

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.

I feel strongly that it is in the best interests of both the United States and Panama to maintain a United States military presence in Panama. United States forces in Panama help promote stable democracies throughout the region and serve as a critical component for United States counter-drug monitoring and interdiction efforts. Without question, United States forces offer the best protection for the Panama Canal. If the United States leaves, the canal will be left literally undefended.

Although the United States is engaged in a drawdown of our forces, both overseas and in the United States, there are, nevertheless, more than 135,000 United States troops remaining in Europe and almost 100,000 in the Pacific. By early 1998, fewer than 6,000 troops will remain in Panama—that is, basically 6,000 troops for the entire hemisphere. If total United States military withdrawal from Panama were to be allowed to happen, this nation will be left with no major military presence in the region.

Mr. President, I have had a number of meetings with Panamanians. They want us to stay. Polls in Panama show that about 75 percent of Panamanians want the United States to maintain military forces there beyond the year 2000. It is time to negotiate a new base rights agreement. Congress should urge the President to negotiate a continued United States military presence in Panama. The House of Representatives approved this resolution in June 1995; and it was voted out of the Senate Foreign Relations Committee unanimously in December 1995. Now is the time to pursue an agreement with Panama.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment be considered agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The amendment (No. 5202) was agreed to.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con Res. 14), with its preamble, is as follows:

S. CON. RES. 14

Whereas the Panama Canal is a vital strategic asset to the United States, its allies, and the world;

Whereas the Treaty on the Permanent Neutrality and Operation of the Panama Canal signed on September 7, 1977, provides that Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure;

Whereas such Treaty also provides that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal;

Whereas the United States instrument of ratification of such Treaty includes specific language that the two countries should consider negotiating future arrangements or agreements to maintain military forces necessary to fulfill the responsibility of the two countries of maintaining the neutrality of the Canal after 1999;

Whereas the Government of Panama, in the bilateral Protocol of Exchange of instruments of ratification, expressly "agreed upon" such arrangements or agreements;

Whereas the Navy depends upon the Panama Canal for rapid transit in times of emergency, as demonstrated during World War II, the Korean War, the Vietnam conflict, the Cuban Missile Crisis, and the Persian Gulf conflict;

Whereas drug trafficking and money laundering has proliferated in the Western Hemisphere since the Treaty on the Permanent Neutrality and Operation of the Panama Canal was signed on September 7, 1977, and such trafficking and laundering poses a grave threat to peace and security in the region;

Whereas certain facilities now utilized by the United States Armed Forces in Panama are critical to combat the trade in illegal drugs;

Whereas the United States and Panama share common policy goals such as strengthening democracy, expanding economic trade, and combating illegal narcotics throughout Latin America;

Whereas the Government of Panama has dissolved its military forces and has maintained only a civilian police organization to defend the Panama Canal against aggression; and

Whereas certain public opinion polls in Panama suggest that many Panamanians desire a continued United States military presence in Panama: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(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.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

ORDERS FOR FRIDAY, SEPTEMBER 6, 1996

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, September 6; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, the morning hour be deemed to have expired,

and the time for two leaders be reserved for their use later in the day, and the Senate then proceed, under the order, to the consideration of the Employment Discrimination Bill; I further ask unanimous consent that at 12:30, immediately following the debate on the KENNEDY bill, there then be a period for morning business with Senators to speak therein for up to 5 minutes each, with the time from 12:30 to 1:30 under the control of Senator COVERDELL or his designee, and the time from 1:30 to 2:30 under the control of Senator DASCHLE or his designee.

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

PROGRAM

Mr. FRIST. For the information of all Members, tomorrow morning, the Senate will begin 3 hours of debate on the Kennedy Employment Discrimination Bill, which was placed on the calendar this evening. There will be no rollcall votes during Friday's session.

Following the period for morning business, the Senate will adjourn over until Monday. During Monday's session, the Senate will debate the defense authorization conference report. However, no votes will occur during Monday's session.

On Tuesday, the Senate will debate the Defense of Marriage Act for 3 hours prior to the policy conference recess. At 2:15 on Tuesday, the Senate will vote on the defense authorization conference report, to be followed by a vote on the Defense of Marriage Act, and following an additional 30 minutes of debate and vote on the Kennedy bill. The Senate will then begin consideration of the Treasury-Postal Appropriations bill. All Senators should therefore be on notice that the next rollcall votes will begin at 2:15 on Tuesday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate tonight, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:17 p.m., adjourned until Friday, September 6, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 5, 1996:

THE JUDICIARY

DONALD M. MIDDLEBROOKS, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE JAMES W. KEHOE, RETIRED.