

Domingo. The 70-voice choir competed against 80 choirs representing 40 countries. The Detroit group won first place for mixed ensemble, second-place honors for men's chorus, a third place for men's folk and a fourth place for women's ensemble. Their combined score from all the competitions earned a spot in the finals. There they represented the United States against choirs from Hungary, Denmark and Wales. A seven member panel voted the Detroit Concert Choir the best among the competitors and awarded them a large bronze trophy and the title of Choir of the World. The choir impressed the judges by signing in five languages—English, Aruban, Portugese, Russian and Latin. After winning the competition, the choir honored the festival and their hosts by performing the Welsh national anthem and "God Save the Queen." I know my Senate colleagues join me in honoring the extraordinary achievement of the Detroit Concert Choir in bringing home top honors at the Llangollen International Musical Eisteddfod. The members have made the State of Michigan and the entire Nation proud. ●

NATIONAL MUSEUM OF THE AMERICAN INDIAN ACT AMENDMENTS OF 1996

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 564, S. 1970.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1970) to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I wish to thank my colleagues for voting to adopt S. 1970, a bill to amend the National Museum of the American Indian Act [NMAIA]. This legislation is intended to codify existing policies and procedures practiced by the National Museum of the American Indian and the National Museum of Natural History and to amend the act so that its repatriation requirements are consistent with the requirements of the Native American Graves Protection and Repatriation Act [NAGPRA]. The overriding purpose of this legislation is to ensure that the requirements for the inventory, identification, and return of Indian human remains and Indian funerary objects in the possession of the Smithsonian Institution are being carried out and that the remains and funerary objects are being returned to their rightful keepers and protectors the Indian tribes.

The possession of Indian human remains and associated funerary objects

by non-Indians has been a contentious issue for Indian tribes and Indian organizations for many years. In order to bring about a satisfactory resolution to these issues and to create a respectful dialog between the parties, Congress enacted the Native American Graves Protection and Repatriation Act and the National Museum of the American Indian Act. In the years since its passage, the Smithsonian Institution has worked diligently to fulfill the mandates of both the NAGPRA and the NMAIA. Both the National Museum of the American Indian and the National Museum of Natural History employ written policies that are consistent with the spirit and intent of NAGPRA.

S. 1970 will ensure that these policies are consistent with the requirements of NAGPRA by establishing additional procedures and deadlines for the completion of the Smithsonian's repatriation mandates. It mandates that a simple inventory of the remains and objects in the Smithsonian's possession be completed by June 1, 1998, and that a written summary of all unassociated funerary objects, sacred objects, and objects of cultural patrimony in its possession be completed by December 31, 1996. Second, S. 1970 requires that the Smithsonian notify and return expeditiously all unassociated funerary objects, sacred objects, or objects of cultural patrimony to the appropriate individual, Indian tribe, or Native Hawaiian organization. In order to facilitate the repatriation process, the bill increases the membership of the repatriation committee and requires that two members be "traditional Indian religious elders." Finally, this legislation allows the Smithsonian the flexibility to go beyond the Act's minimum requirements in returning the funerary and sacred objects and remains to Indian people.

Mr. President, I would like to express my deep appreciation for the hard work and dedication of representatives of the Smithsonian who have cooperated tremendously in the preparation of this legislation and who have continued to demonstrate their serious commitment to returning these sacred remains and objects to their rightful owners the Indian tribes. Finally, I would like to express my personal thanks for the tireless work of Senator INOUE in making the National Museum of the American Indian a reality and for his efforts on behalf of this legislation. I thank my colleagues for their support of S. 1970.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 1970) was deemed read the third time, and passed, as follows:

S. 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Museum of the American Indian Act Amendments of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the National Museum of the American Indian Act (20 U.S.C. 80q et seq.).

SEC. 2. BOARD OF TRUSTEES.

Section 5(f)(1)(B) (20 U.S.C. 80q-3(f)(1)(B)) is amended by striking "an Assistant Secretary" and inserting "a senior official".

SEC. 3. INVENTORY.

(a) IN GENERAL.—Section 11(a) (20 U.S.C. 80q-9(a)) is amended—

- (1) by striking "(1)" and inserting "(A)";
- (2) by striking "(2)" and inserting "(B)";
- (3) by inserting "(1)" before "The Secretary"; and
- (4) by adding at the end the following new paragraphs:

"(2) The inventory made by the Secretary of the Smithsonian Institution under paragraph (1) shall be completed not later than June 1, 1998.

"(3) For purposes of this subsection, the term 'inventory' means a simple, itemized list that, to the extent practicable, identifies, based upon available information held by the Smithsonian Institution, the geographic and cultural affiliation of the remains and objects referred to in paragraph (1)."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 11(f) (20 U.S.C. 80q-9(f)) is amended by striking "to carry out this section" and inserting "to carry out this section and section 11A".

SEC. 4. SUMMARY AND REPATRIATION OF UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.

The National Museum of the American Indian Act (20 U.S.C. 80q et seq.) is amended by inserting after section 11 the following new section:

"SEC. 11A. SUMMARY AND REPATRIATION OF UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.

"(a) SUMMARY.—Not later than December 31, 1996, the Secretary of the Smithsonian Institution shall provide a written summary that contains a summary of unassociated funerary objects, sacred objects, and objects of cultural patrimony (as those terms are defined in subparagraphs (B), (C), and (D), respectively, of section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)), based upon available information held by the Smithsonian Institution. The summary required under this section shall include, at a minimum, the information required under section 6 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3004).

"(b) REPATRIATION.—Where cultural affiliation of Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony has been established in the summary prepared pursuant to subsection (a), or where a requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion, then the Smithsonian Institution shall expeditiously return such unassociated funerary object, sacred object, or object of cultural patrimony where—

"(1) the requesting party is the direct lineal descendant of an individual who owned

the unassociated funerary object or sacred object;

"(2) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the Indian tribe or Native Hawaiian organization; or

"(3) the requesting Indian tribe or Native Hawaiian organization can show that the unassociated funerary object or sacred object was owned or controlled by a member thereof, provided that in the case where an unassociated funerary object or sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object.

"(c) STANDARD OF REPATRIATION.—If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Smithsonian Institution did not have the right of possession, then the Smithsonian Institution shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

"(d) MUSEUM OBLIGATION.—Any museum of the Smithsonian Institution which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of fiduciary duty, public trust, or violations of applicable law that are inconsistent with the provisions of this Act.

"(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to prevent the Secretary of the Smithsonian Institution, with respect to any museum of the Smithsonian Institution, with respect to any museum of the Smithsonian Institution, from making an inventory or preparing a written summary or carrying out the repatriation of unassociated funerary objects, sacred objects, or objects of cultural patrimony in a manner that exceeds the requirements of this Act.

"(f) NATIVE HAWAIIAN ORGANIZATION DEFINED.—For purposes of this section, the term 'Native Hawaiian organization' has the meaning provided that term in section 2(11) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(11))."

SEC. 5. SPECIAL COMMITTEE.

Section 12 (20 U.S.C. 80q-10) is amended—
(1) in the first sentence of subsection (a), by inserting "and unassociated funerary objects, sacred objects, and objects of cultural patrimony under section 11A" before the period; and

(2) in subsection (b)—
(A) in the matter preceding paragraph (1), by striking "five" and inserting "7";

(B) in paragraph (1)—
(i) by striking "three" and inserting "4"; and

(ii) by striking "and" at the end;
(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

"(2) at least 2 members shall be traditional Indian religious leaders; and"

OLDER AMERICANS INDIAN TECHNICAL AMENDMENTS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 569, S. 1972.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1972) to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I wish to thank my colleagues for voting to adopt S. 1972, a bill to amend the Older Americans Act. S. 1972 makes technical corrections to the Act to clarify and improve the provisions relating to older Native Americans.

Mr. President, many older Native Americans have benefited from programs authorized under the Older Americans Act. Indian tribes have provided much needed home-based care, meals and services to elderly tribal members living on Indian reservations and in nearby communities. In most cases, older Native Americans live in remote and isolated communities with little or no access to a grocery store, telephone, health care and other important services. Through the Older Americans Act, nutrition and support services can be provided to older Native Americans in their homes and communities on a daily basis.

However, many of these services can be strengthened to ensure that Indian tribes are able to tailor nutritional and supportive programs to the cultural and geographic characteristics of their communities. Often, employment and nutrition programs are difficult to administer in Indian country because of the remoteness of the service area and the unique character of Indian cultures. The changes in S. 1972 will ensure that Indian tribes and tribal organizations serving Native American elders will be afforded maximum flexibility in administering employment and nutrition programs to ensure that they are appropriate to the unique characteristics of the Indian communities.

Mr. President, I have proposed a minor technical change to the bill as it was reported in the Committee on Indian Affairs. This amendment to Section 2 of the bill is necessary to clarify that the proposed change to the definition of "reservation" will not alter any existing eligibility for Indians living near an Indian reservation.

Mr. President, I wish to express my appreciation to Senators INOUE and STEVENS, who joined me in sponsoring this legislation and my colleagues in the Senate who voted to pass S. 1972. This Act will bring us closer to meeting the goals of the Older Americans Act to ensure that older Native Americans will continue to benefit from the services provided by the Act.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 1972) was deemed read the third time, and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

PANAMA NEW BASE RIGHTS NEGOTIATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate turn to the immediate consideration of calendar No. 268, S. Con. Res. 14.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 14) urging the President to negotiate a new base rights agreement with government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 5202

Mr. FRIST. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. HELMS, proposes an amendment numbered 5202.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 3, line 3, strike all through the period on page 4, line 3, and insert the following:

(1) The President should negotiate a new base rights agreement with the Government of Panama—

(A) taking into account the foregoing findings; and

(B) consulting with the Congress regarding any bilateral negotiations that take place.

Mr. HELMS. Mr. President, I do hope the Senate will approve this resolution urging the President to negotiate an agreement with Panama to permit United States Armed Forces to maintain a presence in that country beyond the year 2000.

The Panama Canal treaties state that unless we pursue an agreement with Panama, the United States military must complete the withdrawal of its forces from Panama by the date. Imagine, if you can, the U.S. flag coming down for the last time on December 31, 1999—ending a special and unique relationship that has lasted almost a century. This must not be allowed to happen.

The Panama Canal treaties provide for a continued United States military presence—if both parties express an interest.