

Sent to the Senate without amendment: H.R. 7794 and 2761.

Sent to the Senate, amended: H.R. 1775, 3835, 4875, 7653, and 2256.

Private resolutions agreed to: H. Res. 795 and 796.

Passed over without prejudice: H.R. 1405, 1777, 1787, 1798, 4404, 1422, 1450, S. 1142, and H.R. 4535.

Recommitted to the Committee on the Judiciary: H.R. 3085.

Further call of the Private Calendar was dispensed with after Calendar No. 89. Pages H11423-H11426

**Age Discrimination in Employment:** House disagreed to the amendment of the Senate to H.R. 5383, to increase from 65 to 70 years the age limit for retirement under the Age Discrimination in Employment Act; and agreed to a conference asked by the Senate. Appointed as conferees: Representatives Perkins, Dent, Beard of Rhode Island, Myers of Pennsylvania, Le Fante, Weiss, Clay, Corrada, Pepper, Quie, Sarasin, Jeffords, Persell, Findley; and Spellman, Hefstel, and Derwinski (solely for sections 4(c) and 5 of the House bill). Page H11426

**Mariana Islands District Court:** House passed S. 2149, to create the District Court for the Northern Mariana Islands, implementing article IV of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America; clearing the measure for the President. Pages H11427-H11428

#### Measures Passed:

**National trails:** H.R. 8803, amended, to amend the National Trails Systems Act (passed by a ye-a-and-nay vote of 409 yeas to 12 nays, Roll No. 685). Pages H11428, H11463

**Sexual exploitation of minors:** H.R. 8059, amended, to prohibit the transportation of minors in interstate or foreign commerce for sexual purposes (passed by a ye-a-and-nay vote of 420 yeas, Roll No. 686).

Subsequently, this passage was vacated, and S. 1585, a similar Senate-passed bill was passed in lieu after being amended to contain the language of the House bill as passed. Agreed to amend the title of the Senate bill.

House insisted on its amendments and asked a conference with the Senate. Appointed as conferees: Representatives Conyers, Holtzman, Gudger, Volkmer, Ertel, Kildee, Ashbrook, and Railsback.

By a ye-a-and-nay vote of 358 yeas to 54 nays, Roll No. 692, agreed to a motion to instruct House conferees to agree to Senate provisions regarding the transportation, sale, or distribution of material depicting sexual exploitation of a minor. Pages H11431-H11439, H11463-H11465, H11469-H11472

**Depository libraries:** H.R. 8358, to provide for the designation of libraries of accredited law schools as depository libraries of Government publications (passed by a ye-a-and-nay vote of 397 yeas to 20 nays, Roll No. 687). Pages H11439-H11440, H11465-H11466

**Tax Treatment Extension Act:** H.R. 9251, amended, providing that until July 1, 1978, the tax treatment of certain transportation expenses between a taxpayer's residence and place of work shall be determined without regard to Revenue Ruling 76-453 or any similar ruling (passed by a ye-a-and-nay vote of 411 yeas to 5 nays, Roll No. 688). Pages H11440-H11445, H11466

**Utility pole attachments:** H.R. 7442, amended, to amend the Communications Act of 1934 to provide for the regulation of utility pole attachments. Earlier, by a ye-a-and-nay vote of 389 yeas to 7 nays, with 2 voting "present", Roll No. 684, agreed to order a second on the motion to Suspend the Rules. Pages H11445-H11448

**National defense reserve fleet:** H.R. 7278, amended, to amend section 10 of the Merchant Marine Act, 1936 (passed by a ye-a-and-nay vote of 412 yeas to 3 nays, with 2 voting "present", Roll No. 689). Pages H11448-H11450, H11466-H11467

**Urban mass transportation operating assistance:** H.R. 8346, to amend the Urban Mass Transportation Act of 1964 to revise the program of Federal operating assistance provided under section 17 of such Act (passed by a ye-a-and-nay vote of 308 yeas to 106 nays, with 1 voting "present", Roll No. 690). Pages H11450-H11452, H11467-H11468

**Prisoner exchange:** S. 1682, to provide for the implementation of treaties for the transfer of offenders to or from foreign countries (passed by a ye-a-and-nay vote of 400 yeas to 15 nays, Roll No. 691); clearing the measure for the President. Pages H11452-H11463, H11468

**Age Discrimination in Employment:** Representative Hawkins was appointed as an additional conferee in the conference on the disagreeing votes of the two Houses on H.R. 5383, to increase from 65 to 70 years the age limit for retirement under the Age Discrimination in Employment Act. Pages H11468-H11469

**Supplemental Appropriations:** By a ye-a-and-nay vote of 313 yeas to 98 nays, Roll No. 693, the House passed H.R. 9375, making supplemental appropriations for the fiscal year ending September 30, 1978.

A point of order was sustained against an amendment that sought to assure the renewal or reissue of export licenses. Pages H11472-H11474

**Tax-Exempt Imports:** House cleared for the President the following bills, by agreeing to the Senate amendments thereto:

**Latex sheets:** H.R. 2850, to suspend until the close of June 30, 1978, the duty on certain latex sheets. Pages H11474-H11475

**Synthetic tantalum/columbium concentrate:** H.R. 2982, to suspend until the close of June 30, 1980, the duty on synthetic tantalum/columbium concentrate. Pages H11475-H11476

**Copying lathes:** H.R. 3093, to provide duty-free treatment for certain copying lathes used for making rough or finished shoe lasts and for parts of such lathes. Page H11476

withstanding the more important pieces of legislation that have not been considered, the House Administration Committee is currently preparing to report a bill to provide for public financing of congressional election campaigns, and that we act on this bill before adjournment.

Mr. Speaker, it is inconceivable that priority would be given to a measure which requires more of the taxpayers money for the benefit of Members of Congress. Whatever the merits, if any, of the proposal it should not be brought up at this time.

Mr. Speaker, if anything should have priority insofar as the House Administration Committee is concerned it is a clarification of what constitutes an "official expenditure" for which Members of Congress can be reimbursed up to \$2,000. The recent report of the Clerk setting forth the items for which individual Members have claimed reimbursement has brought the integrity of every one of us into question. Bear in mind that next January this \$2,000 so-called official expense allowance for each Member is scheduled to increase to \$7,000.

At the very least, Mr. Speaker, the increase in the so-called "official expense allowance" from \$2,000 to \$7,000 should not be permitted to take effect until there has been a precise definition and a set of guidelines established as to what constitutes an "official expense." To this end I introduced last week a resolution (H. Res. 850) which states that the January increase will not go into effect until the House adopts a resolution providing for specific guidelines as to what is and what is not legitimate so far as reimbursed expenditures are concerned.

#### CREATING DISTRICT COURT FOR NORTHERN MARIANA ISLANDS

Mr. PHILLIP BURTON, Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 2149) to create the District Court for the Northern Mariana Islands, implementing article IV of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and ask for its immediate consideration. The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. LAGOMARSINO, Mr. Speaker, reserving the right to object, I ask that the gentleman explain what the bill does.

Mr. PHILLIP BURTON, Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO, I yield to the gentleman from California.

(Mr. PHILLIP BURTON asked and was given permission to revise and extend his remarks.)

Mr. PHILLIP BURTON, Mr. Speaker, under the Covenant with the Northern Marianas, sections 401, 402, and 403, entitled under article IV, Judicial Authority, the United States committed itself to the Northern Mariana Islands to estab-

lish a court of record to be known as the District Court of the Northern Mariana Islands. In the other body, the chairman of the full Committee on the Judiciary, Chairman EASTLAND, produced this legislation at the instance of the administration.

This bill fulfills our country's commitment in this respect.

I might note that I am, at this point, acting not only on my behalf, but also on behalf of the distinguished chair of the Committee on the Judiciary, the gentleman from New Jersey (Mr. ROBINO), whose committee does not yield any jurisdiction in this matter, nor does ours, for that matter. In the interest of having this bill sent to the White House and signed before the Northern Mariana Islands completes its process, I urge this legislation establishing the district court be approved.

I am inserting the appropriate portion of the covenant in the Record at this point:

#### ARTICLE IV

##### JUDICIAL AUTHORITY

SECTION 401. The United States will establish for and within the Northern Mariana Islands a court of record to be known as the "District Court for the Northern Mariana Islands". The Northern Mariana Islands will constitute a part of the same judicial circuit of the United States as Guam.

SECTION 402. (a) The District Court for the Northern Mariana Islands will have the jurisdiction of a district court of the United States, except that in all causes arising under the Constitution, treaties or laws of the United States it will have jurisdiction regardless of the sum or value of the matter in controversy.

(b) The District Court will have original jurisdiction in all causes in the Northern Mariana Islands not described in Subsection (a) jurisdiction over which is not vested by the Constitution or laws of the Northern Mariana Islands in a court or courts of the Northern Mariana Islands. In causes brought in the District Court solely on the basis of this subsection, the District Court will be considered a court of the Northern Mariana Islands for the purposes of determining the requirements of indictment by grand jury or trial by jury.

(c) The District Court will have such appellate jurisdiction as the Constitution or laws of the Northern Mariana Islands may provide. When it sits as an appellate court, the District Court will consist of three judges, at least one of whom will be a judge of a court of record of the Northern Mariana Islands.

SECTION 403. (a) The relations between the courts established by the Constitution or laws of the United States and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus and other matters or proceedings will be governed by the laws of the United States pertaining to the relations between the courts of the United States and the courts of the several States in such matters and proceedings, except as otherwise provided in this Article; provided that for the first fifteen years following the establishment of an appellate court of the Northern Mariana Islands the United States Court of Appeals for the judicial circuit which includes the Northern Mariana Islands will have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a decision could be had in all cases involving the Constitution, treaties or laws of the United States, or any authority exercised thereunder, unless those cases are re-

viewable in the District Court for the Northern Mariana Islands pursuant to Subsection 402(c).

(b) Those portions of Title 28 of the United States Code which apply to Guam or the District Court of Guam will be applicable to the Northern Mariana Islands or the District Court for the Northern Mariana Islands, respectively, except as otherwise provided in this Article.

At this time I would like to ask the gentleman from California to yield first to the gentleman from Illinois (Mr. McCLORY).

Mr. LAGOMARSINO, Mr. Speaker, I yield to the gentleman from Illinois.

Mr. McCLORY, Mr. Speaker, I thank the gentleman for yielding.

This is legislation that has been considered this morning by the chairman of the Judiciary Committee and by myself. It seems to me that it is essential that it be acted upon before this session adjourns. We support the legislation.

Mr. LAGOMARSINO, Mr. Speaker, I support the legislation also, and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection. The Clerk read the Senate bill, as follows:

#### S. 2149

Whereas section 401 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by section 1 of the joint resolution of March 24, 1976 (Public Law 94-241; 90 Stat. 263), provides that the United States will establish a District Court for the Northern Mariana Islands: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established for and within the Northern Mariana Islands a court of record to be known as the District Court for the Northern Mariana Islands. The Northern Mariana Islands shall constitute a part of the same judicial circuit of the United States as Guam. Terms of court shall be held on Saipan and at such other places and at such times as the court may designate by rule or order.

(b) (1) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court for the Northern Mariana Islands who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

(2) The Chief Judge of the Ninth Judicial Circuit of the United States may assign justices of the High Court of the Trust Territory of the Pacific Islands or judges of courts of record of the Northern Mariana Islands who are licensed attorneys in good standing or a circuit or district judge of the ninth circuit, including a judge of the District Court of Guam who is appointed by the President, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit to serve temporarily as a judge in the District Court for the Northern Mariana Islands whenever such an assignment is necessary for the proper dispatch of the business of the court. Such judges shall have all the powers of a judge of the District Court for the Northern Mari-

ana Islands, including the power to appoint any person to a statutory position, or to designate a depository of funds or a newspaper for publication of legal notices.

(3) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for the Northern Mariana Islands to whose offices the provisions of chapters 35 and 37 of title 28, respectively, United States Code, shall apply.

(4) If the President appoints a judge for the District Court for the Northern Mariana Islands or a United States attorney or a United States marshal for the Northern Mariana Islands who at that time is serving in the same capacity in another district, the appointment shall, without prejudice to a subsequent appointment, be for the unexpired term of such judge or officer.

(c) The provisions of chapters 43 and 49 of title 28, United States Code, and the rules heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18-28, United States Code, shall apply to the District Court for the Northern Mariana Islands and appeals therefrom where appropriate, except as otherwise provided in articles IV and V of the covenant provided by the Act of March 24, 1976 (90 Stat. 263). The terms "attorney for the government" and "United States attorney" as used in the Federal Rules of Criminal Procedure (rule 54(c)) shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the attorney general of the Northern Mariana Islands or any other person or persons as may be authorized by the laws of the Northern Marianas to act therein.

Sec. 2. (a) The District Court for the Northern Mariana Islands shall have the jurisdiction of a district court of the United States, except that in all causes arising under the United States, except that in all causes arising under the Constitution, treaties, or laws of the United States, it shall have jurisdiction regardless of the sum or value of the matter in controversy.

(b) The district court shall have original jurisdiction in all causes in the Northern Mariana Islands not described in subsection (a) jurisdiction over which is not vested by the Constitution or laws of the Northern Mariana Islands in a court or courts of the Northern Mariana Islands. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court of the Northern Mariana Islands for the purposes of determining the requirements of indictment by grand jury or trial by jury.

Sec. 3. The district court shall have such appellate jurisdiction as the Constitution and laws of the Northern Mariana Islands provide. Appeals to the district court shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to subsection 1(b)(2): *Provided, however*, That only one of them shall be a judge of a court of record of the Northern Mariana Islands. The concurrence of two judges shall be necessary to any decision by the district court on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

Sec. 4. (a) The relations between the courts established by the Constitution or laws of the United States and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States and the courts of the several States in such matters and proceedings, except as otherwise provided in article IV of the covenant: *Provided*, That for the first fifteen years following the establishment of an appellate court of the Northern Mariana Islands the United States court of appeals for the judicial circuit which includes the Northern Mariana Islands shall have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a decision could be had in all cases involving the Constitution, treaties, or laws of the United States, or any authority exercised thereunder, unless those cases are reviewable in the District Court for the Northern Mariana Islands pursuant to section 3 of this Act.

(b) Those portions of title 28 of the United States Code which apply to Guam or the District Court of Guam shall be applicable to the Northern Mariana Islands or the District Court for the Northern Mariana Islands, respectively, except as otherwise provided in article IV of the covenant. The district court established by this Act shall be a district court as that term is used in section 3006A of title 18, United States Code.

Sec. 5. This Act shall come into force upon its approval or at the time proclaimed by the President for the Constitution of the Northern Mariana Islands to become effective, whichever is the later date.

Sec. 6. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### APPALACHIAN TRAIL AMENDMENT TO NATIONAL TRAILS SYSTEM ACT

Mr. PHILLIP BURTON, Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8803) to amend the National Trails System Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8803

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241), as amended (90 Stat. 2481; 16 U.S.C. 1244), is further amended as follows:

(1) Delete section 5(a)(3), and insert a new section 5(d) to read as follows:

"(d) The Secretary charged with the administration of each respective trail shall, within one year of the date of the addition of any national scenic trail to the System, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of five years and without

compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

"(i) a member appointed to represent each Federal department or independent agency administering lands through which the trail route passes and each appointee shall be the person designated by the head of such department or agency;

"(ii) a member appointed to represent each State through which the trail passes and such appointments shall be made from recommendations of the Governors of such States;

"(iii) one or more members appointed to represent private organizations, including landowners and land users, that, in the opinion of the Secretary, have an established and recognized interest in the trail and such appointments shall be made from recommendations of the heads of such organizations: *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

"(iv) the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment."

(2) In section 5 add a new subsection (e) as follows:

"(e) Within two years of the date of enactment of legislation designating a trail as part of the System, and within two years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with the Governors of the affected States, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following items:

"(1) A proposed, detailed, phased acquisition plan, by fiscal year, for all lands to be acquired, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired.

"(2) Specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, and details of anticipated cooperative agreements to be consummated with other entities.

"(3) General and site-specific development plans, including anticipated costs.

"(4) Guidelines for public use of the trail, along with needed or anticipated use restrictions, and an identified carrying capacity of the trail and a plan for its implementation."

(3) In section 7(d), in the last sentence thereof, change the colon to a period and delete the proviso.

(4) In section 7(g), delete the first and second provisos entirely, and insert in lieu the following: "*Provided*, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than an average of twenty-five acres per mile, except that up to an average of one hundred and twenty-five acres per mile may be so acquired in the case of the Appalachian National Scenic Trail."

(5) In section 10, at the end thereof, add the following:

"From the appropriations authorized for fiscal year 1978 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than the following amounts may