

hicle which comes from the House. I feel sure that the senior ranking Republican on the committee (Mr. CURTIS) would be delighted to appoint the Senator as a conferee so he could argue, with his usual eloquence, his own case with the House on another occasion.

I assure the Senator that I will be completely cooperative in his efforts in that regard as I was in this instance.

Mr. ROTH. I thank the distinguished Senator from Georgia. I appreciate his assistance both in the committee and in conference.

Mr. TALMADGE. Mr. President, I yield to the distinguished ranking minority member on our subcommittee, whom I have commented upon in my remarks as being most cooperative and helpful in the passage of this legislation, not only this legislation but all other legislation which has been before the Subcommittee on Health of the Finance Committee.

Mr. DOLE. Mr. President, I thank my distinguished chairman.

Mr. President, I commend Senator TALMADGE because it has been his initiative and leadership which have brought about these necessary changes, and I am pleased to join my colleague in bringing the conference report on H.R. 3, the medicare and medicaid antifraud and abuse amendments to the floor.

Senator TALMADGE deserves recognition for his leadership, commitment, concern and hard work on behalf of this legislation. His efforts to combat the insidious problems of fraud and abuse in these Government programs are well known.

H.R. 3 is designed to give us the tools necessary to accomplish the difficult task before us. Fraud and abuse is not the sole responsibility of any one group. Each of us, in our own way, must seek to put an end to practices that jeopardize the moneys in these programs that are meant to care for our poor, our elderly, and our disabled.

It is not the intention of this legislation, which I am proud to have cosponsored, to question the practices of the many honorable health professionals who participate in the medicare and medicaid programs. It is, however, our clear intention to penalize those who are less than honorable, those who cheat our citizens by cheating the programs.

Mr. President, we have all waited some time to have this legislation before us. The work that has been accomplished and the cooperation of not only my colleagues here in the Senate but those in the House says a great deal for our Government. Again I thank my distinguished friend from Georgia, Mr. TALMADGE, and join him in encouraging acceptance of this conference report.

Mr. TALMADGE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 3

Mr. TALMADGE. Mr. President, I send a House concurrent resolution to the desk

and ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 377) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 3.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 377) was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which House Concurrent Resolution 377 was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, there is a budget waiver at the desk, Senate Resolution 287, which accompanies calendar order No. 440, S. 2149. I ask unanimous consent that the Senate proceed to the consideration of the budget waiver. I do this on behalf of Mr. MUSKIE.

Mr. BAKER. Mr. President, reserving the right to object, I have no objection to proceeding to the consideration of these matters. Both the budget waiver and the measure that it relates to are cleared for consideration and passage on our calendar.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 287) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2149, a bill to create the district court for the Northern Mariana Islands, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The resolution (S. Res. 287) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of

S. 2149, a bill to create the district court for the Northern Mariana Islands. Such waiver is necessary to permit consideration of the bill in order to implement the Covenant to establish the Commonwealth of the Northern Mariana Islands.

On March 24, 1976, the President approved Public Law 94-241 which approved the joint resolution of the Congress approving the covenant to establish a Commonwealth of the Northern Mariana Islands. Pursuant to that covenant certification was made to the President that the Mariana Islands District Legislature and a plebiscite of voters domiciled in said islands had approved the covenant. On April 21, 1977, the Constitution of the Commonwealth of the Northern Mariana Islands was submitted to the President for approval pursuant to section 202 of the covenant. It is anticipated that prior to, or on or about, January 9, 1978, the President will proclaim the date or dates which terminate the Trusteeship Agreement and establish the de facto government of the Commonwealth under said Constitution and the covenant.

Under article IV of the covenant, the United States agreed to establish a court of record to be known as the "District Court for the Northern Mariana Islands". S. 2149 is a bill to create such court.

Since the government of the Commonwealth will require a period of time, after the date to be proclaimed by the President, within which to legislatively create the local courts required by the Commonwealth constitution, it is imperative the S. 2149 be enacted by the first session of the ninety-fifth Congress in order that the Federal court required by article IV of the covenant can exercise judicial authority at the earliest date after the said date to be proclaimed by the President.

Enactment of S. 2149 will authorize the expenditure of funds during fiscal year 1978 from budget function 750 in an amount estimated at \$418,000.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 2149, as reported by the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar order No. 440, S. 2149.

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

The Senate proceeded to consider the 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, which had been reported from the Committee on the Judiciary with amendments as follows:

On page 2, line 19, after "circuit" insert a comma and "including a judge of the District Court of Guam who is appointed by the President,";

On page 4, line 1, strike "and V" and insert "and V of the covenant provided by the Act of March 24, 1976 (90 Stat. 263)";

On page 6, line 21, following the period,

insert "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";

The preamble was amended as follows:

In line 4, strike "March 26, 1976" and insert "March 24, 1976";

In line 5, strike "90 Stat. 266" and insert "90 Stat. 263".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-475), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE OF THE BILL

The purpose of the bill is to implement article IV of the covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States of America, by establishing the District Court of the Northern Mariana Islands, and specifying the jurisdiction of the court, both original and appellate.

#### PURPOSE OF AMENDMENTS

1. The first amendment to the preamble merely corrects an erroneous date of approval of the joint resolution which approved the covenant.

2. This amendment to the preamble corrects an erroneous citation to statutes at large.

3. Since the District Court of Guam is not a "district court" as technically defined in 28 U.S.C. 451, it is necessary to specifically include a judge of the District Court of Guam as one of the judges which may be assigned by the chief judge of the ninth circuit to serve temporarily as a judge of the District Court of the Northern Mariana Islands.

4. This amendment clarifies the fact that the references to articles IV and V are references to articles of the Covenant to Establish a Commonwealth of the Northern Mariana Islands as approved by Public Law 94-241, 90 Stat. 263. This also clarifies the reference to article IV in section 4(b) of this act.

5. The Criminal Justice Act is applicable in the District Court of Guam pursuant to subsection (k) of section 3006A of title 18 United States Code. Since the courts of Guam and the Northern Mariana Islands are generally treated equally, the language of this amendment makes certain that the Criminal Justice Act shall apply in the District Court of the Northern Mariana Islands.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

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

The bill, with its preamble, reads as follows:

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 Mariana 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 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.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair.

There being no objection, at 12:46 the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 1:33 p.m. when called to order by the Presiding Officer (Mr. CULVER).

#### ANNOUNCEMENT OF MEETING BY COMMITTEE ON APPROPRIATIONS

Mr. ROBERT C. BYRD. Mr. President, I take the floor at this time to announce that the Appropriations Committee will have a meeting at 2:30 p.m. today to consider the continuing resolution which has come over from the House of Representatives, dealing with District of Columbia appropriations, Labor-HEW appropriations, and foreign aid appropriations. The acting chairman of the committee, Mr. MAGNUSON—he is the chairman of the subcommittee that handles the bill—and the ranking member of the committee, Mr. YOUNG, are very hopeful that a quorum of that committee can be quickly assembled at the hour of 2:30 p.m. I hope that our respective cloak-rooms can get the word out and help the ranking member and the chairman get a quorum, so action can be taken quickly.

Mr. YOUNG. I do not think there is any objection to the bill itself, but just the procedure. The rules that it should go to the Appropriations Committee for their consideration. Many feel we can pass a bill this afternoon. I hope we can.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from North Dakota.

#### RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, the Senate, at 1:34 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CHILES).

#### RECESS UNTIL 2:45 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:45 p.m. today.

There being no objection, the Senate, at 2 p.m., recessed until 2:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

#### CONTINUING APPROPRIATIONS, 1978

Mr. MAGNUSON. Mr. President, from the Committee on Appropriations, I report, without a written report, House Joint Resolution 626, making continuing appropriations for the fiscal year 1978, and for other purposes.

The PRESIDING OFFICER. Will the Senator please send the resolution to the desk so that it may be stated?

Mr. MAGNUSON. I might say for the record that we sent to the House last night two continuing resolutions, one for HEW-Labor, the other for the District of Columbia, and the House resolution added foreign aid, so all three are combined in the continuing resolution.

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

The legislative clerk read as follows:

A joint resolution (H.J. Res. 626) making continuing appropriations for fiscal year 1978, and for other purposes.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered to have been read twice by title and the Senate will proceed to the consideration of the joint resolution.

The Senate proceeded to consider the joint resolution.

Mr. MAGNUSON. Mr. President, the House passed and sent to the Senate earlier today House Joint Resolution 626. This joint resolution is the traditional continuing appropriations resolution with which we are all familiar.

The Committee on Appropriations met a few moments ago and reported this joint resolution back to the Senate without amendment.

It is urgent that we immediately pass this joint resolution so it can be sent down to the President for his approval. Otherwise, many employees cannot be paid and functions of Government cannot proceed.

This joint resolution covers the Departments of Labor; HEW, and related agencies, the District of Columbia, and salaries and expenses of employees administering foreign assistance and related programs. It is effective only until October 31, 1977.

Mr. President, I ask the Chair to put the question.

I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I am pleased that the Senate was able to act so expeditiously on this continuing resolution, which the House only passed last night. I thought it was necessary under our rules to refer the bill to the Appropriations Committee, even though part of it was approved yesterday. It does involve three major appropriations bills, but only effective for a short time. I hope the resolution will be passed without any changes at all.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, as Chairman of the Senate Appropriations Subcommittee on the District of Columbia, I am pleased to support the joint resolution passed by the House this morning that will provide legal authority for the District of Columbia city government to continue its operations.

On September 30, legal authority for the city to incur obligations expired. Since that time, the city has been continuing its basic operations. In a practical sense, this has appeared to be necessary. In a strictly legal sense, however, this has not been proper, as the city has not had the legal authority to incur obligations to spend any money. Next Tuesday, the city government hopes to meet its payroll for the first payday since September 30 for salary earned in the month of October. Meeting next Tuesday's payroll without this continuing resolution would be a significant violation of the law. Not meeting next Tuesday's payroll would represent a significant disruption to the many employees of the District of Columbia city government and would represent a great disservice to them and their families.

Because of these circumstances, I initiated action yesterday on behalf of the Committee on Appropriations to provide a continuing resolution for the city government. This resolution, Senate Joint Resolution 90, passed the Senate yesterday evening. I am pleased that the House took the initiative this morning, also to pass a continuing resolution for the District of Columbia city government, which I fully support.

The House and Senate have both passed an appropriation bill for 1978 for the city government and the House and Senate conferees are meeting to try to resolve the differences in the two versions of the bill. In working toward this end, we had a conference meeting yesterday and, while we were unable to reach full agreement at yesterday's meeting, I am hopeful that an agreement will be reached in the very near future.

Mr. EAGLETON. Mr. President, we are now discussing the continuing resolution which will permit the employees of the Department of Health, Education, and Welfare to be paid.

As I read the continuing resolution, it will, on the subject of abortion, clearly preserve the law as presently established, that is, the Hyde antiabortion language of the fiscal 1977 HEW appropriations bill will be in full force and effect. This, in my personal opinion, is as it should be.

Now, if I may, Mr. President, I would like to address myself to a legislative event that occurred on the Senate floor last night. This event relates to the abortion question and thus has, at least, an indirect bearing on the instant continuing resolution.

Last evening, the Senate adopted the following compromise language in an effort to resolve the conflicting positions of the Senate and House conferees on the Labor-HEW appropriations bill with respect to the abortion issue. Let me slowly and carefully read the following language:

at his post in Spain, and perhaps the Department of Justice ought to see if we have an extradition treaty with Spain as we do with Panama. But one thing is certain, Mr. President, when I have referred to the regime in power in Panama as a gangster dictatorship, I have not used the term lightly.

Mr. President, I ask unanimous consent that an article from the Washington Star and an article from the New York Times be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

**UNITED STATES INDICTED BROTHER OF TORRIJOS, SOURCE IN JUSTICE DEPARTMENT SAYS**

The brother of Panamanian chief of state Omar Torrijos was indicted in New York five years ago on federal narcotics smuggling charges but U.S. authorities have never been able to arrest him, Justice Department sources have confirmed.

"There is a sealed narcotics indictment in the Eastern District of New York" against Torrijos' brother Moises, a knowledgeable department official said yesterday.

"It has never been unsealed because we have never found him back in this country to arrest him," this source said.

The Miami Herald reported yesterday that Atty. Gen. Griffin Bell told President Carter about a variety of allegations that members of Torrijos' family have been involved in smuggling drugs to the United States.

Department spokesman Robert Havel confirmed that Bell discussed the matter with Carter on October 3.

After inquiries from members of Congress, Bell briefed Carter on the situation. The President agreed with Bell's recommendation that the Justice Department provide the same briefing to congressional leaders, Havel said.

**HOUSE MEMBER CHARGES NARCOTICS SMUGGLING INQUIRY TOUCHES "HIGHEST LEVELS" OF PANAMA GOVERNMENT**

(By Benjamin Welles)

WASHINGTON, March 15—Representative John M. Murphy charged today that an investigation into heroin smuggling into the United States had touched the "highest levels" of the Government of Panama.

Mr. Murphy, Democrat of Staten Island, who is chairman of a House subcommittee on the Panama Canal, named Juan Tack, Panamanian Foreign Minister, and Moises Torrijos, Panamanian Ambassador to Spain, as the officials allegedly involved in narcotics. Mr. Torrijos is a brother of Brig. Gen. Omar Torrijos, ruler of Panama.

José Antonio de la Ossa, the Panamanian ambassador here, issued a statement vigorously denying the charges. He suggested that Mr. Murphy was reviving old charges because he had been "cold-shouldered" by Panamanian officials during his recent inspection visit to the Panama Canal.

He suggested too that Mr. Murphy was using the drug charges to impede progress toward a new Panama Canal treaty which if negotiated, would restore "sovereignty" over the Canal Zone to the Panamanian Republic.

Late yesterday Mr. Tack ordered the expulsion of three American narcotics agents from Panama within 24 hours. He asserted that the men, agents of the United States Bureau of Narcotics and Dangerous Drugs, had "intervened in the internal affairs of Panama."

The expulsion followed initial reports two days ago in the syndicated column of Jack Anderson linking Mr. Tack and Mr. Torrijos with narcotics smuggling. The first hint of the development came a week ago in a brief allusion by the Panama Canal subcommittee

to "confidential" information passed to the subcommittee by the Bureau of Narcotics.

United States officials involved in the treaty negotiations, which have been under way here since June, declined to speculate whether the flareup would jeopardize the talks. Panamanian diplomats, who denied recent reports of an "impasse," said that they thought the talks would not be fundamentally affected.

Mr. Murphy said in an interview today that he and other subcommittee members had been briefed here on Jan. 24 by Customs Bureau agents placed at their disposal by Myles Ambrose, then Director of the Treasury's Bureau of Customs and now President Nixon's special consultant for drug abuse enforcement. The subcommittee was then preparing to visit Panama and the Canal Zone.

A passage from the unpublished report of the subcommittee dated March 8 and entitled "Overview of the Narcotics Problem in Panama" cited a recent drug-smuggling case involving Panamanians and stated in part:

"The [customs] briefing team concluded that based on the customs investigation this case reached into the highest levels of Panamanian officialdom and included Moises Torrijos, the brother of Gen. Omar Torrijos and the Panamanian Foreign Minister, Juan Tack."

The subcommittee report also asserted that this involvement "was confirmed by B.N.D.D. officers in the Republic of Panama on Feb. 23 during the subcommittee briefing in that country."

The State Department said that the bureau had denied "in writing" that its agents had implicated Mr. Tack or Mr. Torrijos in its briefings of the House subcommittee.

A spokesman for the Customs Bureau said that it had nothing to add to what it had told Mr. Murphy and his subcommittee colleagues.

Charles W. Bray 3d, the State Department spokesman, said that the department considered the expulsion of the three agents, Wilbur Flase, Ruben Monzon and Charles W. Cecil Jr., as unwarranted.

Mr. Murphy, a graduate of West Point and a decorated infantry commander in World War II and the Korean war, cited growing drug abuse among American servicemen and dependents in Taiwan, Okinawa, the Philippines, Vietnam, and, especially, Panama.

The subcommittee recalled details of two recent drug-smuggling cases that, it contended, involved Mr. Tack and Mr. Torrijos.

One concerned the arrest in New York last July 8 of Rafael Richard, son of the Panamanian Ambassador to Taiwan. Mr. Richard, who was 23, was travelling on a diplomatic passport signed by Mr. Tack, which gave him immunity from prosecution.

At the time of his arrest he was on his fifth visit to the United States, during each of which he had brought about 150 pounds of heroin, the report said.

He was with Guillermo Gonzáles, his uncle, an intimate and former bodyguard of Moises Torrijos.

Mr. Gonzáles, who was believed to be the ringleader, was convicted and sentenced to seven years. The report said United States sources believe that Mr. Tack and Mr. Torrijos were not only sanctioning but were abetting this smuggling.

The other case involved Joaquin Gonzáles, former international transit chief of Tocumen International Airport at Panama, who was indicted in the smuggling of \$1-million worth of heroin to Dallas.

Mr. Gonzáles was arrested by the United States authorities Feb. 6, 1971, when he entered the Canal Zone to attend a baseball game. He was flown to Texas to stand trial and was sentenced to five years. Mr. Tack exerted strong but unsuccessful diplomatic efforts to have him released, the subcommittee said.

**DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS**

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Kansas allow me to proceed for just two or three requests? I ask unanimous consent, on behalf of Mr. EASTLAND, that third reading and passage of S. 2149 be reconsidered for the sole purpose of offering a technical amendment.

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

The Senate proceeded to reconsider the bill.

**UP AMENDMENT NO. 934**

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND) I call up the amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) on behalf of the Senator from Mississippi (Mr. EASTLAND) proposes unprinted amendment numbered 934:

On page 7, after line 4, insert the following:

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

The PRESIDING OFFICER. The question is on agreeing to the amendment. The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be read the third time, passed, and that the motion to reconsider be laid on the table.

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

**AUTHORIZATION FOR CERTAIN ACTION DURING RECESS TO MONDAY NEXT**

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess which I anticipate will be a recess over until Monday noon, the Secretary of the Senate be authorized to receive and refer messages from the House of Representatives and from the President of the United States.

Mr. BAKER. Mr. President, reserving the right to object—

The PRESIDING OFFICER. The Senator from Tennessee reserves the right to object.

Mr. ROBERT C. BYRD. Mr. President, I modify my request as follows: I ask unanimous consent that during the recess of the Senate over until Monday, the Secretary of the Senate be authorized to receive messages from the House of Representatives and from the President of the United States.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess over until Monday, the Vice President of the United States, the President of the Senate pro tempore, the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

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

Mr. ROBERT C. BYRD. Mr. President, I yield the floor to the distinguished