

PACIFIC NORTHWEST DISASTER RELIEF ACT OF 1965—
VETO MESSAGE

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL, THE BILL (S. 327) ENTITLED "AN ACT TO PROVIDE ASSISTANCE TO THE STATES OF CALIFORNIA, OREGON, WASHINGTON, NEVADA, AND IDAHO FOR THE RECONSTRUCTION OF AREAS DAMAGED BY RECENT FLOODS AND HIGH WATERS."

JUNE 7, 1965.—Read; referred to the Committee on Public Works and ordered to be printed

To the Senate of the United States:

I return herewith, without my approval, S. 327, to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters.

This bill authorizes additional funds and other special assistance to aid in the reconstruction and repair of damage caused in the Pacific Northwest by the devastating floods of last winter. *I am in complete sympathy with the purpose of this legislation.* However, in spite of the bill's general desirability, section 5 seriously violates the spirit of the division of powers between the legislative and executive branches. Despite my strong support for the substantive relief, I must withhold approval until this unwise and objectionable provision is deleted.

The provision is contained in that part of section 5(a) stipulating that:

The President, acting through the Office of Emergency Planning, is authorized to perform all or any part of the recommended work determined to be in the public interest and to reimburse any common carrier for any of such recommended work performed by such carrier, but *no appropriation shall be made for any such*

work which has not been approved before June 30, 1966, by resolution adopted by the Committees on Public Works of the Senate and House of Representatives, respectively. [Italic supplied.]

The Attorney General advises me that this provision is clearly a "coming into agreement" with a congressional committee requirement. This device requires an executive official to obtain the approval of a committee or other unit of Congress before taking an executive action. It is not only an undesirable and improper encroachment by the Congress and its committees into the area of executive responsibilities—it also leads to inefficient administration. The executive branch is given, by the Constitution, the responsibility to implement all laws—a specific and exclusive responsibility which cannot properly be shared with a committee of Congress.

The proper separation of powers and division of responsibilities between Congress and the executive branch is a matter of continuing concern to me. I must oppose the tendency to use any device to involve congressional committees in the administration of programs and the implementation of laws. I have spoken out against this before. Less than a year ago, in a signing statement on the Water Resources Research Act of 1964, I requested deletion of a provision much the same as the one in S. 327.

Although I am unable to approve S. 327 in its present form for the reasons stated, I am anxious that the relief to the States involved be made available as quickly as possible. Accordingly, I will approve S. 327 immediately when the Congress has eliminated the provision in section 5 which infringes upon the responsibilities of the executive branch. I see no reason why this cannot be accomplished in a few days and have directed the executive branch to cooperate fully with the Congress to this end.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 5, 1965.*

S. 327

EIGHTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA, AT THE FIRST SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON MONDAY, THE FOURTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND SIXTY-FIVE

AN ACT To provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress hereby recognizes (1) that the States of California, Oregon, Washington, Nevada, and Idaho have experienced extensive property loss and damage as the result of floods and high waters during December 1964, and January and February 1965, (2) that much of the affected area is federally owned and administered, and (3) that the livelihood of the people in the area is dependent on prompt restoration of transportation facilities, and therefore Congress declares the need for special measures designed to aid and accelerate those States in their efforts to provide for the reconstruction of devastated areas.

SEC. 2. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, in addition to the amounts authorized in section 125 of title 23 of the United States Code, not to exceed \$50,000,000 for the fiscal year ending June 30, 1965, and not to exceed \$20,000,000 for the fiscal year ending June 30, 1966. Such sums shall be obligated and expended by the Secretary of Commerce in accordance with such section 125, and related provisions of title 23 of the United States Code for the repair and reconstruction of highways, roads, and trails, damaged as the result of a disaster.

Sec. 3. (a) Notwithstanding provisions of existing contracts, the Secretary of the Interior and the Secretary of Agriculture, separately, and as part of the regular road and trail construction program, shall reimburse timber sale contractors or otherwise arrange to bear road and trail construction and restoration costs either directly or in cooperation with timber purchasers to the extent of costs determined by the respective Secretary as incurred or to be incurred for restoring roads in any stage of construction authorized by a contract for the purchase of timber from lands under his jurisdiction to substantially the same condition as existed prior to the damage resulting from the floods of December 1964, and January and February of 1965 in California, Oregon, Washington, Nevada, and Idaho, and to the extent costs determined by the respective Secretary as incurred or to be incurred for completing road construction not performed under any such contract prior to the floods but which, because of changed conditions resulting from the floods, exceed road construction costs as originally determined by the respective Secretary. The costs for such road restoration, reconstruction, and construction under any single timber purchase contract on roads not accepted prior to the floods, whether construction was complete, partial, or not yet begun, shall be borne as follows: 15 per centum of all amounts shall be borne by the timber purchaser, except that such purchaser shall not be required to bear costs of more than \$4,500, and the Secretary shall bear the remaining portion of such costs. This subsection shall not apply (1) in the case of any road restoration or reconstruction if the cost of such restoration or reconstruction is less than \$500, and (2) in the case of any road construction if the increase in the cost of such construction as the result of the floods is less than \$500 more than the construction costs as originally determined by the respective Secretary.

(b) Where the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding provisions therein.

(c) Paragraph (3) of section 2 of the Federal-Aid Highway Act of 1964 is amended to read as follows:

"(3) For forest development roads and trails, \$123,000,000 for the fiscal year ending June 30, 1966, of which not to exceed \$38,000,000 shall be used solely for the construction, repair, and reconstruction of forest development roads and trails in the States of California, Oregon, Washington, Nevada, and Idaho, necessary because of the floods and high waters in such States during December 1964, and January and February 1965, and \$85,000,000 for the fiscal year ending June 30, 1967."

(d) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that the sale of such timber will assist in the reconstruction of any area of California, Oregon, Washington, Nevada, and Idaho damaged by floods or high waters during December 1964, and January and February 1965.

Sec. 4. The Secretary of the Interior is authorized to give any public land entryman such additional time in which to comply with any requirement of law in connection with any public land entry for lands in California, Oregon, Washington, Nevada, and Idaho, as the Secretary finds appropriate because of interference with the entryman's ability to comply with such requirement resulting from floods and high waters during December 1964, and January and February 1965.

Sec. 5. (a) The President, acting through the Office of Emergency Planning, shall make a survey to determine what protective works would be necessary to prevent the recurrence of damage by floods or high waters to those banks of the Eel River, California, which are adjacent to the trackage of any common carrier by railroad and shall report to Congress the results of such survey together with the cost of any recommended work within sixty days after the date of enactment of this Act. The President, acting through the Office of Emergency Planning, is authorized to perform all or any part of the recommended work determined to be in the public interest and to reimburse any common carrier for any of such recommended work performed by such carrier, but no appropriation shall be made for any such work which has not been approved before June 30, 1966, by resolution adopted by the Committees on Public Works of the Senate and the House of Representatives, respectively. The Corps of Engineers of the United States Army shall be used to make the survey authorized by this section, shall recommend necessary work that has been determined by the President acting through the

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Office of Emergency Planning to be in the public interest, and shall be used to supervise any work authorized to be performed under this section.

(b) There is authorized to be appropriated not to exceed \$3,875,000 to carry out this section.

Sec. 6. Loans made pursuant to paragraph (1) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) for the purpose of replacing, reconstructing, or repairing dwellings in California, Oregon, Washington, Nevada, and Idaho, damaged or destroyed by the floods and high waters of December 1964, and January and February 1965, may have a maturity of up to thirty years, except that section 7(c) of such Act shall not apply to such loans.

Sec. 7. This Act, other than section 5 and the amendment made by section 3(c), shall not be in effect after June 30, 1966, except with respect to payment of expenditures for obligations and commitments entered into under this Act on or before such date.

Sec. 8. This Act may be cited as the "Pacific Northwest Disaster Relief Act of 1965".

JOHN W. McCORMACK,
Speaker of the House of Representatives,

HUBERT H. HUMPHREY,
Vice President of the United States and President of the Senate.

[Endorsement on back of bill:]

I certify that this Act originated in the Senate.

FELTON M. JOHNSTON,
Secretary.

