

and thank our colleague from Oregon (Mr. SCHRADER) for advocating for the House version of this bill. And I want to thank Chairman BISHOP for managing this bill with me today.

I ask my colleagues to support S. 818.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I urge its adoption.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, S. 818.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DANIEL J. EVANS OLYMPIC NATIONAL PARK WILDERNESS ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3028) to redesignate the Olympic Wilderness as the Daniel J. Evans Wilderness.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Daniel J. Evans Olympic National Park Wilderness Act”.

SEC. 2. REDESIGNATION AS DANIEL J. EVANS WILDERNESS.

(a) REDESIGNATION.—Section 101(a) of the Washington Park Wilderness Act of 1988 (16 U.S.C. 1132 note; 102 Stat. 3961) is amended, in the second sentence, by striking “Olympic Wilderness” and inserting “Daniel J. Evans Wilderness”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Olympic Wilderness shall be deemed to be a reference to the Daniel J. Evans Wilderness.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself 2 minutes.

S. 3028 renames the Olympic Wilderness in the Olympic National Park in the State of Washington as the Daniel J. Evans Wilderness.

□ 1400

Daniel Evans was a three-term Governor of Washington. He also served in

the United States Senate. Despite that fact, this is still a fitting memorial to Mr. Evans and is a recognition of his life in public service.

Mr. Speaker, I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, I yield myself such time as I may consume.

The lands of the Pacific Northwest are known throughout the country for their majestic beauty and unique ecosystems. Visitors from near and far flock to the region to experience temperate rain forests and to climb some of the tallest peaks of the country. Were it not for the forward-thinking actions of certain individuals who sought permanent protection for these wildlands decades ago, these iconic places could have been destroyed.

Today we recognize one of those forward-thinking individuals, Senator Daniel J. Evans of Washington State. Thanks to the work of Senator Evans, these areas are maintained in perpetuity due in no small part to the passage of the wilderness bills that protect them. A staunch supporter of the bipartisan Wilderness Act, Senator Evans helped to establish this bedrock environmental law, which ensures that these increasingly rare and pristine lands are protected permanently for enjoyment by all.

Thanks to Congressman REICHERT and Senator CANTWELL for advancing this legislation.

I am pleased to support this bill today, which recognizes the important work of one of our great public lands champions, Senator Daniel J. Evans. I ask my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, this is another excellent bill, and I urge its adoption.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DOLD). The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, S. 3028.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CROSS-BORDER TRADE ENHANCEMENT ACT OF 2016

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 875) 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 amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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 services described in subsection (b).

“(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.

“(1) 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 this 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.

“(l) 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.

“(i) 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 ex-

cess 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).”.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from

Louisiana (Mr. **BOUSTANY**) and the gentleman from Texas (Mr. **CUELLAR**) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. **BOUSTANY**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 875, currently under consideration.

The **SPEAKER pro tempore**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. **BOUSTANY**. Mr. Speaker, I yield myself such time as I may consume.

After my remarks, I will include in the **RECORD** an exchange of letters between the chairmen of the two committees.

Mr. Speaker, H.R. 875, the Cross-Border Trade Enhancement Act of 2016, is a commonsense, broadly supported, bipartisan bill that will provide a mechanism for increased trade enforcement while also enhancing the facilitation of legitimate trade and travel. I am pleased to note that the other body passed an identical bill by unanimous consent just last week, signaling widespread support. Through this legislation, we continue to demonstrate our commitment to providing the necessary tools to maintain American economic competitiveness while preventing the entry of illicit goods into the United States.

U.S. Customs and Border Protection is the Federal law enforcement agency responsible for facilitating international travel and trade at our Nation's ports of entry as well as for detecting and interdicting counterfeit, unsafe, and fraudulently entered goods. Last year, the CBP processed more than 382 million passengers at the Nation's 328 land, sea, and air ports of entry and over \$2.4 trillion worth of goods. The CBP estimates that inbound trade and traffic will continue to grow.

In 2013 and 2014, Congress created 5-year pilot programs authorizing the CBP to enter into reimbursable agreements with public and private entities as a way to meet the escalating demands of increased trade and traffic at the ports of entry. These agreements with private and public sector entities allow for additional inspectional services beyond what the CBP would have normally allocated at ports of entry. They provide additional resources to increase enforcement and processing capacity and to improve dated infrastructure at our ports.

Since 2013, the CBP has entered into reimbursable service agreements with 29 stakeholders at land, sea, and air ports of entry. These agreements have contributed to more than 125,000 additional processing hours to meet stakeholder demand during which 3 million travelers and almost 460,000 vehicles were processed. The pilot programs have been widely regarded as forward-

leaning and an effective way to enforce our laws at the border and to meet the demands of increased trade and travel.

Today's legislation would move beyond these tested pilot programs to establish more permanent authority for the CBP to enter into these arrangements, providing the opportunity to make the CBP more efficient and effective at our borders.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, December 5, 2016.

Hon. **KEVIN BRADY**,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN **BRADY**: I am writing concerning H.R. 875, the Cross-Border Trade Enhancement Act of 2015.

This legislation contains provisions within the Committee on Agriculture's Rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Agriculture will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Agriculture with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

K. MICHAEL CONAWAY,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 5, 2016.

Hon. **K. MICHAEL CONAWAY**,
Chairman, Committee on Agriculture,
Washington, DC.

DEAR CHAIRMAN **CONAWAY**: Thank you for your letter regarding H.R. 875, the “Cross-Border Trade Enhancement Act of 2015.” As you noted, the Committee on Agriculture has a jurisdictional interest in this bill.

I am most appreciative of your decision to waive formal consideration of H.R. 875 so that it may proceed expeditiously to the House floor. I acknowledge that although you waived formal consideration of the bill, the Committee on Agriculture is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill that fall within your Rule X jurisdiction. I would support your effort to seek appointment of an appropriate number of conferees on any House-Senate conference involving this legislation.

I will include a copy of our letters in the committee report on this legislation, as well as in the Congressional Record during consideration on the House floor.

Sincerely,

KEVIN BRADY,
Chairman.

The **SPEAKER pro tempore**. Without objection, the gentleman from Massachusetts (Mr. **NEAL**) will control the time.

There was no objection.

Mr. **NEAL**. Mr. Speaker, I yield myself such time as I may consume.

I stand in support of the Cross-Border Trade Enhancement Act of 2016.

This bill offers a pragmatic and bipartisan solution to a real and growing problem: Customs and Border Protection simply has not been able to keep pace, and has not been given the resources to keep pace, with the dramatic growth in travel into the United States.

In the last fiscal year, for example, the CBP processed more than 384 million passengers and more than \$2.4 trillion of imported goods through our air, land, and sea ports, but the CBP's staffing levels have not kept pace with this growth over the years. The result has been substantial and unnecessary delays as passengers and cargo ships wait to be processed.

Not only is this a bipartisan issue, but just as importantly, I think it calls into meaning how we might solve some of the problems that confront America economically. A case in point: it is generally large businesses, medium-sized businesses, and small businesses that tend not to take a position in support of more government but which, in this instance, would ask for more government. There is nothing wrong with that inconsistency. In fact, I think, in this particular instance, it works quite well because they will ask for more agents for the purpose of moving cargo faster. I think that is an entirely reasonable position.

This bill will help to address those delays by increasing trade and travel efficiencies and by eliminating unnecessary redtape in the hiring process at no cost to the taxpayer.

This approach has already been tested, and it has passed the test. In 2013 and 2014, Congress authorized pilot programs, as Dr. BOUSTANY has noted, to enable the CBP to enter into agreements with private sector, State, and local government entities that would reimburse the CBP for customs-related personnel services at ports of entry. These public-private agreements are believed to have decreased wait times by an average of 30 percent at the ports at which they were implemented. The bill also allows for more of these agreements and for a longer period of time.

For these reasons, I support this bipartisan bill, and I urge my colleagues to vote for it later on this afternoon.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HURD).

Mr. HURD of Texas. Mr. Speaker, I rise in support of H.R. 875, the Cross-Border Trade Enhancement Act.

This bipartisan bill is the product of significant work throughout the course of the 114th Congress across both Chambers and across committee jurisdiction to ensure that a program that many border communities rely upon continues to return dividends.

I am proud to represent over 800 miles of the U.S.-Mexico border, including the communities and the busi-

nesses that thrive on cross-border trade. Over the past two decades, our Nation's trade with Mexico has grown by leaps and bounds, much of it through our land ports of entry. In 2015 alone, Texas businesses exported \$92 billion in goods and services to Mexico—that is \$92 billion with a “B”—more than the next four largest markets combined. However, border infrastructure has not kept up with the growth. The lack of infrastructure and staffing that is necessary to support increased levels of trade crossing into this country has a very real impact on those we serve and work with daily.

This legislation fixes the problem by empowering local leaders and increasing flexibility, with little to no cost to the Federal Government and taxpayers. By allowing local communities and organizations to form public-private partnerships with the Federal Government and to make improvements to our ports of entry, we are investing in the infrastructure that supports our economy. Similar legislation passed the House in a bipartisan manner earlier this year and passed out of the Senate unanimously.

The failure to capitalize on this momentum merely leaves this critical program adrift right when its benefits are about to be realized. Decreasing the time it takes to move goods and services safely across the border will have a tremendous economic impact on not only the region, but on our Nation.

I thank the leadership of fellow Texans and my friends, Senator CORNYN, Mr. CUELLAR, and Mr. O'ROURKE; and I urge my colleagues to support this legislation.

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Mr. NEAL. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. CUELLAR), who has been a leader on this very issue and has helped to design the very product that is in front of us today, and I think that he can take great satisfaction from the bipartisan nature of the legislation that we are about to entertain.

Mr. CUELLAR. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. NEAL) and his staff for helping to put this together. I appreciate it.

I also want to thank the gentleman from Louisiana (Mr. BOUSTANY) and his staff for putting this bill on a very fast-moving track.

And in particular, I want to thank my good old friend—and I say “good old friend” in a nice way—Chairman KEVIN BRADY. We go back to working together in the State legislature. We have been working in Texas on issues like this for so many years, and I certainly want to thank Chairman BRADY for his work and the bipartisan staff for moving this bill quickly.

In particular, I want to thank my colleagues. Mr. HURD over here, who has a lot of border and he has got a lot of ports of entry, I want to thank him for his leadership on this bill.

I also want to thank BETO O'ROURKE, my friend from El Paso, who also un-

derstands, just like Mr. HURD does, the importance of trade.

I thank our Senate sponsor, Senator CORNYN, who has done a great job on this particular bill.

The Cross-Border Trade Enhancement Act of 2016 is a bill that builds upon the work that Chairman JOHN CARTER and myself added in the appropriations bill back in 2013 and 2014 to ease the delays and improve the infrastructure at our Nation's land and sea and air ports of entry.

As has been said, trade and travel to the U.S. has been increasing for the last 10 years. In fiscal year 2015, our Nation saw 382 million travelers processed at the Nation's 328 land, sea, and air ports of entry. In particular I want to emphasize the land ports of entry. Over 80 percent of all of the people who come into the United States, all of the goods that come into the United States, come in through land ports of entry, and that is why this bill is very important.

As was mentioned a few minutes ago, \$2.4 trillion of trade was processed at our ports of entry. And just as an example—and I know Mr. HURD mentioned it; I know Mr. O'ROURKE is going to mention it—in my port of entry, Laredo, for example, it is a small town of 250,000, but it handles 14,000 trailers a day of trade between the U.S. and Mexico. If you look at the largest customs districts, you have L.A., New York, and then you have Laredo. So this bill is very important to Laredo and the rest of the border itself.

Despite this growing trade that we have at our ports of entry, CBP staffing levels have been stagnant. Back in 2014, the Appropriations Committee and Congress authorized over \$255 million to increase the CBP workforce, which includes hiring 2,000 new CBP officers. However, they have been struggling to hire those 2,000 CBP officers due to attrition, but also due to the long time that it takes to hire those new officers.

The other part that is important is, if you look at the land ports of entry, for example, there are a lot of challenges—and I am talking about the southern and the northern ports of entry that we have. In fact, it would cost us about \$5 billion in capital improvements to make sure that we do this work.

What are we doing in Congress? Well, we are adding about \$146 million a year to meet this \$5 billion that we need. So at this rate of \$146 million a year, it would take 34 years to meet that \$5 billion that we need. Therefore, the Federal Government is not going to add those appropriations.

I understand money is tight. We need to bring in the local government and especially the private sector to make sure that we address the undersized facilities, the outmoded technologies that we have, the officer safety issues that we have, and the long wait times that we have, which I call parking lots, because a lot of times these trucks are waiting in the middle of the bridge.

Therefore, on sections 559 and 560, what we did is we said we are going to bring the private sector in, and it has worked well in doing this. We have seen—and I think it has been mentioned, but I will mention it again. We entered into 29 of those stakeholder reimbursement service agreements, and we saw more additional processing hours to make sure that we moved 3 million additional travelers and almost 460,000 new vehicles.

Again, this is going to help us.

What does this bill do? This bill will help us expand that pilot program in many ways and authorize it for 10 years. This bill will limit the number of reimbursable service agreements that we have at the ports of entry, but, more importantly, it is going to allow us to hire CBP officers faster. I know the chairman knows this very well. Imagine if we have this. We have got to bring officers into the CBP faster, and this is what this bill will do.

So again, I want to thank the House sponsors, KEVIN BRADY, Chairman MICHAEL MCCAUL, Mr. HURD, and Mr. O'ROURKE, and, of course, on the Senate side, Senator CORNYN and Senator KLOBUCHAR for making sure that we did it and that we are doing it in a bipartisan way.

I ask that we pass this bill.

Mr. BOUSTANY. Mr. Speaker, I yield 3 minutes to the gentleman from Nevada (Mr. AMODEI).

Mr. AMODEI. I thank my colleague from the Pelican State and also the ranking member from the Bay State.

Mr. Speaker, I am a bit nervous. I don't want to break up this Lone Star class reunion here, but speaking on behalf of a small place in the intermountain west, section 481 of H.R. 875 addresses a CBP staffing issue at smaller land port of entry airports.

As we all know, the CBP mission at our numerous ports of entry is growing, and adequate staffing at the larger ports needs to be augmented. However, airport authorities and smaller land ports of entry are also increasing their international passenger counts and need additional CBP personnel to adequately screen their passengers.

The language contained herein allows small land port airports to reimburse CBP the actual cost of assigning up to five more CBP screening personnel, thereby keeping screening times within reasonable limits for those air passengers. This language represents bicameral, bipartisan, nationwide consensus on a needed staffing reimbursement option for CBP. Similarly, I urge Members' bipartisan nationwide support.

God bless the State of Texas and the other 49 also.

Mr. NEAL. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. O'ROURKE), another individual who has had a profound influence on this legislation and has had a long-time interest in the topic as well.

Mr. O'ROURKE. I thank the gentleman from Massachusetts, our new

ranking member on the committee, for yielding and for his work on this important bill.

Mr. Speaker, there are few things as important for us in this Congress to work on as creating more jobs and sustaining those that we have right now. U.S.-Mexico trade today supports more than 6 million jobs in every single State of the Union, 500,000 jobs in the State of Texas alone, and one out of every four jobs in the community that I have the honor to represent, El Paso, Texas.

The men and women who serve in Customs and Border Protection, the officers in blue at our ports of entry, are understaffed and overstressed, and they need our help. What we are doing in this bill is allowing local communities and local stakeholders who have an interest in the success of our ports of entry and in U.S.-Mexico trade and in creating more jobs to fund the necessary overtime hours and infrastructure improvements at those ports.

I want to thank my colleagues from both sides of the aisle and in both Chambers—Senator CORNYN in the other Chamber, Members CUELLAR and HURD and others in this one—who see the wisdom in allowing local communities to fill the gap where government has been unable to do so.

Whether it is the \$90 billion in U.S.-Mexico trade that crosses the El Paso-Ciudad Juarez ports of entry every year or the 32 million inspections that are conducted there, this is a way to grow our economy. It is a way to ensure that we are more secure because we know precisely who is coming in when we have the manpower and infrastructure to inspect all those who want to cross in here. We are allowing local communities and not the Federal Government to pick up the tab in a way that is going to benefit this country as a whole.

I couldn't help but notice the current chair of the House Veterans' Affairs Committee, the incoming chair, and the ranking member, who are all here. I know they are all pleased to see in this bill an expedited process to hire our veterans, to transition them from Active Duty service to meaningful employment as a Customs officer through an expedited process in this bill. That means we staff more of our CBP positions, we put more veterans to work, and we do better for this country.

This is a bill that should have the support of every single Member of this Congress, and I urge its quick passage.

Mr. BOUSTANY. Mr. Speaker, I have no other Members wishing to speak on the bill, and I am prepared to close.

I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Dr. BOUSTANY, who has been a friend on the Ways and Means Committee. I assume this might be his last time handling legislation on the floor. He was great to work with over the years.

I take some satisfaction, Mr. Speaker, that having either been chairman or

ranking member of the Tax Policy Subcommittee of the Committee on Ways and Means, that I simply wore them all down because, every 2 years, they would send somebody else over to share that responsibility.

Dr. BOUSTANY is a real gentleman. He has been a friend, and he has been a very nice guy to work with.

I yield back the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Massachusetts for his very, very kind words. It has been a true pleasure working with him on the Tax Policy Subcommittee. I want to congratulate him on becoming ranking member of the Ways and Means Committee. I know he will do a fabulous job. I am only sorry I won't be around next year to work with him and beyond. I congratulate him.

Godspeed, do a great job, and get tax reform done.

Mr. Speaker, I urge my colleagues to support H.R. 875, the Cross-Border Trade Enhancement Act of 2016, to strengthen our ability to enforce U.S. trade laws.

I am very pleased that our solution has such strong bipartisan support and makes good on our commitment to stop the flow of illicit goods while also facilitating legitimate trade that is vital to American economic competitiveness. I urge passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 875, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENDING WAIVER OF LIMITATIONS WITH RESPECT TO EXCLUDING FROM GROSS INCOME AMOUNTS RECEIVED BY WRONGFULLY INCARCERATED INDIVIDUALS

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 6438) to extend the waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of the bill is as follows:

H.R. 6438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,