

added in \$300. If you gave to a not-for-profit, you get to write that off your taxes right away. In the December bill, we reupped that—\$300 for an individual and \$600 for a family that you could write off on your taxes immediately if you would donate to a not-for-profit.

Why did we do that? Well, I brought that issue up, quite frankly, and we had wide bipartisan agreement to say that was a good idea because we should encourage not-for-profits because we need them for that safety net. Not-for-profits are the faces that take care of the hungry and the homeless and the hurting in our society, and we need them to be strong. But in this bill that came out, we didn't address the not-for-profits. We didn't have the option to be able to bring it up and debate it and say: What should we do? So it just got left out.

Why should we continue to be able to push on this issue? Because we need them to be strong. They are a remarkable part of our economy, our safety net, and our community. They are Americans doing what we do best—serving each other, serving our neighbors, and helping in every possible way that we can.

So a group of us have gathered together to be able to drop a bill dealing with these not-for-profits and encouraging us, again, to accelerate this issue of giving Americans the ability to be able to write off on their taxes, whether they itemize or not, a below-the-line deduction for their taxes to be able to make sure that we encourage people to be able to give to not-for-profits. And it matters. If you want to be able to help do something significant, help those close to you and the ongoing work that they are doing.

Those folks have felt it a lot. According to a study by Johns Hopkins Center for Civil Society Studies, between March and May of 2020, our nonprofits have projected job losses around 1.6 million workers. They leaned in and helped anyway, even though they were in real trouble. As of December 2020, the nonprofit workforce still remained down by about 930,000 jobs.

We have a long way to go to have that sector actually fully recover. They are such a significant part of our economy. According to the latest data—again, available from Johns Hopkins—it was found that nonprofit organizations employed the third largest workforce in the U.S. economy; nonprofits, a group that people just drive past all the time, but many people drive to or walk to because they need real help.

What happened when we actually passed the CARES Act and we added this deduction in and encouraged Americans to start donating to not-for-profits to help them survive this year? What happened with that? Well, I can tell you what happened because now we can look back and see the data. The most recent data we have for the fundraising effect for this project shows that there was an increase in the third

quarter of 2020 of charitable giving—a 6-percent increase in donors and an 11-percent increase in new donors when compared to 2019.

We put that incentive out, and people saw the need across the country and the opportunity to do that, and people gave. We saw increases in all donor categories in the third quarter of last year, the largest increase in giving coming from donors giving \$250 or less. That increased by 17 percent just in the third quarter of last year.

I understand there are a lot of factors to that. There were a lot of needs, and people were doing what they do best and engaging. But we need to continue to encourage the strength of our not-for-profits because if there is a focus to say “Well, government should do that,” government can send checks, but government has a hard time actually meeting human needs. That requires a face and a person and a commitment, and that is done differently when it is a not-for-profit.

We have great Federal workers all across the country who work really hard, but they also work often from a distance. Local not-for-profits in small, rural communities will have a much greater connection to individuals to be able to help in their time of crisis than someone 1,000 miles away who means well but doesn't see them on a daily basis. If we want to help human needs, we will find ways to be able to help not-for-profits.

Tuesday of this week, Senator COONS, Senator LEE, Senator SHAHEEN, Senator SCOTT from South Carolina, Senator KLOBUCHAR, Senator COLLINS, Senator CORTEZ MASTO, and myself—we all introduced the Universal Giving Pandemic Response and Recovery Act. We are just asking a simple question: Can we continue to strengthen our not-for-profits and encourage Americans to give to those not-for-profits with their time, with their money, and with their passion and joy? When you actually engage with a not-for-profit, you will find you are the one who really receives.

There is not a moment that I talk to somebody who serves in a not-for-profit that they don't tell me how hard the work is and how draining the work is, and then with a smile, they will say how rewarding it really is. There is not a time that I walk into a homeless shelter or a food bank and they don't tell me about the people they meet on a daily basis and the joy for them going home, talking to their own family, and remembering the blessings that they have, and the joy they have to get up the next day to be able to help those in greatest need. Let's encourage that.

If you want to have a Biblical example, Biblically, the calling for government is to encourage those who do good and punish those who do wrong. We have a lot of nonprofits around the country that are doing good. Let's encourage them, and let's encourage Americans to be able to be engaged in volunteering and in giving.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### BORDER SECURITY

Mr. PORTMAN. Mr. President, I am here on the floor today to talk about the unfolding, urgent situation on our southern border, and I do so as the ranking Republican on the Homeland Security and Governmental Affairs Committee.

This unfortunate situation at the border includes a lot of kids coming over the border, UACs, as they call them, unaccompanied alien children. These children are making a long and dangerous journey north, putting themselves at risk and bringing our immigration system and our shelter system along the border to a breaking point.

You may have heard that the Biden administration insists this is not a crisis. Here are the facts. You decide.

This chart shows the dire situation that we are in. On Tuesday, the most recent confirmed information we have is there were 3,400 of these children in Border Patrol custody. Ten days ago, that number was 1,700. So in 10 days, this number has doubled. To put this in perspective, at the very height of the border crisis in 2019 that we all remember being talked about a lot on the floor of this Senate and around the country, families and children were coming in, in big numbers. At the very height, it was 2,600 unaccompanied kids. Today, based on some information we just received anecdotally from the Customs and Border Protection folks, it is over 3,500. It is a 35-percent increase even from where it was during the crisis, and it is growing.

Under law, these children have to be transferred to the Federal Department of Health and Human Services, HHS, within 72 hours of their being apprehended, and why we had that law in place was to be able to help these kids. So instead of being in a Border Patrol detention facility, which, by the way, were all designed for single males—they don't have any separation, don't have any trained people to help provide care to children, and it is law enforcement, Border Patrol agents—but within 72 hours, we had said that you have to transfer these children to a Health and Human Services facility that is appropriate for children. How is that working?

Again, as of Tuesday, there were 3,400 of these kids in Border Patrol custody in the wrong kind of detention facilities for children. There were 2,800 children who were ready to transfer to HHS. In other words, they had been screened, gone through a process. As of Tuesday, there were 500 beds available, meaning 2,300 children are remaining in Border Patrol custody in overcrowded, adult facilities without proper care because there is nowhere to take them.

Look, it is a bad situation. HHS contractors are supposed to be trained to care for the kids. The Border Patrol

agents are not trained for that. They are doing their best, but it is not a safe situation for the kids. By the way, nobody in Border Patrol believes it is a good situation for the kids. These facilities, the Border Patrol facilities at the Border Patrol stations and HHS facilities are all at a breaking point. They are busting at the seams. Is that a crisis? I don't know. You decide.

This influx comes, by the way, during a season when you normally don't have a lot of people coming over the border. This is in the winter. Normally, in the spring and then in the fall, you see the biggest influxes of families, kids, individuals. So we expect these numbers to get a lot worse. We expect it to get a lot worse into the spring.

By the way, we spoke to Customs and Border Patrol folks today. They told us the numbers are up again today. In fact, we have some internal document from the Department of Homeland Security that a media organization reported on. It is an official document that says DHS, themselves, predict there will be 117,000 children who will be placed in this situation this year. So they know it just is growing.

Again, is it a crisis? You decide. It is certainly a dangerous situation. By all accounts, many of these migrants, including children, face serious threats to their lives and well-being on the trip north.

Just as happened in the past surges in 2014 and 2019, we know this includes many victims of human trafficking who are deceived and coerced by traffickers and smugglers as they are taken from Central America up to the U.S. border. The trip is treacherous. We have evidence that exploitation and sexual abuse occurs along the way.

In 2019, again, the last time this happened, estimates of migrants who were victims of sexual or physical abuse along the journey ranged from 30 to 75 percent. Individual victims have described incredibly disturbing accounts of being subjected to violence, sexual assault, rape by traffickers and other criminals. It is a bad situation.

By the way, this situation is the direct result of policy changes. The new administration came in determined to dismantle all of what the previous administration had done to try to disincentivize people from coming to the border, and they have been effective in doing that. They have dismantled the immigration practices and proceedings that were working to reduce these incentives. It had resulted in very few kids coming to the border, as an example—almost none.

Last week, the Secretary of Homeland Security said in a press conference that the surge of unaccompanied kids is a "challenge" but not a "crisis." He then deflected blame to the previous administration. That is fine. Look, I wish it were just a challenge that didn't require an urgent response, but that is not the reality along the border today. I, frankly, don't care what we call it. Call it a difficult situation, a

challenge, whatever you want, but I care a lot about what we do in response.

There is an old saying that says Washington only responds to a crisis. I think, unfortunately, there is a lot of truth to that. We have to respond here. We have to do something. That is why I think we need to consider this dire situation a crisis before it gets much worse.

The next chart shows the reality, which is this surge happened almost immediately after President Biden and his administration were sworn in and they made these announcements about changes in policy. Here we have the election. Here we have the swearing-in. Look at this huge surge in both family units and in these kids. As I said, we have twice as many kids today as we had 10 days ago.

This is surging up. Nearly 10,000 unaccompanied alien children and twice as many family members crossed our border in February, and that is the shortest month of the year. These surges stopped under the previous administration because they put in place policies that reduce the incentives for individuals, families, and unaccompanied minors to try to unlawfully enter the United States. In less than 2 months, the Biden administration has systematically taken away these tools that were being used to reduce these incentives. On day one, the new administration revoked the emergency declaration for the border, stopped construction of the border fence, and placed a 100-day halt to deportations. Not surprisingly, this gave traffickers the green light to exploit the situation, and more people and more drugs are now moving across the border.

Next, the new administration reversed what is known as the Migrant Protection Protocols or the "Remain in Mexico" policy, which required asylum seekers to wait in Mexico rather than being released in communities around the United States while waiting for their asylum claims to be adjudicated. About 20 percent of the asylum seekers who went through the entire application process, including all of the hearings, were granted asylum in 2018.

So, if you go through all of the process, about 20 percent of those individuals actually got asylum. Now, that is a self-selected group because I know not everybody goes to the hearing. In fact, the best data show that most don't show up for all of the hearings. The long-term data show that about half of all asylum applicants eventually get removal orders due to their not attending all of their asylum hearings. We don't have great data on this, to be honest, and some people say that very few go to these asylum hearings. Some say more do. The point is that about half of them are getting removal orders—we know that—for not attending all of their asylum hearings.

Given that there is a 1.2 million-case backlog in America today for asylum applicants and that there were fewer

than 5,000 noncriminals deported last year by ICE, that tells us that, under the current system, if you are a non-criminal asylum seeker who is denied asylum and is subject to one of these removal orders, it is highly unlikely that you are going to actually end up being deported from the United States. Asylum seekers know that. So do the traffickers. It is no wonder there has been a surge of those who want to live in the United States who have come to the border and sought asylum in recent years.

I went to the border in 2019, and many of my colleagues have been down to the border to see this situation. I will be going back again soon to see firsthand what is happening and to see how we can help. It should not be a partisan issue. It should be one in which Democrats and Republicans alike see what is happening—see the tragedy unfolding along the border—and do something to address it. This Migrant Protection Program put in place by the Trump administration had resulted in a sharp reduction in the surge of asylum claims as people realized, pending their asylum hearings, they were not going to be released in U.S. communities. Now we are seeing the reverse happen.

Second, the Biden administration actually suspended Safe Third Country agreements with the Governments of El Salvador, Guatemala, and Honduras, which allowed migrants to apply for asylum in the first foreign country they crossed into. This, of course, reduced incentives for migrants from those countries to make the long, arduous, and dangerous journey to the southern border.

These agreements were in the process of being fully implemented, but they were already helping and had the potential of finding a much more expeditious way to identify and process those who would qualify for legitimate asylum-refugee status before they would come all the way to our border. All that work that has been accomplished has now been lost. I urge the administration to reinstate those Safe Third Country agreements with Guatemala, Honduras, and El Salvador.

Third, the new administration has also significantly changed the way we process migrants during the COVID-19 crisis. Instead of establishing the practice of turning away most immigrant and nonimmigrant visa holders to protect the health and safety of the American people, we are now learning from media reports, including the Washington Post, that this new administration has made an unofficial exception to the COVID-19 rules for children and for families.

Border Patrol agents and CBP officers who are on the frontlines are telling us that they are returning to the pre-COVID practice of bringing people into the country despite the health crisis that all of us understand. The reports are that either the CBP officers are not testing kids and families for

COVID at all or, if they are, they are still releasing some of those who test positive to shelters or into the United States with a request that they quarantine after they travel to their final destinations in the interior of the United States. In fact, we know of one instance in which more than 100 unlawful immigrants in Brownsville, TX, who tested positive for COVID-19, were simply told to quarantine when they reached their final destinations regardless of how many people they interacted with when taking a bus—in that case, most were taking a bus, apparently—or when taking a plane to their destinations. Obviously, that doesn't make any sense.

The final policy changes that encourage illegal entry is the new administration's advocating for amnesty for those here illegally without making it clear that such amnesty would not apply to anyone not already here. That is important. As the experience of the last amnesty in 1986 demonstrated, unless it is very clear that illegal entry won't be rewarded, it will spawn more illegal entries. Now, let's face it. The traffickers and the smugglers are going to take advantage of this, and they are going to misrepresent the reality, but, still, it is important that all of us as policymakers make it very clear, as we talk about amnesty, that it is not as to the people who might come in the future; it is as to the people who are already here.

I will say that the State Department has announced that it will be reinstating the Central American Minors Program, which was a streamlined refugee process that existed under the Obama administration and was run by the U.S. Government and the U.N. High Commissioner for Refugees, but it was discontinued under the Trump administration. I think it is a positive thing that they are reinstating that.

We don't have all of the details yet, but I will tell you that standing up this program without incentivizing people to use it is not going to be very effective. Even if it were to be as effective as it was at the height of the program, which was during the Obama administration, it would not be nearly enough people. In 2 years, the program resettled 3,300 individuals. So 3,300 children were resettled in 2 years. That is not going to make a real impact when we are receiving, right now, 3,300 children every couple of weeks at the border. Again, I hope they do reinstate that program, as I think that would be positive, but they have to do much more in order to avoid this tragic situation from continuing and getting much worse.

The decision by the new administration to change all of these policies, which were working, without having viable alternatives is causing this chaos. It was done without thinking through the real safety and security concerns for both communities and citizens of the United States as well as for these unaccompanied kids and their

families. As a result, we have a surge of people being incentivized to enter our country unlawfully, and our systems are being strained during a public health emergency.

This influx is even worse than in 2019, not just because the numbers are greater but because we now have the COVID-19 pandemic, and children and families are being forced into tight quarters in detention facilities. Asylum seekers with COVID-19 are being released into our communities, and Customs and Border Protection officers who haven't been able to receive the vaccine yet, which is a problem, are being exposed to this influx of migrants who haven't been tested. So it is an even bigger problem—forgetting the numbers—given the situation we are in.

That ties in another concern I have about the way this crisis has been handled so far, which is the administration's response to the overcrowding at the shelter facilities. It has been to rush and potentially cut corners to place these unaccompanied children with sponsors because their goal, after HHS detention in HHS facilities, is to get these children out to sponsor families. The standards of due diligence that are required to ensure these children are not being placed in danger are not being met, as far as we can tell, which continues a troubling trend that goes back years and administrations.

It is an issue I have worked on since 2015, when we had a terrible situation in my home State of Ohio wherein kids were given back to the traffickers by HHS—the traffickers who had brought them up from Central America by lying to their parents about what they were going to do: take them to school and so on. These kids ended up working on an egg farm, 6 to 7 days a week, below the minimum wage. I have seen this. I have seen what happens when HHS does not take its time and do it right, and it is very difficult for HHS to do that with the surge that it has.

Over the course of three bipartisan reports and hearings as part of the Permanent Subcommittee on Investigations, which I chair, and across two different administrations, we found failures to ensure the safety of or to even keep track of these vulnerable children once they were handed off to sponsors as well as a fundamental refusal by Agencies to accept that they were responsible for the welfare of these kids. That is the reality. Our bipartisan investigations also found that the Office of Refugee Resettlement failed to exercise appropriate oversight at its facilities and wasted millions of taxpayer dollars on organizations and on contractors that could not acquire State licenses to safely open the planned shelter facilities.

As those in this administration attempt to process this influx of unaccompanied kids and safely get them to longer term housing solutions, it is urgent that they do the due diligence on who is going to be looking after these

children and not cut corners as some reports are indicating. That means fingerprinting the sponsors. That means background checks. That means home visits. The Federal Government cannot allow these kids to fall victim to human trafficking, to abuse, or other harm.

I, along with my bipartisan cosponsors, will be reintroducing the Responsibility for Unaccompanied Minors Act again in the coming days to help ensure these requirements are met to protect our kids.

Here is the reality: Once these children arrive at the border, there are no good options. The answer is to stop providing the incentives, the pull factor. That is the short-term imperative. We should not be encouraging these young people to make that arduous journey to then have them end up in a detention facility. That is wrong for them. It is a place where single males are crowded together but where kids are not taken care of. Then, when they have to go to the HHS facility, there is not enough room—again, making the point of there being 3,400 kids in detention and 2,800 kids who are ready to be transferred to HHS, to more appropriate facilities, but there are only 500 beds. So 2,300 are kept in these overcrowded facilities that are meant for single males. It is not a good option. There is no good option. The option is to keep them from coming up to the border in the first place.

Yes, we can do more on the push factors also. That means investing in Central America and other places to try to make those countries places where people would want to stay rather than come to the United States. Yet, my colleagues, that is what is called a long-term solution. Let's be frank. I am for it, but we have to recognize that this is not a solution to the current crisis that we face.

In the last 5 years, we have spent \$3.6 billion of U.S. taxpayer funds in aid for these Northern Triangle countries of Guatemala, El Salvador, and Honduras. President Biden is proposing to spend another \$4 billion in those countries. I support smart investments that don't get wasted because of corruption or other challenges, but it won't fix the crisis this month, this year, or next year. The development of the Northern Triangle is a decades-long effort—one we need to do but one that is not going to address, again, the crisis that we face now.

I urge the Biden administration to also step up efforts to tie any aid to better collaboration with our international partners, including with the Governments of Mexico, Guatemala, Honduras, and El Salvador, to address this challenge, discourage migration, and provide alternatives to those seeking to make the dangerous journey north. They need to help us, and they have in the past.

In the Trump administration, we had a valuable partner in Mexico, as an example. It used tens of thousands of its

own military to patrol its own southern border to ensure migrants could be processed, if necessary, and turned away if they didn't meet the requirements. That was very helpful. I am concerned that these troops have now been pulled back—that is the information that we are receiving—partly because, as we are told, President Biden is not encouraging the current Mexican leadership to continue this practice. I hope that changes. The current surge in unaccompanied children at our border, in the midst of a global pandemic, is a situation in which no one wins and the children lose the most.

I am disappointed that the Biden administration chose to overturn the policies put in place by the Trump administration, which were to help control the flow of migrants during this pandemic, without having any viable alternatives. I am concerned that leaders at key Agencies involved in the response to this crisis are somehow seeing it as in their interests to downplay the severity of the situation.

I urge the Biden administration to change course. Put back in place smart policies that reduce the pull factors, and address the need for legal and orderly processes for migration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, before he leaves the floor, let me just congratulate our colleague from Ohio.

That was, perhaps, the most concise and informative speech I have heard on that topic, including speeches that I have given on that topic. In representing a border State, as I do, and in my having served on the Judiciary Committee and on the Immigration Subcommittee for my entire time here, the way he described it, I thought, was entirely accurate. I think you can call it a crisis, a challenge—whatever you want to call it—but it is getting worse all the time, and I think it will get much, much worse if we don't act and act together. So I thank him for his outstanding remarks.

(Ms. CORTEZ MASTO assumed the Chair.)

#### REMEMBERING HOWARD BALDWIN

Madam President, I have had the privilege of working alongside some truly incredible public servants throughout my career. Without a doubt, one of the finest was Howard Baldwin.

Howard was brilliant, effective, humorous, and exceedingly humble—a rare combination made even more striking because of his kindness. He was an extraordinary person.

Over the weekend, I received the sad news that Howard had passed away, and I want to share just a few words about the incredible life and legacy of my late friend.

Howard and I crossed paths as young lawyers in San Antonio, TX, where we used to play a little pickup basketball together.

He graduated from St. Mary's School of Law a few years before I did, and

much to the benefit of families across our State, he quickly found his calling working on child support and family issues.

Howard spent time as a private lawyer, as a State-appointed judge, and as a regional director for child support enforcement. He bounced back and forth between the Texas Attorney General's Office and the Texas Department of Protective and Regulatory Services, and his colleagues would joke: Howard, how can we miss you if you won't stay gone?

But a man as talented and devoted and as effective as Howard is always in high demand. And when I was elected as attorney general of Texas in 1998, he was one of the first people I called.

At the time, the child support division of the attorney general's office was a disaster. Staff were completely overwhelmed by the sky-high number of cases. The office ran a computer system that was so dysfunctional it actually managed to decrease productivity, and a lack of support from previous leadership made even minor improvements impossible.

I knew turning things around wouldn't be easy, but it was absolutely essential that we do so, and I knew that Howard was the only man that I knew for that job.

A news article at the time summed up the monumental task of fixing the broken child support enforcement system by saying, "Howard Baldwin will look either like a fool or a hero; there won't be much middle ground."

Today, with the benefit of hindsight, I can assure you that Howard came out looking like a hero.

Unlike previous leaders of the child support division, Howard didn't view it as purely an enforcement or collection agency. He truly cared about the children and family welfare, and he wanted to help families get to a place where both parents could be involved in their children's lives.

To better serve these families, he shifted our focus to customer service. He hired more staff. He brought the division into the technology age, and he empowered the incredible attorneys and staff we worked with to implement changes at every level to affect not only the quality of service but also the quality of outcomes. And the results speak for themselves.

During my time as attorney general, the child support division collected more than \$3 billion in child support for more than 1 million Texas children. We broke records annually for the most child support ever collected in a year and the biggest year-to-year increases in collection.

The Texas Child Support Division at the Attorney General's Office went from an unproductive mess to the premier organization of its type in the country. We became a model for other States, and Howard was the guy with all the answers.

I had so much trust in Howard and his ability to steer the ship that I later

asked him to serve as my first assistant attorney general. This is the person who oversees the day-to-day operations of the AG's office which, at the time, employed more than 3,800 Texans.

Howard used his deep-seated knowledge of Texas State government to improve the attorney general's office across the board. He built strong relationships with folks on both sides of the aisle, and when something needed to be done, all he had to do was to pick up the phone and call a friend and a colleague. He knew who to call, what to ask for, and how to convince the biggest skeptic in the room to see things his way without ever breaking the smile on his face.

I say this in all candor with the greatest admiration: Howard was the most effective bureaucrat I have ever met.

As big an impact as Howard had on my State—our State—his influence has reached beyond the borders of the Lone Star State.

Howard was an active member of the National Child Support Enforcement Association, where he spent more than a decade as a board member and nearly 2 years as president. He earned the respect and admiration of folks across the country who shared his passion for helping children and helping families.

When a friend and former colleague of Howard's shared the news of his passing with his national network, the response was immediate and overwhelming. Friends and colleagues from Washington State, Kentucky, and New York said that Howard, the Texas bureaucrat, was their mentor.

For those who had the privilege of knowing Howard, this wasn't a surprise. After all, Howard had a wonderful way of advancing the careers of others around him. He wanted them to succeed as well. When their joint efforts were successful, he then made sure that they, not he, got the credit.

He was generous with his time and his knowledge, whether helping someone with an entry-level job or a division leader in another State.

Howard was consistently driven by his passion for helping children. More than two decades ago, he said: "It gets into your blood because it makes such a difference in people's lives."

And I can tell you that I have seen the difference firsthand time and time and time again. During my first term in the Senate, I was traveling to El Paso, TX, and I was about to get on my flight when a guy named Joe—I could see it on his uniform—who was part of the ground crew there, came up to me and said: Are you JOHN CORNYN?

I said: Yes, I am.

And he asked: I bet you don't remember me. Do you?

Well, as you can imagine, it caught me a little off guard, so I smiled and said: I am sorry. Can you remind me?

He said: I am Joe. You sued me and threatened to put me in jail for not paying my child support.