

unfortunate proposition that “when the president does it, that means it is not illegal” before, and Congress, in service of the Constitution and the American people, has found that not to be the case. No one is above the law; no one is above the Constitution, including the President of the United States.

President-Elect Trump has also tweeted: “Prior to the election it was well known that I have interests in properties around the world.” That is undoubtedly true. But the American people, in voting for a candidate, cannot—indeed, would not want to—excuse a potential future violation of the Constitution by that candidate.

President-Elect Trump’s attempt to imply that because he won the election, the Constitution somehow does not apply to him is irresponsible and disrespectful. It would be disrespectful to the Constitution; it is truly disrespectful to the American people, who are trusting their future, their children, their livelihood, and their safety to decisions Mr. Trump will make once he becomes President.

We must do everything we can to protect our Constitution, our democracy, and the American people from such recklessness.

The aim of my resolution is straightforward. It takes a strict interpretation of the plain words of the Constitution and supports the traditional values and practices adopted by previous Presidents. It simply calls on President-Elect Trump to follow the precedent established by prior Presidents and convert his assets to simple, conflict-free holdings, adopt blind trusts managed by truly independent trustees with no relationship to Mr. Trump or his businesses, or to take other, equivalent measures. It calls upon the President-elect to refrain from using the powers or opportunities of his position for any purpose related to The Trump Organization. It makes it clear that if Mr. Trump does not take appropriate actions to sever his ties to his businesses, Congress will have no choice, given the oath to protect and defend the Constitution that each and every Member has taken, but to view any dealings Mr. Trump has through his companies with foreign governments or entities owned or controlled by foreign governments as a potential violation of the emoluments clause.

As Mr. Painter observed, “It should send a clear message to [Mr. Trump] that he should divest his assets and that [Congress] will regard dealings with his companies that he owns abroad and any entities owned by foreign governments as a potential violation of the Emoluments Clause unless he can prove it was an arm’s-length transaction.”

It makes it clear to President-Elect Trump that we care about the Constitution and our democracy, that the American people really are watching, and that we will not be distracted from caring about these things.

I want to close by observing that because of strong feelings and passions

generated by the recent election, some might be tempted to view this resolution and its aims through a distorted prism of politics. Nothing could be further from the truth. I strongly support a smooth transition between the Obama administration and the Trump administration. I want the Trump administration to have support from Congress to succeed on behalf of the American people. But when Mr. Trump deviates from his constitutional responsibilities or recommends policies that are contrary to the core values of our Nation, Members of Congress have an obligation to speak out and to act.

I stand here today because I believe Congress has an institutional, constitutional obligation to ensure that the President of the United States, whosoever that is, does not violate our Constitution, acts lawfully, and is discharging the obligations of the office based on the broad interests of the American people, not his or her own narrow personal interests.

My resolution is not intended to create a misunderstanding or crisis, but to avoid one, so that President-Elect Trump can put aside any appearance of impropriety and devote himself to the good work on behalf of the American people. We owe it to President-Elect Trump to make very clear what our expectations are ahead of inauguration day. Why? So that we can avoid a Constitutional crisis. Such a crisis would not serve in the best interests of the President, Congress, and the American people.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 5113. Mr. MCCONNELL (for Mr. GRASSLEY (for himself, Mrs. GILLIBRAND, Mr. HATCH, Mr. BLUNT, Mr. SCHUMER, and Mr. COONS)) proposed an amendment to the bill S. 2944, to require adequate reporting on the Public Safety Officers’ Benefits program, and for other purposes.

SA 5114. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 2944, *supra*.

SA 5115. Mr. MCCONNELL (for Mr. CORNYN) proposed an amendment to the bill S. 461, to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes.

SA 5116. Mr. MCCONNELL (for Mr. HELLER (for himself, Mrs. FEINSTEIN, and Mr. REID)) proposed an amendment to the bill S. 3438, to authorize the Secretary of Veterans Affairs to carry out a major medical facility project in Reno, Nevada.

#### TEXT OF AMENDMENTS

SA 5113. Mr. MCCONNELL (for Mr. GRASSLEY (for himself, Mrs. GILLIBRAND, Mr. HATCH, Mr. BLUNT, Mr. SCHUMER, and Mr. COONS)) proposed an amendment to the bill S. 2944, to require adequate reporting on the Public Safety Officers’ Benefits program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Safety Officers’ Benefits Improvement Act of 2016”.

#### SEC. 2. REPORTS.

Section 1205 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796c) is amended—

(1) in subsection (a), by inserting “Rules, regulations, and procedures issued under this part may include regulations based on standards developed by another Federal agency for programs related to public safety officer death or disability claims.” before the last sentence;

(2) in subsection (b)—

(A) by inserting “(1)” before “In making”; and

(B) by adding at the end the following:

“(2) In making a determination under section 1201, the Bureau shall give substantial weight to the evidence and all findings of fact presented by a State, local, or Federal administrative or investigative agency regarding eligibility for death or disability benefits.”; and

(3) by adding at the end the following:

“(e)(1)(A) Not later than 30 days after the date of enactment of this subsection, the Bureau shall make available on the public website of the Bureau information on all death, disability, and educational assistance claims submitted under this part that are pending as of the date on which the information is made available.

“(B) Not less frequently than once per week, the Bureau shall make available on the public website of the Bureau updated information with respect to all death, disability, and educational assistance claims submitted under this part that are pending as of the date on which the information is made available.

“(C) The information made available under this paragraph shall include—

“(i) for each pending claim—

“(I) the date on which the claim was submitted to the Bureau;

“(II) the State of residence of the claimant;

“(III) an anonymized, identifying claim number; and

“(IV) the nature of the claim; and

“(ii) the total number of pending claims that were submitted to the Bureau more than 1 year before the date on which the information is made available.

“(2)(A) Not later than 180 days after the date of enactment of this subsection, and every 180 days thereafter, the Bureau shall submit to Congress a report on the death, disability, and educational assistance claims submitted under this part.

“(B) Each report submitted under subparagraph (A) shall include information on—

“(i) the total number of claims for which a final determination has been made during the 180-day period preceding the report;

“(ii) the amount of time required to process each claim for which a final determination has been made during the 180-day period preceding the report;

“(iii) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before that date for which a final determination has not been made;

“(iv) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before the date that is 1 year before that date for which a final determination has not been made;

“(v) for each claim described in clause (iv), a detailed description of the basis for delay;

“(vi) as of the last day of the 180-day period preceding the report, the total number

of claims submitted to the Bureau on or before that date relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination has not been made;

“(vii) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before the date that is 1 year before that date relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination has not been made;

“(viii) for each claim described in clause (vii), a detailed description of the basis for delay;

“(ix) the total number of claims submitted to the Bureau relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination was made during the 180-day period preceding the report, and the average award amount for any such claims that were approved;

“(x) the result of each claim for which a final determination was made during the 180-day period preceding the report, including the number of claims rejected and the basis for any denial of benefits;

“(xi) the number of final determinations which were appealed during the 180-day period preceding the report, regardless of when the final determination was first made;

“(xii) the average number of claims processed per reviewer of the Bureau during the 180-day period preceding the report;

“(xiii) for any claim submitted to the Bureau that required the submission of additional information from a public agency, and for which the public agency completed providing all of the required information during the 180-day period preceding the report, the average length of the period beginning on the date the public agency was contacted by the Bureau and ending on the date on which the public agency submitted all required information to the Bureau;

“(xiv) for any claim submitted to the Bureau for which the Bureau issued a subpoena to a public agency during the 180-day period preceding the report in order to obtain information or documentation necessary to determine the claim, the name of the public agency, the date on which the subpoena was issued, and the dates on which the public agency was contacted by the Bureau before the issuance of the subpoena; and

“(xv) information on the compliance of the Bureau with the obligation to offset award amounts under section 1201(f)(3), including—

“(I) the number of claims that are eligible for compensation under both this part and the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42) (commonly referred to as the ‘VCF’);

“(II) for each claim described in subclause (I) for which compensation has been paid under the VCF, the amount of compensation paid under the VCF;

“(III) the number of claims described in subclause (I) for which the Bureau has made a final determination; and

“(IV) the number of claims described in subclause (I) for which the Bureau has not made a final determination.

“(3) Not later than 5 years after the date of enactment of the Public Safety Officers’ Benefits Improvement Act of 2016, and every 5 years thereafter, the Comptroller General of the United States shall—

“(A) conduct a study on the compliance of the Bureau with the obligation to offset award amounts under section 1201(f)(3); and

“(B) submit to Congress a report on the study conducted under subparagraph (A) that includes an assessment of whether the Bureau has provided the information required under subparagraph (B)(ix) of paragraph (2) of this subsection in each report required under that paragraph.

“(4) In this subsection, the term ‘nature of the claim’ means whether the claim is a claim for—

“(A) benefits under this subpart with respect to the death of a public safety officer;

“(B) benefits under this subpart with respect to the disability of a public safety officer; or

“(C) education assistance under subpart 2.”.

### SEC. 3. AGE LIMITATION FOR CHILDREN.

Section 1212(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d-1(c)) is amended—

(1) by striking “No child” and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), no child”; and

(2) by adding at the end the following:

“(2) DELAYED APPROVALS.—

“(A) EDUCATIONAL ASSISTANCE APPLICATION.—If a claim for assistance under this subpart is approved more than 1 year after the date on which the application for such assistance is filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

“(i) beginning on the day after the date that is 1 year after the date on which the application is filed; and

“(ii) ending on the date on which the application is approved.

“(B) CLAIM FOR BENEFITS FOR DEATH OR PERMANENT AND TOTAL DISABILITY.—In addition to an extension under subparagraph (A), if any, for an application for assistance under this subpart that relates to a claim for benefits under subpart 1 that was approved more than 1 year after the date on which the claim was filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

“(i) beginning on the day after the date that is 1 year after the date on which the claim for benefits is submitted; and

“(ii) ending on the date on which the claim for benefits is approved.”.

### SEC. 4. DUE DILIGENCE IN PAYING BENEFIT CLAIMS.

Subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by adding at the end the following:

#### “SEC. 1206. DUE DILIGENCE IN PAYING BENEFIT CLAIMS.

“(a) IN GENERAL.—The Bureau, with all due diligence, shall expeditiously attempt to obtain the information and documentation necessary to adjudicate a benefit claim filed under this part, including a claim for financial assistance under subpart 2.

“(b) SUFFICIENT INFORMATION UNAVAILABLE.—If a benefit claim filed under this part, including a claim for financial assistance under subpart 2, is unable to be adjudicated by the Bureau because of a lack of information or documentation from a third party, such as a public agency, the Bureau may not abandon the benefit claim unless the Bureau has utilized the investigative tools available to the Bureau to obtain the necessary information or documentation, including subpoenas.”.

### SEC. 5. PRESUMPTION THAT OFFICER ACTED PROPERLY.

Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) is amended—

(1) by striking “No benefit” and inserting the following:

“(a) IN GENERAL.—No benefit”; and

(2) by adding at the end the following:

“(b) PRESUMPTION.—In determining whether a benefit is payable under this part, the Bureau shall—

“(1) presume that none of the limitations described in subsection (a) apply; and

“(2) have the burden of establishing by clear and convincing evidence that a limitation described in subsection (a) applies.”.

### SEC. 6. EFFECTIVE DATE; APPLICABILITY.

The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any benefit claim or application under part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) that is—

(A) pending before the Bureau of Justice Assistance on the date of enactment; or

(B) received by the Bureau on or after the date of enactment of this Act.

**SA 5114.** Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 2944, to require adequate reporting on the Public Safety Officers’ Benefits program, and for other purposes; as follows:

Amend the title so as to read: “A bill to require adequate reporting on the Public Safety Officers’ Benefits program, and for other purposes.”.

**SA 5115.** Mr. MCCONNELL (for Mr. CORNYN) proposed an amendment to the bill S. 461, to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Cross-Border Trade Enhancement Act of 2016”.

#### SEC. 2. PUBLIC-PRIVATE PARTNERSHIPS.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 202 et seq.) is amended by adding at the end the following:

##### “Subtitle G—U.S. Customs and Border Protection Public Private Partnerships

#### “SEC. 481. FEE AGREEMENTS FOR CERTAIN SERVICES AT PORTS OF ENTRY.

“(a) IN GENERAL.—Notwithstanding section 13031(e) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)) and section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the Commissioner of U.S. Customs and Border Protection, upon the request of any entity, may enter into a fee agreement with such entity under which—

“(1) U.S. Customs and Border Protection shall provide services described in subsection (b) at a United States port of entry or any other facility at which U.S. Customs and Border Protection provides or will provide such services;

“(2) such entity shall remit to U.S. Customs and Border Protection a fee imposed under subsection (h) in an amount equal to the full costs that are incurred or will be incurred in providing such services; and

“(3) if space is provided by such entity, each facility at which U.S. Customs and Border Protection services are performed shall be maintained and equipped by such entity, without cost to the Federal Government, in accordance with U.S. Customs and Border Protection specifications.

“(b) SERVICES DESCRIBED.—The services described in this subsection are any activities of any employee or Office of Field Operations contractor of U.S. Customs and Border Protection (except employees of the U.S. Border Patrol, as established under section 411(e)) pertaining to, or in support of, customs, agricultural processing, border security, or immigration inspection-related matters at a

port of entry or any other facility at which U.S. Customs and Border Protection provides or will provide services.

“(C) MODIFICATION OF PRIOR AGREEMENTS.—The Commissioner of U.S. Customs and Border Protection, at the request of an entity who has previously entered into an agreement with U.S. Customs and Border Protection for the reimbursement of fees in effect on the date of enactment of this section, may modify such agreement to implement any provisions of this section.

“(d) LIMITATIONS.—

“(1) IMPACTS OF SERVICES.—The Commissioner of U.S. Customs and Border Protection—

“(A) may enter into fee agreements under this section only for services that—

“(i) will increase or enhance the operational capacity of U.S. Customs and Border Protection based on available staffing and workload; and

“(ii) will not shift the cost of services funded in any appropriations Act, or provided from any account in the Treasury of the United States derived by the collection of fees, to entities under this Act; and

“(B) may not enter into a fee agreement under this section if such agreement would unduly and permanently impact services funded in any appropriations Act, or provided from any account in the Treasury of the United States, derived by the collection of fees.

“(2) NUMBER.—There shall be no limit to the number of fee agreements that the Commissioner of U.S. Customs and Border Protection may enter into under this section.

“(e) AIR PORTS OF ENTRY.—

“(1) FEE AGREEMENT.—Except as otherwise provided in this subsection, a fee agreement for U.S. Customs and Border Protection services at an air port of entry may only provide for the payment of overtime costs of U.S. Customs and Border Protection officers and salaries and expenses of U.S. Customs and Border Protection employees to support U.S. Customs and Border Protection officers in performing law enforcement missions.

“(2) SMALL AIRPORTS.—Notwithstanding paragraph (1), U.S. Customs and Border Protection may receive reimbursement in addition to overtime costs if the fee agreement is for services at an air port of entry that has fewer than 100,000 arriving international passengers annually.

“(3) COVERED SERVICES.—In addition to costs described in paragraph (1), a fee agreement for U.S. Customs and Border Protection services at an air port of entry referred to in paragraph (2) may provide for the reimbursement of—

“(A) salaries and expenses of not more than 5 full-time equivalent U.S. Customs and Border Protection Officers beyond the number of such officers assigned to the port of entry on the date on which the fee agreement was signed;

“(B) salaries and expenses of employees of U.S. Customs and Border Protection, other than the officers referred to in subparagraph (A), to support U.S. Customs and Border Protection officers in performing law enforcement functions; and

“(C) other costs incurred by U.S. Customs and Border Protection relating to services described in subparagraph (B), such as temporary placement or permanent relocation of employees, including incentive pay for relocation, as appropriate.

“(f) PORT OF ENTRY SIZE.—The Commissioner of U.S. Customs and Border Protection shall ensure that each fee agreement proposal is given equal consideration regardless of the size of the port of entry.

“(g) DENIED APPLICATION.—

“(1) IN GENERAL.—If the Commissioner of U.S. Customs and Border Protection denies a

proposal for a fee agreement under this section, the Commissioner shall provide the entity submitting such proposal with the reason for the denial unless—

“(A) the reason for the denial is law enforcement sensitive; or

“(B) withholding the reason for the denial is in the national security interests of the United States.

“(2) JUDICIAL REVIEW.—Decisions of the Commissioner of U.S. Customs and Border Protection under paragraph (1) are in the discretion of the Commissioner and are not subject to judicial review.

“(h) FEE.—

“(1) IN GENERAL.—The amount of the fee to be charged under an agreement authorized under subsection (a) shall be paid by each entity requesting U.S. Customs and Border Protection services, and shall be for the full cost of providing such services, including the salaries and expenses of employees and contractors of U.S. Customs and Border Protection, to provide such services and other costs incurred by U.S. Customs and Border Protection relating to such services, such as temporary placement or permanent relocation of such employees and contractors.

“(2) TIMING.—The Commissioner of U.S. Customs and Border Protection may require that the fee referred to in paragraph (1) be paid by each entity that has entered into a fee agreement under subsection (a) with U.S. Customs and Border Protection in advance of the performance of U.S. Customs and Border Protection services.

“(3) OVERSIGHT OF FEES.—The Commissioner of U.S. Customs and Border Protection shall develop a process to oversee the services for which fees are charged pursuant to an agreement under subsection (a), including—

“(A) a determination and report on the full costs of providing such services, and a process for increasing such fees, as necessary;

“(B) the establishment of a periodic remittance schedule to replenish appropriations, accounts, or funds, as necessary; and

“(C) the identification of costs paid by such fees.

“(i) DEPOSIT OF FUNDS.—

“(1) ACCOUNT.—Funds collected pursuant to any agreement entered into pursuant to subsection (a)—

“(A) shall be deposited as offsetting collections;

“(B) shall remain available until expended without fiscal year limitation; and

“(C) shall be credited to the applicable appropriation, account, or fund for the amount paid out of such appropriation, account, or fund for any expenses incurred or to be incurred by U.S. Customs and Border Protection in providing U.S. Customs and Border Protection services under any such agreement and any other costs incurred or to be incurred by U.S. Customs and Border Protection relating to such services.

“(2) RETURN OF UNUSED FUNDS.—The Commissioner of U.S. Customs and Border Protection shall return any unused funds collected and deposited into the account described in paragraph (1) if a fee agreement entered into pursuant to subsection (a) is terminated for any reason or the terms of such fee agreement change by mutual agreement to cause a reduction of U.S. Customs and Border Protection services. No interest shall be owed upon the return of any such unused funds.

“(j) TERMINATION.—

“(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall terminate the services provided pursuant to a fee agreement entered into under subsection (a) with an entity that, after receiving notice from the Commissioner that a fee under subsection (h) is due, fails to pay such

fee in a timely manner. If such services are terminated, all costs incurred by U.S. Customs and Border Protection that have not been paid shall become immediately due and payable. Interest on unpaid fees shall accrue based on the rate and amount established under sections 6621 and 6622 of the Internal Revenue Code of 1986.

“(2) PENALTY.—Any entity that, after notice and demand for payment of any fee under subsection (h), fails to pay such fee in a timely manner shall be liable for a penalty or liquidated damage equal to two times the amount of such fee. Any such amount collected under this paragraph shall be deposited into the appropriate account specified under subsection (i) and shall be available as described in such subsection.

“(3) TERMINATION BY THE ENTITY.—Any entity who has previously entered into an agreement with U.S. Customs and Border Protection for the reimbursement of fees in effect on the date of enactment of this section, or under the provisions of this section, may request that such agreement be amended to provide for termination upon advance notice, length, and terms that are negotiated between such entity and U.S. Customs and Border Protection.

“(k) ANNUAL REPORT.—The Commissioner of U.S. Customs and Border Protection shall—

“(1) submit an annual report identifying the activities undertaken and the agreements entered into pursuant to this section to—

“(A) the Committee on Appropriations of the Senate;

“(B) the Committee on Finance of the Senate;

“(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(D) the Committee on the Judiciary of the Senate;

“(E) the Committee on Appropriations of the House of Representatives;

“(F) the Committee on Homeland Security of the House of Representatives;

“(G) the Committee on the Judiciary of the House of Representatives; and

“(H) the Committee on Ways and Means of the House of Representatives; and

“(2) not later than 15 days before entering into a fee agreement, notify the members of Congress that represent the State or Congressional District in which the affected port of entry or facility is located of such agreement.

“(1) RULE OF CONSTRUCTION.—Nothing in this section may be construed as imposing on U.S. Customs and Border Protection any responsibilities, duties, or authorities relating to real property.

**“SEC. 482. PORT OF ENTRY DONATION AUTHORITY.**

“(a) PERSONAL PROPERTY DONATION AUTHORITY.—

“(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in consultation with the Administrator of General Services, may enter into an agreement with any entity to accept a donation of personal property, money, or nonpersonal services for the uses described in paragraph (3) only with respect to the following locations at which U.S. Customs and Border Protection performs or will be performing inspection services:

“(A) A new or existing sea or air port of entry.

“(B) An existing Federal Government-owned land port of entry.

“(C) A new Federal Government-owned land port of entry if—

“(i) the fair market value of the donation is \$50,000,000 or less; and

“(ii) the fair market value, including any personal and real property donations in

total, of such port of entry when completed, is \$50,000,000 or less.

“(2) LIMITATION ON MONETARY DONATIONS.—Any monetary donation accepted pursuant to this subsection may not be used to pay the salaries of U.S. Customs and Border Protection employees performing inspection services.

“(3) USES.—Donations accepted pursuant to this subsection may be used for activities of the Office of Field Operations set forth in subparagraphs (A) through (F) of section 411(g)(3), which are related to a new or existing sea or air port of entry or a new or existing Federal Government-owned land port of entry described in paragraph (1), including expenses related to—

“(A) furniture, fixtures, equipment, or technology, including the installation or deployment of such items; and

“(B) the operation and maintenance of such furniture, fixtures, equipment, or technology.

“(b) REAL PROPERTY DONATION AUTHORITY.—

“(1) IN GENERAL.—Subject to paragraph (3), the Commissioner of U.S. Customs and Border Protection, and the Administrator of the General Services Administration, as applicable, may enter into an agreement with any entity to accept a donation of real property or money for uses described in paragraph (2) only with respect to the following locations at which U.S. Customs and Border Protection performs or will be performing inspection services:

“(A) A new or existing sea or air port of entry.

“(B) An existing Federal Government-owned land port of entry.

“(C) A new Federal Government-owned land port of entry if—

“(i) the fair market value of the donation is \$50,000,000 or less; and

“(ii) the fair market value, including any personal and real property donations in total, of such port of entry when completed, is \$50,000,000 or less.

“(2) USE.—Donations accepted pursuant to this subsection may be used for activities of the Office of Field Operations set forth in section 411(g), which are related to the construction, alteration, operation, or maintenance of a new or existing sea or air port of entry or a new or existing a Federal Government-owned land port of entry described in paragraph (1), including expenses related to—

“(A) land acquisition, design, construction, repair, or alteration; and

“(B) operation and maintenance of such port of entry facility.

“(3) LIMITATION ON REAL PROPERTY DONATIONS.—A donation of real property under this subsection at an existing land port of entry owned by the General Services Administration may only be accepted by the Administrator of General Services.

“(4) SUNSET.—

“(A) IN GENERAL.—The authority to enter into an agreement under this subsection shall terminate on the date that is four years after the date of the enactment of this section.

“(B) RULE OF CONSTRUCTION.—The termination date referred to in subparagraph (A) shall not apply to carrying out the terms of an agreement under this subsection if such agreement is entered into before such termination date.

“(c) GENERAL PROVISIONS.—

“(1) DURATION.—An agreement entered into under subsection (a) or (b) (and, in the case of such subsection (b), in accordance with paragraph (4) of such subsection) may last as long as required to meet the terms of such agreement.

“(2) CRITERIA.—In carrying out an agreement entered into under subsection (a) or (b), the Commissioner of U.S. Customs and Border Protection, in consultation with the Administrator of General Services, shall establish criteria regarding—

“(A) the selection and evaluation of donors;

“(B) the identification of roles and responsibilities between U.S. Customs and Border Protection, the General Services Administration, and donors;

“(C) the identification, allocation, and management of explicit and implicit risks of partnering between the Federal Government and donors;

“(D) decision-making and dispute resolution processes; and

“(E) processes for U.S. Customs and Border Protection, and the General Services Administration, as applicable, to terminate agreements if selected donors are not meeting the terms of any such agreement, including the security standards established by U.S. Customs and Border Protection.

“(3) EVALUATION PROCEDURES.—

“(A) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in consultation with the Administrator of General Services, as applicable, shall—

“(i) establish criteria for evaluating a proposal to enter into an agreement under subsection (a) or (b); and

“(ii) make such criteria publicly available.

“(B) CONSIDERATIONS.—Criteria established pursuant to subparagraph (A) shall consider—

“(i) the impact of a proposal referred to in such subparagraph on the land, sea, or air port of entry at issue and other ports of entry or similar facilities or other infrastructure near the location of the proposed donation;

“(ii) such proposal’s potential to increase trade and travel efficiency through added capacity;

“(iii) such proposal’s potential to enhance the security of the port of entry at issue;

“(iv) the impact of the proposal on reducing wait times at that port of entry or facility and other ports of entry on the same border;

“(v) for a donation under subsection (b)—

“(I) whether such donation satisfies the requirements of such proposal, or whether additional real property would be required; and

“(II) how such donation was acquired, including if eminent domain was used;

“(vi) the funding available to complete the intended use of such donation;

“(vii) the costs of maintaining and operating such donation;

“(viii) the impact of such proposal on U.S. Customs and Border Protection staffing requirements; and

“(ix) other factors that the Commissioner or Administrator determines to be relevant.

“(C) DETERMINATION AND NOTIFICATION.—

“(i) INCOMPLETE PROPOSALS.—

“(I) IN GENERAL.—Not later than 60 days after receiving the proposals for a donation agreement from an entity, the Commissioner of U.S. Customs and Border Protection shall notify such entity as to whether such proposal is complete or incomplete.

“(II) RESUBMISSION.—If the Commissioner of U.S. Customs and Border Protection determines that a proposal is incomplete, the Commissioner shall—

“(aa) notify the appropriate entity and provide such entity with a description of all information or material that is needed to complete review of the proposal; and

“(bb) allow the entity to resubmit the proposal with additional information and material described in item (aa) to complete the proposal.

“(ii) COMPLETE PROPOSALS.—Not later than 180 days after receiving a completed proposal to enter into an agreement under subsection (a) or (b), the Commissioner of U.S. Customs and Border Protection, with the concurrence of the Administrator of General Services, as applicable, shall—

“(I) determine whether to approve or deny such proposal; and

“(II) notify the entity that submitted such proposal of such determination.

“(4) SUPPLEMENTAL FUNDING.—Except as required under section 3307 of title 40, United States Code, real property donations to the Administrator of General Services made pursuant to subsection (a) and (b) at a GSA-owned land port of entry may be used in addition to any other funding for such purpose, including appropriated funds, property, or services.

“(5) RETURN OF DONATIONS.—The Commissioner of U.S. Customs and Border Protection, or the Administrator of General Services, as applicable, may return any donation made pursuant to subsection (a) or (b). No interest shall be owed to the donor with respect to any donation provided under such subsections that is returned pursuant to this subsection.

“(6) PROHIBITION ON CERTAIN FUNDING.—

“(A) IN GENERAL.—Except as provided in subsections (a) and (b) regarding the acceptance of donations, the Commissioner of U.S. Customs and Border Protection and the Administrator of General Services, as applicable, may not, with respect to an agreement entered into under either of such subsections, obligate or expend amounts in excess of amounts that have been appropriated pursuant to any appropriations Act for purposes specified in either of such subsections or otherwise made available for any of such purposes.

“(B) CERTIFICATION REQUIREMENT.—Before accepting any donations pursuant to an agreement under subsection (a) or (b), the Commissioner of U.S. Customs and Border Protection shall certify to the congressional committees set forth in paragraph (7) that the donation will not be used for the construction of a detention facility or a border fence or wall.

“(7) ANNUAL REPORTS.—The Commissioner of U.S. Customs and Border Protection, in collaboration with the Administrator of General Services, as applicable, shall submit an annual report identifying the activities undertaken and agreements entered into pursuant to subsections (a) and (b) to—

“(A) the Committee on Appropriations of the Senate;

“(B) the Committee on Environment and Public Works of the Senate;

“(C) the Committee on Finance of the Senate;

“(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(E) the Committee on the Judiciary of the Senate;

“(F) the Committee on Appropriations of the House of Representatives;

“(G) the Committee on Homeland Security of the House of Representatives;

“(H) the Committee on the Judiciary of the House of Representatives;

“(I) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(J) the Committee on Ways and Means of the House of Representatives.

“(d) GAO REPORT.—The Comptroller General of the United States shall submit an annual report to the congressional committees referred to in subsection (c)(7) that evaluates—

“(1) fee agreements entered into pursuant to section 481;

“(2) donation agreements entered into pursuant to subsections (a) and (b); and

“(3) the fees and donations received by U.S. Customs and Border Protection pursuant to such agreements.

“(e) JUDICIAL REVIEW.—Decisions of the Commissioner of U.S. Customs and Border Protection and the Administrator of the General Services Administration under this section regarding the acceptance of real or personal property are in the discretion of the Commissioner and the Administrator and are not subject to judicial review.

“(f) RULE OF CONSTRUCTION.—Except as otherwise provided in this section, nothing in this section may be construed as affecting in any manner the responsibilities, duties, or authorities of U.S. Customs and Border Protection or the General Services Administration.

**“SEC. 483. CURRENT AND PROPOSED AGREEMENTS.**

“Nothing in this subtitle or in section 4 of the Cross-Border Trade Enhancement Act of 2016 may be construed as affecting—

“(1) any agreement entered into pursuant to section 560 of division D of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6) or section 559 of title V of division F of the Consolidated Appropriations Act, 2014 (6 U.S.C. 211 note; Public Law 113-76), as in existence on the day before the date of the enactment of this subtitle, and any such agreement shall continue to have full force and effect on and after such date; or

“(2) a proposal accepted for consideration by U.S. Customs and Border Protection pursuant to such section 559, as in existence on the day before such date of enactment.

**“SEC. 484. DEFINITIONS.**

“In this subtitle:

“(1) DONOR.—The term ‘donor’ means any entity that is proposing to make a donation under this Act.

“(2) ENTITY.—The term ‘entity’ means any—

“(A) person;

“(B) partnership, corporation, trust, estate, cooperative, association, or any other organized group of persons;

“(C) Federal, State or local government (including any subdivision, agency or instrumentality thereof); or

“(D) any other private or governmental entity.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding at the end of the list of items relating to title IV the following:

“Subtitle G—U.S. Customs and Border Protection Public Private Partnerships

“Sec. 481. Fee agreements for certain services at ports of entry.

“Sec. 482. Port of entry donation authority.

“Sec. 483. Current and proposed agreements.

“Sec. 484. Definitions.”.

**SEC. 3. MODIFICATION OF EXISTING REPORTS TO CONGRESS.**

Section 907(b) of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114-125) is amended—

(1) in paragraph (3), by striking “or” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(5) the program for entering into reimbursable fee agreements with U.S. Customs and Border Protection established under section 481 of the Homeland Security Act of 2002.”.

**SEC. 4. REPEALS.**

(a) CONTRACT AUTHORITY.—Section 560 of division D of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6) is repealed.

(b) PARTNERSHIP PILOT PROGRAM.—Section 559 of division F of the Consolidated Appropriations Act, 2014 (6 U.S.C. 211 note; Public Law 113-76) is repealed.

**SEC. 5. WAIVER OF POLYGRAPH EXAMINATION REQUIREMENT FOR CERTAIN LAW ENFORCEMENT APPLICANTS.**

Section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111-376; 6 U.S.C. 221) is amended—

(1) in the matter preceding paragraph (1), by striking “The Secretary” and inserting the following:

“(a) IN GENERAL.—The Secretary”;

(2) in subsection (a)(1), as redesignated, by inserting “(except as provided in subsection (b))” after “Border Protection”; and

(3) by adding at the end the following:

“(b) WAIVER.—The Commissioner of U.S. Customs and Border Protection may waive the polygraph examination requirement under subsection (a)(1) for any applicant who—

“(1) is deemed suitable for employment;

“(2) holds a current, active Top Secret/Sensitive Compartmented Information Clearance;

“(3) has a current Single Scope Background Investigation;

“(4) was not granted any waivers to obtain his or her clearance; and

“(5) is a veteran (as defined in section 2108 of title 5, United States Code).”.

**SA 5116.** Mr. MCCONNELL (for Mr. HELLER (for himself, Mrs. FEINSTEIN, and Mr. REID)) proposed an amendment to the bill S. 3438, to authorize the Secretary of Veterans Affairs to carry out a major medical facility project in Reno, Nevada; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following

major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic, life safety, and utilities upgrades and expansion of clinical services in Reno, Nevada, in an amount not to exceed \$213,800,000.

(2) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed \$317,300,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2017 or the year in which funds are appropriated for the Construction, Major Projects, account \$531,100,000 for the projects authorized in subsection (a).

(c) LIMITATION.—The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2017 or the year in which funds are appropriated for the Construction, Major Projects, account pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2017 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2017 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2017 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2017 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2017 for a category of activity not specific to a project.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 29, 2016, at 9:30 a.m.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. BLUNT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 29, 2016, at 2:30 p.m., in room SH-219 of the Hart Senate Office Building.

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

**FOREIGN TRAVEL FINANCIAL REPORTS**

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel: