

of S. 3260, a bill to amend the Internal Revenue Code of 1986 to include individuals receiving Social Security Disability Insurance benefits under the work opportunity credit, increase the work opportunity credit for vocational rehabilitation referrals, qualified SSI recipients, and qualified SSDI recipients, expand the disabled access credit, and enhance the deduction for expenditures to remove architectural and transportation barriers to the handicapped and elderly.

S. 3261

At the request of Mr. CASEY, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 3261, a bill to establish the Office of Disability Policy in the legislative branch.

S. RES. 571

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. Res. 571, a resolution condemning the ongoing illegal occupation of Crimea by the Russian Federation.

S. RES. 582

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. Res. 582, a resolution protecting American democracy.

AMENDMENT NO. 3402

At the request of Mr. CRUZ, the names of the Senator from Montana (Mr. DAINES) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 3402 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3414

At the request of Mr. UDALL, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Maine (Mr. KING) were added as cosponsors of amendment No. 3414 proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3424

At the request of Mr. GARDNER, the names of the Senator from Florida (Mr. NELSON), the Senator from New Hampshire (Ms. HASSAN), the Senator from Montana (Mr. DAINES), the Senator from Michigan (Ms. STABENOW), the Senator from Minnesota (Ms. SMITH), the Senator from Montana (Mr. TESTER), the Senator from New Mexico (Mr. HEINRICH), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 3424 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3441

At the request of Mr. THUNE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 3441 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3445

At the request of Mrs. GILLIBRAND, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 3445 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3447

At the request of Mr. JONES, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of amendment No. 3447 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3459

At the request of Ms. HEITKAMP, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 3459 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3463

At the request of Mr. CARPER, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of amendment No. 3463 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3496

At the request of Mr. CORNYN, the names of the Senator from Kansas (Mr. MORAN), the Senator from Missouri (Mr. BLUNT), the Senator from Oregon (Mr. MERKLEY), the Senator from Arkansas (Mr. COTTON) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 3496 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3501

At the request of Mr. RUBIO, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 3501 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, envi-

ronment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3504

At the request of Mr. PETERS, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from New York (Mrs. GILLIBRAND) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of amendment No. 3504 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3533

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. BOOKER), the Senator from Oregon (Mr. MERKLEY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Hampshire (Ms. HASSAN), the Senator from Massachusetts (Mr. MARKEY), the Senator from Rhode Island (Mr. REED), the Senator from Vermont (Mr. SANDERS), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Florida (Mr. NELSON), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 3533 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3536

At the request of Ms. CORTEZ MASTO, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 3536 intended to be proposed to H.R. 6147, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3263. A bill to limit the separation of families at or near ports of entry, to provide access to counsel for unaccompanied alien children, and to improve immigration detention, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S. 3263

*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 "Humane Treatment of Migrant Children Act".

**TITLE I—KEEPING FAMILIES TOGETHER****SEC. 101. DEFINITIONS.**

In this title:

(1) **AGENT; OFFICER.**—The terms “agent” and “officer” include contractors of the Federal Government.

(2) **CHILD.**—The term “child” means an individual who—

(A) has not reached the age of 18; and

(B) has no permanent immigration status.

(3) **COMMITTEES OF JURISDICTION.**—The term “committees of jurisdiction” means—

(A) the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on the Judiciary of the House of Representatives.

(4) **DANGER OF ABUSE OR NEGLECT AT THE HANDS OF THE PARENT OR LEGAL GUARDIAN.**—The term “danger of abuse or neglect at the hands of the parent or legal guardian” shall not mean migrating to or crossing the United States border.

(5) **DESIGNATED AGENCY.**—The term “designated agency” means—

(A) the Department of Homeland Security;

(B) the Department of Justice; and

(C) the Department of Health and Human Services.

(6) **FINDING.**—The term “finding” means an individualized written assessment or screening by the trained agent or officer that includes a consultation with a child welfare specialist, formalized as required under section 102(c) and consistent with sections 103, 104, and 108.

(7) **SECRETARY.**—Unless otherwise specified, the term “Secretary” means the Secretary of Homeland Security.

**SEC. 102. LIMITATION ON THE SEPARATION OF FAMILIES.**

(a) **IN GENERAL.**—An agent or officer of a designated agency shall be prohibited from removing a child from his or her parent or legal guardian, at or near the port of entry or within 100 miles of the border of the United States, unless one of the following has occurred:

(1) A State court, authorized under State law, terminates the rights of a parent or legal guardian, determines that it is in the best interests of the child to be removed from his or her parent or legal guardian, in accordance with the Adoption and Safe Families Act of 1997 (Public Law 105-89), or makes any similar determination that is legally authorized under State law.

(2) An official from the State or county child welfare agency with expertise in child trauma and development makes a best interests determination that it is in the best interests of the child to be removed from his or her parent or legal guardian because the child is in danger of abuse or neglect at the hands of the parent or legal guardian, or is a danger to herself or others.

(3) The Chief Patrol Agent or the Area Port Director in their official and undelegated capacity, authorizes separation upon the recommendation by an agent or officer, based on a finding that—

(A) the child is a victim of trafficking or is at significant risk of becoming a victim of trafficking;

(B) there is a strong likelihood that the adult is not the parent or legal guardian of the child; or

(C) the child is in danger of abuse or neglect at the hands of the parent or legal guardian, or is a danger to themselves or others.

(b) **PROHIBITION ON SEPARATION.**—An agency may not remove a child from a parent or legal guardian solely for the policy goal of deterring individuals from migrating to the United States or for the policy goal of promoting compliance with civil immigration laws.

(c) **DOCUMENTATION REQUIRED.**—The Secretary shall ensure that a separation under subsection (a)(3) is documented in writing and includes, at a minimum, the reason for such separation, together with the stated evidence for such separation.

**SEC. 103. RECOMMENDATIONS FOR SEPARATION BY AGENTS OR OFFICERS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall develop training and guidance, with an emphasis on the best interests of the child, childhood trauma, attachment, and child development, for use by the agents and officers, in order to standardize the implementation of section 102(a)(3).

(b) **ANNUAL REVIEW.**—Not less frequently than annually, the Secretary of Health and Human Services shall review the guidance developed under subsection (a) and make recommendations to the Secretary to ensure such guidance is in accordance with current evidence and best practices in child welfare, child development, and childhood trauma.

(c) **REQUIREMENT.**—The guidance under subsection (a) shall incorporate the presumptions described in section 104.

(d) **ADDITIONAL REQUIREMENTS.**—

(1) **EVIDENCE-BASED.**—The guidance and training developed under this section shall incorporate evidence-based practices.

(2) **TRAINING REQUIRED.**—

(A) All agents and officers of designated agencies, upon hire, and annually thereafter, shall complete training on adherence to the guidance under this section.

(B) All Chief Patrol Agents and Area Port Directors, upon hire, and annually thereafter, shall complete—

(i) training on adherence to the guidance under this section; and

(ii) 90 minutes of child welfare practice training that is evidence-based and trauma-informed.

**SEC. 104. PRESUMPTIONS.**

The presumptions described in this section are the following:

(1) **FAMILY UNITY.**—There shall be a strong presumption in favor of family unity.

(2) **SIBLINGS.**—To the maximum extent practicable, the Secretary shall ensure that sibling groups remain intact.

(3) **DETENTION.**—In general, there is a presumption that detention is not in the best interests of families and children.

**SEC. 105. REQUIRED POLICY FOR LOCATING SEPARATED CHILDREN.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish final public guidance that describes, with specificity, the manner in which a parent or legal guardian may locate a child who was separated from the parent or legal guardian under section 102(a). In developing the public guidance, the Secretary shall consult with the Secretary of Health and Human Services, immigrant advocacy organizations, child welfare organizations, and State child welfare agencies.

(b) **WRITTEN NOTIFICATION.**—The Secretary shall provide each parent or legal guardian who was separated, with written notice of the public guidance to locate a separated child.

(c) **LANGUAGE ACCESS.**—All guidance shall be available in English and Spanish, and at the request of the parent or legal guardian, in the language or manner that is understandable by the parent or legal guardian.

**SEC. 106. REQUIRED INFORMATION FOR SEPARATED FAMILIES.**

Not less frequently than once every month, the Secretary shall provide the parent or legal guardian of a child who was separated, the following information, at a minimum:

(1) A status report on the monthly activities of the child.

(2) Information about the education and health of the child, including any medical treatment provided to the child or medical treatment recommended for the child.

(3) Information about changes to the child's immigration status.

(4) Other information about the child, designed to promote and maintain family reunification, as the Secretary determines in his or her discretion.

**SEC. 107. ANNUAL REPORT ON FAMILY SEPARATION.**

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the committees of jurisdiction a report that describes each instance in which a child was separated from a parent or legal guardian and includes, for each such instance, the following:

(1) The relationship of the adult and the child.

(2) The age and gender of the adult and child.

(3) The length of separation.

(4) Whether the adult was charged with a crime, and if the adult was charged with a crime, the type of crime.

(5) Whether the adult made a claim for asylum, expressed a fear to return, or applied for other immigration relief.

(6) Whether the adult was prosecuted if charged with a crime and the associated outcome of such charges.

(7) The stated reason for, and evidence in support of, the separation.

(8) If the child was part of a sibling group at the time of separation, whether the sibling group has had physical contact and visitation.

(9) Whether the child was rendered an unaccompanied alien child.

(10) Other information in the Secretary's discretion.

**SEC. 108. CLARIFICATION OF PARENTAL RIGHTS.**

If a child is separated from a parent or legal guardian, and a State court has not made a determination that the parental rights have been terminated, there is a presumption that—

(1) the parental rights remain intact; and

(2) the separation does not constitute an affirmative determination of abuse or neglect under Federal or State law.

**SEC. 109. CLARIFICATION OF EXISTING LAW.**

(a) **FEDERAL LAW.**—Nothing in this title shall be interpreted to supersede or modify Federal child welfare law, where applicable, including the Adoption and Safe Families Act of 1997 (Public Law 105-89).

(b) **STATE LAW.**—Nothing in this title shall be interpreted to supersede or modify State child welfare laws where applicable.

**SEC. 110. GAO REPORT ON PROSECUTION OF ASYLUM SEEKERS.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of the prosecution of asylum seekers during the period beginning on January 1, 2008 and ending on December 31, 2018, including—

(1) the total number of persons who claimed a fear of persecution, received a favorable credible fear determination, and were referred for prosecution;

(2) an overview and analysis of the metrics used by the Department of Homeland Security and the Department of Justice to track the number of asylum seekers referred for prosecution;

(3) the total number of asylum seekers referred for prosecution, a breakdown and description of the criminal charges filed against asylum seekers during such period, and a breakdown and description of the convictions secured;

(4) the total number of asylum seekers who were separated from their children as a result of being referred for prosecution;

(5) a breakdown of the resources spent on prosecuting asylum seekers during such period, as well as any diversion of resources required to prosecute asylum seekers, and any costs imposed on States and localities;

(6) the total number of asylum seekers who were referred for prosecution and also went through immigration proceedings; and

(7) the total number of asylum seekers referred for prosecution who were deported before going through immigration proceedings.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report that describes the results of the study conducted pursuant to subsection (a).

**TITLE II—FAIR DAY IN COURT FOR KIDS**  
**SEC. 201. IMPROVING IMMIGRATION COURT EFFICIENCY AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL INFORMATION.**

(a) **APPOINTMENT OF COUNSEL IN REMOVAL PROCEEDINGS; RIGHT TO REVIEW CERTAIN DOCUMENTS IN REMOVAL PROCEEDINGS.**—Section 240(b) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking “, at no expense to the Government,”; and

(ii) by striking the comma at the end and inserting a semicolon;

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(C) by inserting after subparagraph (A) the following:

“(B) the Attorney General may appoint or provide counsel, at Government expense, to aliens in immigration proceedings;

“(C) the alien, or the alien’s counsel, not later than 7 days after receiving a notice to appear under section 239(a), shall receive a complete copy of the alien’s immigration file (commonly known as an ‘A-file’) in the possession of the Department of Homeland Security (other than documents protected from disclosure under section 552(b) of title 5, United States Code);”;

(D) in subparagraph (D), as redesignated, by striking “, and” and inserting “; and”;

and

(2) by adding at the end the following:

“(B) **FAILURE TO PROVIDE ALIEN REQUIRED DOCUMENTS.**—A removal proceeding may not proceed until the alien, or the alien’s counsel, if the alien is represented—

“(A) has received the documents required under paragraph (4)(C); and

“(B) has been provided at least 10 days to review and assess such documents.”.

(b) **CLARIFICATION REGARDING THE AUTHORITY OF THE ATTORNEY GENERAL TO APPOINT COUNSEL TO ALIENS IN IMMIGRATION PROCEEDINGS.**—

(1) **IN GENERAL.**—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

**“SEC. 292. RIGHT TO COUNSEL.**

“(a) **IN GENERAL.**—Except as provided in subsections (b) and (c), in any removal proceeding and in any appeal proceeding before the Attorney General from any such removal proceeding, the subject of the proceeding shall have the privilege of being represented by such counsel as may be authorized to practice in such proceeding as he or she may choose. This subsection shall not apply to screening proceedings described in section 235(b)(1)(A).

“(b) **ACCESS TO COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.**—

“(1) **IN GENERAL.**—In any removal proceeding and in any appeal proceeding before

the Attorney General from any such removal proceeding, an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act on 2002 (6 U.S.C. 279(g))) shall be represented by Government-appointed counsel, at Government expense.

“(2) **LENGTH OF REPRESENTATION.**—Once a child is designated as an unaccompanied alien child under paragraph (1), the child shall be represented by counsel at every stage of the proceedings from the child’s initial appearance through the termination of immigration proceedings, and any ancillary matters appropriate to such proceedings even if the child attains 18 years of age or is reunified with a parent or legal guardian while the proceedings are pending.

“(3) **NOTICE.**—Not later than 72 hours after an unaccompanied alien child is taken into Federal custody, the alien shall be notified that he or she will be provided with legal counsel in accordance with this subsection.

“(4) **WITHIN DETENTION FACILITIES.**—The Secretary of Homeland Security shall ensure that unaccompanied alien children have access to counsel inside all detention, holding, and border facilities.

“(c) **PRO BONO REPRESENTATION.**—

“(1) **IN GENERAL.**—To the maximum extent practicable, the Attorney General should make every effort to utilize the services of competent counsel who agree to provide representation to such children under subsection (b) without charge.

“(2) **DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.**—The Attorney General shall develop the necessary mechanisms to identify counsel available to provide pro bono legal assistance and representation to children under subsection (b) and to recruit such counsel.

“(d) **CONTRACTS; GRANTS.**—The Attorney General may enter into contracts with, or award grants to, nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children to carry out the responsibilities under this section, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys. Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration related legal services to children in order to carry out this section.

“(e) **MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.**—

“(1) **DEVELOPMENT OF GUIDELINES.**—The Executive Office for Immigration Review, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings, which shall be based on the children’s asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

“(2) **PURPOSE OF GUIDELINES.**—The guidelines developed under paragraph (1) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

“(f) **DUTIES OF COUNSEL.**—Counsel provided under this section shall—

“(1) represent the unaccompanied alien child in all proceedings and matters relating to the immigration status of the child or other actions involving the Department of Homeland Security;

“(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews in-

volving the Department of Homeland Security;

“(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due to an adult client; and

“(4) carry out other such duties, as determined by the Attorney General or the Executive Office for Immigration Review.

“(g) **SAVINGS PROVISION.**—Nothing in this section may be construed to supersede—

“(1) any duties, responsibilities, or disciplinary or ethical responsibilities an attorney may have to his or her client under State law;

“(2) the admission requirements under State law; or

“(3) any other State law pertaining to the admission to the practice of law in a particular jurisdiction.”.

(2) **RULEMAKING.**—The Attorney General shall promulgate regulations to implement section 292 of the Immigration and Nationality Act, as added by paragraph (1), in accordance with the requirements set forth in section 3006A of title 18, United States Code.

**SEC. 202. ACCESS BY COUNSEL AND LEGAL ORIENTATION AT DETENTION FACILITIES.**

The Secretary of Homeland Security shall provide access to counsel for all aliens detained in a facility under the supervision of U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or the Department of Health and Human Services, or in any private facility that contracts with the Federal Government to house, detain, or hold aliens.

**SEC. 203. REPORT ON ACCESS TO COUNSEL.**

(a) **REPORT.**—Not later than December 31 of each year, the Secretary of Homeland Security, in consultation with the Attorney General, shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the extent to which aliens described in section 292(b) of the Immigration and Nationality Act, as added by section 201(b)(1), have been provided access to counsel.

(b) **CONTENTS.**—Each report submitted under paragraph (a) shall include, for the immediately preceding 1-year period—

(1) the number and percentage of aliens described in section 292(b) of the Immigration and Nationality Act, as added by section 201(b)(1), who were represented by counsel, including information specifying—

(A) the stage of the legal process at which each such alien was represented;

(B) whether the alien was in government custody; and

(C) the nationality and ages of such aliens; and

(2) the number and percentage of aliens who received legal orientation presentations, including the nationality and ages of such aliens.

**SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to the Executive Office of Immigration Review of the Department of Justice such sums as may be necessary to carry out this title.

(b) **BUDGETARY EFFECTS.**—The budgetary effects of this title, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this title, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

### TITLE III—IMPROVING IMMIGRATION DETENTION

#### SEC. 301. IMMIGRATION DETENTION PRIORITIES.

(a) **PRIORITIZATION.**—The Director of U.S. Immigration and Customs Enforcement shall use the limited resources of U.S. Immigration and Customs Enforcement to detain aliens who pose a threat to national security or public safety.

(b) **PRESUMPTION.**—Absent extraordinary circumstances, aliens shall not be detained if—

- (1) they are known to be suffering from serious physical or mental illness;
- (2) they have a disability;
- (3) they are elderly, pregnant, or nursing;
- (4) they are minors;
- (5) they demonstrate that they are primary caretakers of a minor or an infirm person; or
- (6) their detention is otherwise not in the public interest.

#### SEC. 302. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT DETENTION FACILITY STANDARDS.

Beginning not later than 1 year after the date of the enactment of this Act, all U.S. Immigration and Customs Enforcement detention system facilities, including contract facilities and local and county jails operating under intergovernmental service agreements, shall meet the Performance-Based National Detention Standards developed by U.S. Immigration and Customs Enforcement in 2011, including the revisions issued in December 2016.

#### SEC. 303. INCREASED FUNDING FOR ALTERNATIVES TO DETENTION.

(a) **IN GENERAL.**—The Secretary of Homeland Security shall provide sufficient funding to the Alternatives to Detention Division to cover alternatives to detention program costs for all aliens awaiting immigration proceedings who are not subject to detention.

(b) **CONTRACTS AUTHORIZED.**—The Director of U.S. Immigration and Customs Enforcement shall contract with nonprofit service providers with the ability to provide the services required in operating an alternatives to detention program whenever feasible.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

#### SEC. 304. INCREASING THE NUMBER OF IMMIGRATION JUDGES AND STRENGTHENING MERIT-BASED HIRING AND DUE PROCESS.

(a) **IMMIGRATION JUDGES.**—The Attorney General shall increase the total number of immigration judges by 225, compared to the number of immigration judges authorized on the date of the enactment of this Act.

(b) **SUPPORT STAFF; OTHER RESOURCES.**—The Attorney General shall ensure that the Executive Office for Immigration Review has sufficient support staff, adequate technological and security resources, and appropriate facilities to conduct the immigration proceedings required under Federal law.

(c) **LIMITATION.**—Amounts appropriated for the Executive Office for Immigration Review or for any other Department of Justice agency or function may not be used to implement numeric judicial performance standards or other standards that could negatively impact the fair administration of justice by the immigration courts.

(d) **QUALIFICATION; SELECTION.**—The Attorney General shall—

- (1) ensure that all newly hired immigration judges and Board of Immigration Appeals members are highly qualified and trained to conduct fair, impartial adjudications in accordance with applicable due process requirements; and

(2) in selecting immigration judges, may not give any preference to candidates with prior government experience compared to equivalent subject-matter expertise resulting from nonprofit, private bar, or academic experience.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

#### SEC. 305. U.S. CITIZENSHIP AND IMMIGRATION SERVICES REFUGEE CORPS OFFICERS.

The Secretary of Homeland Security shall increase the total number of Department of Homeland Security personnel who are responsible for processing refugee applications by not fewer than the maximum number of such personnel reassigned to the Asylum Division during fiscal year 2018.

By Mr. JONES (for himself, Mr. ALEXANDER, Mr. GRAHAM, and Mr. CORKER):

S. 3266. A bill to require a study of the well-being of the United States automotive industry and to stay the investigation into the national security effects of automotive imports until the study is completed, and for other purposes; to the Committee on Finance.

Mr. JONES. Mr. President, I rise today on behalf of the line workers at our Alabama auto plants. I rise on behalf of our soybean and cotton farmers. I rise on behalf of countless other Alabama businesses that have contacted me because they feel threatened by proposed tariffs but are afraid to speak out publicly for fear of reprisal. In some cases they simply don't want to be seen as inflicting political damage on the President.

I came to this body to work on solutions, not to raise partisan threat levels. I am not one to unfairly level criticism at the President of the United States, but I have called it as I see it when his actions hurt our economy and my State, in particular, and I will continue to do so.

Today, I want to talk about his proposed tariffs on our allies and our trading partners. These actions have prompted retaliatory tariffs on countless Alabama goods, including cotton and soybeans. American industries overwhelmingly oppose these tariffs or, really, they are taxes on their products.

I share President Trump's desire to see continued growth in our manufacturing sector and to secure trade deals that benefit our country. His tariffs are not leading to more manufacturing jobs in Alabama. Instead, they have manufactured a crisis that threatens to permanently harm our businesses and our farms. This is a self-inflicted wound.

I am well aware that China has been a rogue actor when it comes to trade, and I support a strong response. Alabama's steel industry, for example, was hurt by the illegal dumping of Chinese steel into the global market. I witnessed it firsthand in my hometown of Fairfield, AL, once home to one of the country's largest U.S. steel facilities,

which now sits virtually idle. Globe Metallurgical in Selma has been hit by the dumping of silicon metal from China. China has time and again shown a blatant disregard for American intellectual property rights. I have spoken out against these abuses and will continue to do so when they occur in the future.

We should not sweep our friends with the same brush with which we sweep China. Antagonizing allies like Canada, South Korea, and Germany for no reason at all only weakens us. According to the U.S. Chamber of Commerce, more than half a million Alabama jobs are supported by global trade, meaning more than one in every four Alabama jobs are tied to trade. Those jobs are needlessly at risk to date.

I have spoken with representatives from industries across my State. Some are already hurting from the tariffs; others are OK for the moment but are fearful of consequences down the road, such as losing suppliers or taking a direct hit from retaliatory tariffs.

Many of these workers or business owners tell me they support President Trump. They want him to do well. They voted for him, and they are hesitant to speak out because they don't want to appear to be disloyal or harm him politically. They are confused as to why the President is taking steps that hurt their businesses and put their jobs at risk. They want help.

They say what we in this body already know: Tariffs are nothing more than tax increases. They are taxes that hurt American businesses, American workers, American consumers, and the American economy. In a cruel twist, they seem to be doing the most damage in the places and sectors that make up the President's base of support: farmers, autoworkers, truck drivers. These are the exact folks he promised to take care of. Nowhere is that more prevalent and evident than in our automotive industry. It is not just really an "industry" as we think of it in abstract terms. It means people, jobs, families, and the ability to support a family.

One of those people is a man named John Hall. John has been a maintenance worker at the Hyundai Motor manufacturing plant in Montgomery, AL, for nearly 14 years. He recently came to Washington to tell folks about what the industry has meant to his community.

At a rally last Thursday, he said that the transformation of Montgomery and the Alabama River Region has been breathtaking—breathtaking—since the Hyundai plant arrived in our State. He went on that day to testify at the Commerce Department at a hearing about whether or not imported automobiles, trucks, and parts posed a national security threat.

That bears repeating. These tariffs on automobiles—foreign automobiles and parts—are being proposed because somehow, some way foreign vehicles and parts are a threat to national security.

I don't know how else to say it, but that is a ridiculous premise, and everyone knows it. Even the President implicitly acknowledged that in one of his Twitter rants the other day when he threatened to raise auto tariffs in response to the antitrust fine levied against Google by the European Union. Not only is it not a national security threat, this industry has brought untold opportunity to Alabama and other States, particularly in the Southeast.

Before the automakers came to Alabama, our manufacturing industry was still reeling from NAFTA. Many Alabama facilities, like textile manufacturers, were closing down and moving to other countries. These automakers came to Alabama—Mercedes, Honda, Hyundai, Toyota's engine factory, which is now a Toyota and Mazda automobile factory, breaking ground soon, and they have breathed new life into our economy. They have all announced planned expansions in the last year or so.

Alabama's automotive sector employs some 50,000 people, and motor vehicle exports from Alabama reached \$11 billion in 2017. Simply put, Alabama is a trade State, an exporting State. It is not just cars, either. We export about \$170 million annually in soybeans to China, and that industry contributes 11,000 jobs to our State.

The day China released its list of U.S. goods that could be tariffed, soybean prices fell 40 cents that morning. Stan Usery, the president of the Alabama Soybean & Corn Association and soybean farmer, said:

If you weighed that out in dollar figures, it was in the billions of what the value of the U.S. soybean crop lost in just that one day. Just based on the fear of an imposed tariff.

I have heard from other farmers too. Peanut contract prices have fallen flat. Pork prices have fallen \$18 a head since March. Cotton prices dropped 10 cents in the wake of the initial round of tariffs. Our cattle farmers share these concerns and are anticipating potential production cost increases as a result of more expensive fuel and grain.

Just yesterday, we learned that the administration is going to spend \$12 billion in taxpayer money to help offset the damage its trade war has done to American farmers. These farmers need the money. It is a self-inflicted wound, but they need it. This money might help some of the farmers somewhat in the short term, but it is a slippery slope for the President of the United States to start down.

What about the meatpackers who see less work because of reduced sales or truckdrivers who transport these goods across the country? These folks want trade, not aid. If tariffs are not reversed soon, the damage to supply chains and markets cannot be undone.

A company like Harley-Davidson can move a plant from Wisconsin overseas to avoid tariffs. My farmers in Alabama can't do that. You can't move a soybean farm. You can't move a cotton field. You can only move plants, hardware, and people.

China is one of the top markets for Alabama's cotton, poultry, pork, and soybeans. When China chooses to source these goods from Brazil, Australia, or Vietnam to avoid the President's tariffs, they will not go back to purchasing from Alabama once common sense prevails and the tariffs are rescinded. By then, it will be too late. A market will be lost, and family farms cannot recover from the loss of a business.

I know some folks back home in Alabama don't like it when the President gets criticized. They certainly don't like it when I do, and I understand that. They don't like it even when the policies of the administration may hurt Alabama.

One of my own delegation colleagues in the House went so far as to suggest that we shouldn't be worried about these automobile tariffs; we are all getting worked up over nothing. I like to think he is right, but I don't think he is, and neither do the thousands of folks who work in Alabama's automobile industry or their family members who have written or called my offices, nor do the industry representatives they have sent to Washington to plead with their elected officials for help, nor does my good friend, the senior Senator from Tennessee, with whom I am proud to be standing here today.

I believe these tariffs are bad for Alabama and bad for America.

Senator ALEXANDER, who is a strong supporter of the President on many issues, agrees that these tariffs represent a very real threat to the hundreds of thousands of jobs in the automotive industry. No region in the country would be hit harder than the Southeast, where textiles used to be king but where automobiles now reign supreme.

That is why I am here today, to stand up for my constituents and to do what I think is right. It is why, last month, Senator ALEXANDER and I wrote to Commerce Secretary Wilbur Ross, urging him to reconsider the auto tariff tax proposal before it damages the automotive sector, which contributes more than 200,000 jobs to our two States. It is why I have reached out to the Commerce Department and the U.S. Trade Representatives on behalf of a number of Alabama businesses, from textiles to heating and air conditioning companies, to businesses in the energy sector, each facing their own unique crisis because of the proposed tariffs.

In fact, since I was sworn in, I have invited representatives from a number of impacted industries to come to my office to share their stories, to offer suggestions on what we can do, and to be honest about outcomes if we fail to act.

I did not come to this body to simply sit by and watch and do nothing, especially when I see a need and I need to step up. I said I would follow my conscience and do the right thing to make Alabama and America a better place.

In that spirit, a short time earlier today, Senator ALEXANDER and I followed up on our letter to Secretary Ross—to which, quite frankly, we have not yet received a response—by introducing the Automotive Jobs Act of 2018. It is a bipartisan effort to halt President Trump's proposed tax on imported cars, trucks, and auto parts, which would raise the price of every automobile produced in the United States.

Our legislation would require the International Trade Commission to conduct a comprehensive study of the well-being, health, and vitality of the U.S. automotive industry. The ITC will be required to deliver the report to Congress before these tariffs could be applied.

Tariffs should be used to protect American jobs, not hurt them. In the coming weeks, I will be looking at other legislative solutions to help other sectors impacted by the President's tariffs, but the President can save our auto industry today by simply calling off the 232 investigation.

If we are not vigilant, hard-working Alabamians are going to be the losers in this game of chicken with China, the European Union, and others. The small family farmers, the line workers at our auto plants, the truckdrivers who transport Alabama-made products to market, and our port, all stand to lose the gains that we have made in the last couple of decades.

It is my hope that through this legislation we can demonstrate beyond any doubt the positive benefits the auto industry brings to Alabama, Tennessee, and many other States across the country.

Instead of pursuing these tariffs, we should be partnering with our allies who have also been treated unfairly by countries like China and present a united front against bad actors and their harmful trade practices.

I believe in the great potential of our Nation's automobile industry, and I want to empower both the American and foreign automakers who have already invested significantly in this country. This is a thriving industry and one supported by the greatest workforce in the world. Let's help it to continue to grow and support good-paying jobs in our communities. We need to stand united against these proposed tariffs.

President Trump, Alabamians are counting on you to do the right thing by those who stood with you. I hope you will do so.

I yield for my friend, the senior Senator from Tennessee, Mr. ALEXANDER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Alabama for his leadership and his remarks.

The President of the United States has got the world's attention with his tariffs. He met today with the President of the European Commission, but what should get more attention than

the tariffs is President Trump's solution for the tariffs: zero tariffs, zero barriers—which, as the President said at the G7 summit in June, is the way it should be. He said that again last night and again today. After his meeting with the President of the European Commission in the Oval Office, President Trump said: "If we could have no tariffs and no barriers and no subsidies, the United States would be extremely pleased."

Well, so would I, Mr. President, but that is not what is happening. Piling tariffs on top of tariffs with no end in sight is a trade war and will hurt American workers.

But the basis of the President's long-term solution is "reciprocity," a word he has also used many times, which means, when it comes to trade, other countries should do for the United States what the United States does for them. Taking steps in the direction of reciprocity, rather than a trade war, would be much better for the American worker.

Today I have come to the floor with Senator JONES to introduce legislation that would delay the administration's proposed 25 percent tariff on automobiles and auto parts imported from other countries into the United States until the President has the benefit of a second opinion from the International Trade Commission about the effects those tariffs would have on the more than 7 million Americans who work in the auto industry.

After the President and the Congress have received the International Trade Commission's study and the President has this second opinion, he may still continue with the section 232 investigation if he chooses to do so.

I have no doubt that there is a trade problem, and some countries are taking advantage of us. I also have no doubt that shooting yourself in both feet at once is not the right solution to our problem, which is what would happen if we continue these tariffs for a long time. That is not the best way to solve the problem.

These tariffs are dangerous. These tariffs are going to cost us jobs. These tariffs are going to lower our family incomes. These tariffs are going to undo much of the good the President and the Congress have done during the last year and a half to create this booming economy, which is booming like none of us have seen for a long, long time. We don't want to interrupt that.

A better strategy is the one that the President himself has suggested and that I believe would be much more effective: Insist on reciprocity. Say to other countries: Do for our country what we do for you—just as the President said at the G7 summit: "no tariffs, no barriers is the way it should be." And just as he said today to the President of the European Commission.

May I suggest a first step in that direction? It might be to agree on the same tariffs on light trucks and cars that are traded between the United

States and the European Union. Currently, the European Union levies a 10-percent tariff on light trucks that come from the United States, and the United States levies a 25-percent tariff on trucks imported from the European Union. Similarly, the European Union levies a 10-percent tariff on cars imported from this country. The United States levies a 2.5 percent tariff on cars that come to us from Europe. A first step for the solution would be to make these tariffs the same.

Now, my late friend Alex Haley once told me that if I begin a speech by saying "instead of making a speech, let me tell you a story," someone might actually listen to what I have to say. So let me tell you a story about how tariffs affect Tennessee.

This is a story about a Canadian company, Onward Manufacturing Company, which 8 years ago had a choice between locating its new plant either in the United States or in China. The company chose Dickson, TN, where today about 300 Tennesseans have good-paying jobs making Broil King gas grills, which the company then exports to Canada and Europe.

The company decided on Tennessee instead of China because NAFTA—the North American Free Trade Agreement—made it possible to buy materials and parts to manufacture their grills in the United States and Canada without paying tariffs. That is the advantage of zero tariffs.

Broil King buys the steel and aluminum the company uses to make grills from U.S. producers. But in 2016, our country imposed tariffs on steel from China that is used to manufacture grills. That increased the cost of imported steel, and that had the effect of increasing the price of steel made in the United States.

Then, on March 23 of this year, our country imposed another 25 percent tariff on steel and 10 percent on aluminum, after the Commerce Department's section 232 investigation concluded that those imports were a threat to national security. This also had the effect of raising the price of steel and aluminum that Broil King used to make gas grills in Dickson, TN. Prices for U.S.-produced steel that Broil King buys are up by 40 percent since January, according to the trade publication Steel Benchmark.

This is called shooting yourself in one foot. Now, here goes the other foot.

Europe and Canada then responded to the U.S. tariffs on steel and aluminum by imposing tariffs on U.S. products sold in Europe and Canada, including gas grills.

Broil King exports about 60 percent of the grills the company makes in Tennessee to Canada and Europe. Remember, they located their plant here so they could do that.

The company told me last week that they are losing money on every grill they sell in Europe because of the combination of steel and aluminum tariffs and the response by Europe and Canada.

Broil King is also hurt by the March 2018 announcement that tariffs would be imposed on \$50 billion by the United States on Chinese goods because the company buys some parts from China that it uses to make gas grills in Tennessee.

Now, here is what is causing the owners of Broil King to wonder why they ever decided to locate a plant in Dickson, TN, instead of China. The new U.S. tariffs do not apply to barbecue gas grills made in China that are already assembled, which means that every one of Broil King's competitors in China can import their grills into the United States without any tariff on it.

So here is the bottom line. These new tariffs make it difficult to make a profit on gas grills made in Dickson, TN, and leave the U.S. market wide open for gas grills made in China.

That is what happened to one small company that employs 300 Tennesseans and buys its steel and aluminum from U.S. suppliers when we begin piling tariffs on top of tariffs with no end in sight. That is what happens with a trade war.

That is why I like what the President said this morning to the President of the European Commission. "If we could have no tariffs and no barriers and no subsidies," the President said, "the United States would be extremely pleased." So would workers in Tennessee. That would be better for the 300 workers in Dickson, TN.

Here is another story. It is about Electrolux. I visited Springfield, TN, outside Nashville, a few weeks ago. The mayor and the chamber of commerce officials rushed up to me. The new tariffs on steel had been announced, and the largest employer in Springfield—Electrolux, which makes home supplies—had cancelled a \$250 million expansion. Electrolux buys all of its steel from U.S. suppliers, but, of course, when you raise the price on imported steel, the price of U.S. steel also goes up, and Electrolux concluded that it could not be competitive in the U.S. market and with exports at the higher price.

Of course, it sounds good to say that putting a 10-percent tariff on Chinese-made goods is good for us, but Electrolux also buys some components made in China. Last week, the company said the latest U.S. tariffs on Chinese-made goods would cost the company \$10 million during the second half of this year if the proposed 10 percent tariffs go into effect after a comment period ending in late August. That is Electrolux in Springfield, TN.

Now, if we were moving toward a policy of reciprocity—do for us what we do for you—there would be zero tariffs, and the people of Springfield would have a \$250 million expansion and the jobs that come with it instead of a 25-percent tax on the U.S. steel that Electrolux buys.

Then there are the stories about the effects of steel and aluminum tariffs on



tire companies. We have three big tire companies in Tennessee. Bridgestone is one of them, with 1,700 employees. I will talk about it for just a moment.

Bridgestone tires all have steel cords to make them stronger. None of that steel is produced in the United States. All of it is imported. Now all of it has a 25-percent tax. Who pays that? The American consumer. The same must be true for every tire-making company.

Here is one more story. You have probably heard of Bush Brothers' beans. They can one-third of all the beans in the United States. Their plant is in Chestnut Hill, in the mountains of East Tennessee, near where I live.

The cans are made of tin-plated steel that is mostly imported. There is not enough produced in the United States. Bush Brothers & Company estimates that the new tariff on steel will reduce its revenues and raise prices by as much as 8 percent.

Even the workers in Chestnut Hill who can one-third of all of the beans in the United States would benefit from a zero tariff policy such as the one the President talked about today, instead of a trade war that piles tariffs on top of tariffs.

We have many more stories. We have over 900 auto parts suppliers in Tennessee. They are in 88 of our 95 counties. Almost all of them use steel and aluminum. When the prices go up, revenues and profits go down. That has an effect on 136,000 Tennesseans. Those are the people who work in our automotive industry. That is one-third of our entire manufacturing workforce.

Tariffs are taxes, pure and simple—taxes we pay. Existing tariffs on steel and aluminum are bad enough, but nothing could do more damage to Tennessee's auto industry than the proposed tariffs on imported automobiles and automotive parts. Those, combined with already imposed tariffs on steel and aluminum, will cost us jobs and lower our family incomes.

I respectfully said to President Trump both publicly and privately that he and the Republican Congress have accomplished an enormous amount in 18 months. I am very proud of that. This booming economy is something that benefits so many Americans. But I am afraid that if we do not move quickly toward the President's announced long-term goal of no tariffs and that if we continue to pile tariffs on top of tariffs, we will take this economy in exactly the opposite direction and undo much of the good the Republican President and the Republican Congress have already done.

What would take us in the right direction is the goal of reciprocity that the President talked about today. That is why, in the meantime, until we shift gears into this long-term goal of no tariffs, no subsidies, no barriers, and take steps toward it, Senator JONES and I have developed this bill to make sure the President has all the facts before he makes a decision on the proposed 25-percent tariff on imported cars

and parts. It simply requires the Commerce Department's investigation to be delayed while we get more facts about the impact of these tariffs on the automotive industry.

The President is right to focus on China. China steals our intellectual property, and it imposes other trade barriers. But tariffs on steel and aluminum and uncertainty surrounding the negotiation of NAFTA threaten to destroy many more U.S. jobs than they might save.

We should remember the lessons of history. Presidents have tried this before.

When I first came to the Senate, President George W. Bush imposed steel tariffs. Within a year, he dropped the idea because the tariffs destroyed more jobs in the automotive industry than existed in the steel industry at that time, according to the Consuming Industries Trade Action Coalition.

Let's look at today. Last year, the U.S. steel industry employed about 139,000 Americans, according to the Congressional Research Service. About 162,000 worked in the aluminum industry. That is around 300,000 Americans who work in the steel and aluminum industry. To put this in perspective, the automotive industry employs 20 times that many Americans—more than 7 million, according to the Auto Alliance, and 136,000 of those, as I have said, are Tennesseans.

There are only eight aluminum smelting plants operating in the United States that employ Americans. They employ about 4,000. Seven of those are actually producing. One is curtailed. Alcoa, which produces about half the aluminum produced in the United States, doesn't even want the tariffs. It makes me wonder, who does want the tariffs on aluminum?

The main reason those smelting plants—one of which is in my hometown and my father worked at for 40 years—have closed has nothing to do with trade. It is because aluminum plants need a lot of cheap electricity to run through the bauxite ore to make aluminum ingots, and they can't buy electricity that cheap in the United States. The 10-percent tariff already imposed on aluminum is not nearly enough to offset the cost of electricity.

The reason I have been so outspoken about this is that no state is more likely to be more damaged by tariffs on aluminum and steel and on automobiles and auto parts than Tennessee. In many ways, over the last 40 years, we have become the Nation's No. 1 auto State, with our more than 136,000 Tennesseans working in the automotive industry. There are three big assembly plants—General Motors, Volkswagen, and Nissan—and over 900 auto suppliers in 88 of our 95 counties. As Senator JONES said, 35 years ago, we were the third poorest state and textile plants were moving overseas. Things looked bleak for us. In came the auto industry with better paying jobs, and our family incomes have been going up ever since

in almost every county. I don't want to see that hurt. Tennesseans who work in the auto industry would benefit, as they have under NAFTA, from zero tariffs instead of a trade war that piles tariffs on top of tariffs.

In conclusion, the President has gotten the world's attention with his tariffs. As a tactic, perhaps he is wise to do that. He had the President of the European Commission in his office today, but what should get more attention and what I hope gets more attention also from the President is the solution he talked about again today. "If we could have no tariffs and no barriers and no subsidies," the President said, "the United States would be extremely pleased." That is the way it should be. Let's move toward that goal as rapidly as we can. Piling tariffs on top of tariffs with no end in sight is a trade war. It hurts American workers.

The basis of the President's solution is reciprocity—a word he has used many times—which means when it comes to trade, other countries should do for the United States what we do for them. Taking steps in that direction would be the right way to go.

In the meantime, the bill Senator JONES and I have introduced will make certain that President Trump has before him all the facts—in effect, a second opinion—before he makes a decision regarding the proposed 25-percent tariffs on imported automobiles and automotive parts.

By Mr. DURBIN (for himself and Mr. NELSON):

S. 3272. A bill to authorize the President to provide assistance to the Governments of Haiti and Armenia to reverse the effects of deforestation, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. 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. 3272

*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 "Haiti and Armenia Reforestation Act of 2018".

#### SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the established policy of the Federal Government is to support and seek the protection of forests around the world, which provide a wide range of benefits by—

(A) harboring a major portion of the biological and terrestrial resources of Earth;

(B) providing habitats for almost ¾ of all species on Earth, including species essential to medical research and agricultural productivity;

(C) contributing to the livelihood of more than 1,600,000,000 people through access to food, fresh water, clothing, traditional medicines, and shelter;

(D) ensuring environmental services, such as biodiversity, water conservation, soil enrichment, water supply management, and climate regulation; and

(E) absorbing and storing carbon dioxide, as deforestation accounts for approximately 12 percent of the global anthropogenic greenhouse gas emissions that contribute to global warming;

(2) while forests cover a little less than 1/3 of the land area on Earth, approximately 85 percent of Earth's original primary forests have been destroyed, degraded, or fragmented;

(3) in Haiti—

(A) the destruction of forests began centuries ago, when 17th century colonists cut down trees for lumber, fuel, and furniture;

(B) the 18th century plantation economy resulted in hillsides near towns being stripped of trees;

(C) after gaining independence, deforestation continued as Haiti rebuilt its local economy by growing coffee and exporting timber;

(D) in 1923, more than 60 percent of the land was forested, but by the 1940s and 1950s deforestation was accelerating as an increasing population put more pressure on forests;

(E) in recent years, urbanization has expanded exponentially and growing cities have depended on charcoal produced by cutting down trees in the countryside;

(F) poor forestry and land use policies by the Government of Haiti has exacerbated deforestation, and by 2014, forest cover had decreased to approximately 9 to 11 percent of the country; and

(G) between 2000 and 2016, 5,430 hectares of forest cover were lost, equal to 6.3 percent of Haiti's tree cover;

(4) in Armenia—

(A) while archeological data indicated that approximately 35 percent of the country was originally forested—

(i) less than 12 percent of the country was covered in forest in 1990; and

(ii) less than 6 percent of the country was covered in forest by 2016; and

(B) in August, 2017, a fire caused significant damage to the Khosrov Forest, which is among the world's oldest protected areas, engulfing more than 2,733 hectares in flames and causing substantial harm to hundreds of unique plant species;

(5) economic pressures, resulting from more than 60 percent of the population of Haiti living below the poverty line and 29.8 percent of the population of Armenia living below the poverty line—

(A) are factors contributing to the deforestation of Haiti and Armenia; and

(B) are manifested particularly through the cutting of areas of forest for conversion to agricultural and commercial uses, where wood and charcoal produced from cutting down trees accounts for a major supply toward Haiti's and Armenia's energy sectors;

(6) forests provide cover to soften the effect of heavy rains and reduce erosion by anchoring the soil with tree roots;

(7) a significant effect of the deforestation in Haiti and Armenia is soil erosion, which has—

(A) lowered the productivity on the land due to the leaching of nutrients in topsoils;

(B) worsened the severity of droughts and the effects of landslides and floods;

(C) led to further deforestation due to slash and burn practices when eroded areas are no longer productive;

(D) increased the pressure on the remaining land and trees in Haiti and Armenia; and

(E) significantly decreased water quality and the quantity of freshwater and clean drinking water available to populations;

(8) research strongly suggests that deforestation increases the risk of infectious diseases, including malaria, dengue fever, SARS, Ebola, Hantavirus, and Zika—

(A) by depriving insect and animal carriers of habitat; and

(B) by directly increasing their rate of exposure to human populations who are susceptible to zoonotic pathogens;

(9) both Haiti and Armenia have faced natural disasters in recent years, the effects of which have been exacerbated by deforestation, such as—

(A) flooding in Armenia that has swept away or damaged thousands of homes, schools, health clinics, and other institutions, partly because of damage to forests through illegal logging, landslides, and soil erosion;

(B) hurricanes in Haiti that have killed thousands and displaced hundreds of thousands more, partly because the clearing of large hillsides enabled rainwater to run off directly into settlements located at the bottom of slopes, causing severe flooding; and

(C) the January 2010 earthquake in Haiti, which destroyed much of the infrastructure of Port-au-Prince, reduced hillside stability and increased the likelihood of mudslides, soil erosion, and flooding factors, which negatively impacted the water supply and heightened concerns for the spread of waterborne diseases;

(10) economic benefits for local communities from sustainable uses of forests are critical for the long-term sustainable management of forests in Haiti and Armenia;

(11) Congress appropriated funding for fiscal years 2015, 2017, and 2018 to support market-based reforestation programs in Haiti, which have resulted in successful agroforestry activities that have increased crop production, profits, and tree cover; and

(12) reforestation efforts would provide new sources of jobs, income, and investments in Haiti and Armenia by—

(A) providing employment opportunities in tree seedling programs, contract tree planting and management, sustainable agricultural initiatives, sustainable and managed timber harvesting, and wood products milling and finishing services; and

(B) enhancing community enterprises that generate income through the trading of sustainable forest resources, many of which exist on small scales.

(b) PURPOSE.—The purpose of this Act is to provide assistance to the Government of Haiti and the Government of Armenia to develop and implement, or improve, nationally appropriate policies and actions—

(1) to reduce deforestation and forest degradation, and improve forest management and natural regeneration;

(2) to increase annual rates of afforestation and reforestation in a sustainable, measurable, reportable, and verifiable manner;

(3) to restore social and economic conditions for the environmental recovery of the forest cover of Haiti and Armenia to at least 7 percent of total land mass in Haiti and 12 percent of total land mass in Armenia (as determined under section 302(a)) not later than 10 years after the date of the enactment of this Act; and

(4) to improve sustainable resource management at the watershed level.

### SEC. 3. DEFINITIONS.

In this Act:

(1) AFFORESTATION.—The term “afforestation”—

(A) means the establishment of a new forest through the planting of trees on a parcel of land not previously forested; and

(B) includes—

(i) the introduction of a tree species to a parcel of nonforested land in which the species is not a native species; and

(ii) the increase of tree cover through plantations.

(2) AGROFORESTRY.—

(A) IN GENERAL.—The term “agroforestry” means systems in which perennial trees or shrubs—

(i) are integrated with crops or livestock; and

(ii) constitute a minimum 10 percent of ground cover.

(B) INCLUSION.—Actual forest cover resulting from agroforestry programs may be counted toward the total forest cover goal set forth in section (2)(b)(3).

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(4) DEFORESTATION.—The term “deforestation” means—

(A) the conversion of forest to another land use; or

(B) the long-term reduction of the tree canopy.

(5) FOREST.—The term “forest”—

(A) except as provided in subparagraph (B), means a terrestrial ecosystem containing native tree species generated and maintained primarily through natural ecological and evolutionary processes, which spans more than 0.5 hectares with trees higher than 5 meters and a canopy cover of more than 10 percent or trees able to reach these thresholds in situ; and

(B) does not include—

(i) plantations, such as crops of trees planted primarily by humans for the purposes of harvesting; or

(ii) land that is predominantly under agricultural or urban land use.

(6) REFORESTATION.—The term “reforestation”—

(A) means the establishment of forest on lands that were previously considered as forest, but which have been deforested; and

(B) includes the increase of tree cover through plantations.

## TITLE I—FORESTATION AND WATERSHED MANAGEMENT ASSISTANCE TO THE GOVERNMENT OF HAITI AND THE GOVERNMENT OF ARMENIA

### SEC. 101. FORESTATION ASSISTANCE.

(a) AUTHORITY.—

(1) IN GENERAL.—In accordance with section 118 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151p-1) and consistent with paragraph (2), the President is authorized to provide financial assistance, technology transfers, or capacity-building assistance to the Government of Haiti and to the Government of Armenia for activities to develop and implement 1 or more forestation proposals described in paragraph (2)—

(A) to reduce the deforestation of Haiti or Armenia; and

(B) to increase the rates of afforestation and reforestation in Haiti or Armenia.

(2) PROPOSALS.—

(A) IN GENERAL.—Assistance may be provided under this section to the Government of Haiti and to the Government of Armenia to implement 1 or more proposals submitted by either country that contain—

(i) a description of each policy and initiative to be carried out with such assistance;

(ii) adequate documentation to ensure, as determined by the President, that—

(I) each policy and initiative—

(aa) will be carried out and managed in accordance with widely-accepted, environmentally-sustainable forestry and agricultural practices; and



(bb) will be designed and implemented in a manner that improves the governance of forests by building local capacity to be transparent, inclusive, accountable, and coordinated in decision-making processes and the implementation of the policy or initiative; and

(II) the proposals will further establish and enforce legal regimes, standards, and safeguards designed to ensure that members of local communities in affected areas, as partners and primary stakeholders, will be engaged in the design, planning, implementation, monitoring, and evaluation of the policies and initiatives; and

(iii) a description of how the proposal supports and aids forest restoration efforts in accordance with the purpose set forth in section 2(b).

(B) DETERMINATION OF COMPATIBILITY WITH CERTAIN PROGRAMS.—In evaluating each proposal submitted under subparagraph (A), the President shall ensure that each policy and initiative described in such proposal is compatible with—

(i) broader development, poverty alleviation, sustainable energy usage, and natural resource conservation objectives and initiatives in Haiti or in Armenia;

(ii) the development, poverty alleviation, disaster risk management, and climate resilience programs of the United States Agency for International Development, including program involving technical support from the United States Forest Service; and

(iii) activities of international organizations and multilateral development banks.

(b) ELIGIBLE ACTIVITIES.—Any assistance received by the Government of Haiti or by the Government of Armenia under subsection (a)(1) shall be conditional upon the development and implementation of a proposal submitted under subsection (a)(2), which may include—

(1) the provision of technologies and associated support for activities to reduce deforestation or increase afforestation and reforestation rates, including—

(A) fire reduction initiatives;

(B) sustainable land use management initiatives;

(C) initiatives to increase agricultural productivity;

(D) forest law enforcement initiatives;

(E) the development of timber tracking systems;

(F) the development of cooking fuel substitutes;

(G) tree-planting initiatives; and

(H) programs that are designed to focus on market-based solutions to reduce deforestation and increase reforestation and afforestation, including programs that leverage the international carbon-offset market;

(2) the enhancement and expansion of governmental and nongovernmental institutional capacity to effectively design and implement a proposal developed under subsection (a)(2) through initiatives, including—

(A) the establishment of transparent, accountable, and inclusive decision-making processes relating to all stakeholders (including affected local communities);

(B) the promotion of enhanced coordination among ministries and agencies responsible for agro-ecological zoning, mapping, land planning and permitting, sustainable agriculture, forestry, mining, and law enforcement; and

(C) the clarification of land tenure and resource rights of affected communities, including local communities;

(3) the development and support of institutional capacity to measure, verify, and report the activities carried out by the Government of Haiti and by the Government of Armenia to reduce deforestation and increase afforestation and reforestation rates

through the use of appropriate methods, including—

(A) the use of best practices and technologies to monitor land use change in Haiti and in Armenia, and changes in the extent of natural forest cover, protected areas, mangroves, agroforestry, and agriculture;

(B) the monitoring of the impacts of policies and initiatives on—

(i) affected communities;

(ii) the biodiversity of the environment of Haiti and Armenia; and

(iii) the health of the forests of Haiti and Armenia; and

(C) independent and participatory forest monitoring; and

(4) the development of and coordination with watershed restoration programs in Haiti and Armenia, including—

(A) agreements between the Government of Haiti or the Government of Armenia and nongovernmental organizations or private sector partners to provide technical assistance, capacity building, or technology transfers which support the environmental recovery of Haiti's and Armenia's watersheds through forest restoration activities if such assistance will—

(i) strengthen economic drivers of sustainable resource inventory mapping and management;

(ii) reduce environmental vulnerability; or

(iii) improve governance, planning, and community action of watersheds in Haiti and Armenia;

(B) actions to support economic incentives for sustainable resource management, including enhanced incentives for the replacement of annual hillside cropping with perennial and non-erosive production systems;

(C) enhanced extension services supporting the sustainable intensification of agriculture to increase farmer incomes and reduce pressure on degraded land; and

(D) investments in watershed infrastructure to reduce environmental vulnerability, including the establishment of appropriate erosion control measures through reforestation activities in targeted watersheds or sub-watersheds.

(c) DEVELOPMENT OF PERFORMANCE METRICS.—

(1) IN GENERAL.—If the President provides assistance to the Government of Haiti or the Government of Armenia under subsection (a)(1), the President, in cooperation with such government, shall develop appropriate performance metrics to measure, verify, and report—

(A) the implementation of each policy and initiative to be carried out by the Government of Haiti or the Government of Armenia, as the case may be;

(B) the progress of each policy and initiative with respect to the forests of Haiti and Armenia; and

(C) impacts of reforestation policies and initiatives on the local communities of Haiti and Armenia.

(2) REQUIREMENTS.—Performance metrics developed under paragraph (1) shall include, to the maximum extent practicable, short-term and long-term metrics to evaluate the implementation of each policy and initiative contained in each proposal developed under subsection (a)(2).

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall submit a report to the appropriate committees of Congress that describes the actions the President has taken, or plans to take—

(A) to engage with the Government of Haiti and the Government of Armenia, nongovernmental stakeholders, civil society, and public and private nonprofit organizations to implement this section; and

(B) to enter into agreements with the Government of Haiti and with the Government of Armenia under subsection (a)(1).

(2) BIENNIAL REPORTS.—Not later than 2 years after the date on which the President first provides assistance to the Government of Haiti or the Government of Armenia under subsection (a)(1), and biennially thereafter, the President shall submit a report to the appropriate committees of Congress that describes the progress made by the Government of Haiti and by the Government of Armenia in implementing each policy and initiative contained in the proposal submitted by each such government under subsection (a)(2).

(e) ADDITIONAL ASSISTANCE.—

(1) IN GENERAL.—The President is authorized to provide financial and other assistance to the Government of Haiti, the Government of Armenia, local government bodies, or nongovernmental organizations—

(A) to provide information to local communities relating to each policy and initiative to be carried out by the Government of Haiti or by the Government of Armenia with assistance made available under subsection (a)(1);

(B) to promote effective participation by local communities in the design, implementation, and independent monitoring of each policy and initiative;

(C) to promote, in support of sustainable forestation activities, enhanced watershed governance, national planning, and community action programs that increase—

(i) the development of national watershed management policies for Haiti and for Armenia by the appropriate government ministries and agencies;

(ii) the establishment of an effective forum for donor coordination related to management and reforestation in Haiti and Armenia;

(iii) support for the Centre National de l'Information Géo-Spatiale (CNIGS), the Center for Ecological-Noosphere Studies (CENS), and the United States Forest Service to provide technology, data, and monitoring support for improved watershed and forest resource management at a national scale in Haiti and in Armenia; and

(iv) development of effective governance structures in Haiti and in Armenia for stakeholder engagement, coordination of approaches, land use planning, and disaster mitigation at the watershed scale; and

(D) to meet the goals of this Act.

(2) TERMINATION OF DIRECT FUNDING.—If the President determines that the goals of this Act are not being appropriately and efficiently met with the assistance provided under this section, the President may terminate such assistance to either the Government of Haiti or the Government of Armenia, as appropriate.

(f) MINIMUM COUNTRY REFORESTATION FUND PERCENTAGE.—Not less than 85 percent of amounts provided for programs under this section shall be spent on actual reforestation activities in Haiti and Armenia, which may include the protection of reforested areas.

(g) SUNSET.—

(1) IN GENERAL.—The authority under this section shall terminate on the date that is 10 years after the date of the enactment of this Act, or the date that is 10 years after an extension under paragraph (2), unless the President certifies to the appropriate committees of Congress that—

(A) effective and sustainable programs are in place through the Government of Haiti, the Government of Armenia, or local governments in Haiti or in Armenia, in potential partnership with international donors, nongovernmental organizations, or civil society

groups, to protect and manage areas reforested with assistance provided under this Act; and

(B) additional time is necessary to accomplish the goals of this Act.

(2) **EXTENSIONS.**—If a certification is made under paragraph (1), the authority under this section shall be extended for an additional 10-year term. Not more than 2 extensions are permitted under this paragraph.

## **TITLE II—GRANTS FOR REFORESTATION**

### **SEC. 201. REFORESTATION GRANT PROGRAM.**

(a) **ESTABLISHMENT.**—The President is authorized to establish a grant program to carry out the purpose described in section 2(b), including reversing deforestation and improving reforestation and afforestation in Haiti and in Armenia.

(b) **GRANTS AUTHORIZED.**—

(1) **IN GENERAL.**—The President is authorized to award grants and contracts, for a period not to exceed 3 years, to carry out projects that, in the aggregate, reverse deforestation and improve reforestation and afforestation in Haiti or in Armenia.

(2) **MAXIMUM AMOUNT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the President may not award a grant under this section in an amount greater than \$500,000 per year.

(B) **EXCEPTION.**—The President may award a grant under this section in an amount greater than \$500,000 per year if the President determines that the recipient of the grant has demonstrated success with respect to a project that was funded under this section.

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Grants awarded pursuant to subsection (b) may be used—

(A) to provide a financial incentive to protect forests;

(B) to provide hands-on management and oversight of replanting efforts;

(C) to support sustainable, income-generating, forest-related economic growth;

(D) to provide—

(i) seed money to start cooperative reforestation and afforestation efforts; and

(ii) subsequent conditional funding for such efforts contingent upon required tree care and maintenance activities;

(E) to promote the widespread use of—

(i) improved cooking stove technologies that do not involve the harvesting of forest growth; and

(ii) other renewable fuel technologies that reduce deforestation and improve human health; and

(F) securing the involvement and commitment of local communities—

(i) to protect forests in existence as of the date of the enactment of this Act; and

(ii) to partner in and carry out afforestation and reforestation activities.

(2) **LOCAL COMMUNITY PARTICIPATION.**—Activities to secure the participation of local communities under paragraph (1)(F) should include 1 or more of the following activities:

(A) Creation of local jobs involving establishing, protecting, and managing reforested areas.

(B) Collaboration to analyze biodiversity and ecosystem services integral to sustainability and business decisions.

(C) Cooperative conservation programs, including—

(i) working with local water sources to ensure clean water through improved forestland and watershed; or

(ii) working with food suppliers to ensure sustainable agroforestry products.

(3) **CONSISTENCY WITH PROPOSALS.**—To the maximum extent practicable, projects using grant funds shall support, and be consistent with, the proposal developed under section 101(a)(2) that is the subject of the project.

(d) **APPLICATION.**—

(1) **IN GENERAL.**—An entity desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the President may reasonably require.

(2) **CONTENT.**—Each application submitted under paragraph (1)—

(A) should be consistent with the findings, recommendations, and ongoing work relating to—

(i) the United States Agency for International Development Haiti Reforestation Project for Haiti; or

(ii) the 2009 United States Agency for International Development report entitled “Biodiversity Analysis Update for Armenia Final Report: Prosperity, Livelihoods, and Conserving Ecosystems (PLACE) IQC Task Order #4”; and

(B) shall include—

(i) a description of the objectives to be attained;

(ii) a description of the manner in which grant funds will be used;

(iii) a plan for evaluating the success of the project based on verifiable evidence; and

(iv) to the extent that the applicant intends to use nonnative species in afforestation efforts—

(I) an explanation of the benefit of using nonnative species rather than native species; and

(II) verification that the species to be used are not invasive.

(3) **PREFERENCE FOR CERTAIN PROJECTS.**—In awarding grants under this section, preference shall be given to applicants that propose—

(A) to develop market-based solutions to the challenges of reforestation in Haiti and Armenia, including the use of conditional cash transfers and similar financial incentives to protect reforestation efforts;

(B) to partner with local communities and cooperatives; and

(C) to focus on efforts that build local capacity to sustain growth after the completion of the underlying grant project.

(e) **DISSEMINATION OF INFORMATION.**—The President shall collect and widely disseminate information about the effectiveness of the demonstration projects assisted under this section.

### **SEC. 202. FOREST PROTECTION PROGRAMS.**

Chapter 7 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2281 et seq.) is amended—

(1) by redesignating sections 461 through 466 as sections 471 through 476, respectively; and

(2) by adding at the end the following:

#### **“SEC. 477. PILOT PROGRAM FOR HAITI.**

“(a) **SUBMISSION OF LIST OF AREAS OF SEVERELY DEGRADED NATURAL RESOURCES.**—The President, in cooperation with nongovernmental conservation organizations, shall invite the Government of Haiti to submit a list of areas within Haiti in which forests are seriously degraded or threatened.

“(b) **REVIEW OF LIST.**—The President shall—

“(1) analyze the areas on the list submitted by the Government of Haiti under subsection (a); and

“(2) seek to reach an agreement with the Government of Haiti to assist with the restoration and future sustainable use of such areas.

“(c) **GRANT PROGRAM.**—

“(1) **GRANTS AUTHORIZED.**—The President is authorized to award grants to nongovernmental organizations, on such terms and conditions as may be necessary, for the purchase on the open market of discounted debt of the Government of Haiti, if a market is determined to be viable, in exchange for commitments by the Government of Haiti—

“(A) to restore forests identified pursuant to subsection (a); or

“(B) to develop plans for sustainable use of such forests.

“(2) **MANAGEMENT OF PROTECTED AREAS.**—Each recipient of a grant under this subsection shall participate in the ongoing management of the area or areas protected pursuant to such grant.

“(3) **MATCHING OF GRANT FUNDS.**—Any United States funding provided to a nongovernmental organization under this subsection should be matched by an equal or greater amount of funding from the nongovernmental organization. Such matching funds may include funding provided by other international donors, nongovernmental organizations, philanthropic bodies, corporations or other private entities, institutions of higher learning, the Government of Haiti, or other non-United States Government sources.

“(4) **MINIMUM COUNTRY REFORESTATION FUND PERCENTAGE.**—Not less than 85 percent of grant funds provided under this subsection shall be spent on actual reforestation activities in Haiti, which may include the protection of reforested areas.

“(5) **RETENTION OF PROCEEDS.**—Notwithstanding any other provision of law, a grantee (or any subgrantee) under this subsection may retain, without deposit in the Treasury of the United States and without further appropriation by Congress—

“(A) interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds; and

“(B) interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes.

“(6) **SUNSET.**—

“(A) **IN GENERAL.**—The authority to award grants under this subsection shall terminate on the date that is 5 years after the date of the enactment of this Act unless the President determines and certifies to Congress that—

“(i) the grant program under this subsection has been effective in meeting the goals of the Haiti and Armenia Reforestation Act of 2018; and

“(ii) the Government of Haiti has committed to returning land in Haiti to long-term sustainable forests.

“(B) **RENEWAL.**—If the President makes a certification under subparagraph (A), the authority to award grants under this subsection may be renewed for 1 additional 5-year period.

#### **“SEC. 478. PILOT PROGRAM FOR ARMENIA.**

“(a) **SUBMISSION OF LIST OF AREAS OF SEVERELY DEGRADED NATURAL RESOURCES.**—The President, in cooperation with nongovernmental conservation organizations, shall invite the Government of Armenia to submit a list of areas within the territory of Armenia in which forests are seriously degraded or threatened.

“(b) **REVIEW OF LIST.**—The President shall—

“(1) analyze the areas on the list submitted by the Government of Armenia under subsection (a); and

“(2) seek to reach an agreement with the Government of Armenia for the restoration and future sustainable use of such areas.

“(c) **DEBT FORGIVENESS AGREEMENT.**—

“(1) **DEBT FORGIVENESS.**—The President is authorized to forgive debt owed to the United States by the Government of Armenia in exchange for commitments by the Government of Armenia—

“(A) to restore forests identified by the Government under subsection (a); or

“(B) to develop plans for sustainable use of such forests.

“(2) MANAGEMENT OF PROTECTED AREAS.—The Government of Armenia shall participate in the ongoing management of the area or areas protected pursuant to such debt relief.

“(3) MINIMUM COUNTRY REFORESTATION FUND PERCENTAGE.—Not less than 85 percent of funds that qualify under a debt relief agreement under this section shall be spent on actual reforestation activities in Armenia, which may include the protection of reforested areas or of existing forests.

“(4) TERMINATION OF PROGRAM.—

“(A) IN GENERAL.—The authority to offer debt relief under this subsection shall terminate on the date that is 5 years after the date of the enactment of this Act unless the President determines and certifies to Congress that—

“(i) the debt forgiveness pilot program under this subsection has been effective in meeting the goals of the Haiti and Armenia Reforestation Act of 2018; and

“(ii) the Government of Armenia has committed to returning land in Armenia to long-term sustainable forests.

“(B) RENEWAL.—If the President makes a certification under subparagraph (A), the authority to forgive debt under this subsection may be renewed for 1 additional 5-year period.”.

### TITLE III—ADMINISTRATIVE PROVISION

#### SEC. 301. DELEGATION.

The President, or the Administrator of the United States Agency for International Development or the Secretary of State, acting as the President's delegate, may draw on the expertise of the United States Forest Service and the United States Agency for International Development in designing and implementing programs under this Act relating to reforestation, watershed restoration, and monitoring of land use change.

#### SEC. 302. DETERMINATION AND MONITORING OF FOREST LEVELS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Chief of the United States Forest Service, in consultation with the Administrator of the United States Agency for International Development, using the latest available Landsat data, shall—

(1) determine the current level of forest cover in Haiti and the current level of forest cover in Armenia, expressed as a percentage of each country's total land mass; and

(2) submit this information to the appropriate committees of Congress.

(b) UPDATES.—The Chief of the United States Forest Service, in consultation with the Administrator of the United States Agency for International Development, shall submit an annual report to the appropriate committees of Congress that contains an updated determination, using the latest available Landsat data, of the level of forest cover in Haiti and the level of forest cover in Armenia.

(c) USE OF DETERMINATIONS.—Each determination under subsection (a)(1) and each updated determination under subsection (b) shall be used for the purposes of setting and achieving the goals described in section 2(b)(3).

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 593—HONORING THE LIFE AND LEGACY OF GRACE HOPPER, PROFESSOR, INVENTOR, ENTREPRENEUR, BUSINESS LEADER, AND REAR ADMIRAL OF THE NAVY

Mr. WYDEN (for himself and Mrs. FISCHER) submitted the following reso-

lution; which was considered and agreed to:

S. RES. 593

Whereas Grace Hopper was born on December 9, 1906, in New York City, New York;

Whereas, in 1928, Grace Hopper graduated with honors from Vassar College with degrees in physics and mathematics;

Whereas Grace Hopper would go on to earn both her masters degree and Ph.D. from Yale University, earning her Ph.D. in 1934;

Whereas, after the bombing of Pearl Harbor and the entry of the United States into World War II, Grace Hopper felt called to serve her nation and enlisted in the Navy;

Whereas Grace Hopper was assigned to the Bureau of Ships Computation Project at Harvard University, where she worked on the first electromechanical computer in the United States, which was known as the MARK I;

Whereas, while assigned to the Computation Project, Grace Hopper—

(1) served as second in command in charge of operations;

(2) wrote the 561-page user manual for the MARK I, considered the first book about modern computers; and

(3) used the MARK I to solve various wartime mathematical problems for the Navy that saved thousands of lives, including the implosion problem for the Manhattan Project;

Whereas, after World War II, Grace Hopper remained in the Navy as a reservist, continuing to work on the MARK II and MARK III computers;

Whereas, in the 1950s, Grace Hopper helped pioneer the computer industry at the Eckert-Mauchly Computer Corporation and Remington Rand, where she assisted in developing the Universal Automatic Computer I and II, the first commercial electronic computers;

Whereas, while working on the Universal Automatic Computer I and II, Grace Hopper invented the first compiler, which is the cornerstone of modern automatic programming;

Whereas, in 1953, Grace Hopper was the first person to theorize code as words instead of symbols, which was considered impossible by her peers, and after 3 years her team was using the first written-word programming language;

Whereas the development of a written-word programming language was an incredibly important step in the development of computer science, as it allowed people who lacked advanced engineering and mathematics backgrounds to program computers;

Whereas, in 1959, Grace Hopper organized leaders from government, the private sector, and academia to create a universal business computer programming language called “common business-oriented language”, or “COBOL”;

Whereas, in 2018, COBOL supports over 30,000,000,000 transactions per day and 90 percent of all global financial transactions;

Whereas throughout her work in the private sector, Grace Hopper remained a naval reservist until the age of 60, calling her required retirement from the Naval Reserve “the saddest day of my life”;

Whereas, just a few months after her retirement from the Naval Reserve, “Amazing Grace” was called again to the Navy for active service, where she would serve for another 19 years until her final military retirement as Rear Admiral of the Navy at the age of 79;

Whereas Grace Hopper has received many honors for her groundbreaking ideas and contributions over the years, including becoming the first inductee to the Computer Hall of Fame, receiving the U.S. National Medal of Technology, the naming of the destroyer

USS *Hopper* in her honor, and receiving the Presidential Medal of Freedom;

Whereas, of all of the contributions and service of Grace Hopper, she considered her work as a mentor and teacher the most valuable;

Whereas Grace Hopper once remarked that “If you ask me what accomplishment I'm most proud of, the answer would be all the young people I've trained over the years”;

Whereas, today the “Grace Hopper Celebration” is the largest gathering of women in computing with 18,000 attendees in 2017;

Whereas Grace Hopper passed away January 1, 1992, at the age of 85, and was interred with full military honors in Arlington National Cemetery; and

Whereas Grace Hopper served as a trailblazer for other women and men who would follow her in the field of computer science, academia, and the Armed Forces: Now, therefore, be it

*Resolved*, That the Senate honors the pioneering ideas and service of Grace Hopper, professor, inventor, entrepreneur, business leader, and Rear Admiral of the Navy.

#### SENATE RESOLUTION 592—DESIGNATING OCTOBER 9, 2018, AS “NATIONAL ADA LOVELACE DAY” AND HONORING THE LIFE AND LEGACY OF ADA LOVELACE, THE FIRST COMPUTER PROGRAMMER

Mr. WYDEN (for himself and Mrs. FISCHER) submitted the following resolution; which was considered and agreed to:

S. RES. 592

Whereas Augusta Ada King-Noel, Countess of Lovelace, now known as Ada Lovelace, was born on December 10, 1815, in London, United Kingdom;

Whereas, from a young age, Lovelace displayed a gift for mathematics, languages, and the sciences;

Whereas, at the age of 17, Lovelace began to study mathematics under the guidance of scientist and translator Mary Somerville and, later, logician Augustus de Morgan;

Whereas, in 1833, Lovelace was introduced to inventor and mechanical engineer, Charles Babbage, and began to study his designs for the Analytical Engine, a mechanical computer;

Whereas Lovelace was the first person to recognize that the Analytical Engine could be used to manipulate symbols and letters and was the first person to theorize that the Analytical Engine could be used to create music and graphics;

Whereas, in 1843, Lovelace published step-by-step instructions for using the Analytical Engine to calculate Bernoulli numbers “without having been worked out by human head and hands first”;

Whereas these insights gave Lovelace an unparalleled vision of the future of computer science, and she stated that “[a] new, a vast and a powerful language is [being] developed for the future use of analysis, in which to wield its truths so that these may become of more speedy and accurate practical application for the purposes of mankind”;

Whereas the work of Lovelace went widely unrecognized until the 1950s, when her papers were republished, and their significance and her contributions to the fields of computer science and mathematics were finally acknowledged;

Whereas, in the 1980s, to honor the contributions of Lovelace, the Department of Defense named its newly created computer language “Ada” after Lovelace;

Whereas the second Tuesday in October is annually celebrated as Ada Lovelace Day