

**VETO OF H.R. 1404**

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**MESSAGE**

**FROM**

**THE PRESIDENT OF THE UNITED STATES**

**TRANSMITTING**

**THE VETO OF H.R. 1404**



**JANUARY 21, 1986.—Message and accompanying papers referred to the Committee on Merchant Marine and Fisheries and ordered to be printed**

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**WASHINGTON : 1986**

*To the House of Representatives:*

Since the adjournment of the Congress has prevented my return of H.R. 1404 within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. Notwithstanding what I believe to be my constitutional power regarding the use of the "pocket veto" during an adjournment of Congress, however, I am sending H.R. 1404 to the House of Representatives with my objections, consistent with the Court of Appeals decision in *Barnes v. Kline*, 759 F.2d 21, (D.C. Cir. 1985), cert. pending sub. nom. *Burke v. Barnes*, No. 85-781.

I have no objection to statutory recognition of the refuge at Cape Charles. This is a significant resting and wintering area for migratory birds along the Atlantic Flyway and an important habitat for the bald eagle and peregrine falcon, two endangered species. I am pleased to note that, in recognition of the area's importance, the U.S. Fish and Wildlife Service has already administratively acquired land at this site and established the Eastern Shore of Virginia National Wildlife Refuge. The Service will continue to operate and maintain the existing refuge and intends to expand it as fiscal conditions permit.

Unfortunately, H.R. 1404 does not simply provide protection for this valuable habitat. It would also require the Secretary of the Interior to develop a training center at the refuge for use by the Service, other Federal and State agencies, educational institutions, and private organizations and individuals.

In this time of fiscal constraint, the Federal government must limit its expenditures to matters of significant national concern. The provisions of H.R. 1404 requiring establishment of a training facility do not meet this test. The Service has fully adequate training facilities already in place, including a facility at Leetown, West Virginia, as well as the use of various private sector facilities. In addition, the Service is actively supporting the effort to clean up the Chesapeake Bay by designating an existing Service field station in Annapolis, Maryland, as its primary center for work on this important program. I believe that it would be more appropriate for State or private entities to fund and develop a training center if they consider it essential.

For these reasons, I must return H.R. 1404 without my approval.

RONALD REAGAN.

THE WHITE HOUSE, *January 14, 1986.*