as the Foreign Relations report notes, Mr. President, sions to which the President ected related "to authorities which the Congress itself had granted, and which it therefore may modify, rather than to constitutional prerogatives of the Office of the President." Here is the view of the Foreign Relations Committee in its excellent earlier report, and since reaffirmed:

If the legislative vetoes contained in the Reorganization Acts were constitutional (and the Committee believes that they were), then similar provisions in other statutes are likely to be valid. It is evident that the legislative veto provisions contained in S. 2662 are, in all material respects, comparable to the provisions contained in the Reorganization Acts. Each allows the President to propose, in a legislative context, specific action. Each permits such action to be carried out unless disapproved by the Congress. Each allows such disapproval only within a limited time period.

Most importantly, each involves the delegation of a power which the Congress could constitutionally withhold altogether from the executive branch. Clearly, the Congress could refuse to authorize security assistance to a country which violates internationally recognized human rights. Clearly, the Congress could refuse to authorize funds for such assistance (including covert activities with respect to Angola). Clearly, the Congress could prohibit the transfer to a third country of defense articles and services which it authorizes to be sold to a foreign country. Clearly, the Congress could prohibit the sale of defense articles or services if such sales adversely affect the United States' combat readiness. Clearly, the Congress could prohibit altogether certain government-to-government sales or the granting of certain commercial licenses. Instead of withholding those powers altogether, the Congress, by enacting S. 2662, will merely have withheld a part of those powers by subjecting their use to the condition that Congress does not disapprove. It will have given the executive branch an opportunity to formally propose specific action which could not have been taken had no portion of those powers been delegated. The attachment of such a condition, the Committee believes, is necessary in S. 2662 for the same reasons it was necessary in the Reorganization Acts: to make use of executive branch expertise and provide some flexibility while at the same time avoiding an undue delegation of legislative discretion to the executive branch.

Thus viewed, the legislative veto upholds rather than undermines the separation of powers principle.

This first report by the Foreign Relations Committee, Mr. President, contains one of the best briefs I have read on the whole subject of legislative vetoes. And, to my satisfaction, it establishes the constitutionality of the several concurrent resolutions in the original security assistance bill.

Once again, I express my regret that the committee saw fit—in order to avoid confrontation over constitutional and policy issues—to drop some of the original provisions, especially the concurrent resolution portion of the human rights section.

I very much hope that a strong human rights section will, after all, come out of conference, combining most of the features of the Senate human rights amendment—including the expedited parliamentary procedures—with the concurrent resolution provision in the bill likely to be passed by the House. We still have the makings of a strong human rights section in the legislation before Congress.

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the immediate consideration of H.R. 13680, Calendar No. 885.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 13680) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

Mr. HUMPHREY. Mr. President, I move to strike all after the enacting clause and insert in lieu thereof the text of S. 3439, as amended by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, according to our previous unanimous-consent request, I ask that the unanimous-consent agreement relating to the hour of the vote and the yeas and nays be transferred to H.R. 13680.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 13680.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President do we need third readinng on this?

The PRESIDING OFFICER. Third reading is automatic, since the substitute has been agreed to.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 13680) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. The only thing that remains is to have a rollcall vote, is that correct?

The PRESIDING OFFICER. Just the vote on final passage.

Mr. MANSFIELD. Mr. President, have the yeas and nays been ordered on the pending business?

The PRESIDING OFFICER. They have been, and they have been transferred to the changed title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that instead of the vote occurring at 12 o'clock noon on Monday next, it occur at 12:15 p.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

A UNANIMOUS-CONSENT AGREEMENT—S. 1926, HEALTH MAINTENANCE ORGANIZATION AMENDMENTS OF 1976

Mr. MANSFIELD. Mr. President, it is my understanding that it will not be possible to take up Calendar No. 801 or Calendar No. 840—both the same, one a House bill and one a Senate bill—until Monday next. Therefore, I ask unanimous consent that after the vote on final passage of the pending business, the Senate proceed to the consideration of Calendar No. 801 or Calendar No. 840, depending upon the wishes of the distinguished Senator from Pennsylvania (Mr. SCHWEICKER) who is the Presiding Officer at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that a number of amendments have been agreed to by the interested parties. I ask unanimous consent, therefore—this has not been requested—that there be a period of 10 minutes, to be divided between the Senator from Pennsylvania (Mr. SCHWEIKER) on one side and the majority leader or his designee on the other.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, has the Senate granted permission to ask for the yea and nays on one of these two bills on Monday next?

The PRESIDING OFFICER. They have been ordered on one of the bills, on the House bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be either on Calendar No. 801 or Calendar No. 840, because they are both the same, subject again to the wishes of the present occupant of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that the vote on final passage—and it will be a rollcall vote—occur on Calendar No. 801 or Calendar No. 840 not earlier than 2 p.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS ACT AMENDMENTS OF 1976 COMMUNICATIONS ACT AMENDMENT—PENALTIES AND FORFEITURES AUTHORITY OF THE FEDERAL COMMUNICATION COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 875, S. 2343.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2343) to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Communications Act Amendments of 1976".

SEC. 2. Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended to read as follows:

"(b)(1) Any person who is determined by the Commission, in accordance with paragraph (3) or (4) of this subsection, to have—

"(A) willfully or repeatedly failed to com-

a selective disassociation of the United States from governments unpopular with the Congress, thereby diminishing our ability to advance the cause of human rights through diplomatic means.

Mr. President, I was heartened by the strong response of several members of the Foreign Relations Committee to the President's veto. Senator HUMPHREY, the able chairman of the Foreign Assistance Subcommittee, had this to say:

The President is saying, in effect, that he wants the money and the authority to spread arms abroad but that he will not accord the Congress a role in determining how this is to be done. His action flies in the face of the American people's desire for a new measure of Presidential accountability.

To the committee's credit, it has held firm on many good provisions of the original bill, vetoed by the President, and has written them into new legislation (S. 3439) applicable to both fiscal years 1976 and 1977. The human rights section is virtually the same as I have previously described, with one important exception.

In answering the President's veto message, the Foreign Relations Committee (in Report No. 94-876) states that it is not its intent "that the human rights criteria in this provision should be the controlling factor in U.S. relations with other nations." "Obviously," it continues, "there are other elements which merit consideration. The language of the bill, in fact, requires, the Secretary of State to specify other circumstances which should be taken into account by the Congress in its assessment of U.S. assistance programs."

The committee report goes on to say that, in reworking the provisions of this bill concerning human rights, an effort was made "to place the Congress on the strongest possible procedural grounds in dealing with the executive branch on human rights questions." I do not agree with this statement, Mr. President. For the committee recommends that, in the human rights section of the bill, the concurrent resolution provision be replaced by a joint resolution. This change will make it more difficult to terminate or restrict military assistance to a government which Congress determines to be a gross violator of human rights—because any such determination would require Presidential signature. Previous expressions of congressional sentiment without enforcement teeth have been ineffective in motivating either the executive branch or foreign governments to take seriously this basic concern of the American people.

I fear the dropping of the concurrent resolution, and substituting the joint resolution, affects the potency of the whole human rights section. However, I hope—based upon the commitments made today by the Senator from Minnesota (Mr. HUMPHREY) that this may be reversed in conference. If it is not, consider this: Under the new bill in the form it is being adopted by the Senate, Congress could ask for a report detailing human rights violations in a particular country and listing the extraordinary circumstances warranting the continuation of assistance. But why should the State Department come up with more than a vague, nonresponsive report? They would not have to take the process very seriously because they would know the ultimate congressional sanction was not credible. That is, even if Congress passed a joint resolution to restrict or terminate aid, the President could veto.

Let us have no illusions about what we are doing. Congress had previously devised a fairly tight human rights section that forewarned military assistance recipients of the consequences of flagrant violations of basic human rights. Now they will know that the administration can get them off the hook in the end unless this situation is straightened out in conference.

I must say, Mr. President, I do not follow the Foreign Relations Committee's reasoning when it argues in the report that, in order "to facilitate prompt passage and final approval" of the bill, it changed the human rights section—while retaining the concurrent resolution procedure in other sections. For example, on page 13 of its report, the committee states that among the "legislative veto" provisions, there two which it considers central to keep in the bill: congressional review of major government-to-government military sales and review of certain important commercial arms sales. I, of course, support these provisions of the bill. But, I ask, to what end do we want to review these sales? For what purposes would Congress want to interfere with such sales? Why keep the concurrent resolution procedure—by which Congress could work its will—in these sections of the bill and drop it in the human rights section? Surely, human rights violations—if they are gross—should weigh on the scales of policy as much as regional security or other concerns. But there would seem to have been a trade-off between arms sales oversight and human rights review, with the latter the loser.

Incidentally, in explaining the "concurrent" to "joint" change, the committee report cites the availability of section 617 of the Foreign Assistance Act relating to the termination of assistance. That section, which has never been used, states:

Assistance under any provision of this act may . . . be terminated by concurrent resolution. Funds made available under this act shall remain available for a period not to exceed eight months from the date of termination of assistance under this act for the necessary expenses of winding up programs related thereto.

Note the lack of expedited parliamentary procedures, and the vague wording. Under the terms of the original security assistance bill for fiscal year 1976, Congress—within 90 days after receiving a human rights report on a country—could adopt under an expedited procedure a concurrent resolution terminating or restricting aid. The present Senate bill retains the expedited procedure, but substitutes "joint" resolution.

THE NECESSITY OF LEGISLATIVE VETOES

Mr. President, there is one more point I would like to make. A few days ago the distinguished chairman of the Foreign Relations Committee, Senator SPARKMAN, and I were conversing about some provisions in the security assistance bill, particularly the concurrent resolution device. This set me to thinking about why it is that Congress has seen fit to write more and more legislative vetoes into various kinds of legislation. Congress, I believe, has been reaching for a "bargaining chip" to be used against the possibility of vetoes by the President that defy the clearly expressed majority will of Congress as representatives of the people. I would simply note that President Ford's latest veto was his fifth this year; he vetoed 17 bills in the first session of the 94th Congress. All in all, he has vetoed a total of 49 bills during his incumbency. In foreign policy, in particular, it has symbolized a search for policy influence—as in the security assistance bill.

Before addressing the constitutional argument over legislative vetoes, I would like to put this debate in the context of recent history.

There is little dispute that for 40 years Presidents have increased the powers of the Presidency dramatically, encroaching on congressional prerogatives and some individual rights in the process. This accretion of presidential power reached a climax with the secret, unilateral exercise of war powers, and other powers under the cloak of "national security," in the administrations of Presidents Johnson and Nixon.

The Imperial Presidency, writes Arthur Schlesinger, was "essentially the creation of foreign policy."

Of late, however, the right of the President to act unilaterally in foreign policy and national security affairs has been sharply challenged by Congress and curtailed by other forces. Congress passed the War Powers Resoltuion to try to prevent another Vietnam-style exercise of presidential power. Congress has signaled in other ways that it is reasserting authority over the Nation's foreign policy and warmaking decisions. Refusal to grant to President the means to conduct open or covert military operations in Angola, resistance to military aid to Turkey, the passage of the trade bill with special restrictions pertaining to the Soviet Union—are all indications that Congress is resisting a further accretion of presidential power at its expense.

Congress is now trying to bring about an equality of power between the executive and legislative branches.

As Senator MANSFIELD has put it:

The reaction to ballooning Presidential power is also discernible in the domestic area. Perhaps the single most important constraint adopted in recent years has been the congressional budget control process. I recall that this was adopted in reaction to wholesale impoundment by Mr. Nixon of funds allocated by Congress.

Another significant recent assertion of power by Congress has been the "legislative veto." There are several examples of this device in the foreign military aid bill before the Senate.

In his veto message on S. 2662, the President claimed that the bill's provisions "would seriously obstruct the exercise of the President's constitutional responsibilities for the conduct of foreign

ply substantially with the terms and conditions of any license, permit, certificate, or other instrument or authorization issued by the Commission;

"(B) willfully or repeatedly failed to comply with any of the provisions of this Act or of any rule, regulation, or order issued by the Commission under this Act or under any treaty, convention, or other agreement to which the United States is a party and which is binding upon the United States;

"(C) violated any provision of section 317 (c) or 509(a) of this Act; or

"(D) violated any provision of section 1304, 1343, or 1464 of title 18, United States Code;

shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this subsection shall be in addition to any other penalty provided for by this Act; except that this subsection shall not apply to any conduct which is subject to forfeiture under title II, part II or III of title III, or section 507 of this Act.

"(2) The amount of any forfeiture penalty determined under this subsection shall not exceed $2,000 for each violation. Each day of a continuing violation shall constitute a separate offense, but the total forfeiture penalty which may be imposed under this subsection, for acts or omissions described in paragraph (1) of this subsection and set forth in the notice or the notice of apparent liability issued under this subsection, shall not exceed—

"(A) $20,000, if the violator is (i) a common carrier subject to the provisions of this Act, (ii) a broadcast station license or permittee, or (iii) a cable television operator; or

"(B) $5,000, in any case not covered by subparagraph (A).

The amount of such forfeiture penalty shall be assessed by the Commission, or its designee, by written notice. In determining the amount of such a forfeiture penalty, the Commission or its designee shall take into account the nature, circumstances, extent, and gravity of the prohibited acts, committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

"(3) (A) At the discretion of the Commission, a forfeiture penalty may be determined against a person under this subsection after notice and an opportunity for a hearing before the Commission or an administrative law judge thereof in accordance with section 554 of title 5, United States Code. Any person against whom a forfeiture penalty is determined under this paragraph may obtain review thereof pursuant to section 402(a).

"(B) If any person fails to pay an assessment of a forfeiture penalty determined under subparagraph (A) of this paragraph, after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the Commission shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the forfeiture penalty shall not be subject to review.

"(4) Except as provided in paragraph (3) of this subsection, no forfeiture penalty shall be imposed under this subsection against any person unless and until—

"(A) the Commission issues a notice of apparent liability, in writing, with respect to such person;

"(B) such notice has been received by such person, or until the Commission has sent such notice to the last known address of such person, by registered or certified mail; and

"(C) such person is granted an opportunity to show, in writing, within such reasonable period of time as the Commission prescribes by rule or regulation, why no such forfeiture penalty should be imposed.

Such a notice shall (i) identify each specific provision, term, and condition of any Act, rule, regulation, order, treaty, convention, or other agreement, license, permit, certificate, instrument, or authorization which such person apparently violated or with which such person apparently failed to comply; (ii) set forth the nature of the act or omission charged against such person and the facts upon which such charge is based; and (iii) state the date on which such conduct occurred. Any forfeiture penalty determined under this paragraph shall be recoverable pursuant to section 504(a) of this Act.

"(5) No forfeiture liability shall be determined under this subsection against any person, if such person does not hold a license, permit, certificate, or other authorization issued by the Commission, unless, prior to the notice required by paragraph (3) of this subsection or the notice of apparent liability required by paragraph (4) of this subsection, such person (A) is sent a citation of the violation charged; (B) is given a reasonable opportunity for a personal interview with an official of the Commission, at the field office of the Commission which is nearest to such person's place of residence; and (C) subsequently engages in conduct of the type described in such citation. The provisions of this paragraph shall not apply, however, if the person involved is engaging in activities for which a license, permit, certificate, or other authorization is required. Whenever the requirements of this paragraph are satisfied with respect to a particular person, such person shall not be entitled to receive any additional citation of the violation charged, with respect to any conduct of the type described in the citation sent under this paragraph.

"(6) No forfeiture penalty shall be determined or imposed against any person under this subsection if—

"(A) such person holds a broadcast station license issued under title III of this Act and if the violation charged occurred—

"(i) more than 1 year prior to the date of issuance of the required notice or notice of apparent liability; or

"(ii) prior to the date of commencement of the current term of such license,

whichever is earlier so long as such violation occurred within 3 years prior to the date of issuance of such required notice; or

"(B) such person does not hold a broadcast station license issued under title III of this Act and if the violation charged occurred more than 1 year prior to the date of issuance of the required notice or notice of apparent liability.".

SEC. 3. (a) The first sentence of section 504(a) of the Communications Act of 1934 (47 U.S.C. 504(a)) is amended by inserting immediately after "recoverable" the following: ", except as otherwise provided with respect to a forfeiture penalty determined under section 503(b)(3) of this Act,".

(b) Section 504(b) of such Act is amended (1) by striking out "parts II and III of title III and section 503(b), section 507, and 510" and inserting in lieu thereof "title II, parts II and III of title III, and sections 503 (b) and 507"; and (2) by striking out ", upon application therefor,".

SEC. 4. Section 510 of the Communications Act of 1934 (47 U.S.C. 510) is repealed in its entirety.

SEC. 5. The amendments made by this Act shall take effect on the 30th day after the date of enactment of this Act: except that the provisions of sections 503(b) and 510 of the Communications Act of 1934, as in effect on such date of enactment, shall continue to constitute the applicable law with respect to any act or omission which occurs prior to such 30th day.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

APPROVAL OF BILL

A message from the President of the United States announced that on June 10, 1976, he approved and signed the enrolled bill (S. 223) for the relief of Angela Garza and her son Manuel Aguilar (aka Manuel Garza).

MESSAGE FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972, and for other purposes, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the enrolled bill (H.R. 11559) to authorize appropriations for the saline water conversion program for fiscal year 1977.

The enrolled bill was subsequently signed by the President pro tempore.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE PRIVACY PROTECTION STUDY COMMISSION

A letter from the Chairman of the Privacy Protection Study Commission transmitting, pursuant to law, a report explaining the procedure of the Commission (with an accompanying report); to the Committee on Government Operations.

PUBLISHED REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Acting Director, Office of Regulatory Review, of the Department of

Health, Education, and Welfare transmitting pursuant to law, a copy of a published regulation relating to regional education programs for handicapped persons (with accompanying papers); to the Committee on Labor and Public Welfare.

CONSTRUCTION PROJECTS OF THE AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, notification of two construction projects to be undertaken by the Air Force Reserve (with accompanying papers); to the Committee on Armed Services.

PREPOSED LEGISLATION OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Acting Administrator of General Servcies transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act (with accompanying papers); to the Committee on Government Operations.

REPORT OF THE CIVIL SERVICE COMMISSION

A letter from the Chairman of the Civil Service Commission transmitting, pursuant to law, a report entitled "Report on New Systems" (with an accompanying report); to the Committee on Government Operations.

REPORTS OF THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of Immigration and Naturalization transmitting, pursuant to law, reports covering the period May 17 through 28, 1976, concerning visa petitions (with accompanying reports); to the Committee on the Judiciary.

REPORT OF THE DEPARTMENT OF JUSTICE

A letter from the Attorney General transmitting, pursuant to law, a report on the business of the Department of Justice for the fiscal year 1975 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE OFFICE OF MANAGEMENT AND BUDGET—(S. DOC. 94-217)

A letter from the Director of the Office of Management and Budget transmitting a report, pursuant to section 1014(e) of the Congressional Budget and Impoundment Control Act (with an accompanying report); to the Committees on Appropriations, the Budget, Agriculture and Forestry, Commerce, Public Works, Armed Services, Labor and Public Welfare, Banking, Housing and Urban Affairs, Interior and Insular Affairs, Foreign Relations, the Judiciary, Finance, the District of Columbia, Aeronautical and Space Sciences, pursuant to the order of January 30, 1975, and ordered to be printed.

REPORT OF THE NATIONAL COMMISSION ON WATER QUALITY

A letter from the Executive Director of the National Commission on Water Quality transmitting, pursuant to law, the final staff report to the Commission (with an accompanying report); to the Committee on Public Works.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions, which were referred as indicated:

Joint Resolution No. 2 and Joint Resolution No. 146, adopted by the Legislature of the State of New York; to the Committee on the Judiciary:

"JOINT RESOLUTION NO. 2

"Whereas, The International Veteran Boxers Association is a nonprofit organization currently incorporated in the State of New Jersey; and

"Whereas, There are currently twenty-three boxing rings associated with the International Veteran Boxers Association which are located in eleven different states of the Union; and

"Whereas, The Boxers Association's goals and purposes include the promotion of the general welfare of Veteran Boxers, active or retired, throughout the United States, and the care and help of sick and disabled Veteran Boxers who may be in distress; and

"Whereas, The International Veteran Boxers Association is to be a nonprofit, nonpolitical and nonsectarian organization with no net earnings inuring to the benefit of any member, officer, director or individual; now, therefore, be it

"*Resolved*, That the Legislature of the State of New York respectfully memorializes the Congress of the United States to enact legislation granting a federal incorporation charter to the International Veteran Boxers Association; and be it further

"*Resolved*, That suitably engrossed copies of this resolution be transmitted to the Congress of the United States, one addressed to the President of the Senate, one to the Speaker of the House of Representatives, and the others to each member of the Congress of the United States from the State of New York."

"JOINT RESOLUTION NO. 146

"Whereas, Over 108 years ago, Commander-in-Chief John A. Logan of the Grand Army of the Republic, declared in a general order, that America's heroic dead should be remembered on May thirtieth; and

"Whereas, Memorial Day was first observed on May thirtieth, eighteen hundred sixty-eight, to pay tribute and reverent homage to those men and women who having served this nation in time of war now peacefully rest; and

Whereas, New York State was the first state to grant official recognition of this holiday by Chapter five hundred seventy-seven of the Laws of eighteen hundred seventy-three; and

"Whereas, Memorial Day should not be only a day of Rememberance but a day when we should commemorate the sacrifice of those who served so we may live free; A day when Americans rededicate themselves to the high ideals that have been part and parcel of the basic philosophy of this nation since its birth in seventeen hundred seventy-six; and

"Whereas, The Veterans of Foreign Wars, the American Legion, the Disabled American Veterans and many other veteran's organizations and patriotic citizens in this state wholeheartedly endorse the concept that Memorial Day be celebrated on May Thirtieth; and

"Whereas, the State of New York on April thirteen, nineteen hundred seventy-six enacted legislation returning Memorial Day to May thirtieth; now, therefore, be it

"Resolved, that the Legislature of the State of New York respectfully memorialize the Congress of the United States, in this our bi-centennial year to enact appropriate legislation which will rename May thirtieth as the day Americans celebrate Memorial Day; and be it further

"Resolved, That copies of this resolution, suitably engrossed, be transmitted to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives and to each member of Congress from the State of New York."

Assembly Joint Resolution No. 40 adopted by the Legislature of the State of California; to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION NO. 40

"Whereas, The individual's freedom to travel is fundamental to the modern American way of life, with many persons finding it necessary to travel great distances by air for personal or business reasons; and

"Whereas, According to the Department of Transportation's 1970 Urban Mass Transportation statistics there are approximately 13,390,000 handicapped persons in the United States, representing about 6.31 percent of the nation's total population; and

"Whereas, A significant proportion of these handicapped persons are veterans of the Vietnam War, attempting to lead normal and productive lives; and

"Whereas, The federal regulations presently governing the air transport of handicapped persons are vague and open to conflicting interpretations, with the result that some airlines place undue restrictions on the freedom of travel of the handicapped, even to the extent of denying them passage; and

"Whereas, The Federal Aviation Administration on June 5, 1973 issued an advance notice of proposed rulemaking, known as Regulatory Docket No. 12881, on the subject of possible changes in federal regulations governing the air transport of handicapped persons, and has since been studying proposed revisions of the rules; now, therefore, be it.

"*Resolved by the Assembly and the Senate of the State of California, jointly*, That the Federal Aviation Administration be requested to expedite the issuance of regulations affecting air travel by handicapped persons, and that such rules should be adopted as will safely maximize the transportation of such individuals; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Department of Transportation, to the Director of the Federal Aviation Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUMPHREY, from the Committee on Foreign Relations:

S. Res. 464. An original resolution of waiver under section 402(a) of the Congressional Budget Act with respect to the consideration of S. 3557 (Rept. No. 94-940).

S. 3557. An original bill to authorize the appropriation of funds necessary during the fiscal year 1977 to implement the provisions of the Treaty of Friendship and Cooperation between the United States and Spain, signed at Madrid on January 24, 1976, and for other purposes (Rept. No. 94-941).

By Mr. HUDDLESTON, from the Committee on Agriculture and Forestry, without amendment:

S. Res. 439. A resolution relating to the oversupply of whey (Rept. No. 94-942).

LOCAL PUBLIC WORKS EMPLOYMENT ACT—S. 3201—CONFERENCE REPORT (REPT. NO. 94-939)

Mr. MONTOYA submitted a report from the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3201) to amend the Public Works and Economic Development Act of 1965, to increase the antirecessionary effectiveness of the program, and for other purposes, which was ordered to be printed.

HOUSE BILL REFERRED

The bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972, and for other purposes, was read twice by its title and referred to the Committee on Finance.