

# ALYCE SPOTTED BEAR AND WALTER SOBOLEFF COMMISSION ON NATIVE CHILDREN ACT

Mrs. FISCHER. Madam President, I ask that the Chair lay before the Senate the message from the House on S. 246, the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 246) entitled "An Act to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes," do pass with an amendment.

Mrs. FISCHER. Madam President, I ask unanimous consent that the motion to concur in the House amendment be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

## RECOGNIZING THE 40TH ANNIVERSARY OF THE FIRST CLASS OF WOMEN ADMITTED TO THE COAST GUARD ACADEMY

Mrs. FISCHER. Madam President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. Res. 579 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 579) recognizing the 40th Anniversary of the first class of women admitted to the Coast Guard Academy.

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

Mrs. FISCHER. Madam President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 579) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 26, 2016, under "Submitted Resolutions.")

## RESOLUTIONS SUBMITTED TODAY

Mrs. FISCHER. Madam President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 600, S. Res. 601, and S. Con. Res. 55.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mrs. FISCHER. Madam President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

## PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mrs. FISCHER. Madam President, I ask unanimous consent that the Chair lay before the Senate H. Con. Res. 166, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 166) providing for a conditional adjournment of the House of Representatives.

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

Mrs. FISCHER. Madam President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 166) was agreed to, as follows:

### H. CON. RES. 166

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on any legislative day from Wednesday, September 28, 2016, through Friday, November 11, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 14, 2016, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

## MEASURES READ THE FIRST TIME—S. 3464 AND H.R. 6094

Mrs. FISCHER. Madam President, I understand there are two bills at the desk and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time en bloc.

The senior assistant legislative clerk read as follows:

A bill (S. 3464) to provide incremental increases to the salary threshold for exemptions for executive, administrative, professional, outside sales, and computer employees under the Fair Labor Standards Act of 1938, and for other purposes.

A bill (H.R. 6094) to provide for a 6-month delay in the effective date of a rule of the Department of Labor relating to income thresholds for determining overtime pay for executive, administrative, professional, outside sales, and computer employees.

Mrs. FISCHER. Madam President, I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will receive their second reading on the next legislative day.

## REPORTING AUTHORITY

Mrs. FISCHER. Madam President, I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Thursday, October 27, from 10 a.m. to 12 noon.

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

## APPOINTMENTS AUTHORITY

Mrs. FISCHER. Madam President, I ask unanimous consent that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

## SIGNING AUTHORITY

Mrs. FISCHER. Madam President, I ask unanimous consent that the junior Senator from Louisiana be authorized to sign duly enrolled bills or joint resolutions on Thursday, September 29, through Monday, November 14.

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

## PROTECT PATRIMONY RESOLUTION

Mrs. FISCHER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 122, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 122) supporting efforts to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items of American Indians, Alaska Natives, and Native Hawaiians in the United States and internationally.

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

Mrs. FISCHER. Madam President, I ask unanimous consent that the Udall amendment to the concurrent resolution be agreed to; the concurrent resolution, as amended, be agreed to; that the Udall amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 5106) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following:

#### SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the "Protection of the Right of Tribes to stop the Export of Cultural and Traditional Patrimony Resolution" or the "PROTECT Patrimony Resolution".

#### SEC. 2. DEFINITIONS.

In this resolution:

(1) NATIVE AMERICAN.—The term "Native American" means—

(A) with respect to an individual, an individual who is a member of an Indian tribe (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)); and

(B) with respect to the cultural nature or significance of an item, right, or other object or concept, being of or significant to—

(i) an Indian tribe (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)); or

(ii) a Native Hawaiian organization (as defined in that section (25 U.S.C. 3001)).

(2) TRIBAL CULTURAL ITEM.—The term "tribal cultural item" has the meaning given the term "cultural item" in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

#### SEC. 3. FINDINGS.

Congress finds the following:

(1) Tribal cultural items—

(A) have ongoing historical, traditional, or cultural importance central to a Native American group or culture;

(B) cannot be alienated, appropriated, or conveyed by any individual; and

(C) are vital to Native American cultural survival and the maintenance of Native American ways of life.

(2) The nature and description of tribal cultural items are sensitive and to be treated with respect and confidentiality, as appropriate.

(3) Violators often export tribal cultural items internationally with the intent of evading Federal and tribal laws.

(4) Tribal cultural items continue to be removed from the possession of Native Americans and sold in black or public markets in violation of Federal and tribal laws, including laws designed to protect Native American cultural property rights.

(5) The illegal trade of tribal cultural items involves a sophisticated and lucrative black market, where the items are traded through domestic markets and then are often exported internationally.

(6) Auction houses in foreign countries have held sales of tribal cultural items from the Pueblo of Acoma, the Pueblo of Laguna, the Pueblo of San Felipe, the Hopi Tribe, and other Indian tribes.

(7) After tribal cultural items are exported internationally, Native Americans have dif-

ficulty stopping the sale of the items and securing their repatriation to their home communities, where the items belong.

(8) Federal agencies have a responsibility to consult with Native Americans to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items.

(9) An increase in the investigation and successful prosecution of violations of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) is necessary to deter illegal trading in tribal cultural items.

(10) Many Indian tribes and tribal organizations have passed resolutions condemning the theft and sale of tribal cultural items, including the following:

(A) The National Congress of American Indians passed Resolutions SAC-12-008 and SD-15-075 to call on the United States, in consultation with Native Americans—

(i) to address international repatriation; and

(ii) to take affirmative actions to stop the theft and illegal sale of tribal cultural items both domestically and internationally.

(B) The All Pueblo Council of Governors, representative of 20 Pueblo Indian tribes—

(i) noted that the Pueblo Indian tribes of the Southwestern United States have been disproportionately affected by the sale of tribal cultural items both domestically and internationally in violation of Federal and tribal laws; and

(ii) passed Resolutions 2015-12 and 2015-13 to call on the United States, in consultation with Native Americans—

(I) to address international repatriation; and

(II) to take affirmative actions to stop the theft and illegal sale of tribal cultural items both domestically and internationally.

(C) The United South and Eastern Tribes, an intertribal organization comprised of 26 federally recognized Indian tribes, passed Resolution 2015:007, which calls on the United States to address all means to support the repatriation of tribal cultural items from beyond United States borders.

(D) The Inter-Tribal Council of the Five Civilized Tribes, uniting the Chickasaw, Choctaw, Cherokee, Muscogee (Creek), and Seminole Nations, passed Resolution 12-07, which requests that the United States, after consultation with Native Americans, assist in international repatriation and take immediate action to address repatriation.

#### SEC. 4. DECLARATION OF CONGRESS.

Congress—

(1) condemns the theft, illegal possession or sale, transfer, and export of tribal cultural items;

(2) calls on the Secretary of the Interior, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, and the Attorney General to consult with Native Americans, including traditional Native American religious leaders, in addressing the practices described in paragraph (1)—

(A) to take affirmative action to stop the practices; and

(B) to secure repatriation of tribal cultural items to Native Americans;

(3) supports the efforts of the Comptroller General of the United States—

(A) to determine the scope of illegal trafficking in tribal cultural items domestically and internationally; and

(B) to discuss with Native Americans, including traditional Native American religious leaders, relevant Federal officials, and other individuals and entities, as appropriate, the steps required—

(i) to end illegal trafficking in, and the export of, tribal cultural items; and

(ii) to secure repatriation of tribal cultural items to the appropriate Native Americans;

(4) supports the development of explicit restrictions on the export of tribal cultural items; and

(5) encourages State and local governments and interested groups and organizations to work cooperatively in—

(A) deterring the theft, illegal possession or sale, transfer, and export of tribal cultural items; and

(B) securing the repatriation of tribal cultural items to the appropriate Native Americans.

The concurrent resolution (H. Con. Res. 122), as amended, was agreed to.

The amendment (No. 5107) was agreed to, as follows:

(Purpose: To strike the preamble)

Strike the preamble.

The preamble, as amended, was agreed to.

#### ORDERS FOR MONDAY, OCTOBER 3, 2016, THROUGH TUESDAY, NOVEMBER 15, 2016

Mrs. FISCHER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: October 3, at 10:30 a.m.; October 6, at 10:30 a.m.; October 7, at 2 p.m.; October 11, at 9 a.m.; October 13, at 2 p.m.; October 17, at 11 a.m.; October 20, at 3 p.m.; October 24, at 10:30 a.m.; October 27, at 10:30 a.m.; October 31, at 4:30 p.m.; November 3, at 2 p.m.; November 7, at 10:30 a.m.; November 10, at 10 a.m.; and November 14, at 5:30 p.m.; I further ask that when the Senate adjourns on Monday, November 14, it next convene at 4 p.m., Tuesday, November 15; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; I ask that following leader remarks, the Senate be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

#### ADJOURNMENT UNTIL MONDAY, OCTOBER 3, 2016, AT 10:30 A.M.

Mrs. FISCHER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:32 p.m., adjourned until Monday, October 3, 2016, at 10:30 a.m.