

VETO OF H.R. 3247

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS VETO OF H.R. 3247, A BILL TO AMEND THE NATIVE AMERICAN PROGRAMS ACT OF 1974 TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEARS 1987 THROUGH 1990



SEPTEMBER 29, 1986.—Message and accompanying bill referred to the Committee on Education and Labor and ordered to be printed

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To the House of Representatives:

I am returning herewith without my signature H.R. 3247, which would extend and amend the Native American Programs Act of 1974.

I fully support the objectives of the Native American Programs Act of 1974 to help American Indians, Alaskan Natives, and Native Hawaiians achieve economic and social self-sufficiency. My decision not to approve H.R. 3247 is based on my belief that this bill would seriously undermine the administrative flexibility needed to ensure responsiveness to individual tribes and Native American organizations—flexibility that is essential to the effectiveness of the Native American programs.

The Executive branch must be allowed to carry out its responsibilities to administer the laws effectively. H.R. 3247 would cause undue interference with ongoing program management. This legislation, if signed into law, would make effective administration of this important program extremely difficult by creating delays in implementing program policy that can only hurt rather than help the Native Americans it is intended to serve.

If H.R. 3247 were to become law, it would require diverting scarce resources away from program-related activities to meet wasteful and unnecessary administrative requirements and would involve the Congress inappropriately in ongoing administrative activities that should be left to the Executive branch. Specifically, the bill would:

- require “notice and comment” rulemaking for rules and policy statements that have been and should continue to be handled informally, without permitting exceptions for good cause or in other circumstances where exceptions generally apply, thereby substantially increasing administrative costs and delays;

- require the Administration for Native Americans (ANA) to use peer review panels to review and rank all grant applications, even though the use of such panels is not appropriate in all cases; and

- require the Secretary of Health and Human Services to report and explain to the Congress all decisions on grant applications at variance with recommendations of the peer review panels.

These provisions of H.R. 3247 would unnecessarily increase administrative requirements and thereby shift resources away from technical assistance and other activities more directly related to helping applicants and grantees. Equally troublesome, they would inevitably involve both the Congress and members of the public in second-guessing the ANA on details related to administration of Native American programs. This would have adverse results for the programs and would potentially set a dangerous precedent for

unnecessary restrictions disrupting the operations of other Federal human services programs.

Quite simply, the Executive branch cannot effectively carry out its responsibilities to implement the laws if agencies are required, as a routine procedure, to justify each grant decision to the Congress, or if every general statement of agency policy or procedure must be made through formal notice and comment rulemaking.

The provisions of H.R. 3247 also raise concerns about confidentiality, in requiring the Commissioner of the ANA to discuss publicly the weaknesses and problems of applications submitted by individual tribal organizations. This could well have a chilling effect on the competitive grant process. New and less experienced organizations could be more hesitant to apply, and established Native American organizations might be disturbed about public distribution of information about their applications.

I reiterate my support for the continuation of the Native American programs. I therefore urge the Congress to provide funding for these programs in the fiscal year 1987 continuing resolution and urge that the 100th Congress promptly consider new legislation to authorize appropriations for these programs. The Administration, through the Department of Health and Human Services, looks forward to working with the Congress to develop legislation that will meet the Congress' legitimate concerns for accountability of the Executive branch, while also meeting our concerns that the law not be burdened with requirements incompatible with our responsibility to achieve the statutory purposes of these programs.

RONALD REAGAN.

THE WHITE HOUSE, *September 26, 1986.*