

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

COVID-19 pandemic. They required, under the Migrant Protection Program, migrants to remain in Mexico while their asylum claims were being processed.

Of course, the Biden administration has, in sort of a reflexive manner, reversed all of the previous administration's policies without any plan to put in its place and without regard to the consequences.

Well, the Migrant Protection Program, which was negotiated with the government of Mexico, worked pretty well. It allowed border communities to know that they wouldn't have to bear the brunt of thousands of migrants coming across the border into their communities while simultaneously battling a pandemic.

The Biden administration didn't inherit this mess; it helped create it. President Biden campaigned on the basis of policies that would lead to this very outcome.

One woman who crossed the Rio Grande on a smuggler's raft said the Biden administration is the reason she and her 1-year-old son attempted the journey at all. She said: "That gave us the opportunity to come." And come they did.

Whether you call this a mess, as the President's Chief of Staff did, or a human challenge, as the Secretary of Homeland Security did, I can tell you one thing: Unless the Biden administration reverses course, it will only get worse. We usually see the peak numbers of migration happen during the springtime and in the early summer, frankly, because of the weather and the ease of passage. So we haven't seen nothing yet compared to what we will see unless action is taken.

During my visit last Friday, one of the people involved in the operation of the Carrizo Springs facility said: This is a category 5 hurricane with tropical storm force winds on the coast. It is coming.

Well, we have seen this before, as I said—many times, in fact. And unless action is taken to stem the flow of migrants across the border, that category 5 hurricane is going to break the entire system.

In my time in the Senate, I have always looked to the men and women on the ground—the Border Patrol who wear green uniforms, the Customs and Border Protection officials who wear blue uniforms. I have looked to them to learn more about how things are going and how Congress and other policymakers can provide support.

As I said, we share a 1,200-mile border with Mexico, and our border communities are made up of incredible networks of law enforcement, local leaders, and nongovernmental organizations that work together to help keep the migrants safe, as well as communities safe. Many of them are motivated solely by their humanitarian impulses, and we couldn't do as well as we are doing without them.

One frustration I have heard in recent weeks is over vaccine distribution

for Border Patrol and other Federal officers who have no choice but to come in contact with COVID-19-positive migrants coming across the border. These men and women—Federal employees, Federal law enforcement officers—are at significant risk of contracting COVID-19 because of their work with detained and vulnerable populations.

We know that more than 8,000 Customs and Border Protection employees have tested positive for COVID-19, and 27 have died since the start of the pandemic. More than 2,800 of these 8,000 cases have been in my State of Texas. But despite this knowledge, the administration has not made vaccinating these men and women on the frontline a priority.

Last week, Senator SINEMA of Arizona and I sent a letter to Secretary Mayorkas to advocate for Border Patrol and the Department of Homeland Security's other Federal law enforcement officers to be prioritized for vaccination. I am glad to announce that the administration responded by opening a vaccination clinic in the Rio Grande Valley, which is a great first step, but law enforcement across the entire border deserve to be vaccinated as soon as possible. If the administration is going to implement policies that create even more dangers to these frontline officers and agents, the very least they can do is offer them protection from COVID-19.

After visiting the Carrizo Springs facility, Congressman CUELLAR and I traveled to Laredo, TX, where we met with a group of mayors, county judges, and a range of community leaders for a discussion on the ways this crisis is impacting them.

We discussed the bungled mess of the immigration courts, which have a backlog of 1.2 million cases. In fact, the human smugglers and drug cartels know that because of our laws and our failure to offer consequences associated with illegal entry into the United States, that we will never get to those 1.2 million backlog cases and that people can simply evade the law by refusing to show up for their court-appointed date.

Well, we talked about how the biggest beneficiaries of the crisis weren't the migrants crossing the border but, rather, the transnational criminal organizations—the cartels, the human smugglers, and the coyotes who bring them here. Border Patrol told me that the average smuggling fee for cartels to bring a single unaccompanied child into the Del Rio Sector was more than \$7,300—\$7,300 per child. The Chief of the Border Patrol sector there in Del Rio told me that just this year, they have detained people from 54 separate countries—54 separate countries—coming through the Del Rio Sector of the Border Patrol. So this is like the United Nations coming across our border, and, frankly, it is such a financially rewarding business for the human smugglers and the criminal networks, they will literally bring people from anywhere

around the world across our southern border into the United States. That ought to concern all of us.

Well, the Border Patrol is mounting a struggle against the border crisis and the pandemic simultaneously. Like cities across the country, our border communities have already had a very difficult year battling COVID-19. They had to cover a range of expenses created by the pandemic in order to keep their communities safe and healthy. But, unlike other communities across the country, they had the added economic hardship created by nearly a year of legal limits on nonessential cross-border travel.

Prepandemic, visitors from Mexico would travel across the border to shop, eat at restaurants, and visit their family members. They were a huge economic driver in our border communities from El Paso all the way down the Rio Grande to the Rio Grande Valley. But the "pause" on legitimate nonessential travel has created a serious economic strain on these communities, and those leaders are struggling to understand the disconnect between the Biden administration's two different approaches.

One of the participants at the roundtable said: "I don't understand how you can catch-and-release and not let our neighbors across the border come over and spend money in our communities to help [grow] our economy."

This confluence of crises is a one-two punch for our border communities, and it is unfair that they are expected to carry the burden of a crisis that should be the responsibility—is the responsibility of the Federal Government.

In many cases, nongovernmental organizations carry a significant amount of weight that, quite frankly, is unfairly placed on their shoulders. Congressman CUELLAR and I were joined in Laredo with three incredible NGOs whose resources are already stretched thin because of the pandemic and have managed to take on a substantial amount of work in managing this humanitarian crisis.

I want to commend Catholic Charities of Laredo, the Sisters of Mercy, the Holding Institute Community Center, and other NGOs along the Texas border for everything they have done to respond to the humanitarian crisis. I encourage anyone who is interested in understanding the crises and working to find solutions, including President Biden, to visit our border and to hear from these same individuals firsthand.

No matter what party controls the Senate, the House, or the White House, these law enforcement, local leaders, and NGOs are doing everything they can to keep both migrants and their communities safe. They are currently overwhelmed, frustrated, and eager for change, and their voices must be heard.

We are at an inflection point in the humanitarian crisis, and unless the administration acts and acts quickly, we are headed down a very dangerous

path. We have seen enough of these surges in the past to know what to expect.

If you are opposed to human trafficking, human suffering, drug smuggling, pushing migrants into the shadows, then you should be absolutely alarmed by what is happening along the border today.

The hurricane is on the way. I hope the administration and Congress will take a serious interest in acting before it makes landfall.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

NOMINATION OF DEBRA ANNE HAALAND

Mr. WHITEHOUSE. Madam President, I am here to say a few words on behalf of DEB HAALAND to be Secretary of the Interior.

There is something wonderfully beautiful and symmetrical about her appointment to this position because of the Department of the Interior's role supervising America's public lands. Well, of course, before America's public lands were America's public lands, they were Native American lands, and DEB HAALAND will be the first Native American to serve in any President's Cabinet and the first to serve as the Secretary of this Department. So that is kind of a wonderful harmony with history, and I hope we appreciate that here.

The second thing that I want to say is that it is, to me, deeply ironic how much of the opposition to her as Secretary has come on the theory that she won't be fair to fossil fuels. We have lived through 4 years of a Trump administration with Secretaries of the Interior who were out-and-out operatives of fossil fuel. The fossil fuel hand in the Secretary's glove was obvious.

The idea that anything other than fossil fuel was treated fairly in the Trump administration is a preposterous notion. Basically, anything that wasn't nailed down, they gave to the fossil fuel industry with no consideration for any of the competitors, and they did it so badly and so shabbily and so sloppily because they were so greedy that a lot of the stuff they did got thrown out by courts because they didn't even bother to do their homework.

So, please, let's not talk about fairness after the last 4 years. Our friends on the other side lost their standing to talk about fairness after what they did for fossil fuel in the last 4 years, including outright lies about climate change.

My good friend from Texas talks about hurricanes. He has real hurricanes coming because of climate change. Yet where is the climate plan from the other side? None, because the fossil fuel industry won't let them.

Let me last say as I conclude, I come from the Ocean State. Representative HAALAND comes from one of those interior square States. Her Agency is called the Department of the Interior.

When you look at things like the Land and Water Conservation Fund, floods of money go to inside America, interior America, upland and inland America, and the coasts always get overlooked. I have made it very clear to Ms. HAALAND that has to stop. With climate change coming, with fisheries moving about, with sea levels rising, with oceans warming, with actual seas acidifying in front of our eyes, to overlook the coast can happen no more. I trusted her when she said she would. I will take her at her word, but I also intend to work very hard to make sure that I can support her in keeping her word that oceans and coasts will matter.

I yield to my friend from Minnesota.

THE PRESIDING OFFICER. The Senator from Minnesota.

Ms. SMITH. Madam President, I rise today in strong support of the historic nomination of DEB HAALAND to serve as Secretary of the Interior. When Representative HAALAND appeared before the Senate for her confirmation hearing, she opened by saying: "My story is unique."

HAALAND is a 35th-generation New Mexican, an enrolled member of the Laguna Pueblo, and will be the first-ever Native American to serve as a Cabinet Secretary.

National Congress of the American Indians President Fawn Sharp noted that it is fitting that as we celebrate Women's History Month, DEB HAALAND is poised to make it. Her nomination is a historic choice and a moment of deep meaning to Tribal nations and indigenous people across the country who have seen over and over again the Federal Government fail to keep its promises to Native people, promises made in law and treaty.

It is clear to me that we need Representative HAALAND's strong voice of stewardship for our public resources, cultural resources, and public lands, for action on the climate crisis, and for making sure that the Federal Government lives up to its treaty and trust responsibilities for Tribal nations and their citizens.

Representative HAALAND's background and her life experiences make her perfect for this job. As HAALAND said during her confirmation hearings, "If an Indigenous woman from humble beginnings can be confirmed as Secretary of the Interior, our country holds promise for everyone."

The Interior Department includes the Bureau of Indian Affairs, which manages the Federal Government's relationship with American Indian, Alaska Native, and Native Hawaiian communities. Indigenous leaders across the country have expressed broad, bipartisan support for Representative HAALAND's nomination because they know that she will bring a personal commitment to lifting up Native voices and addressing deep inequities and longstanding funding challenges on Tribal lands.

The Department is also responsible for public lands, energy resources, and

wildlife conservation, and so it requires a leader who understands the cultural and economic value of these resources and the importance of conserving them. Representative HAALAND grew up with a deep affinity for public lands, for responsible land use, and for hunting and fishing. In fact, her family on her father's side is from Minnesota, where she tells me she learned a lot about the joys of walleye fishing.

In the House, Representative HAALAND served as the chair of the Subcommittee on National Parks, Forests, and Public Lands, and she has earned the support of hundreds of groups working on climate change, conservation, and public lands management.

Representative HAALAND has been a champion for the tragic crisis of missing and murdered indigenous women.

Here we have a strong, capable, competent leader ready to serve our country as the first Native woman to lead the Interior Department. Colleagues, I can't help asking here during Women's History Month, why is it that almost 2 months after President Biden's inauguration, Representative HAALAND is one of the last three core Cabinet members to be confirmed in the Senate?

Why is it that she has faced such ferocious opposition from some Republicans?

Colleagues, over the last 3 months, Representative HAALAND has been called "extreme" and "radical."

One Republican Senator I serve with on the Indian Affairs Committee labeled HAALAND a "hardline ideologue with radical views"—this from a person who spent months promoting the false and widely debunked conspiracy theories about voter fraud in our election. Another Republican Senator called Representative HAALAND a "socialist, left-of-Lenin whack job"—though, later, he said he merely meant to call her an "extremist."

In the House, a Member of my own Minnesota congressional delegation orchestrated a hit campaign on Representative HAALAND by attacking her position on natural resources management and boundary waters. Strangely, this same Member happily supported Secretary Vilsack's confirmation even though he holds exactly the same positions.

As our former colleagues Tom Udall and Mark Udall said in an op-ed in USA Today, it is hard to imagine that either of them, had they been nominated to lead Interior, would have faced the same attacks for radical ideas.

I just find it difficult to take these Republican attacks at face value. My colleagues should know that Representative HAALAND was named the most bipartisan House freshman in the last Congress. If that is what a hardline ideologue looks like, maybe we should all aspire to be the role model that DEB HAALAND provides.

Colleagues, I think we need to be honest with ourselves about what is going on here. Once again, a woman—