

VETO OF H.R. 2316

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS VETO OF H.R. 2316, A BILL FOR THE RELIEF OF PAULETTE
MENDES-SILVA



SEPTEMBER 25, 1986.—Message and accompanying bill referred to the
Committee on the Judiciary and ordered to be printed

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To the House of Representatives:

I am returning herewith without my approval H.R. 2316, a bill for the relief of Paulette Mendes-Silva.

This bill would give the United States District Court for the District of Columbia jurisdiction to hear Ms. Mendes-Silva's claim that the Public Health Service was negligent in inoculating her against yellow fever on March 12, 1963, despite the fact that Ms. Mendes-Silva never filed an administrative claim or filed suit in a timely manner, as required by the Federal Tort Claims Act.

While I feel sympathetic to Ms. Mendes-Silva because of her condition, I cannot sign H.R. 2316 because there is no equitable basis for relief. The bill's beneficiary failed to pursue the remedies available to her in a timely manner. Moreover, available medical evidence contradicts her assertion that the Government was responsible for her disability.

I am greatly concerned with the adverse precedential impact that my approval of H.R. 2316 would have upon litigation against the Federal government. There must be some limit to the time during which the Government must remain prepared to defend itself against specific claims. That limit is set forth in the Federal Tort Claims Act, 28 U.S.C. at 2401(b).

I am also greatly concerned that this private relief bill would allow a claimant to circumvent the orderly administrative process for asserting claims against the United States as prescribed by the Federal Tort Claims Act, 28 U.S.C. 2675. Other individuals who have also failed, for whatever reason, to file their claims within the required time, have been likewise precluded from the relief Ms. Mendes-Silva seeks in this bill.

For these reasons, I cannot approve H.R. 2316.

RONALD REAGAN.

THE WHITE HOUSE, *September 25, 1986.*