

Week, a very important week in our system of self-government. For the last 17 years, advocacy groups, good-government watchdogs, media organizations, and many Members of this body have joined forces to observe the importance of transparency in government and freedom of information. As a longtime champion for open, accessible government, I speak today in support of what we all ought to consider enduring principles.

Sunshine Week coincides each year with March 16. That is the day one of our Nation's Founding Fathers and fourth President of the United States James Madison was born. Madison is widely known as the father of the Constitution and the Bill of Rights. From his writings, particularly in the *Federalist Papers*, you might say he was the architect who framed our system of checks and balances. Madison believed all powers of the government are derived of, by, and for the people, and that is what brings me to the floor today.

The public has a right to know what their government is doing and how it is spending tax dollars. There are very few things in government that should be kept secret: national security, so we don't tell our enemies what we are going to do; the privacy of American citizens; and some intelligence-gathering information. I will bet that is 1 percent of everything the government is involved in. Yet there are some people who think that a lot more ought to be classified or secret, *et cetera*, *et cetera*.

So we have the Freedom of Information Act that is to protect the public's right to know. Through Freedom of Information Act requests, everyday Americans can ask a Federal Agency for information. Unfortunately, now—and it is a growing problem—Federal Agencies seem to have the unstated goal of releasing as little information as possible to the public.

Agencies rely on exemptions to FOIA, the Freedom of Information Act, to withhold information. A 2021 Government Accountability Office study found this: that Federal Agencies use FOIA exemptions to avoid disclosing documents. That problem has doubled between 2012 and 2019.

Most Americans may not be familiar with the section of the code that we call the (b)(3) FOIA exemption, and, of course, they don't have to be aware of this, but they should know that it is the most used justification by the Federal Government to withhold information from the public.

The increase in the use of this FOIA exemption to withhold information from the public is unacceptable to me, and it ought to be unacceptable to anybody who believes that we should not have secrecy in government.

In another recent report, the Government Accountability Office found that FOIA request backlogs increased by nearly 20 percent in just the 1 year of 2019 to 2020. In fact, backlogged FOIA

requests are up 97 percent since 2012. Sixteen Federal Agencies had more than 1,000 backlogged FOIA requests. They account for 94 percent of backlogged requests across the entire government.

Federal Agencies ought to do better—must do better—and we must all work to ensure that they are responding appropriately and within a reasonable time for FOIA requests.

Congressional oversight is part of our constitutional assignment: to protect the power of the purse and ensure laws are faithfully enforced.

Finally, we must acknowledge the important role that citizens play who bravely come forward, often at great professional risk, to report wrongdoing in our efforts to prevent waste, fraud, and abuse. I have often said that whistleblowers are the best line of defense against government waste. No one shines a brighter light on waste, fraud, and abuse than whistleblowers. And why might that be? Because they are down in the bowels of the government where maybe the heads of the Agencies don't know something wrong is going on, and they are able to point it out—the whistleblowers are.

That is why I introduced legislation this Congress to strengthen the False Claims Act. I got the False Claims Act passed in 1986. Since then, that act has helped government recover \$70 billion in fraud.

Last year, I asked the Department of Veterans Affairs about allegations that VA employees leaked potentially market-sensitive information, and then do you know what they did? They retaliated against these whistleblowers. Nearly 1 year later, I haven't received any answers, and I assume I am not going to receive any answers because it is an embarrassment to the VA.

As a cofounder and cochairman of the Whistleblower Protection Caucus, I lead efforts from Capitol Hill to strengthen protections and raise awareness for what often is an uphill battle for whistleblowers.

I want you to know how I feel whistleblowers are treated by their very own government, how they are treated just because they want the government to do what the government is supposed to be doing under the laws, and they want the money spent the way Congress intends for the money to be spent. These whistleblowers who point out that wrongdoing are treated by the bureaucracy like skunks at a picnic.

This U.S. Senator will continue shining spotlight on waste, fraud, and abuse at the Pentagon, and I am going to do it elsewhere, as well. I will continue advocating for whistleblowers with every tool at my disposal.

And as an Iowa farmer, I know why farmers make hay when the sun shines, and that is a good lesson for good government. Sunshine helps hold government accountable to the people.

Let me repeat that again: Transparency brings accountability.

EB-5 REFORM AND INTEGRITY ACT OF 2022

Madam President, I have another point I would like to make. We were able to pass something with the Omnibus appropriations bill that I have been working on in a bipartisan way for years. It was a program that was abused, and we finally got together—Senator LEAHY and I—to finally win what we have been trying to do for years.

So I am here to speak about reforms to the EB-5 investor visa program that were included in last week's Omnibus bill. I also addressed this issue before the vote, but I would like to follow up on that statement with some brief remarks about how important this is after years of fighting to get it done.

First, this wouldn't have been done without working with my friend and colleague Senator LEAHY. So I thank him. He worked with me for several years on reforming this EB-5 program. Senator LEAHY, as well as his staff, have put in a great deal of time and work on a number of legislative efforts to reform the EB-5 program. I appreciate the partnership that we had on this issue for those many years.

As I mentioned in my previous statement on the day the bill passed, Congress originally authorized the EB-5 Regional Center Program in 1992 as a pilot program and as an outgrowth of the EB-5 investor visa that was created by Congress 2 years before that, in 1990.

When the EB-5 visa and regional center programs were established, Congress intended for them to spur investment in, No. 1, rural areas, and, No. 2, in economically depressed areas. I emphasize rural and economically depressed areas because this whole program, over a period of the next 20 years, evolved into a program far removed from the original goals. Senator LEAHY and I recognized that 5 or 6 years ago. But to get around all of the interest groups that have something to do with the EB-5 program, and particularly those who are enriching themselves from it, it is hard to get changes made here in the Congress of the United States.

Thank God we were fortunate not to get the EB-5 program extended from year to year because that is what happened for 4 or 5 years as we were working on these reforms. You just extended it and let the fraud and abuse of the law go on. But, finally, about a year ago, we kept that program from being extended year to year and forced people to sit down and talk to us in a responsible way to get to where we are today.

It is unfortunate that the EB-5 Regional Center Program, in particular, has been plagued with all this fraud and abuse. Rampant and abusive gerrymandering of the EB-5 program's targeted employment areas also undermined congressional intent that lower investment thresholds be a tool for channeling investment into areas that truly need it. Those are the rural areas and the economically depressed areas

of our country. Gerrymandering undermined the whole purpose of the program.

Another problem that the reforms addressed was that EB-5 investment levels had not been adjusted by Congress since 1990, and they should have been adjusted for the inflation that has taken place since then, and our act does make some adjustment in that area. It doesn't quite make up for all the inflation we have had since 1990, but it is still better than if we had gone with those 1990 figures.

The EB-5 Reform and Integrity Act of 2022, which was included in the Omnibus bill, will address a number of these issues. The bill, which Senator LEAHY and I primarily authored, formally repeals the pilot program created by Congress in 1992 and codifies in its place a new Regional Center Program reflecting a number of reforms that we pursued for many years. These reforms will help to crack down on fraud and abuse that have plagued the program for far too many years.

As I said in my previous statement, all EB-5 regional centers that had operated under the lapsed and repealed pilot program will be expected to seek a new regional center designation. In that process, they will have to certify compliance with all the relevant requirements and reforms laid out in our bill, now law, in order to receive such a designation.

Additionally, for the first time since 1990, the bill statutorily raises EB-5 investment levels and mandates that they be adjusted for inflation every 5 years so we don't have what has happened in the last 30 years using 1990 figures for investment.

The legislation also codifies certain aspects of the 2019 EB-5 Immigrant Investor Program modernization rule. Specifically, the bill codifies the 2019 rule's definition of a "high unemployment" targeted employment area and allows only the Department of Homeland Security to make such a designation.

The so-called "doughnut" targeted employment area model from the 2019 rule will significantly limit the number of census tracts that may be used to seek designation as a high unemployment area.

This targeted employment area model, combined with exclusive authority of the Department of Homeland Security to make "high unemployment" targeted employment area designations, should then crack down on the targeted employment area gerrymandering, which gerrymandering has long deprived the rural and the economically distressed areas of the investment that Congress intended when Congress passed that legislation—now, I guess, 30 years ago.

Listen to this next point. I want the Department of Homeland Security to pay attention to this. It is also my belief and expectation that the Department of Homeland Security should reserve "high unemployment" targeted

employment area designations for census tracts that have experienced persistently high unemployment for a number of years rather than just brief spikes in unemployment due to temporary and extraordinary circumstances, such as what you could have because of the COVID-19 pandemic, as just one example.

Finally, the legislation puts in place specific visa set-asides for rural area projects, high unemployment area projects, and infrastructure projects. The visa set-aside for infrastructure projects is limited to true public infrastructure projects; that is, in further explanation, those that benefit the public and the American people, not public-private partnerships or projects for private businesses.

I will continue to monitor the implementation of this bill, as well as developments in the EB-5 program over coming months and years.

This bill was titled the EB-5 Reform and Integrity Act of 2022. It is the result of years of hard work, and I hope it brings real reform to a program badly in need of that reform. I am grateful that it was included in the Omnibus bill and was happy, after all of these years, to see meaningful reform of the EB-5 program finally signed into law.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

INFLATION

Mr. THUNE. Madam President, on Thursday, the February inflation numbers were released, and the news wasn't pretty. Inflation for February was 7.9 percent, the highest inflation since January of 1982—January of 1982, 40 years ago. We are in the grip of the worst inflation in 40 years.

American families have been hit hard by this crisis as the price of everyday necessities has soared, and energy prices, particularly gas prices, are one of the top challenges facing Americans. Energy prices are up 25 percent on average from a year ago. Electricity is up 9 percent. Propane, kerosene, and fire wood are up 19 percent. Utility gas services are up 23 percent, and prices at the pump for gasoline are up 38 percent.

The national average for a gallon of gas was \$4.31 on Tuesday, up from \$2.86 a year ago. That is \$1.45 more per gallon. That is a big problem for American families. That is a big problem for our entire economy.

High energy prices don't just have an impact when Americans fill up their cars; they affect prices across the economy. High energy prices drive up the cost of operating a factory. They drive up the cost of raw materials, and they

drive up the cost of getting goods to customers.

President Biden would like to blame the inflation situation, particularly high energy prices, on Vladimir Putin. I don't need to tell anyone how ludicrous that is. Our inflation crisis has been going on for a year. Vladimir Putin invaded Ukraine 3 weeks ago. I am afraid passing the buck to Putin doesn't hold water.

Now, it is true that the uncertainty surrounding Putin's war and corresponding sanctions on Russia are partly to blame for the most recent spike in gas prices. But had gas prices been lower to start with, Americans wouldn't be feeling the sanctions-triggered bump to the extent that they are.

Democrats' American Rescue Plan spending spree helped create our inflation crisis. Americans need to look no further than the White House when wondering how the United States, a recent net exporter of energy, is not on stronger footing to weather these tumultuous times.

The President has pursued an energy agenda that has done next to nothing to help drive energy prices down and is, in fact, almost guaranteed to increase energy prices long term and increase our reliance on foreign sources of oil.

From the moment he took office, the President sent a negative signal to energy producers by making it clear that his administration was not going to be embracing conventional energy production.

He set the tone for his administration on day 1 by canceling the Keystone XL Pipeline—an environmentally responsible pipeline project that was already underway and that was to be paired with \$1.7 billion in private investment and renewable energy to fully offset its operating emissions.

He also almost immediately froze new oil and gas leases on Federal lands, sending a clear signal to oil and gas producers that his administration would be reluctant to work with them to increase American energy production.

Now, President Biden has recently been touting the number of available permits for oil and gas development, which is positive as far as it goes, but new permits have dropped precipitously this year. And issuing permits alone isn't enough to get development going.

The Biden administration has thrown up roadblock after roadblock to actual energy development. Companies are struggling to break through regulatory redtape to actually get oil and gas development up and running. For example, they have struggled to obtain right of way to build essential development infrastructure, like access roads to oil rig sites. They are also struggling to get timely pipeline permits to transport the oil and gas that they extract.

Unfortunately, they know exactly how this administration feels about building pipelines. And the Biden administration is fully responsible for