISAPPROVED AFTER SINE DIE ADJOURNMENT

The message further announced that the President had disapproved the following bills of the House on the dates indicated:

RICKERT & LAAN, INC.

I am withholding my approval from H.R. 1616, for relief of Rickert & Laan, Inc.

In 1959, the beneficiary company imported three shipments of nails from an Italian firm, having received assurances that such nails were of Italian origin and they were so marked upon arrival at the port of New Orleans. After the merchandise had cleared U.S. customs, it was discovered that the nails were, in fact, of Hungarian origin. The erroneous marking made the importing company liable for special marking duties, assessed at the rate of 10 percent of the value of the goods.

The original purpose of marking duties was to assure that labels as to country of origin could be relied upon by American consumers of imported goods. At present, these duties serve the additional purpose of helping to prevent mislabeling of products of the Communist bloc as products of free world countries in

order to evade the higher duties placed on Communist goods and other restrictions on trade that would benefit our adversaries.

Under present law, marking duties are due on improperly marked merchandise whether or not there is evidence that the importer knew or had reason to know that the merchandise was mismarked. I believe that the policy behind this rule is sound. It should be the responsibility of the importer to assure proper marking, since he is in a position to insist on indemnification from the foreign seller if goods have been misrepresented. If, on the contrary, relief were granted to all importers with respect to mismarked merchandise whenever customs could not show that the importer was aware of the mismarking, this would be tantamount to making customs prove in each case of mismarking that the importer was at fault at considerable cost in time and effort. This would greatly change the impact of the marking law.

Since this would be the result of general legislation relieving importers of marking duties whenever mislabeling has resulted from the actions of others, I am constrained to withhold my approval from H.R. 1616 as a bill according relief which cannot be given to all other honest importers.

JOHN F. KENNEDY.

THE WHITE HOUSE, October 16, 1962.

AMENDING THE LAW RELATING TO INDECENT PUBLICATIONS IN THE DISTRICT OF COLUMBIA

I am withholding my approval of H.R. 4670, a bill "to amend the law relating to indecent publications in the District of Columbia."

Although I am in complete accord with the Congress that the people of the District of Columbia should adequately be protected against the dissemination of indecent and obscene publications and articles, there are grave constitutional and other considerations which have been called to my attention which compel me to withhold my approval of the legislation.

Among other things, my attention has been directed to the 1961 Supreme Court decision in *Marcus v. Search Warrant*, reported at page 717 of volume 367 of the U.S. Reports, which seems clearly to make the search and seizure provisions of this bill unconstitutional.

The 88th Congress will convene in less than 3 months and I am convinced it is desirable that the considerations which have been brought to my attention should be brought to its attention. Such a brief delay in the enactment of this legislation seems a small price to pay in order to obtain an enforceable law which will achieve the worthy objectives which prompted the bill before me.

JOHN F. KENNEDY.

THE WHITE HOUSE, October 18, 1962.

CATALINA PROPERTIES, INC.

I am withholding my approval from H.R. 12701, an act for the relief of Catalina Properties, Inc.

The bill would direct the Secretary of the Treasury to pay \$29,425.01 to Catalina Properties, Inc., representing the amount which the corporation was unable to collect as rentals from sublessees of the Catalina Hotel, Miami Beach, Fla., for the period February 1 to March 15, 1953. The corporate claimant owned a 99-year leasehold interest in the hotel. During 1953, the Internal Revenue Service served a notice of levy and warrants for distraint on the sublessees of the hotel to pay accrued rentals to the district director. This levy resulted from a lawful attempt to collect income taxes fraudulently evaded by the corporation's principal shareholder, a bookmaker. The sublessees failed to pay these rentals either to the Government or to Catalina Properties, Inc., and the sublessees were evicted from the hotel in November 1953.

Catalina Properties, Inc., contends that the United States should pay to it the rentals which it could not collect from the sublessees on the ground that the levies caused the claimant's failure to collect the rentals. However, during 1953 the sublessees had no independent assets from which the rentals could have been collected from them, and the balance sheet accompanying their income tax returns for 1953 indicated that they were insolvent at that time.

The enactment of this bill would presuppose a duty on the part of the Government to collect from taxpayer's creditors, on whom levies are served, at the risk of the Government being held liable to the taxpayer if such collection is not effected. This is a risk which it is unfair to impose on the Government. Moreover, the primary beneficiary of this bill would be the corporation's principal stockholder whose fraudulent evasion of income taxes caused the levies.

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

JOHN F. KENNEDY.

THE WHITE HOUSE, October 18, 1962.

PROVIDING A MORE DEFINITIVE TARIFF CLASSIFICATION DESCRIPTION FOR LIGHTWEIGHT BICYCLES

I am withholding my approval from H.R. 8938, "to provide a more definitive tariff classification description for lightweight bicycles."

The new tariff classification description for lightweight bicycles would include a description of the frame. By this means, it would double the import duties on certain types of bicycles being imported.

Bicycles are provided for in paragraph 371 of the Tariff Act of 1930 and were originally subject to duty at 30 percent ad valorem. A tariff concession on bicycles was first granted to the United Kingdom in a bilateral trade agreement effective January 1, 1939. Under that agreement the framework of the existing tariff classification based upon diameter of the wheel was established. That classification provided for separate categories of duties: bicycles with or without tires having wheels in diameter

over 25 inches; over 19 but not over 25 inches; and not over 19 inches.

That classification and duty treatment were continued following a concession granted by the United States in the General Agreement on Tariffs and Trade effective January 1, 1948, with one exception. The exception provided that the rate of duty on bicycles with or without tires having wheels in diameter over 25 inches and weighing less than 36 pounds complete without accessories and not designed for use with tires having a cross sectional diameter exceeding 1 $\frac{3}{8}$ inches was to be reduced to \$1.25 each but not less than 7 $\frac{1}{2}$ percent nor more than 15 percent ad valorem. All other classifications were dutiable at specific rates but not less than 15 percent nor more than 30 percent ad valorem.

The present duty on lightweight bicycles is the result of a renegotiation which took place in February 1961. This renegotiation, in effect, reestablished an escape clause rate increase which had been invalidated by a previous court decision.

The practical effect of this legislation would be to increase the duty on imported bicycles having a cantilever or curved frame, weighing less than 36 pounds from the present duty of \$1.875 each, but not less than 11 $\frac{1}{4}$ percent nor more than 22 $\frac{1}{2}$ percent ad valorem to a new rate of \$3.75 each, but not less than 22 $\frac{1}{2}$ percent nor more than 30 percent ad valorem. I am informed that approximately one-half of current imports of bicycles that are imported under the lightweight classification are those with cantilever or curved frames, and would be subject to this approximate 100-percent increase in duty.

The enactment of this legislation within a short time after the 1961 negotiations and following the opening of new opportunities for trade expansion under the recently approved Trade Expansion Act would hamper our efforts to improve the position of American industry in foreign markets.

Under the Trade Expansion Act, a wider variety of relief is available to assist American firms suffering from imports. Should the American bicycle industry demonstrate the need for this relief, it should be provided.

JOHN F. KENNEDY.

THE WHITE HOUSE, October 22, 1962.

RICHARD C. COLLINS

I am withholding my approval from H.R. 3131, a bill "for the relief of Richard C. Collins." The bill directs the Court of Claims to grant a rehearing to Mr. Collins, of Billerica, Mass., in connection with his contesting the action of the Department of the Treasury in demoting him to a lower grade.

The facts concerning this legislation are as follows. Mr. Collins was employed by the Internal Revenue Service. He was notified, on November 27, 1956, that his work was unsatisfactory and thereafter that he was separated for inefficiency. However, the district director decided, after further review of Mr. Collins' case, that a more compassionate step would be to demote him to