

I am withholding my approval from H.R. 4386 because it would provide compensation to individuals who have occupied Federal lands without authority. Approval of this legislation would set a precedent of rewarding unauthorized users of Federal lands. It would not only undermine ongoing efforts by all Federal land management agencies to eliminate such uses but could also invite additional unauthorized use.

While I sympathize with the plight of the Ovesons, I cannot support the payment of taxpayers' funds to them to remedy a problem they have with other private individuals in a situation in which the United States Government was in no way at fault. I understand that there may be legal remedies available to the Ovesons against the person who improperly sold them land to which he did not have clear title.

JIMMY CARTER.

DECEMBER 24, 1980.

On December 28, 1980:

FOR THE RELIEF OF MR. ISAAC HULVER

I am withholding my approval of S. 442, a bill which would provide for the private relief of Mr. Isaac Hulver of Kansas City, Missouri. The United States court of appeals ruled against the claim of Mr. Hulver on the basis that the 2-year statute had expired before suit was filed, thus barring any tort action against the United States. Application for review was made to the United States Supreme Court, which declined, without comment, to hear the case.

Objection to this bill is two-fold, as expressed to me by the Department of Justice and the Veterans Administration. First, in 1979 the Supreme Court held that the statute of limitations was not merely a technicality, but that it was one of the conditions on which the traditional sovereign immunity of the United States has been waived to suit in tort, and that the period of

limitations is as important to operation of the Federal Tort Claims Act as are the substantive rights created by that law. Second, this bill constitutes unwarranted preferential treatment which would defeat the goal of uniform application of the law. The federal courts have determined that this claim is forever barred as a tort claim against the United States. Having been afforded due process of the law in the courts, it would be unwise for Mr. Hulver to be singled out for special consideration beyond what the law provides for all persons in similar circumstances.

I am not unmindful of the significant contributions made by Mr. Hulver to his country in wartime, or the seriousness of his injuries, for which service connected disability compensation has been awarded since his discharge from the armed forces in 1945. These considerations do not justify preferential treatment in this case.

JIMMY CARTER.

THE WHITE HOUSE, December 28, 1980.

AUTHORIZING CONVEYANCE OF CERTAIN NATIONAL FOREST SYSTEM LANDS

I am withholding my approval of H.R. 6257, a bill to authorize the Secretary of Agriculture to convey certain National Forest System lands and for other purposes. As originally introduced in Congress, this was a noncontroversial bill providing a simplified procedure for conveying small parcels of land within the National Forest System. Sections one through seven of the bill would accomplish this purpose. However, during the closing hours of the 96th Congress, a new section 8 was added that would adversely affect the Alaska Railroad, an agency of the Department of Transportation.

Section 8 would require the Secretary of Transportation to issue regulations for the rental of Alaska Railroad lands under terms that would result in a loss of revenue to the Railroad, provide for inequitable treatment of dif-

ferent tenants, and create a complicated method for determining rents that would be extremely difficult to administer. It would further delay the Railroad's effort to raise its lease land rents to fair market value, and it would lock into statute past practices that have been criticized by the General Accounting Office and the Department of Transportation. It would also inhibit the Railroad's ability to establish a modern lease land development program consistent with normal commercial practice.

The Railroad is operated as a self-sustaining business by the Federal Government, to the benefit of the State of Alaska and its citizens. Rental income from rail lands is used to pay part of its operating costs. The loss of revenue resulting from this bill may force the Railroad to curtail service or require a new federal operating subsidy to make up the difference. A curtailment of service would injure those shippers and residents of Alaska who use the Railroad, and an increase in federal funds for the Railroad is unacceptable.

For these reasons, I am vetoing H.R. 6257. However, I support those provisions in the bill that would give the Secretary of Agriculture authority to dispose of small tracts of National Forest lands that have become difficult to administer efficiently. This authority, which the Department of Agriculture has been seeking for several years, would greatly facilitate the disposal of approximately 200,000 acres of National Forest lands that present special management problems and would eliminate the need for a case-by-case authorization from the Congress before such lands can be sold or exchanged. Therefore, I urge the 97th Congress to enact similar authority early next year.

JIMMY CARTER.

THE WHITE HOUSE, December 28, 1980.