

H.R. 6028. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 6163. An act to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes;

H.R. 6224. An act to provide for the assumption of selected functions, programs, and resources of St. Elizabeths Hospital by the District of Columbia, to provide for the establishment of a comprehensive mental health care system in the District of Columbia, and for other purposes;

H.R. 6286. An act to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes; and

H.R. 6342. An act to approve governing international fishery agreements with Iceland and the EEC; to establish national standards for artificial reefs; to implement the Convention on the Conservation of Antarctic Marine Living Resources; and for other purposes.

#### BILLS DISAPPROVED AFTER SINE DIE ADJOURNMENT

The President announced his disapproval of the following bills with memorandums of disapproval as follows:

H.R. 2859

The President has withheld his approval from H.R. 2859, a bill for the relief of John Brima Charles.

H.R. 6248

#### MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 6248, the "Armed Career Criminal Act of 1984."

This legislation would generally enhance the penalties under existing law applicable to a felon who has been convicted three times in a United States or State court of robbery or burglary and who receives, possesses, or transports firearms.

Although I certainly support the aims of H.R. 6248, I note that identical provisions were contained in the Administration's "Comprehensive Crime Control Act," which I approved on October 12, 1984, as part of P.L. 98-473. That legislation—marking the culmination of much hard work and effort on the part of members of my Administration and the Congress—is the most comprehensive revision of Federal criminal statutes to be enacted in many years.

Inasmuch as H.R. 6248 merely duplicates existing law, it is unnecessary. Accordingly, I decline to approve it.

RONALD REAGAN.

THE WHITE HOUSE, October 19, 1984.

H.R. 452

#### MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 452, a bill "For the relief of Jerome J. Hartmann and Rita J. Hartmann."

The purpose of the bill is to allow the Hartmanns to file an action against the United States, notwithstanding any other provision of law or

order of any court or administrative body, with respect to damage suffered by them due to the rise in the water level of Avon Lake, Iowa, allegedly caused by the negligent design, construction, and operation of the Red Rock Reservoir and related levees.

Jerome J. Hartmann and Rita J. Hartmann are the owners of property near the Red Rock Dam and Lake Red Rock project in Iowa, which was constructed by the United States Army Corps of Engineers and began operation in 1969. The Hartmanns' property includes Avon Lake, a former gravel quarry that the Hartmanns operated as a recreational lake.

In the spring of 1973, during a period of record rainfall and impoundment of record flood storage at Lake Red Rock, the level at Avon Lake and another nearby lake, Avondale Lake, rose to a record elevation. Operation of Avon Lake for recreation was suspended and approximately 100 homes in the area suffered some form of flood damage. By August of 1973, Lake Red Rock had returned to low levels but despite pumping of Avondale Lake by the Corps of Engineers, Avon and Avondale Lakes did not recede. In 1974, with no apparent influence whatever from Lake Red Rock, the levels at Avon and Avondale Lakes rose to new highs. The waters did not recede to normal levels until after 1974.

While I sympathize with the Hartmanns and all others who suffer losses from flood waters, I am compelled to withhold my approval of H.R. 452 on several grounds.

First, the Corps attempted to determine the cause of the rise in water levels at Avon and Avondale Lakes. The geology of the area was reexamined and water levels were monitored. A casual relationship between the Federal project and the fluctuations in water elevation levels at the private lakes has not been established.

Second, over fifty years ago, when it was embarking on a major program to build flood control projects, the Congress established Federal immunity (33 U.S.C. 702(c)) against claims for incidental or periodic flood damages that might be associated with such projects in recognition that these projects yield broad and substantial societal and economic benefits for the country.

Over the years, the Executive branch and the Congress have viewed this immunity as essential to continued Federal involvement in the area of flood control. Contrary to this longstanding national policy, H.R. 452 would establish an undesirable precedent and grant preferential treatment to the Hartmanns over residents of the area who may have similarly suffered flood damages. The circumstances of this case clearly do not war-

rant special treatment for the Hartmanns.

RONALD REAGAN.

THE WHITE HOUSE, October 30, 1984.

H.R. 723

#### MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 723, a private bill for the relief of Marsha D. Christopher, a Postal Service worker. I sympathize with Mrs. Christopher. The on-the-job injury to her resulting from an attack by a dog was severe, but I believe that enactment of this bill would set an undesirable and potentially costly precedent and would discriminate unfairly against the thousands of other postal workers and Federal employees who also incur job-related injuries.

Mrs. Christopher has received the benefits allowed to Federal workers injured on the job as provided by the Federal Employees' Compensation Act (FECA). The bill would waive the subrogation provisions of FECA, thus enabling Mrs. Christopher to receive and retain FECA benefits in addition to money recovered by her as the result of her private settlement with the owner of the dog. This would undermine the primary purpose of the subrogation provisions of the Act, which is to place the cost of compensation on the person or persons responsible for the injury and to relieve the taxpaying public of this expense.

RONALD REAGAN.

THE WHITE HOUSE, October 30, 1984.

H.R. 999

#### MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 999, the "American Conservation Corps Act of 1984." This legislation would establish, within the Departments of Agriculture and the Interior, conservation-related employment programs for youths.

The programs that H.R. 999 would in effect reestablish—the Youth Conservation Corps (YCC) and the Young Adult Conservation Corps (YACC)—were terminated by Congress at my recommendation because they had proven to be costly and unnecessary. The American Conservation Corps (ACC) would duplicate other efforts for youth financed by the Job Training Partnership Act (JTPA), such as the Job Corps, JTPA State Block Grants, and the Summer Youth program. In fiscal year 1985, the Federal Government will spend nearly \$2.2 billion on these programs, which will train about 1.5 million people. This training is done at a much lower per-capita cost than would be the case under the ACC, and is much more likely to result in permanent private sector jobs for their graduates because they involve the private sector in job training.