

The ACC, however, would be based on the discredited approach to youth unemployment that relies on artificial public sector employment, just as did the Public Service Employment program operated under the Comprehensive Employment and Training Act until it was terminated by Congress in 1981.

Moreover, the ACC is not a necessary or effective way of managing Federal lands. The Federal Government currently spends over \$4 billion annually on land management. This amount is adequate to fund all activities needed to ensure the preservation of these precious resources for this and future generations of Americans. Any conservation project that could be performed by the ACC could be done better and for less money under existing programs, because of less overhead for residential centers and the greater productivity of existing workers who are already well trained. In addition, I have recently signed S. 864, which would expand the National Park Service's volunteer program, and allow such a program to be established in the Bureau of Land Management. Under these worthwhile programs, including those administered by the Forest Service and the Fish and Wildlife Service, citizens offer valuable volunteer services to assist the Departments of Agriculture and the Interior in the management of Federal lands.

Finally, while the three year, \$225 million ACC authorization is itself unwarranted, it would almost certainly grow. The Youth Conservation Corps began in 1971 as a \$1 million pilot program, and was subsequently given a permanent authorization of \$60 million annually, notwithstanding its inability to provide enduring, meaningful benefits for the trainees or the public. Moreover, the proponents of the ACC have already served notice that they intend to attempt in the next Congress to increase the ACC authorization to \$300 million annually.

I believe that America's unemployed youth would be better served by reducing Federal spending so that more resources are available to the private sector of our economy to fuel a continuation of the current economic expansion that has added 6 million new jobs to the workforce over the last two years. If given the opportunity, the private sector is much more likely to offer young people promising career opportunities than temporary make-work Federal job programs such as the American Conservation Corps.

RONALD REAGAN.

THE WHITE HOUSE, October 30, 1984.

H.R. 5172

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 5172, which includes the "National Bureau of Standards Authorization Act for Fiscal Year 1985" (Title I), clarifications of the role of the Nation-

al Science Foundation in engineering research and education (Title II), and the "Manufacturing Sciences and Robotics Research and Development Act of 1984" (Title III). Title I would, among other things, authorize appropriations for certain Department of Commerce programs for fiscal year 1985, for which appropriations have already been enacted.

Title III of H.R. 5172 would establish a new program providing Federal financial support for a variety of research, development, education, and training activities, whose purported purpose would be to improve manufacturing technologies, including robotics and automation. These activities would total \$250 million during fiscal years 1985-1988, and represent an unwarranted role for the Federal government. The decisions on how to allocate investments for research on manufacturing technologies are best left to American industry. It is highly doubtful that this Act and resulting Federal expenditures would improve the competitiveness of U.S. manufacturing.

The new role for the Federal government contemplated by Title III could also serve as the basis for a Federal industrial policy to influence our Nation's technological development. This Administration has steadfastly opposed such a role for the Federal government.

My Administration has fostered the development of a robust and improving economy, which will do more than anything to improve the growth and productivity of the industrial sector. We will continue our efforts to improve the general economy, the regulatory environment, and tax policies that are essential if U.S. industry is to remain competitive. I cannot, however, approve legislation that would result in significant Federal expenditures with little or no assurance that there are any benefits to be gained.

I am, therefore, constrained to withhold my approval from H.R. 5172.

RONALD REAGAN.

THE WHITE HOUSE, October 30, 1984.

H.R. 5760

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 5760, a bill "To declare that the United States holds certain lands in trust for the Cocopah Indian Tribe of Arizona, and for other purposes."

Title I of H.R. 5760 would declare that almost 4,000 acres of Federal land in Yuma County, Arizona, be held in trust by the United States for the benefit of the Cocopah Indian Tribe. I do not object to this provision.

Title II of H.R. 5760 would allow the Navajo Tribe to reassert against the United States, vague and uncertain claims originally brought in July 1950, but voluntarily and legally withdrawn by their counsel in October 1969. The propriety and finality of counsel's action were subsequently given ex-

haustive consideration. *Navajo Tribe v. United States*, 220 Ct. Cl. 350, 601 F. 2d 536 (1979), cert. denied, 444 U.S. 1072 (1980). In the meantime, some claims which might be affected by H.R. 5760 have been settled or litigated, and others have been placed on a detailed trial schedule. Enactment of H.R. 5760 could compel protracted renegotiation, retrial or delay in the trial of these claims, based upon vague and speculative allegations.

Absent a compelling showing that a substantial injustice would result from adherence to procedural norms, the limitations of the Indian Claims Act and the procedures adopted for the adjudication of claims under the Act should not be frustrated by special legislation, such as that contained in title II of H.R. 5760. No such showing has been made here.

Title II would interfere with the fair and orderly adjudication of the claims of the Navajo Tribe and would constitute an affront to established rules, procedures, and principles for the resolution of Indian claims. It could serve to encourage other and future efforts to obtain by legislation that which has been unattainable through adjudication.

For these reasons, I find that bill unacceptable. If Title I were presented as a separate bill, I would have no objection to its enactment.

RONALD REAGAN.

THE WHITE HOUSE, October 30, 1984.

H.R. 5479

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 5479, a bill "to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes."

H.R. 5479 would permanently reauthorize and make a number of significant changes to the Equal Access to Justice Act. The Act allows the award of attorneys' fees to certain parties who successfully litigate against the government unless the government demonstrates that its position is substantially justified or that special circumstances exist that make a fee award unjust. Because the Equal Access to Justice Act expired on September 30, 1984, legislation is needed to reauthorize the Act.

I am firmly committed to the policies underlying the Equal Access to Justice Act and will make the permanent and retroactive reauthorization of the Act a high legislative priority of the Administration in the next Congress. Where the Federal government has taken a position in litigation that is not substantially justified, and thereby has caused a small business or individual to incur unnecessary attorneys' fees and legal costs, I believe it proper for the government to reim-

burse that small business or individual for those expenses. The Equal Access to Justice Act thus serves an important salutary purpose that should become a permanent part of our government. Unfortunately, H.R. 5479 makes certain changes to the Equal Access to Justice Act that do not further the Act's basic purposes and that are inconsistent with fundamental principles of good government. The most objectionable of these provisions is the change the bill would make in the definition of "position of the United States." Under this changed definition, the Act would no longer apply only to the government's position taken in the administrative or court litigation, but would extend to the underlying agency action. This would result in needless and wasteful litigation over what is supposed to be a subsidiary issue, the award of attorneys' fees, and would further burden the courts, which would have to hear the claims in each case not once, but twice. In addition, this change could also undermine the free exchange of ideas and positions within each agency that is essential for good government.

For example, this change would require courts in making fee determinations to examine the conduct of an agency even where that conduct is not at issue in the court's review of the merits of the case before it. This would mean that a fee proceeding could result in an entirely new and subsidiary inquiry in the circumstances that gave rise to the original lawsuit. This inquiry only could lead to far lengthier proceedings than required if the court is merely to examine arguments made in court, but also could lead to extensive discovery of how the underlying agency position was formulated, and who advocated what position and for what reasons at what time. In effect, every step of the agency decision-making process, at whatever level, could become the subject of litigation discovery. Such extensive discovery could inhibit free discussion within an agency prior to any final agency policy decision or action for fear that any internal disagreements or reservations would be the subject of discovery and judicial inquiry.

In addition, H.R. 5479 contains a provision that would require the United States to pay interest on any awarded attorneys' fees not paid within 60 days after the date of the award. As noted by the Comptroller General of the United States, this provision would give lawyers who have received awards under this Act more favorable treatment than any other group entitled to interest payments from the United States. I agree with the Comptroller General that to the extent any interest should be paid under the Act, it should be paid on the same basis as other interest payments

made by the government on court judgments.

The Department of Justice, the Office of Management and Budget, and other concerned agencies have repeatedly expressed to the Congress their serious reservations about these and other provisions of H.R. 5479. I wholly support the prompt reauthorization of the Equal Access to Justice Act and believe that the reauthorization should be retroactively effective to October 1, 1984. In light of the permanent nature of a reauthorization, such a reauthorization should include modifications and improvements in the Act, which the Administration is willing to explore with the Congress.

Concurrently with this memorandum, I am issuing a memorandum to all agency heads concerning the Equal Access to Justice Act. This memorandum reaffirms my strong commitment to the policies underlying the Act and instructs agency heads to review the procedures of their agencies to ensure that agency positions continue to be substantially justified. Special attention is to be given to those agency positions that affect small businesses. In addition, each agency is to accept and assist in the preparation of fee applications which can be considered once the Act is reauthorized.

I look forward to approving an acceptable reauthorization of the Equal Access to Justice Act early next year. For the reasons indicated, however, I am compelled to withhold my approval of H.R. 5479.

RONALD REAGAN.

THE WHITE HOUSE, November 8, 1984.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Oct. 11, 1984, the following report was filed on Oct. 16, 1984.]

Mr. BROOKS: Committee on Government Operations. Report on investigation of the Department of Education's college construction loan programs (Rept. No. 98-1164). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the special order of the House on Oct. 11, 1984, the following report was filed on Oct. 23, 1984.]

Mr. BROOKS: Committee on Government Operations. Report on FDA's monitoring of pesticide residues in the Nation's food supply: Lessons from the ethylene dibromide (EDB) experience (Rept. No. 98-1165). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Oct. 11, 1984, the following reports were filed on Nov. 1, 1984.]

Mr. BROOKS: Committee on Government Operations. Report on the Westway project: A study of failure in Federal/State relations (Rept. No. 98-1166). Referred to

the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on diversion of funds from Vietnam veterans readjustment counseling program (Rept. No. 98-1167). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Oct. 11, 1984, the following report was filed on Nov. 6, 1984.]

Mr. BROOKS: Committee on Government Operations. Report on deficiencies in FDA's regulation of the marketing of unapproved new drugs: The case of Eferol (Rept. No. 98-1168). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 15, 1984, the following report was filed on December 4, 1984.]

Mr. STOKES: Committee on Standards of Official Conduct. In the matter of Representative Geraldine A. Ferraro (Rept. No. 98-1169). Referred to the House Calendar.

[Pursuant to rule XI, clause 1(d), the following report was filed on December 7, 1984.]

Mr. JONES of Oklahoma: Committee on the Budget. Activities and summary report of the Committee on the Budget, U.S. House of Representatives, 98th Congress (Rept. No. 98-1170). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 4, 1984, the following report was filed on December 10, 1984.]

Mr. MITCHELL: Committee on Small Business. The impact of changes in the telecommunications industry on small business (Rept. No. 98-1171). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to rule XI, clause 1(d), the following report was filed on December 13, 1984.]

Mr. DE LA GARZA: Committee on Agriculture. Activities report of the Committee on Agriculture during the 98th Congress (Rept. No. 98-1172). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to rule XI, clause 1(d), the following report was filed on December 18, 1984.]

Mr. ANNUNZIO: Committee on House Administration. Report on the activities of the Committee on House Administration during the 98th Congress (Rept. No. 98-1173). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to rule XI, clause 1(d), the following report was filed on December 20, 1984.]

Mr. STOKES: Committee on Standards of Official Conduct. Summary of activities of the Committee on Standards of Official Conduct—98th Congress (Rept. No. 98-1174). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the provisions of rule XI, the following report was filed on December 21, 1984.]

Mr. ROYBAL: Select Committee on Aging. Report on the activities of the Select Committee on Aging during the 98th Congress (Rept. No. 98-1175). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the provisions of section 6(a) of H. Res. 15, the following report was filed on December 26, 1984.]

Mr. LELAND: Select Committee on Hunger. Progress report of the Select Com-