

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2016—Continued

Table with columns: Name and country, Name of currency, Per diem (Foreign currency, U.S. dollar equivalent or U.S. currency), Transportation (Foreign currency, U.S. dollar equivalent or U.S. currency), Miscellaneous (Foreign currency, U.S. dollar equivalent or U.S. currency), Total (Foreign currency, U.S. dollar equivalent or U.S. currency). Rows include Georgia, Italy, United States, and a Total row.

SENATOR RICHARD BURR, Chairman, Senate Select Committee on Intelligence, Nov. 7, 2016.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2016

Table with columns: Name and country, Name of currency, Per diem (Foreign currency, U.S. dollar equivalent or U.S. currency), Transportation (Foreign currency, U.S. dollar equivalent or U.S. currency), Miscellaneous (Foreign currency, U.S. dollar equivalent or U.S. currency), Total (Foreign currency, U.S. dollar equivalent or U.S. currency). Rows include Ambassador David Killion, Delegation Expenses for Georgia, Italy, United Kingdom, Austria, United States, and Poland.

SENATOR ROGER F. WICKER, Chairman, Commission on Security and Cooperation in Europe, Oct. 11, 2016.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2016

Table with columns: Name and country, Name of currency, Per diem (Foreign currency, U.S. dollar equivalent or U.S. currency), Transportation (Foreign currency, U.S. dollar equivalent or U.S. currency), Miscellaneous (Foreign currency, U.S. dollar equivalent or U.S. currency), Total (Foreign currency, U.S. dollar equivalent or U.S. currency). Rows include Thomas Hawkins for United States, Australia, Philippines, South Korea, Japan, Norway, Sweden, Latvia, and a Total row.

SENATOR MITCH MCCONNELL, Majority Leader, Nov. 18, 2016.

AUTHORIZING RETURN OF PAPERS REQUEST

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to request the return of the papers with respect to H. Con. Res. 122 so that the enrolling clerk may make a technical correction.

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

PUBLIC SAFETY OFFICERS' BENEFITS IMPROVEMENT ACT OF 2016

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate proceed to the immediate consideration of Calendar No. 513, S. 2944.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2944) to require adequate reporting on the Public Safety Officers' Benefit program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2944

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 "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." [after "before the Bureau.":] 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 during the 180-day period preceding the report.

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

“(i) the total number of claims, and the nature of each claim, submitted to the Bureau;

“(ii) the number of claims for which a final determination has been made;

“(iii) the number of claims for which a final determination has not been reached and the basis for the delay;

“(iv) the amount of time required to process each claim for which a final determination has been made [and, for any claim which could not be processed within 1 year of being submitted to the Bureau, the basis for any delay];

“(v) the number of claims submitted that are related to exposure due to the September 11th, 2001, terrorism attacks and the average award amount for any such claims for which a final determination has been made;

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

“(vii) the number of claims [that were appealed] for which a final determination was made and appealed during the 180-day period;

“(viii) the average number of claims processed per reviewer of the Bureau; and

“(ix) the average amount of time each agency takes to submit all required information and documents to the Bureau.]

“(ix) 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.

“(3)(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.

Mr. LEAHY. Mr. President, today, the Senate reiterates its commitment to our Nation’s law enforcement officers, firefighters, and other first responders. Forty years ago, we created the Public Safety Officers’ Benefits Program, PSOB, to support first responders who made the ultimate sacrifice. We have now passed legislation to make much needed improvements to the claims adjudication process, which for too long has been plagued by red tape and delays.

Today’s legislation builds upon my past efforts to improve the PSOB program. In 2003, I worked with a bipartisan group of senators to pass the Hometown Heroes Survivors Benefits Act, which recognized that law enforcement officers who suffer fatal heart attacks or strokes in the line of duty also deserve benefits. In 2009, I introduced the Dale Long Emergency Medical Service Providers Protection Act, which became law in 2012 and extended PSOB benefits to nonprofit Emergency Medical Service, EMS, providers. This change covered an estimated 1,200 EMS personnel in Vermont alone. Today’s legislation will add transparency to the PSOB’s decisionmaking process and should help expedite the review of applications for benefits.

The legislation also includes an amendment I offered in the Judiciary Committee that improved this bill in three important ways. First, it ensured that children are not disqualified from receiving education benefits due to delays within the PSOB program, which can approach 10 years. At a Senate Judiciary hearing in April, a law enforcement official described this as unconscionable. I agree. My amendment ensures it will never happen

again. Second, a fallen officer or first responder's family should not have their claim denied simply because their employer fails to provide necessary paperwork to the PSOB office. My amendment requires that the PSOB office use every investigative tool it has to obtain what it needs from third parties to process a claim. This will ensure that officers and their families who are entitled to benefits are not further victimized by delays beyond their control. Finally, as originally drafted, this legislation only applied to claims filed after it becomes law. I want these improvements to help those currently stuck in the backlog, and my amendment fixed this issue.

One hundred twenty-three law enforcement officers have been killed in the line of duty so far in 2016. These families deserve a working and responsive PSOB program. This legislation, while only a modest step, demonstrates our shared commitment to those officers and their families. I urge the House of Representatives to quickly pass this legislation and send it to the President for signature.

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

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

The committee-reported amendments were withdrawn.

The amendment (No. 5113) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 2944), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 5114) was agreed to, as follows:

(Purpose: To amend the title)

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

CROSS-BORDER TRADE ENHANCEMENT ACT OF 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 559, S. 461.

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

The senior assistant legislative clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee

on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. REPEAL AND TRANSITION PROVISION.

(a) REPEAL.—Subject to subsections (b) and (c), section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113-6; 127 Stat. 378) and section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113-76; 6 U.S.C. 211 note) are repealed.

(b) AGREEMENTS IN EFFECT.—Notwithstanding subsection (a), nothing in this Act may be construed as affecting in any manner an agreement entered into pursuant to section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113-6; 127 Stat. 378) or section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113-76; 6 U.S.C. 211 note) that is in effect on the day before the date of the enactment of this Act, and any such agreement shall continue to have full force and effect on and after such date.

(c) PROPOSED AGREEMENTS.—Notwithstanding subsection (a), nothing in this Act may be construed as affecting in any manner a proposal accepted for consideration and further development by U.S. Customs and Border Protection or the General Services Administration pursuant to section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113-76; 6 U.S.C. 211 note) that was accepted prior to the date of the enactment of this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" mean the General Services Administration.

(2) ADMINISTRATOR.—The term "Administrator" mean the Administrator of the Administration.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of U.S. Customs and Border Protection.

(4) DONATION AGREEMENT.—The term "donation agreement" means an agreement made under section 5(a).

(5) FEE AGREEMENT.—The term "fee agreement" means an agreement made by the Commissioner under section 4(a)(1).

(6) PERSON.—The term "person" means—

(A) an individual;

(B) a corporation, partnership, trust, estate, association, or any other private or public entity;

(C) a Federal, State, or local government;

(D) any subdivision, agency, or instrumentality of a Federal, State, or local government; or

(E) any other governmental entity.

(7) RELEVANT COMMITTEES OF CONGRESS.—The term "relevant committees of Congress" means—

(A) the Committee on Appropriations, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 4. AUTHORITY TO ENTER INTO FEE AGREEMENTS FOR THE PROVISION OF CERTAIN SERVICES OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) FEE AGREEMENTS.—

(1) AUTHORITY FOR FEE AGREEMENTS.—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 may, upon the request of any person, enter into an agreement with that person under which—

(A) U.S. Customs and Border Protection will provide the services described in paragraph (4) at a port of entry or any other facility where U.S. Customs and Border Protection provides or will provide services;

(B) such person will remit a fee imposed under subsection (b) to U.S. Customs and Border Protection in an amount equal to the full costs incurred or that will be incurred in providing such services; and

(C) any additional facilities at which U.S. Customs and Border Protection services are performed or deemed necessary for the provision of services under an agreement entered into under this section shall be provided, maintained, and equipped by such person, without additional cost to the Federal Government, in accordance with U.S. Customs and Border Protection specifications.

(2) CRITERIA.—The Commissioner shall establish criteria for entering into a partnership under paragraph (1) that include the following:

(A) Selection and evaluation of potential partners.

(B) Identification and documentation of roles and responsibilities between U.S. Customs and Border Protection, the Administration, and private and government partners.

(C) Identification, allocation, and management of explicit and implicit risks of partnering between U.S. Customs and Border Protection, the Administration, and private and government partners.

(D) Decision-making and dispute resolution processes in partnering arrangements.

(E) Criteria and processes for U.S. Customs and Border Protection to terminate agreements if private or government partners are not meeting the terms of such a partnership, including the security standards established by U.S. Customs and Border Protection.

(3) PUBLICATION.—The Commissioner shall make publicly available the criteria established under paragraph (2), and shall notify the relevant committees of Congress not less than 15 days prior to the publication of the criteria and any subsequent changes to such criteria.

(4) SERVICES DESCRIBED.—Services described in this paragraph are any services related to, or in support of, customs, agricultural processing, border security, or inspection-related immigration matters provided by an employee or contractor of U.S. Customs and Border Protection at ports of entry or any other facility where U.S. Customs and Border Protection provides or will provide services.

(5) MODIFICATION OF PRIOR AGREEMENTS.—The Commissioner, at the request of a person 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 Act, may modify such agreement to implement any provisions of this Act.

(6) LIMITATION.—The Commissioner may not enter into a reimbursable fee agreement under this subsection if such agreement would unduly and permanently impact services funded in this Act or any appropriations Act, or provided from any account in the Treasury of the United States derived by the collection of fees.

(7) NUMERICAL LIMITATIONS.—Except as provided in paragraphs (8) and (9), there shall be no limit to the number of fee agreements that may be entered into by the Commissioner.

(8) AUTHORITY FOR NUMERICAL LIMITATIONS.—

(A) RESOURCE AVAILABILITY.—If the Commissioner finds that resource or allocation constraints would prevent U.S. Customs and Border Protection from fulfilling, in whole or in part, requests for services under the terms of existing or proposed fee agreements, the Commissioner shall impose annual limits on the number of new fee agreements.