

had an honest national conversation about racial reconciliation and injustice in this country, and I know that he will continue to use his voice as a force for good long after leaving Congress.

WILL has been a steady hand in reminding our colleagues alike that good policies should always come before partisan politics, and it is fair to say we need more leaders like that in Congress these days, not fewer.

I am grateful for his friendship and service to our country, and I know this isn't the end of the road for WILL HURD. I am eager to see where his next career takes him, and I will be happy to cheer him along the way.

#### TRIBUTE TO MIKE CONAWAY

Mr. CORNYN. Mr. President, much of the area that is sandwiched between MAC and WILL's two districts is represented by another retired Member of our delegation, MIKE CONAWAY. Before finding his way into public service, MIKE served our country in the Army and was stationed at Fort Hood. But he quickly made his way to the Permian Basin and built a successful career in the private sector before getting involved with politics.

During his 16 years in Congress, he has represented the folks of Texas 11 and burned the candle at both ends in the process of doing so.

MIKE is a man of faith, believes in the right to life, and is an advocate for a strong defense and has been a champion for our Nation's veterans.

His background as a CPA—we could use a few more of those, maybe less lawyers. But his background as a CPA has helped drive debates on our Nation's spending habits, and I know his expertise in this area will be deeply missed.

I believe MIKE would agree that at the top of his mountain of achievements are those for our farmers and ranchers. He authored the 2018 farm bill, which provides the support, certainty, and stability for our farmers that they need in order to operate in a modern economy. This legislation strengthened crop insurance, created seed cotton eligibility for the farm bill safety net, and helped counter cattle tick fever and other animal risks.

It would have been tough for Texas farmers and ranchers and producers to make it through these times but for MIKE as the lead agriculture policymaker in Congress. The halls of Congress will not be the same without him, but MIKE's contributions, his leadership, and devoted service will never be forgotten.

I know he and his wife Suzanne are eager to spend more time at home with their extended family, and I wish them a happy and well-deserved retirement.

#### TRIBUTE TO KENNY MARCHANT

Mr. CORNYN. Mr. President, it seems like we have a lot of Texans leaving Congress, and one of those is KENNY MARCHANT.

KENNY is a genuine statesman, quiet but serious and effective, and he has devoted almost his entire career to public service. He started out on the Carrollton City Council and then became mayor and then spent nine terms as a State representative, and, finally, eight terms in the U.S. House of Representatives. And he proudly represents North Texans and has for the last four decades.

As a Member of the Ways and Means Committee, he has played an integral role in the effort to keep taxes down, including passage of the Tax Cuts and Jobs Act in 2018, which was part of the spur of our great economic growth leading up to the pandemic.

He has been a staunch supporter of efforts to reduce government waste and ensure that Congress is a responsible steward of taxpayer dollars. He has fought for our servicemembers, veterans, and for strong national defense.

As the top Republican on the House Ethics Committee, KENNY helped to strengthen transparency and public confidence in our government, and there couldn't be a more important time for such a lofty goal.

I know KENNY is eager to spend more time at home with his wife Donna, their kids, and a growing gaggle of grandkids. Most of their children are grown now, but the number of grandkids seems to be increasing in pace.

I want to thank him for his incredible contributions to our State and wish him the best in the next chapter.

#### TRIBUTE TO BILL FLORES

Mr. CORNYN. Mr. President, the House will lose a true class act and the epitome of a self-made success with the retirement of Congressman BILL FLORES. At just 9 years old, Congressman FLORES began tending to cattle with his dad in the Texas Panhandle, and he hasn't quit working since.

He is a ninth generation Texan, representing Waco, College Station, and parts of North Austin and Pflugerville. You would be hard-pressed to find a more deeply divided district than Texas 17, and I don't mean divided in terms of politics or geography. You have the Aggies, the Bears, and the Longhorns—three of Texas's proudest fan bases—squeezed into one congressional district. Ever the diplomat, BILL considers himself tripartisan. Although he is an Aggie himself, he would gladly throw up the "Hook 'em Horns" or the "Sic 'em Bears."

Throughout his time in Congress, I have been proud to work with BILL on a number of shared priorities. We teamed up on legislation to designate the Waco Mammoth site as a national monument. We worked together to rename the Waco Veterans Affairs Medical Center after World War II Hero Petty Officer Doris Miller.

We both had the pleasure of attending the long overdue Purple Heart ceremony honoring the victims of the Fort

Hood attack after a long fight here in Congress to give these heroes the recognition and the benefits they deserve. BILL has been a reliable advocate for our veterans and servicemembers, as well as our energy industry and our free enterprise system, in general.

I want to thank him for his service to our State and to our Nation and wish him and Gina the best in the next chapter of their lives.

#### TRIBUTE TO PETE OLSON

Mr. CORNYN. Mr. President, finally, I would say last, but certainly not least, is my friend, my former chief of staff, and proud Representative of Texas 22, PETE OLSON. As the old saying goes, Pete wasn't born in Texas, but he got there as fast as he could.

His family moved from Washington State to Texas when PETE was only 10 years old. He grew up in Seabrook. He went to Rice for his undergraduate degree and UT for law school and hardly left the Lone Star State until he enlisted in the Navy.

As a Navy pilot, he flew missions all over the world, and he was eventually brought to the U.S. Senate as a naval liaison.

I had the good fortune of meeting PETE because he worked for Phil Gramm, my predecessor, and he had a stellar reputation, likely due to his Navy days of making the ships run on time.

PETE served as my first chief of staff for several years and made it back home to Texas before making his own run for congressional office.

His district is literally one of the most ethnically diverse in the State and one of the most diverse in the country. PETE has consistently prioritized connecting with folks of different backgrounds and cultures to learn about the challenges they are facing and to figure out how to lead positive changes in Congress.

PETE has been a reliable helping hand during some of our toughest times. Following the Deepwater Horizon accident, PETE and I flew several hours into the Gulf of Mexico to a drilling rig rooted in 9,000 feet of water to learn more about the rigors of working on offshore rigs.

After Hurricane Harvey, PETE and I joined Team Rubicon's veteran volunteers to muck out some of the flooded homes in the Houston area. We fought alongside one another to secure the funding from Congress to recover and rebuild after Hurricane Harvey.

It was common then to see PETE around Capitol Hill with a Houston Astros jersey over his dress shirt to draw attention—by any means, whatsoever—to the need for additional funding for the folks in his district and folks in that region.

It is safe to say that PETE OLSON's presence has been a constant throughout my time here in the Senate, and I will miss having him just across the dome.

Like the others I have mentioned, I know PETE is eager to spend more time at home in Sugar Land with his wife Nancy and his extended family, but I hope he knows how much we will miss him in Congress.

If it isn't already obvious, the Texas delegation is losing some truly outstanding Members, and our new additions will have some big boots to fill. But I just want to tell you how much I appreciate the opportunity to express my gratitude to each of these six outstanding Congressmen for their friendship and service to our State and wish them and their families well as they take on new challenges ahead.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### SAFEGUARD TRIBAL OBJECTS OF PATRIMONY ACT OF 2019

Mr. HEINRICH. Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 608, S. 2165.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2165) to enhance protections of Native American tangible cultural heritage, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Safeguard Tribal Objects of Patrimony Act of 2020".

#### SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to carry out the trust responsibility of the United States to Indian Tribes;

(2) to increase the maximum penalty for actions taken in violation of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), in order to strengthen deterrence;

(3) to stop the export, and facilitate the international repatriation, of cultural items prohibited from being trafficked by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act) and archaeological resources prohibited from being trafficked by the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) by—

(A) explicitly prohibiting the export;

(B) creating an export certification system; and

(C) confirming the authority of the President to request from foreign nations agreements or provisional measures to prevent irretrievable damage to Native American cultural heritage;

(4) to establish a Federal framework in order to support the voluntary return by individuals

and organizations of items of tangible cultural heritage, including items covered by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act) and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(5) to establish an interagency working group to ensure communication between Federal agencies to successfully implement this Act, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and other relevant Federal laws;

(6) to establish a Native working group of Indian Tribes and Native Hawaiian organizations to assist in the implementation of this Act, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and other relevant Federal laws;

(7) to exempt from disclosure under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act")—

(A) information submitted by Indian Tribes or Native Hawaiian organizations pursuant to this Act; and

(B) information relating to an Item Requiring Export Certification for which an export certification was denied pursuant to this Act; and

(8) to encourage buyers to purchase legal contemporary art made by Native artists for commercial purposes.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **ARCHAEOLOGICAL RESOURCE.**—The term "archaeological resource" means an archaeological resource (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) that is Native American.

(2) **CULTURAL AFFILIATION.**—The term "cultural affiliation" means that there is a relationship of shared group identity that can be reasonably traced historically or prehistorically between a present day Indian Tribe or Native Hawaiian organization and an identifiable earlier group.

(3) **CULTURAL ITEM.**—The term "cultural item" means any 1 or more cultural items (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(4) **INDIAN TRIBE.**—The term "Indian Tribe" has the meaning given the term "Indian tribe" in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

(5) **ITEM PROHIBITED FROM EXPORTATION.**—The term "Item Prohibited from Exportation" means—

(A) a cultural item prohibited from being trafficked, including through sale, purchase, use for profit, or transport for sale or profit, by—

(i) section 1170(b) of title 18, United States Code, as added by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); or

(ii) any other Federal law or treaty; and

(B) an archaeological resource prohibited from being trafficked, including through sale, purchase, exchange, transport, receipt, or offer to sell, purchase, or exchange, including in interstate or foreign commerce, by—

(i) subsections (b) and (c) of section 6 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ee); or

(ii) any other Federal law or treaty.

(6) **ITEM REQUIRING EXPORT CERTIFICATION.**—(A) **IN GENERAL.**—The term "Item Requiring Export Certification" means—

(i) a cultural item; and

(ii) an archaeological resource.

(B) **EXCLUSION.**—The term "Item Requiring Export Certification" does not include an item

described in clause (i) or (ii) of subparagraph (A) for which an Indian Tribe or Native Hawaiian organization with a cultural affiliation with the item has provided a certificate authorizing exportation of the item.

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

(A) Native American (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)); and

(B) Native Hawaiian (as so defined).

(8) **NATIVE HAWAIIAN ORGANIZATION.**—The term "Native Hawaiian organization" has the meaning given the term in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

(9) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(10) **TANGIBLE CULTURAL HERITAGE.**—The term "tangible cultural heritage" means—

(A) Native American human remains; or

(B) culturally, historically, or archaeologically significant objects, resources, patrimony, or other items that are affiliated with a Native American culture.

#### SEC. 4. ENHANCED NAGPRA PENALTIES.

Section 1170 of title 18, United States Code, is amended—

(1) by striking "5 years" each place it appears and inserting "10 years";

(2) in subsection (a), by striking "12 months" and inserting "1 year and 1 day"; and

(3) in subsection (b), by striking "one year" and inserting "1 year and 1 day".

#### SEC. 5. EXPORT PROHIBITIONS; EXPORT CERTIFICATION SYSTEM; INTERNATIONAL AGREEMENTS.

(a) **EXPORT PROHIBITIONS.**—

(1) **IN GENERAL.**—It shall be unlawful for any person—

(A) to export, attempt to export, or otherwise transport from the United States any Item Prohibited from Exportation;

(B) to conspire with any person to engage in an activity described in subparagraph (A); or

(C) to conceal an activity described in subparagraph (A).

(2) **PENALTIES.**—Any person who violates paragraph (1) and knows, or in the exercise of due care should have known, that the Item Prohibited from Exportation was taken, possessed, transported, or sold in violation of, or in a manner unlawful under, any Federal law or treaty, shall be fined in accordance with section 3571 of title 18, United States Code, imprisoned for not more than 1 year and 1 day for a first violation, and not more than 10 years for a second or subsequent violation, or both.

(3) **DETENTION, FORFEITURE, AND REPATRIATION.**—

(A) **DETENTION AND DELIVERY.**—The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall—

(i) detain any Item Prohibited from Exportation that is exported, attempted to be exported, or otherwise transported from the United States in violation of paragraph (1); and

(ii) deliver the Item Prohibited from Exportation to the Secretary.

(B) **FORFEITURE.**—Any Item Prohibited from Exportation that is exported, attempted to be exported, or otherwise transported from the United States in violation of paragraph (1) shall be subject to forfeiture to the United States in accordance with chapter 46 of title 18, United States Code (including section 983(c) of that chapter).

(C) **REPATRIATION.**—Any Item Prohibited from Exportation that is forfeited under subparagraph (B) shall be expeditiously repatriated to the appropriate Indian Tribe or Native Hawaiian organization in accordance with, as applicable—

(i) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act); or