

Madam President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Iowa.

INFORMATION SHARING

Mr. GRASSLEY. Madam President, today, I am going to discuss a very important issue that I started to investigate during the last Congress, and it is an issue that the executive branch must continue to improve upon. The subject is information sharing between the intelligence community and the Department of Health and Human Services. The connection between those two entities is a critical information sharing data point, and it must last beyond the current pandemic.

To state the obvious, the healthcare landscape has evolved considerably in the past several decades. More specifically, the healthcare landscape has changed considerably in just the last year because of the COVID pandemic. Threats to healthcare now include cyber, intelligence, and counterintelligence threats.

For example, we know the Chinese Government engaged in cyber attacks to steal American COVID-related research. The Communist Chinese Government will stop at nothing to steal our hard-earned work product. They know, as does the world, that the best of the best is still right here in America.

Last Congress, as chairman of the Finance Committee, I focused a good deal of my oversight efforts on the Department of Health and Human Services' Office of National Security. For example, in June of 2019, I held a hearing on foreign threats to taxpayer-funded research, where the Office of National Security was one of the government witnesses. After the hearing, I then held a classified committee briefing with all the government witnesses to further discuss the foreign threats that we face.

That office is the Department's connection, then, to the intelligence community and, accordingly, it plays a critical role in the Department of HHS's overall mission. That mission includes pandemic response and countering national security threats.

To fully perform its function, HHS needs access to intelligence community products and databases. So with that access, they would have information that is vital to mitigating threats to the Department, its funded partners, and its interagency colleagues. So, as part of my oversight efforts and before the pandemic even started, I worked to get that process done.

I noted my concerns to the Trump administration that the Office of National Security hadn't been adequately incorporated into the intelligence community. To their credit, the Trump administration rightly and quickly resolved many of these issues. The Trump administration created links and information sharing between the intelligence community and the Department of Health and Human Services where that cooperation hadn't existed before.

Those links should have existed many years ago, but prior administrations, like the Obama-Biden administration, failed to see around the corner and get the job done. Just as an example, even with the swine flu and outbreaks across the globe, the Obama-Biden administration failed to plug the Department of Health and Human Services into the intelligence community the way that it should have been done. The current pandemic exemplifies the need to have a robust intelligence operation that includes the Department of Health and Human Services.

As pathogenic threats to our homeland and our people increase and become more complex, the Federal Government must prepare well in advance for a very quick response. In order to accomplish that task, the government must focus on the seamless communication that must exist between and among the various Departments and Agencies. The Federal Government must take a whole-of-government approach.

One serious barrier to that seamless communication is overclassification. That is a serious barrier we find too much in government. But, particularly when it deals with the pandemic, it becomes a problem that can cost a lot of lives.

In January of 2020 when reports began to circulate about COVID, I instructed my oversight and investigative staff to get a classified briefing from the Office of National Security. After that briefing, I made clear in a public way that overclassification during a public health emergency could have deadly consequences.

If a certain intelligence work product is classified in a certain way, sometimes other government Agencies won't then have access. The Federal Government must guard against this type of overclassification, and that is especially important during emergency situations that demand quick action.

To the extent that disagreements exist between Agencies, which they often do in complex and ever-changing fact patterns, discussion must be had between and among the government. From that, the facts will bear out, and the best decisions can then be made. That process can't take place if the government puts information in silos that Federal health Agencies are unable to access.

Overclassification is more of a problem when China's Government refuses to share relevant data with researchers. At least this government—the United States Government—can and should share information between and among its Agencies.

This administration must advance and improve upon the cooperative gains created by the Trump administration and make sure that the left hand continues to communicate with the right hand. The last thing that we should do is to revert to the lack of cooperation that existed before, espe-

cially in light of the current pandemic and the lessons that have been learned from this pandemic.

The cooperation between Federal health Agencies and the intelligence community will strengthen ties between them for decades to come, and the American people will be better served by the increased communication. Simply put, increased communication will save lives.

SUNSHINE WEEK

Now, Madam President, on another point, our democracy was built, as we all know, for the people, by the people, and, hence, is accountable to the people. The best way to be accountable is through transparency. So I come to the floor today, like I have a lot of years at this time of the year, to celebrate an important week that we celebrate then, regularly, and it is known as Sunshine Week.

During this week, we celebrate the birth of the fourth President of the United States, James Madison. Madison, as we all know, was the father of the Constitution, and maybe we don't know so much about him, but he also happens to be a father of the Constitution that believed in open government. He believed that access to information and meaningful oversight and accountability are foundational to the American system of government. In other words, the public's business ought to be public.

This year, I am continuing the Madison legacy by introducing several pieces of legislation. I am also asking the Government Accountability Office to look into how the Freedom of Information Act, or FOIA as we call it, has been impacted by the pandemic.

First, on the judicial side of things, I am again advocating for cameras in the courts. In the last year, nearly every major institution, from schools to Congress, have adapted to the pandemic by being virtual. So I believe bringing cameras into the Federal courtrooms would also bring in the public and open up access to our third branch of government.

At the same time, I am also asking the courts to provide transparency into our civil justice system by requiring the disclosure of all parties in a case. Litigation funders, such as hedge funds, are providing money to plaintiffs to bring lawsuits. This is all done in secret.

For many reasons, everyone involved in the case, including the judge and including the defendant, should know that these parties funding these lawsuits exist—in other words, who they are. They are big players, or maybe you wouldn't have those cases.

On the executive side, one of the most important tools the public has to hold its government accountable is the Freedom of Information Act, FOIA. Before its passage, people had to justify their need for information to the government.

Can you believe there was a time when, for the public's business, which

ought to be public, you had to justify the need for information? So FOIA was passed. After that passage, the government now has to justify its refusal to release information to you.

In 2016, we took FOIA one step further by requiring the government to proactively disclose information. These obligations are mandatory, even during unforeseen circumstances. I am deeply concerned that those obligations of that recent legislation are not being met. Even before the pandemic, the Government Accountability Office reported a significant increase in the number of FOIA requests and a big backlog in addressing those requests.

Last May, the Department of Justice reported that the coronavirus impacted FOIA processing governmentwide, as many agencies had limited ability to retrieve and process FOIA requests. That is why I am joining Senators DURBIN, LEAHY, and CORNYN in asking the GAO to examine FOIA processes and procedures in light of the coronavirus pandemic.

Our hope is to continue refining FOIA to make government information accessible in good times and in bad. The public's business should be public, maybe I should say except for national security reasons or privacy reasons.

Many of you know I am an Iowa farmer. I know that without sunshine, there cannot be growth, and both corn and democracy thrive in the light. Remember, once again, this is Sunshine Week. Transparency brings accountability.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. DUCKWORTH). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BORDER SECURITY

Mr. CORNYN. Madam President, last Thursday night, I was able to return home to Texas, and on Friday, I went to the southern border. Texas has 100 miles of common border with Mexico, and, obviously, we are at ground zero whenever there is a border crisis.

I was glad to be joined by my friend Congressman HENRY CUELLAR, who has been a partner of mine on bipartisan, bicameral border security and immigration reform legislation in the past, and we were also joined by Congressman MICHAEL BURGESS, our friend from North Texas.

We visited a holding facility in Carrizo Springs, which houses young boys, ages 13 through 17, who were apprehended along the border. We were able to see the facility, which includes medical care, classroom space, dining facilities, and legal services for these young men. And we heard from the Health and Human Services workers who are doing everything they can to

care for these children, despite being completely overwhelmed.

When we visited, there were 679 children between the ages of 13 and 17, but the facility is expected to reach capacity by today. This is no accident that we are seeing waves of unaccompanied minors coming across the border because the human smugglers and the drug traffickers understand our laws perhaps better than we do. And they know that if you are able to flood the zone with unaccompanied children, the Border Patrol are going to be distracted and diverted from their border security mission to take care of these children and to make sure that they are safe.

In the meantime, the drug smugglers exploit those gaps left when the Border Patrol leaves the frontlines to handle and process these unaccompanied children. Last year, more than 80,000 Americans died of drug overdoses in this country, and, unfortunately, a significant percentage of that involves the methamphetamine, the fentanyl, the heroin, and the cocaine that comes up through the southern border in the hands of the same criminal organizations that move people, traffic in human beings, and, again, smuggle drugs.

In the 2 months since President Biden took office, the situation along the border has come to rival the largest surges that we have seen in previous years. We remember the border crisis of 2014, when an alarming number of unaccompanied children and families came across the southern border and completely overwhelmed the system. That summer, the situation was so dire that President Obama called it a humanitarian crisis.

Then came the surge in 2019. That May, Customs and Border Protection reported a recordbreaking 144,000 encounters with migrants along the southwest border, more than double the amount we experienced during the 2014 humanitarian crisis.

So if 2014 was a humanitarian crisis, 2019 was a humanitarian crisis on steroids. And I am afraid the current situation is going to get nothing but worse and perhaps outpace even the humanitarian crisis on steroids that we saw in 2019.

What makes this even more complicated is, while this isn't the first surge of migrants we have seen across the border, it is the first time we have seen it during a COVID-19 pandemic. And based on the current trend, this one is shaping up to be far worse than anything we have experienced in the past.

Last month, Customs and Border Protection encountered more than 100,000 individuals coming across the border, the highest number since 2006. Out of those 100,000 individuals last month, it included 9,000 unaccompanied children and 19,000 migrants coming across as families; that is, some combination of a mother and father and minor children.

Based on the sheer numbers, this is a problem. It is overwhelming the capacity—physical capacity—to house and to take care of these children and to make sure that these individuals are processed according to the law. Border Patrol and Health and Human Services and our immigration courts do not have the capacity to manage an influx this large.

And when you add the operational challenges and risks associated with the COVID-19 pandemic, it becomes even more difficult to house and care for these migrants, especially the children.

The facilities like Carrizo Springs were previously at a 40-percent capacity to allow for social distancing—something we have heard a lot about in the last year—but the number of unaccompanied children has climbed so high that the Biden administration is now allowing those facilities to operate at 100-percent capacity, despite the obvious risk of spreading COVID-19 because of a failure or inability to socially distance.

At one point last week, there were more than 3,700 children in the custody of the Border Patrol. By comparison, there were about 2,600 children in custody at the peak of the 2019 crisis. So the numbers are significantly higher.

Reports over the weekend show that the number has increased to more than 4,200, with nearly 3,000 held beyond the 72-hour legal limit imposed by a court settlement.

While these migrant children are without a doubt the biggest victims of this crisis, there are cascading consequences. In Brownsville alone, more than 200 migrants were released from the Border Patrol's custody, having tested positive for COVID-19—200 positive for COVID-19, ushered into the country.

So despite the obvious health risks, many of these individuals continued their travels to their ultimate destinations, both within and outside the State of Texas. Some traveled, we know, as far north as Maryland, North Carolina, and New Jersey. And this rapid-pace catch-and-release practice places a serious strain on the resources of our border communities.

During the deadly winter storm last month, the mayor of Del Rio pleaded for the administration to stop releasing migrants into the city and surrounding area. The city's capacities were already stretched thin. The mayor, Bruno Lozano, said: "We will be forced to make a decision to leave them without resources under these dire circumstances."

When the President's Chief of Staff was asked recently about the border crisis in a recent interview, he said: "We inherited a real mess."

Well, that is not the way I see it. The policies the administration inherited deterred the human smugglers, the coyotes, and cartels from even attempting to smuggle children into the United States, particularly during the