

talked to sheriffs in South Dakota, almost as far from our southern border as you can get, who are dealing with fentanyl that has been trafficked across the border from Mexico. Last year, Minnehaha County Sheriff Mike Milstead estimated that 90 percent—90 percent—of fentanyl and methamphetamine in our State, the State of South Dakota, comes through Mexico. Again, I would be very surprised if the chaos at our southern border hasn't facilitated that trafficking.

Our country has been shaped by immigrants from around the world, and I am a strong supporter of legal immigration. I have repeatedly introduced legislation to open up opportunities for individuals to come from abroad and to work here in the United States when employers can't secure enough domestic labor. But immigration has to be legal. It has to be legal for security reasons, for humanitarian reasons, and because we have a responsibility to uphold the rule of law.

I am thankful that the President finally seems to be, at least halfheartedly, acknowledging our border crisis and he has recognized his error in rescinding a number of policies that successfully took pressure off the border. Now let's see how he follows through.

There are definitely things Congress can do to strengthen our border security, deter abuse of our asylum system, and provide resources to those serving on the frontlines against trafficking and smuggling. We can also find ways to address some of the economic factors that influence illegal immigration by leveraging legal pathways to allow immigrants to fill jobs that American employers are struggling to fill.

But the fact of the matter is, while there are things Congress can do to help, the President of the United States doesn't need an act of Congress to move forward on securing the border. The President just needs to enforce the law. For the sake of our national security, our overwhelmed border communities, and the individuals tempted to make the dangerous journey across the border, let's hope he does so.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PADILLA). Without objection, it is so ordered.

#### IMMIGRATION

Mr. CORNYN. Mr. President, over the past few days, we have seen a number of headlines with surprising announcements about the impact the Biden administration's new border policies have had. Reuters, for example, ran a story

last week titled "U.S. arrests of Cuban, Haitian, Nicaraguan and Venezuelan migrants plummet."

Dallas Morning News had a story titled "Biden administration says illegal border crossings already falling under new policies."

The Wall Street Journal ran a story over the weekend with the headline "Migrant Arrests Fell by Roughly Half in January After New Enforcement Measures."

Well, by reading those headlines alone, you might assume that the administration had finally done something it has refused to do over the last 2 years, and that is to take action to address the migration crisis, the humanitarian and public safety crisis that has been occurring at our southern border. You might think that they started using authorities they already had under existing law to enforce those laws at the southern border and deter would-be migrants from making the dangerous journey north. Well, if you made those assumptions, you would be wrong. That is not the case at all.

As we know, the border has been operating at a state of crisis for at least the last 2 years. Last year alone, U.S. Customs and Border Protection encountered 2.4 million migrants, completely shattering previous records. Last month, we broke the record for monthly encounters. The Agency logged more than a quarter of a million—more than 250,000—border crossings in December alone.

Here is the ugly little secret that the Biden administration so far has failed to acknowledge: Vice President KAMALA HARRIS talks about going to Central America, talks about root causes of the migration crisis, and Secretary Blinken talks about root causes, assuming that this is a regional matter affecting Mexico and Central America and that it is primarily people who are coming to the United States strictly for economic reasons or to flee violence. But the fact of the matter is, people are coming from all over the world to our doorstep and seeking asylum.

A couple of weeks ago, we had a bipartisan congressional trip to El Paso, an urban area. We then went to Yuma, AZ, which is a sleepy little agricultural community right there along the border of Arizona and California. The acting Border Patrol chief told us that they had people from 176 countries, speaking 200 languages, seeking asylum, coming to the Yuma port of entry.

You might ask, how in the world is that possible? That doesn't sound like root causes; that sounds like a global network of human struggling that is exploiting our asylum laws to gain entry into the United States.

Well, Senator MARK KELLY from Arizona, who was with us, said: Well, Mexicali, which is a relatively large city in northern Mexico, just across the border from Yuma, has an airport, and presumably people are flying into

Mexicali from disparate places around the world because they know that if they show up at this port of entry in Yuma, they are likely to gain entry into the United States by claiming asylum, and they know that because of the backlog in asylum cases, their case is not likely to be heard for literally years and that if they did ultimately appear in front of an immigration judge, their chances of successfully gaining asylum, according to the legal standard under American law, was about 10 percent. So it doesn't surprise anybody that many of them don't show up for their court hearing but simply hope to evade detection and be able to permanently settle in the United States.

This is what the Border Patrol calls "no consequences" associated with illegal immigration. What they have told me and anybody else who will listen is that if there are no consequences to coming to the United States and exploiting our asylum system or illegally coming to the United States, then people are going to keep coming.

Indeed, that is what we have seen with an absolute lack of deterrence because of nonenforcement and because of the Biden administration border policies. People all over the world are taking advantage of the Biden administration's weak policies. They are crossing our southern border at an alarming rate, imposing huge burdens on the border communities in States like mine, like Texas, that do not have the resources to meet the demands of this crisis.

It wasn't that long ago that Del Rio, TX, a small community of 35,000 people, had 15,000 Haitians arrive in their city and claim asylum. As it turned out, many of those Haitians had been living in South America, having fled Haiti previously, but they had been living more or less peacefully in South America. But because they saw an opportunity to come to the United States and exploit this same asylum system, they showed up in Del Rio, TX—35,000 people—15,000 of them, overwhelming the capacity of that small city to deal with them.

Until recently, the administration saw two options when it came to migrants. Option No. 1 was to use the authority granted under title 42 to expel these individuals to Mexico. Of course, title 42 is a public health title that has been in place because of COVID. Option No. 2 was to parole them. Basically, that means to grant them permission to enter the United States, where they would await immigration court proceedings, which, as I said, because of the backlog, because of the sheer volume, will take years.

Under the administration's so-called new plan, there is now another option for Cubans, Haitians, Nicaraguans, and Venezuelans. So that is four countries. There is a new option for people coming from those four countries. It apparently doesn't apply to the other 172 countries that the Yuma Border Patrol

chief has said that they have encountered. But under the administration's new plan, there is an option for Cubans, Haitians, Nicaraguans, and Venezuelans that will allow them to remain in the United States legally for 2 years and receive work authorization.

What more of a magnet do you need for people to come to the United States than to give them a work permit and to say: You can stay here legally for 2 years while you await your court proceeding. All they have to do is submit information online before crossing the border and wait for the administration to give them the green light.

Well, the Border Patrol, in educating me and others about what is happening at the border, they talk about push factors and they talk about pull factors. The push factors, we all understand. That is poverty, violence, people wanting a better life. We don't begrudge people who want a better life, want a piece of the American dream, but we do—we should—insist they come to the country through legal means, not illegal means, not exploiting vulnerabilities in our asylum system.

But there is no greater pull factor than this idea that there will be no consequences to coming to the United States, that you will successfully make your way into the United States, into the interior, and you will be able to stay. That is the ultimate pull factor, and that is the reason there is zero deterrence under President Biden's open border policies. Apparently he wants to continue that when it comes to people coming from these four countries.

Well, there are several problems with this plan that I alluded to. First of all, it is not a solution to the open border policies that currently exist. It doesn't discourage migrants from making the long, dangerous journey; it just artificially lowers the numbers.

Here is what I mean by that. Before this so-called new policy, if a migrant from one of these four countries was apprehended at the border, they would be encountered by the Border Patrol and either removed under title 42, repatriated, or paroled into the country.

Every month, Customs and Border Protection reports a total number of migrants released into the United States, giving us an understanding of just how big, what the magnitude of this crisis truly is. Last month, for example, more than 130,000 migrants were paroled into the United States. One hundred thirty thousand were given the paperwork to move into the United States.

The administration has taken a lot of heat for the fact that it is engaging in catch-and-release at an unprecedented pace. Basically, what that means is that rather than being detained while your asylum status is determined—and, as I said, the vast majority will not ultimately qualify if they appear in front of an immigration judge—catch-and-release just makes this worse.

Rather than stop the practice and actually detain and remove migrants

without legitimate asylum claims, the Biden administration came up with this new policy to, in effect, cook the books. The 30,000 migrants a month who enter the United States as part of this new program won't even be included in the monthly statistics that have become a huge political albatross for President Biden. If migrants enter the United States on a legal basis, which is exactly what this program provides, they will never be tallied as part of the migration crisis.

They have taken 30,000 people and said: OK, we are going to make your entry into the country legal—so, by definition, it is no longer illegal immigration—by a wave of the magic wand.

In short, this new policy lets the administration roll out the welcome mat for tens of thousands of migrants while making it seem like the numbers have actually gone down, which they have not.

Problem No. 2 is that any progress is all but guaranteed to be temporary.

According to the administration, we have seen a 97-percent drop in the number of illegal crossings for migrants from these four countries, and, as I said, these are just 4 of the 176 countries represented by the folks who show up at the one Yuma Border Patrol crossing currently. So it is just four countries.

It appears, now, that there are thousands of migrants who would have previously arrived at the border who are now waiting for the Biden administration to approve their online application. But what happens after those 30,000 spots are filled? What happens when it takes months rather than weeks for migrants to receive the green light?

I can tell you exactly what will happen. Migrants from these four countries will start coming across the border illegally once again.

Will they be expelled under title 42? Will they be paroled into the interior? Only time will tell. But one thing is for sure. Once the line gets too long, we will be right back where we started, only with an added challenge: There will be a new population of tens or even hundreds of thousands of people living and working in the United States on what is supposed to be a temporary basis. As Ronald Reagan once noted, there is nothing so permanent as a temporary government program.

Third, the new program normalizes migrants coming to the United States based on facts that would not qualify them under our current laws for asylum. The administration's description of urgent humanitarian reasons that would qualify a Haitian migrant for the program, for example, points to gang violence, the aftermath of an earthquake or a cholera breakout that worsened political, economic, and social conditions. Now, we can all agree that these are terrible conditions, but they don't meet the standard for a valid asylum claim.

That leads to perhaps the biggest problem of all: that the administration

circumvented—did an end run—around Congress to implement this policy, which has basically teed up an even bigger headache.

President Biden is following in the footsteps of President Obama by creating a new category of immigrants without consulting with or getting the agreement of Congress. As we saw with President Obama and the deferred action for childhood arrivals, his use of Executive action 10 years ago has now created more problems for this population of young people who came here as children and who are now adults because the courts have so far said that President Obama didn't have the authority to do what he purported to do.

By the way, if you go back and do an internet search and see what President Obama said shortly before he granted this deferred action for childhood arrivals, I think he said, perhaps as many as 17 times—I could be off a little bit—that he did not have the authority. He said he did not have the authority to do what he ultimately did, and, unfortunately, now the courts are agreeing with him, putting the livelihood and future of these young people in jeopardy.

It has been more than a decade since DACA was established, and the fate of these young people is still being litigated in court. It is a terrible circumstance to find themselves in, and this won't be any different.

The Biden policies will allow migrants to live and work in the United States for 2 years, and then what? Well, will they leave voluntarily? I doubt it. Will they be apprehended and removed by Immigration and Customs Enforcement? No, I doubt that. Or will this be another group of migrants who will live in the shadows?

There is no question that our immigration system is broken. I have yet to find a person—a responsible person—who thinks our immigration system is working the way it should. It is big, it is outdated, it is inefficient, and it is not serving our Nation's interests well. But if the President wants to undertake immigration reform, as he says he does, this is not the way to go.

By end-running Congress to try to establish new categories of immigrants, he is poisoning the well. He is making it harder for us to do what many of us would like to do, and that is to take on the monumental task of securing the border and creating a legal immigration system that serves our Nation's interests and one that we can be proud of.

But, by poisoning the well, the President is not gaining new allies. He is just ensuring that more people will resist any potential legislation that we might take up soon. So despite what the initial data may suggest, what the spin doctors here in Washington have been selling to the news media, which has gullibly been accepting that, as if this is somehow a big deal for a negative trend in terms of illegal immigration, it is not so. The President hasn't

solved the problem. He has just swept it under the rug, and he has, arguably, made it worse.

This crisis is complex, but the solution isn't. The administration needs to engage with Congress and enforce our immigration laws that are on the books and those that are being exploited by the international criminal networks that are smuggling people into the United States on a daily basis.

We need to work together to address those gaps that are being exploited. If migrants from any country see that the United States is quickly detaining and removing people who do not have a legal basis to remain in our country, the flow of illegal immigration will drop dramatically. That is the only viable path forward and where the administration should focus its time and effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### BRISTOL BAY

Ms. CANTWELL. Mr. President, I rise today to applaud the Biden administration and their historic step to permanently protect Bristol Bay, AK. More than a decade after the Pebble Mine was proposed, the Environmental Protection Agency, today, is finalizing a Clean Water Act protection that will permanently protect Bristol Bay. No company will ever be able to stick a mine on top of some of the best salmon habitat in the world.

Salmon fishermen from Alaska and from my home State of Washington will continue to earn their livelihoods from Bristol Bay salmon, as they have for generations. No Bristol Bay salmon will ever have to swim through toxic soup just to get to its spawning grounds.

This scientific decision today by the Environmental Protection Agency puts a final nail in this mine's proposal.

It is difficult to understand and to really know the importance of Bristol Bay. In an average year, 40 to 60 million sockeye salmon swim into or out of the bay. Last year was a blockbuster run. Nearly 80 million sockeye salmon returned to Bristol Bay.

That is why Bristol Bay is known as the holy grail of salmon. Today, Bristol Bay salmon fisheries are a \$2.2 billion annual industry. They support over 15,000 jobs in the Pacific Northwest and nationwide, and that is through commercial fishing, recreational fishing, tourism, seafood, restaurants, shipbuilding, and other associated industries.

I know the Presiding Officer knows this well because northern California also benefits from these salmon sectors and the salmon industry.

Salmon are one of the most important products that we in the Pacific Northwest have. It is the symbol of our region. So Bristol Bay salmon, being a powerhouse and supporting nearly half of the sockeye salmon harvested

around the globe, is certainly worth fighting for.

So, as you can imagine, when a mining corporation decided to try to build a mine in the headwaters of this most powerful salmon run on the planet, fishermen in my State and in many other States were outraged. Estuaries and mines really don't mix, and they certainly don't belong together at the headwaters of one of the most important salmon runs and spawning grounds in the Nation.

For fishermen, the destruction wrought by Pebble Mine would have swept away their businesses and their way of life, and they certainly raised their voices and came to ask me and others in Washington for help.

In 2011, I was proud to stand with fishermen and Tribes from my State and from Alaska to speak out against Pebble Mine and to call for permanent protections under the Clean Water Act if the science showed that the mine would have irreversible impacts on salmon. Well, sure enough, the science is damning, and that is what is being released as part of this decision today.

In 2020, the Environmental Protection Agency found that more than 185 miles of streams and over 3,800 acres of wetlands would be permanently damaged or destroyed by Pebble Mine due to its toxic waste and habitat destruction, and that is just if the mine operated the way it was supposed to. That wasn't considering the kind of degradation that could happen if an accident happened. Those statistics don't account for a potential mine disaster that could really wipe out this irreplaceable ecosystem.

So despite the clear science, the mining company has continued to claim that protecting Bristol Bay is a partisan government overreach. Their executives believe that stripping all the gold and copper out of Bristol Bay is a worthy goal, more important than our wild salmon or more important than the generations of Washington and Alaska fishermen who earn their livelihood from that.

Protecting our fishing economy should not be a partisan issue, and that is why Congress created a fail-safe Clean Water Act provision called section 404(c). This provision says that if disposal or dredging in a waterway would destroy fisheries, municipal water, or have other serious impacts, the Environmental Agency could step in to stop the project.

It is a simple concept, really: Let's not destroy a profitable, sustainable industry that keeps the water clean for the sake of just temporary extracting.

Still, this authority in 404(c) isn't used lightly. Since 1972, millions of Clean Water Act permits have been approved, compared to only 14 times that this provision has been used to stop major projects like the one today that is being stopped at Pebble Mine.

Republican Presidents have used this Clean Water 404(c) authority 11 times. Let me say that again.

It has only been implemented 14 times in our history, and 11 times it was used by a Republican President. Ronald Reagan alone used the Clean Water Act 404 authority 8 times.

So there was a time when people believed in this conservation. They believed in making sure that we preserve what is so unique about our planet.

To sum it up, a multinational corporation thought that it could go to one of the most iconic salmon runs on the planet and decimate those jobs that we rely on in Bristol Bay and tear a hole in the culture of our Northwest fabric. And fishermen and we here said: No.

I am proud of the scientific work done by the Environmental Protection Agency under President Biden, the University of Washington, and so many of the environmental partners that fought so hard to stop this project.

I am proud to have stood with the fishermen and Tribes of Bristol Bay in saying we need to protect this unique place forever.

I want to thank some of our greatest champions: The United Tribes of Bristol Bay, the Bristol Bay Native Corporation, and the fishing families in Alaska and Washington.

I want to thank my staff, Nikki Teutschel, Amit Ronen, and Jeff Watters, who, through a decade, all continued this fight to make sure that every administration was listening to this cause.

It seemed like a "David and Goliath" many times, this battle, but we know today that the voices of fishermen at Bristol Bay provided the leadership that we needed to preserve this area forever and said no to this project.

Fishermen know that the Pacific Northwest salmon is worth more than copper, and today, salmon is even worth more than gold. It is our Pacific way of life, and thanks to this administration, it will be protected.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HICKENLOOPER). Without objection, it is so ordered.

The Democratic whip.

#### DEBT CEILING

Mr. DURBIN. Mr. President, it took 15 votes for KEVIN MCCARTHY to become Speaker of the House of Representatives. It may not have been historic, but it was a sight to behold. To finally become Speaker, KEVIN MCCARTHY made all kinds of commitments to the MAGA extremists in his Republican Party.

One of the promises he made to the hard-right holdouts in order to become Speaker was that House Republicans