

These are basic questions. If the Department of the Interior had any interest in transparency, they could answer them today. The Ghaisar family deserves answers about what happened to Bijan. The pain they have experienced over the last 2 years is immeasurable. As if the premature death of their son wasn't bad enough, they have waited 2 years for answers from a Federal Government that has failed completely to adequately respond to this tragedy.

I am not going to rest until the Ghaisar family has the answers they deserve about what happened to Bijan that night. If the Department wants to ignore these basic questions I have asked and if they want to disregard legitimate congressional oversight, then there will be consequences until their action changes.

In February, I voted against Katharine MacGregor's nomination to be Deputy Secretary of the Interior. I said very clearly at that time that if the Department of the Interior continues to ignore my questions about the killing of Bijan Ghaisar, I would hold up future Interior nominees. For this reason, I am today placing a hold on the nomination of Lanny Erdos to serve as Director of the Office of Surface Mining Reclamation and Enforcement within the Department of the Interior.

If we don't get answers to legitimate questions that I and other Members of this body and Members of the House have raised about the shooting of Bijan Ghaisar, I am prepared to hold up even more nominees. This is not something I take lightly. Holding up nominees should always be a last resort. But I have been patient and Bijan's family has been patient, and still the Department of the Interior has been silent.

For Bijan's family, 2 years is too long to wait. They deserve answers about what happened the night their son was shot and killed. I urge the Department to swiftly provide substantive answers to my outstanding questions regarding the death of Bijan and the Department's response.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VOTE ON MANASCO NOMINATION

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the Manasco nomination?

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from North Carolina (Mr. BURR), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE), are necessarily absent.

The result was announced—yeas 71, nays 21, as follows:

[Rollcall Vote No. 99 Ex.]

YEAS—71

Baldwin	Fischer	Peters
Barrasso	Gardner	Portman
Blackburn	Graham	Reed
Blunt	Grassley	Risch
Boozman	Hassan	Roberts
Braun	Hawley	Romney
Capito	Hoeven	Rosen
Cardin	Hyde-Smith	Rubio
Carper	Inhofe	Sasse
Casey	Johnson	Scott (FL)
Cassidy	Jones	Scott (SC)
Collins	Kaine	Shaheen
Cornyn	Kennedy	Shelby
Cortez Masto	King	Sinema
Cotton	Lankford	Smith
Cramer	Lee	Sullivan
Crapo	Loeffler	Tester
Cruz	Manchin	Thune
Daines	McConnell	Tillis
Duckworth	McSally	Toomey
Durbin	Moran	Warner
Enzi	Murphy	Wicker
Ernst	Paul	Young
Feinstein	Perdue	

NAYS—21

Bennet	Harris	Schatz
Blumenthal	Heinrich	Schumer
Booker	Hirono	Stabenow
Brown	Klobuchar	Udall
Cantwell	Menendez	Van Hollen
Coons	Merkley	Warren
Gillibrand	Murray	Wyden

NOT VOTING—8

Alexander	Markey	Sanders
Burr	Murkowski	Whitehouse
Leahy	Rounds	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. COTTON). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from Texas.

PRESIDENTIAL TRANSITION

Mr. CORNYN. Mr. President, the hallmark of American democracy, the single greatest feature that sets us apart from every other country in the world, is the peaceful transition of power that occurs every 4 or sometimes every 8 years on January 20. It is a legacy we inherited from our forefathers and one that generations of Americans have fought hard throughout our history to protect. It is a remarkable moment. The most powerful person in the world bows to the will of the people and sits only a few yards away as the next President takes the oath of office.

Think about the wars that have been fought throughout history over who

the next leader of a country would be. Yet, in America, dating back to 1797, when Washington willingly passed the torch to Adams, the peaceful transition of power has defined the American Presidency. But a growing body of evidence suggests that the January 20, 2017, inauguration of President Donald Trump was an exception to that hallowed tradition.

Since the FBI launched its Russia probe in July 2016, there has been no shortage of stories about what did or did not happen in the months leading up to that election. For the better part of 3 years, the speculation dominated headlines and news feeds, with even the smallest details consuming hours of airtime.

Beyond the Russian active measures campaign, which we know did happen, there was a lot of attention focused on the Trump campaign itself. Now, almost 4 years later, we know a lot about what happened and what didn't happen. For example, we know from the Mueller report that there was no crime of collusion or obstruction committed by the President or his campaign. But since the special counsel's report was completed more than a year ago, we have learned a lot more about the outsized role played by some very senior Obama administration officials in what can only be described as an insurgency campaign against the Trump Presidency.

To be blunt, these revelations have given the American people good reason to be concerned about the outgoing administration, which took aggressive, possibly unlawful steps to interfere with initially the Trump campaign and then to undermine the incoming Trump administration.

For starters, there was the Department of Justice inspector general report on the Crossfire Hurricane investigation, which was released in December of last year. The inspector general's findings provided evidence that the concerns were more than warranted.

Inspector General Horowitz detailed a series of errors and missteps made by the FBI throughout the investigation, including alarming abuse of the powers of the Foreign Intelligence Surveillance Act. This act confers extraordinary power on the FBI and the intelligence community.

In the FISA application for Carter Page, Inspector General Horowitz identified 7 errors in the initial application and 10 additional errors in 3 renewals. We are not talking about innocent typos or misspelled words. This was not just sloppiness. There were significant and material errors, plus the deliberate falsification of material information about Carter Page's past service to the U.S. Government, as well as the omission of important exculpatory information, which deceived and misled the FISA Court.

I would hope we could all agree that lying to a court is serious and completely unacceptable.

The meticulous requirements Congress mandated in the Foreign Intelligence Surveillance Act and the painstaking procedures of the FISA Court were created to help instill trust and confidence and accountability in the institutions charged with protecting our national security, while at the same time protecting our privacy and civil liberties. Sadly, much of that trust has been destroyed by these revelations uncovered by the inspector general of the Department of Justice, and sadly, another recent development has sown even more distrust and suspicion of the FBI and the Department of Justice during the previous administration, their motives, and the legality of their actions.

Last week, the Acting Director of National Intelligence, Richard Grenell, provided a declassified list of senior Obama administration officials who made requests to unmask the identity of Michael Flynn. Masking the name of a U.S. person in foreign surveillance is routinely done to minimize the intrusion into their privacy rights.

I know trying to keep up with the flood of facts about these incidents can be a challenge, so let's quickly recap.

General Flynn was a member of the Trump campaign, and at the beginning of the administration, he was named as the National Security Advisor. We know his tenure was short-lived. Only a few weeks after assuming the post, General Flynn resigned after a storm erupted when leaks were published about his conversations with Russian Ambassador Kislyak.

I am not here primarily to talk about General Flynn's case. That is in the hands of the courts. But the list of Obama-era officials provided by Acting Director Grenell gave us some unsettling details about the larger context of the whole Russia investigation. If an American citizen is intercepted in connection with foreign intelligence, the name of that person is masked when intelligence reports are disseminated in order to protect their identity and their privacy, but it is not unusual for intelligence officials to request that somebody be unmasked. It could be critical to a counterintelligence investigation or to understanding the nature or context of the intelligence.

Here, over the course of about 6 weeks between late November 2016 and January 2017, 39 separate Obama-era officials made unmasking requests—39. This list is very odd. It included a range of high-ranking officials at the Departments of Treasury and Energy and a number of Ambassadors and even NATO officials. It extended to the highest levels of the Obama administration—U.N. Ambassador Samantha Power, CIA Director John Brennan, FBI Director James Comey, the President's Chief of Staff Denis McDonough, and even Vice President Biden himself. It reads like a guest list for an Obama administration state dinner. It is not what you would expect to see for legitimate unmasking requests.

You have to wonder, why are these high-ranking officials, including the Vice President of the United States, unmasking the name of an American citizen in foreign intelligence on an eve of the inauguration of their successor? Then-U.N. Ambassador Power submitted seven separate requests. Director Clapper, then-Director of National Intelligence, submitted three. Director Brennan and Secretary Lew each submitted two.

Somehow—I know this sounds strange, working in Washington, DC—somehow, once General Flynn's name was unmasked in response to 39 separate requests from Obama-era officials, that information was leaked to the press. In the intelligence community, intelligence is shared based on the need to know. What I want to know is, what need did these 39 Obama-era officials have for this surveillance, which included the name of a U.S. citizen? I suspect it was done because—what naturally happens next? The more people who know, the more likely the information is to leak to the press in service of a narrative.

While unmasking can be legal if done by the rules, leaking that information is not. It is a crime. It is a felony punishable by up to 10 years in prison.

As I mentioned, when it comes to understanding this investigation, there is a lot of information to sort through. That is why I am glad that Chairman LINDSEY GRAHAM, chairman of the Judiciary Committee, plans to hold extensive hearings into this whole matter—something that the Presiding Officer and I will participate in as members of that committee. But I worry that in the process of leaning in, trying to connect the dots in a very complex situation, we could lose sight of the big picture.

It appears that high-ranking officials from a political party used their positions to gain and leak information on a political rival. We are not just talking about one or two rogue operators here; more than three-dozen senior officials released that information to the media only 8 days before the end of the Obama administration.

Add to this the rapidly growing list of wrongs we have learned about so far: the inspector general report on the foreign intelligence surveillance abuse, the infamous texts between Lisa Page and Peter Strzok, the first altered and now missing 302 for Michael Flynn, Susan Rice's inauguration day email to herself. Well, there is political intrigue and manipulation written all over this.

Here is the point. Our intelligence community and system of justice must not be manipulated for political purposes, and they certainly must not be used as a tool to disrupt the peaceful transition of power that is the very foundation of our democracy.

On Monday evening, Attorney General Barr was asked about the investigation, and he made a comment that I think appropriately sums up the entire issue. He said:

The proper investigative and prosecutorial standards of the Department of Justice were abused, in my view, in order to reach a particular result. We saw two different standards of justice emerge, one that applied to President Trump and his associates, and the other that applied to everyone else. We can't allow this ever to happen again.

I agree with the Attorney General.

This entire matter has been riddled with a combination of exploitation, abuse of power, and possible criminality. At the very best, it highlights dysfunction, but at worst, it looks like a coordinated effort by one administration to abuse its power, to sandbag and undermine its successor.

Despite the time and taxpayer dollars that have been funneled into the Russia-related probe, it has provided no evidence of collusion that we thought and were told was its object. Instead, it has highlighted men and women at the highest levels of government using their positions for political purposes. This is a far cry from the peaceful transition of power our forefathers wanted and provided for.

When exiting the Constitutional Convention in 1787, Benjamin Franklin was approached by a group of citizens who asked what type of government the delegates had created. He famously answered "a republic, if you can keep it."

In order to maintain this grand Republic, we must be able to trust our institutions, especially law enforcement and the intelligence community. We need to respect the choices of the American people in our elections, which provides those elected with legitimacy and authority. These are essential to a constitutional republic like ours.

These revelations about actions from Obama administration officials undermine that trust, and we must and will get to the bottom of it so we can ensure that it never ever happens again.

I yield the floor.

THE PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from Maryland.

SMALL BUSINESS ADMINISTRATION

Mr. CARDIN. Madam President, I think each person in this body recognizes the importance of small business to our economy and to our way of life. Small businesses are called the job creator in our economy. They create more jobs than larger companies. They provide innovative ways in order to move forward on our economy. They can figure out better ways to do things more efficiently, meeting the needs of the people of our community.

They are also more vulnerable. They don't have access to the type of capital that larger companies have. They don't have the resiliency. So when COVID-19 struck, we recognized—those of us in the Senate and the House recognized that we had to take special effort to protect the economic viability of the small businesses in our country. They did not have the reserve capital and they did not have the resiliency to deal with this prolonged downturn in our economy.