

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.

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-