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Office of the White House Press Secretary

THE WHITE HOUSE

## FACT SHEET

SIGNING OF S. 2862 - FEDERAL FIRE PREVENTION  
AND CONTROL AUTHORIZATION

The President today signed S. 2862, a bill authorizing appropriations for the Federal Fire Prevention and Control Act of 1974.

On July 7, 1976, the President had vetoed an earlier version of this bill (H.R. 12567) because it provided for unacceptable Congressional interference in the operations of the Executive branch. The bill being signed today does not contain that objectionable provision.

BACKGROUND ON FIRE ADMINISTRATION

The Federal Fire Prevention and Control Act of 1974 established a National Fire Prevention and Control Administration ("Fire Administration") in the Department of Commerce to coordinate, encourage, and facilitate programs of fire prevention and control. The Act also established a Fire Research Center, as well as a National Academy for Fire Prevention and Control, as part of the Fire Administration, to advance the professional development of fire service personnel and of other persons engaged in fire prevention and control.

The work of this Federal agency is important in dealing with a major national problem. The United States leads all the major industrialized countries in per capita deaths and property loss from fire. Each year in the United States, it is estimated that more than three million fires and explosions kill 12,000 people, seriously burn another 300,000 and destroy more than \$4 billion in property. Many of the victims are the very young and the aged -- those who are least able to do anything about fires.

About \$7 billion annually is spent for fire departments, fire insurance and related costs by all State and local governments, business and labor groups, civic organizations and others. The role of the Fire Administration is to provide some of the leadership and planning for this large national fire prevention and control effort.

DESCRIPTION OF THE BILL (S. 2862)

This bill authorizes appropriations of \$5.025 million for the transition quarter, \$20.5 million for fiscal year 1977 and \$26.0 million for fiscal year 1978 for the Commerce Department's Fire Administration and Fire Research Center.

THE EARLIER BILL VETOED (H.R. 12567)

That bill contained authorization amounts for the Fire Administration and Fire Research Center which were identical to those included in the bill signed today.

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The vetoed bill, however, also required the Secretary of Commerce to submit to the House Committee on Science and Technology and the Senate Commerce Committee the plans for construction of the National Academy for Fire Prevention and Control "before a commitment may be made to obligate funds for the construction of any facility of the Academy." If Congress, by concurrent resolution, disapproved the proposed commitment of funds within 60 calendar days of the submission of such plans, the Secretary was not permitted to obligate the funds.

Returning H.R. 12567 to the Congress on July 7, 1976, the President said:

I am disapproving H.R. 12567 because it contains a provision that would seriously obstruct the exercise of the President's constitutional responsibilities over Executive branch operations. Section 2 of the enrolled bill provides that Congress may, by concurrent resolution, "veto" a plan to commit funds for construction of the National Academy for Fire Prevention and Control. This provision extends to the Congress the power to prohibit specific transactions authorized by law, without changing the law and without following the constitutional process such a change would require. Moreover, it involves the Congress directly in the performance of Executive functions in disregard of the fundamental principle of separation of powers.

Provisions of this type have been appearing in an increasing number of bills which this Congress has passed or is considering. Most are intended to enhance the power of the Congress over the detailed execution of the laws at the expense of the President's authority. I have consistently opposed legislation containing these provisions, and will continue to oppose actions that constitute a legislative encroachment on the Executive branch.

I urge the Congress to reconsider H.R. 12567 and to pass a bill I can accept so that it will be possible for the National Fire Prevention and Control Administration to proceed with its important work.

At the urging of the President, the Congress has reconsidered this prior action and excluded this objectionable provision from the bill signed today.

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