

WYDEN) was added as a cosponsor of S. 2543, a bill to support afterschool and out-of-school-time science, technology, engineering, and mathematics programs, and for other purposes.

S. 2563

At the request of Ms. KLOBUCHAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2563, a bill to amend title 23, United States Code, to improve highway safety and for other purposes.

S. 2577

At the request of Mr. CRUZ, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2577, a bill to require the Secretary of State to offer rewards totaling up to \$5,000,000 for information on the kidnapping and murder of Naftali Fraenkel, a dual United States-Israeli citizen, that began on June 12, 2014.

S. 2578

At the request of Mrs. MURRAY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2578, a bill to ensure that employers cannot interfere in their employees' birth control and other health care decisions.

S. 2585

At the request of Mr. KIRK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2585, a bill to impose additional sanctions with respect to Iran to protect against human rights abuses in Iran, and for other purposes.

S. J. RES. 19

At the request of Mr. NELSON, his name was added as a cosponsor of S. J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 498

At the request of Mr. GRAHAM, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Mexico (Mr. HEINRICH), the Senator from Michigan (Mr. LEVIN), the Senator from Indiana (Mr. DONNELLY), the Senator from Colorado (Mr. BENNET), the Senator from Colorado (Mr. UDALL) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. Res. 498, a resolution expressing the sense of the Senate regarding United States support for the State of Israel as it defends itself against unprovoked rocket attacks from the Hamas terrorist organization.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOOKER (for himself and Mr. HELLER):

S. 2607. A bill to extend and modify the pilot program of the Department of Veterans Affairs on assisted living services for veterans with traumatic

brain injury, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BOOKER. Mr. President, I rise today to introduce with my colleague Senator DEAN HELLER, legislation that would extend a critical and innovative program for our nation's veterans. Senator HELLER and I urge our colleagues to consider The Assisted Living Program for Veterans with Traumatic Brain Injury Extension, AL-TBI, Act which authorizes the continuation of a Veterans Health Administration program that provides intensive care and rehabilitation to veterans with severe brain injuries.

Thanks to this program, veterans with traumatic brain injuries more quickly re-adjust to their day-to-day lives—from making dinner for others, to fixing a faucet, to doing yard work. AL-TBI consists of privately run group homes around the country where veterans are immersed in therapies for movement, memory, speech, and gradual community reintegration. Veterans in these homes benefit from 24-hour team-based care. There are about twenty of these homes in New Jersey that have yielded impressive results. Nationally, several dozen veterans have been rehabilitated from severe injuries that are notoriously difficult to treat.

This program is working to help a generation of veterans with traumatic brain injuries and so many older veterans that have been suffering for decades. Since 2001, more than 265,000 U.S. troops suffered traumatic brain injuries, according to the Defense and Veterans Brain Injury Center. While most were mild concussions, over 26,000 men and women veterans suffered from moderate or severe head wounds. Advances in medicine keep alive soldiers with head wounds that might have killed them in previous conflicts. However, the ability to cure these injuries has not kept pace. Innovative, effective programs must be supported by Congress in order to give our veterans the care they need and deserve.

But unfortunately, as the program nears the end of its 5-year authorization, veterans across the country are being told that they need to prepare to move out of the facilities in September. I have heard from a veteran in New Jersey, who was told he will need to be out of the program on September 15 and worries he will be out on the street. He has made tremendous gains with the AL-TBI program. He has rekindled his relationship with his son. He is able to do basic math again. But, he has a lot more to do to get his independence back. We cannot leave him and other veterans like him out in the cold.

The VA offers no alternative program that replicates the comprehensiveness of the rehabilitative care, the benefit of providing care in a residential setting, and the positive impact on veterans of sustained, longer-term care.

This is a proven program that does not require new funds, and I urge my colleagues in the Senate to join Sen-

ator HELLER and myself in supporting this critical piece of legislation for our Nation's veterans.

By Mr. CORNYN (for himself, Mr. BURR, Mr. ISAKSON, and Mr. WICKER):

S. 2611. A bill to facilitate the expedited processing of minors entering the United States across the southern border and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2611

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 "Helping Unaccompanied Minors and Alleviating National Emergency Act" or the "HUMANE Act".

TITLE I—PROTECTING CHILDREN

SEC. 101. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)) is amended—

(1) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: "RULES FOR UNACCOMPANIED ALIEN CHILDREN";

(B) in subparagraph (A), in the matter preceding clause (i), by striking "who is a national or habitual resident of a country that is contiguous with the United States"; and

(C) in subparagraph (C)—

(i) by amending the subparagraph heading to read as follows: "AGREEMENTS WITH FOREIGN COUNTRIES"; and

(ii) in the matter preceding clause (i), by striking "countries contiguous to the United States" and inserting "Canada, El Salvador, Guatemala, Honduras, Mexico, and any other foreign country that the Secretary determines appropriate"; and

(2) in paragraph (5)(D)—

(A) in the subparagraph heading, by striking "PLACEMENT IN REMOVAL PROCEEDINGS" and inserting "EXPEDITED DUE PROCESS AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN";

(B) in the matter preceding clause (i), by striking "except for an unaccompanied alien child from a contiguous country subject to the exceptions under subsection (a)(2), shall be—" and inserting "who does not meet the criteria listed in paragraph (2)(A)—";

(C) by striking clause (i) and inserting the following:

"(i) shall be placed in a proceeding in accordance with section 235B of the Immigration and Nationality Act, which shall commence not later than 7 days after the screening of an unaccompanied alien child described in paragraph (4);";

(D) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(E) by inserting after clause (i) the following:

"(ii) may not be placed in the custody of a nongovernmental sponsor or otherwise released from the custody of the United States Government until the child is repatriated unless the child is the subject of an order under section 235B(e)(1) of the Immigration and Nationality Act;";

(F) in clause (iii), as redesignated, by inserting “is” before “eligible”; and

(G) in clause (iv), as redesignated, by inserting “shall be” before “provided”.

SEC. 102. EXPEDITED DUE PROCESS AND SCREENING OF UNACCOMPANIED ALIEN CHILDREN.

(a) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—

(1) IN GENERAL.—Chapter 4 of the Immigration and Nationality Act is amended by inserting after section 235A the following:

“SEC. 235B. HUMANE AND EXPEDITED INSPECTION AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.

“(a) DEFINED TERM.—In this section, the term ‘asylum officer’ means an immigration officer who—

“(1) has had professional training in country conditions, asylum law, and interview techniques comparable to that provided to full-time adjudicators of applications under section 208, and

“(2) is supervised by an officer who—

“(A) meets the condition described in paragraph (1); and

“(B) has had substantial experience adjudicating asylum applications.

“(b) PROCEEDING.—

“(1) IN GENERAL.—Not later than 7 days after the screening of an unaccompanied alien child under section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(4)), an immigration judge shall conduct a proceeding to inspect, screen, and determine the status of an unaccompanied alien child who is an applicant for admission to the United States.

“(2) TIME LIMIT.—Not later than 72 hours after the conclusion of a proceeding with respect to an unaccompanied alien child under this section, the immigration judge who conducted such proceeding shall issue an order pursuant to subsection (e).

“(c) CONDUCT OF PROCEEDING.—

“(1) AUTHORITY OF IMMIGRATION JUDGE.—The immigration judge conducting a proceeding under this section—

“(A) shall administer oaths, receive evidence, and interrogate, examine, and cross-examine the alien and any witnesses;

“(B) may issue subpoenas for the attendance of witnesses and presentation of evidence; and

“(C) is authorized to sanction by civil money penalty any action (or inaction) in contempt of the judge’s proper exercise of authority under this Act.

“(2) FORM OF PROCEEDING.—A proceeding under this section may take place—

“(A) in person;

“(B) at a location agreed to by the parties, in the absence of the alien;

“(C) through video conference; or

“(D) through telephone conference.

“(3) PRESENCE OF ALIEN.—If it is impracticable by reason of an alien’s mental incompetency for the alien to be present at the proceeding, the Attorney General shall prescribe safeguards to protect the rights and privileges of the alien.

“(4) RIGHTS OF THE ALIEN.—In a proceeding under this section—

“(A) the alien shall be given the privilege of being represented, at no expense to the Government, by counsel of the alien’s choosing who is authorized to practice in such proceedings;

“(B) the alien shall be given a reasonable opportunity—

“(i) to examine the evidence against the alien;

“(ii) to present evidence on the alien’s own behalf; and

“(iii) to cross-examine witnesses presented by the Government;

“(C) the rights set forth in subparagraph (B) shall not entitle the alien—

“(i) to examine such national security information as the Government may proffer in opposition to the alien’s admission to the United States; or

“(ii) to an application by the alien for discretionary relief under this Act; and

“(D) a complete record shall be kept of all testimony and evidence produced at the proceeding.

“(5) WITHDRAWAL OF APPLICATION FOR ADMISSION.—In the discretion of the Attorney General, an alien applying for admission to the United States may, and at any time, be permitted to withdraw such application and immediately be returned to the alien’s country of nationality or country of last habitual residence.

“(d) DECISION AND BURDEN OF PROOF.—

“(1) DECISION.—

“(A) IN GENERAL.—At the conclusion of a proceeding under this section, the immigration judge shall determine whether an unaccompanied alien child is likely to be—

“(i) admissible to the United States; or

“(ii) eligible for any form of relief from removal under this Act.

“(B) EVIDENCE.—The determination of the immigration judge under subparagraph (A) shall be based only on the evidence produced at the hearing.

“(2) BURDEN OF PROOF.—

“(A) IN GENERAL.—In a proceeding under this section, an alien who is an applicant for admission has the burden of establishing, by a preponderance of the evidence, that the alien—

“(i) is likely to be entitled to be lawfully admitted to the United States or eligible for any form of relief from removal under this Act; or

“(ii) is lawfully present in the United States pursuant to a prior admission.

“(B) ACCESS TO DOCUMENTS.—In meeting the burden of proof under subparagraph (A)(ii), the alien shall be given access to—

“(i) the alien’s visa or other entry document, if any; and

“(ii) any other records and documents, not considered by the Attorney General to be confidential, pertaining to the alien’s admission or presence in the United States.

“(e) ORDERS.—

“(1) PLACEMENT IN FURTHER PROCEEDINGS.—If an immigration judge determines that the unaccompanied alien child has met the burden of proof under subsection (d)(2), the judge shall order the alien to be placed in further proceedings in accordance with section 240.

“(2) ORDERS OF REMOVAL.—If an immigration judge determines that the unaccompanied alien child has not met the burden of proof required under subsection (d)(2), the judge shall order the alien removed from the United States without further hearing or review unless the alien claims—

“(A) an intention to apply for asylum under section 208; or

“(B) a fear of persecution.

“(3) CLAIMS FOR ASYLUM.—If an unaccompanied alien child described in paragraph (2) claims an intention to apply for asylum under section 208 or a fear of persecution, the officer shall order the alien referred for an interview by an asylum officer under subsection (f).

“(f) ASYLUM INTERVIEWS.—

“(1) DEFINED TERM.—In this subsection, the term ‘credible fear of persecution’ means, after taking into account the credibility of the statements made by the alien in support of the alien’s claim and such other facts as are known to the officer, there is a significant possibility that the alien could establish eligibility for asylum under section 208.

“(2) CONDUCT BY ASYLUM OFFICER.—An asylum officer shall conduct interviews of aliens referred under subsection (e)(3).

“(3) REFERRAL OF CERTAIN ALIENS.—If the officer determines at the time of the interview that an alien has a credible fear of persecution, the alien shall be held in the custody of the Secretary of Health and Human Services pursuant to section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) during further consideration of the application for asylum.

“(4) REMOVAL WITHOUT FURTHER REVIEW IF NO CREDIBLE FEAR OF PERSECUTION.—

“(A) IN GENERAL.—Subject to subparagraph (C), if the asylum officer determines that an alien does not have a credible fear of persecution, the officer shall order the alien removed from the United States without further hearing or review.

“(B) RECORD OF DETERMINATION.—The officer shall prepare a written record of a determination under subparagraph (A), which shall include—

“(i) a summary of the material facts as stated by the applicant;

“(ii) such additional facts (if any) relied upon by the officer;

“(iii) the officer’s analysis of why, in light of such facts, the alien has not established a credible fear of persecution; and

“(iv) a copy of the officer’s interview notes.

“(C) REVIEW OF DETERMINATION.—

“(i) RULEMAKING.—The Attorney General shall establish, by regulation, a process by which an immigration judge will conduct a prompt review, upon the alien’s request, of a determination under subparagraph (A) that the alien does not have a credible fear of persecution.

“(ii) MANDATORY COMPONENTS.—The review described in clause (i)—

“(I) shall include an opportunity for the alien to be heard and questioned by the immigration judge, either in person or by telephonic or video connection; and

“(II) shall be conducted—

“(aa) as expeditiously as possible;

“(bb) within the 24-hour period beginning at the time the asylum officer makes a determination under subparagraph (A), to the maximum extent practicable; and

“(cc) in no case later than 7 days after such determination.

“(D) MANDATORY PROTECTIVE CUSTODY.—Any alien subject to the procedures under this paragraph shall be held in the custody of the Secretary of Health and Human Services pursuant to Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b))—

“(i) pending a final determination of credible fear of persecution; and

“(ii) after a determination that the alien does not such a fear, until the alien is removed.

“(g) LIMITATION ON ADMINISTRATIVE REVIEW.—

“(1) IN GENERAL.—Except as provided in subsection (f)(4)(C) and paragraph (2), a removal order entered in accordance with subsection (e)(2) or (f)(4)(A) is not subject to administrative appeal.

“(2) RULEMAKING.—The Attorney General shall establish, by regulation, a process for the prompt review of an order under subsection (e)(2) against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penal ties for falsely making such claim under such conditions to have been—

“(A) lawfully admitted for permanent residence;

“(B) admitted as a refugee under section 207; or

“(C) granted asylum under section 208.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 235A the following:

“Sec. 235B. Humane and expedited inspection and screening for unaccompanied alien children.”.

(b) JUDICIAL REVIEW OF ORDERS OF REMOVAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, or an order of removal issued to an unaccompanied alien child after proceedings under section 235B” after “section 235(b)(1)”; and

(B) in paragraph (2)—

(i) by inserting “or section 235B” after “section 235(b)(1)” each place it appears; and

(ii) in subparagraph (A)—

(I) in the subparagraph heading, by inserting “OR 235B” after “SECTION 235(B)(1)”; and

(II) in clause (iii), by striking “section 235(b)(1)(B),” and inserting “section 235(b)(1)(B) or 235B(f)”; and

(2) in subsection (e)—

(A) in the subsection heading, by inserting “OR 235B” after “SECTION 235(B)(1)”; and

(B) by inserting “or section 235B” after “section 235(b)(1)” in each place it appears;

(C) in subparagraph (2)(C), by inserting “or section 235B(g)” after “section 235(b)(1)(C)”; and

(D) in subparagraph (3)(A), by inserting “or section 235B” after “section 235(b).”.

SEC. 103. DUE PROCESS PROTECTIONS FOR UNACCOMPANIED ALIEN CHILDREN PRESENT IN THE UNITED STATES.

(a) SPECIAL MOTIONS FOR UNACCOMPANIED ALIEN CHILDREN.—

(1) FILING AUTHORIZED.—Beginning on the date that is 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, notwithstanding any other provision of law, may, at the sole and unreviewable discretion of the Secretary, permit an unaccompanied alien child who was issued a Notice to Appear under section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) during the period beginning on January 1, 2013, and ending on the date of the enactment of this Act—

(A) to appear, in-person, before an immigration judge who has been authorized by the Attorney General to conduct proceedings under section 235B of the Immigration and Nationality Act, as added by section 102;

(B) to attest to their desire to apply for admission to the United States; and

(C) to file a motion—

(i) to expunge—

(I) any final order of removal issued against them between January 1, 2013 and the date of the enactment of this Act under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a); or

(II) any Notice to Appear issued between January 1, 2013 and the date of the enactment of this Act under section 239 of the Immigration and Nationality Act (8 U.S.C. 1229); and

(ii) to apply for admission to the United States by being placed in proceedings under section 235B of the Immigration and Nationality Act.

(2) MOTION GRANTED.—An immigration judge may, at the sole and unreviewable discretion of the judge, grant a motion filed under paragraph (1)(C) upon a finding that—

(A) the petitioner was an unaccompanied alien child (as defined in section 235 of the William Wilberforce Trafficking Victims Protection Act of 2008 (8 U.S.C. 1232)) on the date on which a Notice to Appear described in paragraph (1) was issued to the alien;

(B) the Notice to Appear was issued during the period beginning on January 1, 2013, and ending on the date of the enactment of this Act;

(C) the unaccompanied alien child is applying for admission to the United States; and

(D) the granting of such motion would not be manifestly unjust.

(3) EFFECT OF MOTION.—Notwithstanding any other provision of law, upon the granting of a motion to expunge under paragraph (2)—

(A) the Secretary of Homeland Security shall immediately expunge any final order of removal resulting from a proceeding initiated by any Notice to Appear described in paragraph (1), and such Notice to Appear; and

(B) the immigration judge who granted such motion shall, while the petitioner remains in-person, immediately inspect and screen the petitioner for admission to the United States by conducting a proceeding under section 235B of the Immigration and Nationality Act.

(4) PROTECTIVE CUSTODY.—An unaccompanied alien child who has been granted a motion under paragraph (2) shall be held in the custody of the Secretary of Health and Human Services pursuant to section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232).

SEC. 104. EMERGENCY IMMIGRATION JUDGE RESOURCES.

(a) DESIGNATION.—Not later than 14 days after the date of the enactment of this Act, the Attorney General shall designate up to 40 immigration judges, including through the hiring of retired immigration judges or magistrate judges, or the reassignment of current immigration judges, that are dedicated to conducting humane and expedited inspection and screening for unaccompanied alien children under section 235B of the Immigration and Nationality Act, as added by section 102.

(b) REQUIREMENT.—The Attorney General shall ensure that sufficient immigration judge resources are dedicated to the purpose described in subsection (a) to comply with the requirement under section 235B(b)(1) of the Immigration and Nationality Act.

SEC. 105. PROTECTING CHILDREN FROM HUMAN TRAFFICKERS, SEX OFFENDERS, AND OTHER CRIMINALS.

Section 235(c)(3) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(3)) is amended—

(1) in subparagraph (A), by inserting “, including a mandatory biometric criminal history check” before the period at the end; and

(2) by adding at the end the following—

“(D) PROHIBITION ON PLACEMENT WITH SEX OFFENDERS AND HUMAN TRAFFICKERS.—

“(i) IN GENERAL.—The Secretary of Health and Human Services may not place an unaccompanied alien child in the custody of an individual who has been convicted of—

“(I) a sex offense, (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911); or

“(II) a crime involving a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

“(ii) REQUIREMENTS OF CRIMINAL BACKGROUND CHECK.—A biometric criminal history check under subparagraph (A) shall be based on a set of fingerprints or other biometric identifiers and conducted through—

“(I) the Identification Division of the Federal Bureau of Investigation; and

“(II) criminal history repositories of all States that the individual lists as current or former residences.”.

TITLE II—BORDER SECURITY AND TRADE FACILITATION

SEC. 201. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

(B) the Committee on Homeland Security of the House of Representatives.

(2) COCAINE REMOVAL EFFECTIVENESS RATE.—The term “cocaine removal effectiveness rate” means the percentage that results from dividing the amount of cocaine removed by the Department of Homeland Security’s maritime security components inside or outside a transit zone, as the case may be, by the total documented cocaine flow rate as contained in Federal drug databases.

(3) CONSEQUENCE DELIVERY SYSTEM.—The term “Consequence Delivery System” means the series of consequences applied to persons illegally entering the United States by the Border Patrol to prevent illegal border crossing recidivism.

(4) GOT AWAY.—The term “got away” means an illegal border crosser who, after making an illegal entry into the United States, is not turned back or apprehended.

(5) HIGH TRAFFIC AREAS.—The term “high traffic areas” means sectors along the northern and southern borders of the United States that are within the responsibility of the Border Patrol that have the most illicit cross-border activity, informed through situational awareness.

(6) ILLEGAL BORDER CROSSING EFFECTIVENESS RATE.—The term “illegal border crossing effectiveness rate” means the percentage that results from dividing the number of apprehensions and turn backs by the number of apprehensions, turn backs, and got aways. The data used by the Secretary of Homeland Security to determine such rate shall be collected and reported in a consistent and standardized manner across all Border Patrol sectors.

(7) MAJOR VIOLATOR.—The term “major violator” means a person or entity that has engaged in serious criminal activities at any land, air, or sea port of entry, including possession of illicit drugs, smuggling of prohibited products, human smuggling, weapons possession, use of fraudulent United States documents, or other offenses serious enough to result in arrest.

(8) OPERATIONAL CONTROL.—The term “operational control” means a condition in which there is a not lower than 90 percent illegal border crossing effectiveness rate, informed by situational awareness, and a significant reduction in the movement of illicit drugs and other contraband through such areas is being achieved.

(9) SITUATIONAL AWARENESS.—The term “situational awareness” means knowledge and an understanding of current illicit cross-border activity, including cross-border threats and trends concerning illicit trafficking and unlawful crossings along the international borders of the United States and in the maritime environment, and the ability to forecast future shifts in such threats and trends.

(10) TRANSIT ZONE.—The term “transit zone” means the sea corridors of the western Atlantic Ocean, the Gulf of Mexico, the Caribbean Sea, and the eastern Pacific Ocean through which undocumented migrants and illicit drugs transit, either directly or indirectly, to the United States.

(11) TURN BACK.—The term “turn back” means an illegal border crosser who, after making an illegal entry into the United States, returns to the country from which such crosser entered.

SEC. 202. BORDER SECURITY RESULTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, every 180 days thereafter until the Comptroller General of the United States reports on the results of the review described in section 203(k)(2)(B), and annually after the date of such report, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees and the Government Accountability Office that—

(1) assesses and describes the state of situational awareness and operational control; and

(2) identifies the high traffic areas and the illegal border crossing effectiveness rate for each sector along the northern and southern borders of the United States that are within the responsibility of the Border Patrol.

(b) GAO REPORT.—Not later than 90 days after receiving the initial report required under subsection (a), the Comptroller General of the United States shall submit a report to the appropriate congressional committees regarding the verification of the data and methodology used to determine high traffic areas and the illegal border crossing effectiveness rate.

SEC. 203. STRATEGY TO ACHIEVE SITUATIONAL AWARENESS AND OPERATIONAL CONTROL OF THE BORDER.

(a) STRATEGY TO SECURE THE BORDER.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit, to the appropriate congressional committees, a comprehensive strategy for—

(1) gaining and maintaining situational awareness and operational control of high traffic areas not later than 2 years after the date of the submission of the implementation plan required under subsection (c); and

(2) gaining and maintaining operational control along the Southwest border of the United States not later than 5 years after such date of submission.

(b) CONTENTS OF STRATEGY.—The strategy required under subsection (a) shall include a consideration of the following:

(1) An assessment of principal border security threats, including threats relating to the smuggling and trafficking of humans, weapons, and illicit drugs.

(2) Efforts to analyze and disseminate border security and border threat information between the border security components of the Department of Homeland Security and with other appropriate Federal departments and agencies with missions associated with the border.

(3) Efforts to increase situational awareness, in accordance with privacy, civil liberties, and civil rights protections, including—

(A) surveillance capabilities developed or utilized by the Department of Defense, including any technology determined to be excess by the Department of Defense; and

(B) use of manned aircraft and unmanned aerial systems, including camera and sensor technology deployed on such assets.

(4) Efforts to detect and prevent terrorists and instruments of terrorism from entering the United States.

(5) Efforts to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department of Homeland Security.

(6) An assessment of existing efforts and technologies used for border security and the effect of such efforts and technologies on civil rights, private property rights, privacy rights, and civil liberties.

(7) Technology required to maintain, support, and enhance security and facilitate trade at ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, sur-

veillance systems, and other sensors and technology that the Secretary of Homeland Security determines to be necessary.

(8) Operational coordination of the border security components of the Department of Homeland Security.

(9) Lessons learned from Operation Jumpstart and Operation Phalanx.

(10) Cooperative agreements and information sharing with State, local, tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the northern or southern borders, or in the maritime environment.

(11) Border security information received from consultation with—

(A) State, local, tribal, and Federal law enforcement agencies that have jurisdiction on the northern or southern border, or in the maritime environment; and

(B) border community stakeholders (including through public meetings with such stakeholders), including representatives from border agricultural and ranching organizations and representatives from business and civic organizations along the northern or southern border.

(12) Agreements with foreign governments that support the border security efforts of the United States, including coordinated installation of standardized land border inspection technology, such as license plate readers and RFID readers.

(13) Staffing requirements for all border security functions.

(14) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(15) An assessment of training programs, including training programs regarding—

(A) identifying and detecting fraudulent documents;

(B) protecting the civil, constitutional, human, and privacy rights of individuals;

(C) understanding the scope of enforcement authorities and the use of force policies;

(D) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking; and

(E) social and cultural sensitivity toward border communities.

(16) Local crime indices of municipalities and counties along the southern border.

(17) An assessment of how border security operations affect crossing times.

(18) Resources and other measures that are necessary to achieve a 50 percent reduction in the average wait times of commercial and passenger vehicles at international land ports of entry along the southern border and the northern border.

(19) Metrics required under subsections (e), (f), and (g).

(c) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 90 days after the submission of the strategy required under subsection (a), the Secretary of Homeland Security shall submit, to the appropriate congressional committees and to the Government Accountability Office, an implementation plan for each of the border security components of the Department of Homeland Security to carry out such strategy.

(2) CONTENTS OF PLAN.—The implementation plan required under paragraph (1) shall—

(A) specify what protections will be put in place to ensure that staffing and resources necessary for the maintenance of operations at ports of entry are not diverted to the detriment of such operations in favor of operations between ports of entry; and

(B) include—

(i) an integrated master schedule and cost estimate, including lifecycle costs, for the activities contained in such implementation plan; and

(ii) a comprehensive border security technology plan to improve surveillance capabilities that includes—

(I) a documented justification and rationale for technology choices;

(II) deployment locations;

(III) fixed versus mobile assets;

(IV) a timetable for procurement and deployment;

(V) estimates of operation and maintenance costs;

(VI) an identification of any impediments to the deployment of such technologies; and

(VII) estimates of the relative cost effectiveness of various border security strategies and operations, including—

(aa) the deployment of personnel and technology; and

(bb) the construction of new physical and virtual barriers.

(3) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than 90 days after receiving the implementation plan in accordance with paragraph (1), the Comptroller General of the United States shall submit an assessment of such plan to the appropriate congressional committees a report on such plan.

(d) PERIODIC UPDATES.—Not later than 180 days after the submission of each Quadrennial Homeland Security Review required under section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) beginning with the first such Review that is due after the implementation plan is submitted under subsection (c), the Secretary of Homeland Security shall submit, to the appropriate congressional committees, an updated—

(1) strategy under subsection (a); and

(2) implementation plan under subsection (c).

(e) METRICS FOR SECURING THE BORDER BETWEEN PORTS OF ENTRY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall implement metrics, informed by situational awareness, to measure the effectiveness of security between ports of entry, including—

(1) an illegal border crossing effectiveness rate, informed by situational awareness;

(2) an illicit drugs seizure rate, which measures the amount and type of illicit drugs seized by the Border Patrol in any fiscal year compared to an average of the amount and type of illicit drugs seized by the Border Patrol for the immediately preceding 5 fiscal years;

(3) a cocaine seizure effectiveness rate, which shall be measured by calculating the percentage of the total documented cocaine flow rate (as contained in Federal drug databases) that is seized by the Border Patrol.

(4) estimates, using alternative methodologies, including recidivism data, survey data, known-flow data, and technologically-measured data, of—

(A) total attempted illegal border crossings;

(B) total deaths and injuries resulting from such attempted illegal border crossings;

(C) the rate of apprehension of attempted illegal border crossers; and

(D) the inflow into the United States of illegal border crossers who evade apprehension; and

(5) estimates of the impact of the Border Patrol's Consequence Delivery System on the rate of recidivism of illegal border crossers.

(f) METRICS FOR SECURING THE BORDER AT PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall implement metrics, informed by situational awareness, to measure the effectiveness of security at ports of entry, which shall include—

(A) an inadmissible border crossing rate, which measures the number of known inadmissible border crossers who are apprehended, excluding those border crossers who voluntarily withdraw their applications for admission, against the total estimated number of inadmissible border crossers U.S. Customs and Border Protection fails to apprehend;

(B) an illicit drugs seizure rate, which measures the amount and type of illicit drugs seized by U.S. Customs and Border Protection in any fiscal year compared to an average of the amount and type of illicit drugs seized by U.S. Customs and Border Protection for the immediately preceding 5 fiscal years;

(C) a cocaine seizure effectiveness rate, which shall be measured by calculating the percentage of the total documented cocaine flow rate (as contained in Federal drug databases) that is seized by U.S. Customs and Border Protection;

(D) estimates, using alternative methodologies, including survey data and randomized secondary screening data, of—

(i) total attempted inadmissible border crossers;

(ii) the rate of apprehension of attempted inadmissible border crossers; and

(iii) the inflow into the United States of inadmissible border crossers who evade apprehension;

(E) the number of infractions related to personnel and cargo committed by major violators who are apprehended by U.S. Customs and Border Protection at ports of entry, and the estimated number of such infractions committed by major violators who are not so apprehended; and

(F) a measurement of how border security operations affect crossing times.

(2) COVERT TESTING.—The Inspector General of the Department of Homeland Security shall carry out covert testing at ports of entry and submit to the Secretary of Homeland Security and the appropriate congressional committees a report that contains the results of such testing. The Secretary shall use such results to inform activities under this subsection.

(g) METRICS FOR SECURING THE MARITIME BORDER.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall implement metrics, informed by situational awareness, to measure the effectiveness of security in the maritime environment, which shall include—

(1) an estimate of the total number of undocumented migrants the Department of Homeland Security's maritime security components fail to interdict;

(2) an undocumented migrant interdiction rate, which measures the number of undocumented migrants interdicted against the total estimated number of undocumented migrants the Department of Homeland Security's maritime security components fail to interdict;

(3) an illicit drugs removal rate, which measures the amount and type of illicit drugs removed by the maritime security components of the Department of Homeland Security inside a transit zone in any fiscal year compared to an average of the amount and type of illicit drugs removed by such components inside a transit zone for the immediately preceding 5 fiscal years;

(4) an illicit drugs removal rate, which measures the amount of illicit drugs removed by the maritime security components of the Department of Homeland Security outside a transit zone in any fiscal year compared to an average of the amount of illicit drugs removed by such components outside a transit zone for the immediately preceding 5 fiscal years;

(5) a cocaine removal effectiveness rate inside a transit zone;

(6) a cocaine removal effectiveness rate outside a transit zone; and

(7) a response rate which measures the Department of Homeland Security's ability to respond to and resolve known maritime threats, both inside and outside a transit zone, by placing assets on-scene, compared to the total number of events with respect to which the Department has known threat information.

(h) COLLABORATION AND CONSULTATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall collaborate with the head of a national laboratory within the Department of Homeland Security laboratory network with expertise in border security and the head of a border security university-based center within the Department of Homeland Security centers of excellence network to develop, and ensure the suitability and statistical validity of, the metrics required under subsections (e), (f), and (g).

(2) RECOMMENDATIONS RELATING TO CERTAIN OTHER METRICS.—In carrying out paragraph (1), the head of the national laboratory and the head of a border security university-based center shall make recommendations to the Secretary of Homeland Security for other suitable metrics that may be used to measure the effectiveness of border security.

(3) CONSULTATION.—In addition to the collaboration described in paragraph (1), the Secretary shall also consult with the Governors of every border State and the representatives of the Border Patrol and U.S. Customs and Border Protection regarding the development of the metrics required under subsections (e), (f), and (g).

(i) EVALUATION BY THE GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide the Government Accountability Office with the data and methodology used to develop the metrics implemented under subsections (e), (f), and (g).

(2) REPORT.—Not later than 270 days after receiving the data and methodology referred to in paragraph (1), the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the suitability and statistical validity of such data and methodology.

(j) CERTIFICATIONS AND REPORTS RELATING TO OPERATIONAL CONTROL.—

(1) BY THE SECRETARY OF HOMELAND SECURITY.—

(A) TWO YEARS.—If the Secretary of Homeland Security determines that situational awareness and operational control of high traffic areas have been achieved not later than 2 years after the date of the submission of the implementation plan required under subsection (c), the Secretary shall submit an attestation of such achievement to the appropriate congressional committees and the Comptroller General of the United States.

(B) FIVE YEARS.—If the Secretary of Homeland Security determines that operational control along the southwest border of the United States has been achieved not later than 5 years after the date of the submission of the implementation plan required under subsection (c), the Secretary shall submit an attestation of such achievement to the appropriate congressional committees and the Comptroller General of the United States.

(C) ANNUAL UPDATES.—Every year beginning with the year after the Secretary of Homeland Security submits the attestation under subparagraph (B), if the Secretary determines that operational control along the southwest border of the United States is being maintained, the Secretary shall submit an attestation of such maintenance to the appropriate congressional committees

and the Comptroller General of the United States.

(2) BY THE COMPTROLLER GENERAL.—

(A) REVIEWS.—The Comptroller General of the United States shall review and assess the attestations of the Secretary of Homeland Security under subparagraphs (A), (B), and (C) of paragraph (1).

(B) REPORTS.—Not later than 120 days after conducting the reviews described in subparagraph (A), the Comptroller General of the United States shall submit a report on the results of each such review to the appropriate congressional committees.

(k) FAILURE TO ACHIEVE SITUATIONAL AWARENESS OR OPERATIONAL CONTROL.—If the Secretary of Homeland Security determines that situational awareness, operational control, or both, as the case may be, has not been achieved by the dates referred to in subparagraphs (A) and (B) of subsection (j)(1), as the case may be, or if the Secretary determines that operational control is not being annually maintained pursuant to subparagraph (C) of such subsection, the Secretary shall, not later than 60 days after such dates, submit a report to the appropriate congressional committees that—

(1) describes why situational awareness or operational control, or both, as the case may be, was not achieved; and

(2) includes a description of impediments incurred, potential remedies, and recommendations to achieve situational awareness, operational control, or both, as the case may be.

(l) GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON BORDER SECURITY DUPLICATION AND COST EFFECTIVENESS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees that addresses—

(1) areas of overlap in responsibilities within the border security functions of the Department of Homeland Security; and

(2) the relative cost effectiveness of border security strategies, including deployment of additional personnel and technology, and construction of virtual and physical barriers.

(m) REPORTS.—Not later than 60 days after the date of the enactment of this Act and annually thereafter, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees that contains—

(1) a resource allocation model for current and future year staffing requirements that includes—

(A) optimal staffing levels at all land, air, and sea ports of entry; and

(B) an explanation of U.S. Customs and Border Protection methodology for aligning staffing levels and workload to threats and vulnerabilities and their effects on cross border trade and passenger travel across all mission areas;

(2) detailed information on the level of manpower available at all land, air, and sea ports of entry and between ports of entry, including the number of canine and agricultural specialists assigned to each such port of entry;

(3) detailed information that describes the difference between the staffing the model suggests and the actual staffing at each port of entry and between the ports of entry; and

(4) detailed information that examines the security impacts and competitive impacts of entering into a reimbursement agreement with foreign governments for U.S. Customs and Border Protection preclearance facilities.

SEC. 204. PROHIBITION ON LAND BORDER CROSSING FEE STUDY.

The Secretary of Homeland Security may not conduct any study relating to the imposition of a border crossing fee for pedestrians

or passenger vehicles at land ports of entry along the southern border or the northern border of the United States.

SEC. 205. BORDER SECURITY RESOURCES.

(a) **EQUIPMENT AND TECHNOLOGY ENHANCEMENTS.**—Consistent with the Southern Border Security Strategy required under section 203, the Secretary of Homeland Security, in consultation with the Commissioner of U.S. Customs and Border Protection, shall upgrade existing technological assets and equipment, and procure and deploy additional technological assets and equipment on the southern border.

(b) **PHYSICAL AND TACTICAL INFRASTRUCTURE IMPROVEMENTS.**—

(1) **CONSTRUCTION, UPGRADE, AND ACQUISITION OF BORDER CONTROL FACILITIES.**—Consistent with the Southern Border Security Strategy required under section 203, the Secretary, shall upgrade existing physical and tactical infrastructure of the Department of Homeland Security, and construct and acquire additional physical and tactical infrastructure on the Southern Border, including the following:

- (A) U.S. Border Patrol stations.
- (B) U.S. Border Patrol checkpoints.
- (C) Forward operating bases.
- (D) Monitoring stations.
- (E) Mobile command centers.
- (F) Land border port of entry improvements.

(G) Other necessary facilities, structures, and properties.

(c) **CUSTOMS AND BORDER PROTECTION PERSONNEL ENHANCEMENTS.**—

(1) **ADDITIONAL OFFICERS.**—Consistent with the Southern Border Security Strategy required under section 203, the Secretary is authorized to increase the number of trained active-duty U.S. Customs and Border Protection officers deployed on the Southern Border, including—

- (A) officers serving in the Office of the Border Patrol;
- (B) officers serving in the Office of Air and Marine; and
- (C) officers serving in the Office of Field Operations, including officers stationed at land border ports of entry.

(2) **EXPEDITED TRAINING AND DEPLOYMENT AUTHORITY.**—When exercising authority under this section, the Secretary is authorized—

- (A) to conduct enhanced recruiting operations for U.S. Customs and Border Protection personnel;
- (B) to conduct additional training academies for U.S. Customs and Border Protection personnel; and
- (C) to promulgate regulations allowing for the expedited training of U.S. Customs and Border Protection personnel.

(d) **NATIONAL GUARD SUPPORT FOR OPERATIONS.**—

(1) **IN GENERAL.**—Amounts authorized to be appropriated under this section may be expended, with the approval of the Secretary of Defense and the Secretary of Homeland Security, for the Governor of a State to order any units or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, on the southern border.

(2) **ASSIGNMENT OF OPERATIONS AND MISSIONS.**—

(A) **IN GENERAL.**—National Guard units and personnel deployed under paragraph (1) may be assigned such operations, including missions specified in paragraph (3), as may be necessary to provide assistance for operations on the southern border.

(B) **NATURE OF DUTY.**—The duty of National Guard personnel performing operations and missions described in subparagraph (A) shall be full-time duty under title 32, United States Code.

(3) **RANGE OF OPERATIONS AND MISSIONS.**—The operations and missions assigned under paragraph (2) shall include the temporary authority—

(A) to provide assistance for law enforcement, including the interdiction of human trafficking, illicit drugs, and contraband crossing the border;

(B) to assist in the provision of humanitarian relief;

(C) to increase ground-based mobile surveillance systems;

(D) to deploy additional unmanned aerial systems and manned aircraft sufficient to maintain continuous surveillance of the southern border;

(E) to deploy and provide capability for radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies;

(F) to construct checkpoints along the southern border to bridge the gap to long-term permanent checkpoints;

(G) to provide assistance to U.S. Customs and Border Protection, particularly in rural, high-trafficked areas, as designated by the Commissioner of U.S. Customs and Border Protection;

(H) to enhance law enforcement rotary wing operations supporting quick reaction forces, medical air evacuations, and incident awareness and assessment operations; and

(I) to provide equipment and training to law enforcement agencies.

(4) **MATERIEL AND LOGISTICAL SUPPORT.**—The Secretary of Defense shall deploy such materiel and equipment and logistical support as may be necessary to ensure success of the operations and missions conducted by the National Guard under this subsection.

(5) **EXCLUSION FROM NATIONAL GUARD PERSONNEL STRENGTH LIMITATIONS.**—National Guard personnel deployed under paragraph (1) shall not be included in—

(A) the calculation to determine compliance with limits on end strength for National Guard personnel; or

(B) limits on the number of National Guard personnel that may be placed on active duty for operational support under section 115 of title 10, United States Code.

(6) **FUNDING.**—There are authorized to be appropriated for fiscal years 2014 and 2015 such sums as may be necessary to carry out this subsection.

(e) **STATE AND LOCAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Federal Emergency Management Agency shall enhance law enforcement preparedness, humanitarian responses, and operational readiness along the Southern border through Operation Stonegarden.

(2) **GRANTS AND REIMBURSEMENTS.**—

(A) **IN GENERAL.**—For purposes of paragraph (1), amounts made available under this section shall be allocated for grants and reimbursements to State and local governments in Border Patrol Sectors on the southern border for personnel, overtime, travel, costs related to combating illegal immigration and drug smuggling, and costs related to providing humanitarian relief to unaccompanied alien children who have entered the United States.

(B) **FUNDING FOR STATE AND LOCAL GOVERNMENTS.**—Allocations for grants and reimbursements to State and local governments under this paragraph shall be made by the Federal Emergency Management Agency through a competitive process.

(3) **FUNDING.**—There are authorized to be appropriated for fiscal years 2014 and 2015 such sums as may be necessary to carry out this subsection.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 502—CONCERNING THE SUSPENSION OF EXIT PERMIT ISSUANCE BY THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO FOR ADOPTED CONGOLESE CHILDREN SEEKING TO DEPART THE COUNTRY WITH THEIR ADOPTIVE PARENTS

Mr. PORTMAN (for himself, Ms. LANDRIEU, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CHAMBLISS, Mr. COATS, Ms. COLLINS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. CRUZ, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. INHOFE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LEVIN, Mr. MARKEY, Mrs. MCCASKILL, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mr. PAUL, Mr. RUBIO, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. WALSH, Mr. WARNER, Ms. WARREN, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 502

Whereas according to UNICEF, over 4,000,000 orphans are estimated to be living in the Democratic Republic of Congo;

Whereas cyclical and violent conflict has plagued the Democratic Republic of Congo since the mid-1990s;

Whereas the United States has made significant financial investments in the Democratic Republic of Congo, providing an estimated \$274,000,000 bilateral aid to the Democratic Republic of Congo in fiscal year 2013 and an additional \$165,000,000 in emergency humanitarian assistance;

Whereas the policy of the United States Government toward the Democratic Republic of Congo is “focused on helping the country become a nation that . . . provides for the basic needs of its citizens”;

Whereas the United Nations, the Hague Conference on Private International Law, and other international organizations have recognized a child's right to a family as a basic human right worthy of protection;

Whereas adoption, both domestic and international, is an important child protection tool and an integral part of child welfare best practices around the world, along with family reunification and prevention of abandonment;

Whereas, on September 27, 2013, the Congolese Ministry of Interior and Security, General Direction of Migration, informed the United States Embassy in Kinshasa that effective September 25, 2013, they had suspended issuance of exit permits to adopted Congolese children seeking to depart the country with their adoptive parents;

Whereas there are United States families with finalized adoptions in the Democratic Republic of the Congo and the necessary legal paperwork and visas ready to travel home with these children but are currently unable to do so; and

Whereas, on December 19, 2013, the Congolese Minister of Justice, Minister of Interior