

agreements on a year-round basis and otherwise consistent with the requirements of this section.

(2) **AVAILABILITY.**—The procedures issued under paragraph (1) shall be made available to the public.

(3) **COST-SHARING ARRANGEMENTS.**—In issuing the procedures under paragraph (1), the Commissioner, in consultation with the Administrator, shall evaluate the use of authorities provided under this section to enter into cost-sharing or reimbursement agreements with eligible persons and determine whether such agreements may improve facility conditions or inspection services at new or existing land, sea, or air ports of entry.

(g) **DETERMINATION AND NOTIFICATION.**—

(1) **IN GENERAL.**—Not later than 60 days after receiving a proposal for a donation agreement, the Commissioner, and Administrator if applicable, shall notify the person that submitted the proposal as to whether it is complete or incomplete.

(2) **INCOMPLETE PROPOSALS.**—If the Commissioner, and Administrator if applicable, determines that a proposal is incomplete, the person that submitted the proposal shall be notified and provided with—

(A) a detailed description of all specific information or material that is needed to complete review of the proposal; and

(B) allow the person to resubmit the proposal with additional information and material described under subparagraph (A) to complete the proposal.

(3) **COMPLETE APPLICATIONS.**—Not later than 180 days after receiving a completed and final proposal for a donation agreement, the Commissioner, and Administrator if applicable, shall—

(A) make a determination whether to deny or approve the proposal; and

(B) notify the person that submitted the proposal of the determination.

(4) **CONSIDERATIONS.**—In making the determination under paragraph (3)(A), the Commissioner, and Administrator if applicable, shall consider—

(A) 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;

(B) the potential of the proposal to increase trade and travel efficiency through added capacity;

(C) the potential of the proposal to enhance the security of the port of entry or facility;

(D) the funding available to complete the intended use of a donation under this section;

(E) the costs of maintaining and operating such donation;

(F) whether such donation, if real property, satisfies the requirements of such proposal, or whether additional real property would be required;

(G) an explanation of how such donation, if real property, was secured;

(H) the impact of such proposal on staffing requirements; and

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

(h) **SUPPLEMENTAL FUNDING.**—Any property, including monetary donations and nonpersonal services, donated pursuant to a donation agreement may be used in addition to any other funds, including appropriated funds, property, or services made available for the same purpose.

(i) **RETURN OF DONATION.**—If the Commissioner or the Administrator does not use the property or services donated pursuant to a donation agreement, such donated property or services shall be returned to the person that made the donation.

(j) **INTEREST PROHIBITED.**—No interest may be owed on any donation returned to a person under this subsection.

(k) **PROHIBITION ON CERTAIN FUNDING.**—The Commissioner, in collaboration with the Administrator if applicable, with respect to an agreement authorized under this section, may not obligate or expend amounts in excess of the value of the donations.

(1) **ANNUAL REPORT AND NOTICE TO CONGRESS.**—The Commissioner, in collaboration with the Administrator if applicable, shall—

(1) submit to the relevant committees of Congress an annual report that identifies each donation agreement made during the previous year; and

(2) not less than 15 days before entering into a donation agreement, notify the members of Congress that represent the State or district in which the affected port or facility is located.

(m) **CONSTRUCTION.**—Except as otherwise provided in this section, nothing in this section may be construed—

(1) as affecting in any manner the responsibilities, duties, or authorities of U.S. Customs and Border Protection or the Administration;

(2) to create any right or liability of the parties referred to in this section, except as otherwise set forth in any donation acceptance agreement entered into under this section; or

(3) as affecting any consultation requirement under any other law.

SEC. 6. 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”;

(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 such term is defined in section 2108 of title 5, United States Code).”

SEC. 7. EFFECTIVE PERIOD.

(a) **IN GENERAL.**—Except as provided in subsection (c), this Act and the amendments made by this Act shall be in effect during the 10-year period beginning on the date of the enactment of this Act.

(b) **AGREEMENTS IN EFFECT.**—Any agreement made pursuant to this Act that is in effect on the date that is 10 years after the date of the enactment of this Act shall continue to have full force and effect on and after such date and remain in effect under the terms of such agreement.

(c) **PERMANENT PROVISIONS.**—Section 2, the amendments made by section 2, and the amendments made by section 6 shall take effect on the date of the enactment of this Act.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Cornyn substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported substitute amendment was withdrawn.

The amendment (No. 5115) in the nature of a substitute was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The bill (S. 461), as amended, was ordered to be engrossed for a third read-

ing, was read the third time, and passed.

DISTRICT OF COLUMBIA JUDICIAL FINANCIAL TRANSPARENCY ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4419, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 4419) to update the financial disclosure requirements for judges of the District of Columbia courts and to make other improvements to the District of Columbia courts.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 4419) was ordered to a third reading, was read the third time, and passed.

PROVIDING FOR AN ANNUITY SUPPLEMENT FOR CERTAIN AIR TRAFFIC CONTROLLERS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5785, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 5785) to amend title 5, United States Code, to provide for an annuity supplement for certain air traffic controllers.

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

Mr. McCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 5785) was ordered to a third reading, was read the third time, and passed.

RECOGNIZING THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY ON ITS 20TH ANNIVERSARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 607.

The PRESIDING OFFICER. Without objection it is so ordered.

The clerk will report the resolution by title.