

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.

Eight weeks ago, we came together, Democrats and Republicans, by a 96-to-0 vote and passed the CARES Act. I was proud that a significant part of the CARES Act responded to the needs of small businesses.

We had a working group, a bipartisan working group. Senator RUBIO, the chairman of the Small Business and Entrepreneurship Committee—I am the ranking Democrat—we were joined by Senator SHAHEEN and Senator COLLINS, and we worked in an expedited way in order to see what we could do to help small businesses get through COVID-19.

The CARES Act provides new opportunities for us to help small businesses during this unprecedented disaster. We passed the PPP program, the Paycheck Protection Program, and provided \$660 billion of help for America's small businesses.

I want to compliment the men and women at the Small Business Administration and at Treasury for putting this program together literally overnight, and today 4.3 million loans have been given under this program that didn't exist just 8 weeks ago.

There are \$513 billion in loans under the Paycheck Protection Program. That is quite an accomplishment, but there are challenges. There are challenges with any new program, but this program has major concerns. When we passed the program, we thought that 8 weeks later, our economy would be performing at a much higher level than it is today. We need to revisit that.

A second program that we modified and changed was the Economic Injury Disaster Loan Program. We provided an additional \$50 billion of funds for the EIDL loans so that the Small Business Administration, which makes direct loans, could provide \$360 billion of additional loans to small businesses.

The EIDL Program works with the PPP program. The PPP program covers payroll for 8 weeks, plus some additional expenses. The EIDL Program provides working capital so small businesses that have been impacted by COVID-19 can stay afloat.

Here, the results are nowhere near as promising. Only 252,000 loans have been issued under the EIDL loan program for under \$25 billion. As I pointed out earlier, they have the capacity for \$360 billion. It has been very slow at the SBA in issuing EIDL loans.

Then we provided for grants under the EIDL Program. Initially, we provided \$10 billion, and we increased that to \$20 billion. Yet the number of loans that have been issues or grants that have been issued under EIDL—a little over a million—a little over \$10 billion. But this program has not operated as we intended. We wanted these grants to be given within 3 days—we put that in the statute—and we certainly didn't expect that the average loan would be between \$4,000 and \$5,000 when we gave grants up to \$10,000. So challenges exist on both the loan and grant program under EIDL.

Then we provided debt relief for those who have micro-loans or 7(a) loans or 504 loans under the SBA—6 months of relief—and, quite frankly, we don't know a lot about how that program has been working. We don't have much information about it.

That is what we did 8 weeks ago and then supplemented it with some additional funds. What should we do now? The Senate has not finished its work as it relates to helping the small businesses of America. We still have work we need to do.

First and foremost, we need to have transparency and data related to how these programs are working. Expediency does not excuse transparency and accountability. Yes, we wanted to get the money out quickly, and we got the money out quickly under the PPP program. That was our desire. But we need to have transparency, and we need to have accountability.

We need to get the geographical information, including how many loans can be given in the traditionally underserved communities—minority businesses, women-owned businesses, veteran-owned businesses, the rural community, and the smaller of the small businesses. We need to get information by the size of the business, the number of employees they have, the industries, and the lender types. We need to get the numbers on how much has gone to the nonprofit community and to affiliates and those under the NIC code exception.

All that is information we need to have in order to carry out our responsibilities in the Senate. And, yes, we need to get information from the Small Business Administration and from Treasury so that we can properly prepare for additional resources that may be needed in order to fund these programs.

This is not a new request that I have made. On April 17, I joined with Senator SCHUMER, Senator SHAHEEN, and Senator WYDEN in a letter to Secretary Mnuchin and Administrator Carranza asking for this information to be made available on a regular basis. To date, we have still not gotten that detailed information.

So I filed legislation in order to mandate that that data be provided, much of that on a daily basis. We tried to get a UC on it, and we could not do that, but we had certain promises that information would be made available.

We are still not getting the granular information that is necessary for us to properly evaluate this program. We need to get that information. We need to have transparency. We have to have accountability. You have heard about the highly visible loans that were made that were given back by the pro-basketball team and by the larger public corporations. We need to see exactly how the money was allocated.

Then there is a second thing we need to do in addition to getting the data and having transparency. We need to have a hearing in the Small Business

and Entrepreneurship Committee with Administrator Carranza being there answering questions from the members of the authorizing committee as to how this program is working.

We have to have that public hearing, and, quite frankly, Senator RUBIO, the chairman of the committee, has been trying to get that for us, and he has been rebuffed by the SBA. That is not acceptable. We need to have a public hearing. I support Senator RUBIO's request that we schedule this hearing. It should have been scheduled by now. We should have already had this hearing, but we are scheduling it for the week we return, the week of June 1, and I hope Administrator Carranza will adhere to the request of both the chairman and ranking member to be here to answer questions about these programs.

We have a responsibility. We have appropriated over \$700 billion. We have a responsibility to conduct an adequate oversight hearing on how those funds are being used.

We need to do more than that. We also need to recognize what is going to be the next step and what is going to come next. I will tell you, there are certain things that can be done administratively. Some might require the action of Congress, but some things can be done administratively, and we need to get that done as quickly as possible.

One of the things we need to get done is to make sure that the underserved community gets adequate resources. When we reauthorized the extra \$310 billion for the PPP program, we allocated \$60 billion to smaller financial institutions, and that was a step in the right direction. I noticed that Secretary Mnuchin mentioned in a hearing this week that he was amenable to allocating additional monies to the CDFIs. We need to allocate at least \$10 billion to the CDFIs and the minority depository institutions in order for the resources to be targeted to the underserved and the underbanked community. But, quite frankly, I think we need to do even more than that.

I have introduced legislation with Senator BOOKER that will help to develop the financial institutions in the underserved, underbanked communities. It will strengthen the abilities of those communities to have institutions in place that can help deal with the credit gap in the underserved communities. Our legislation would also strengthen the SBA tools that serve the underserved communities. We believe all of this can be done to help strengthen our commitment, which was in the CARES Act, to make sure that all communities are fairly treated with the tools that we made available.

Another thing that we can do immediately is to get the data. That information can be made available now. I noticed that Secretary Mnuchin has tried to help us get certain data, but we are still not where we need to be. We need to get that information now.

Another thing we can do—and, quite frankly, I think there is bipartisan support and a willingness on behalf of the administration—is to deal with returning citizens who were denied any ability to participate in the PPP program. My goodness, for a person who has paid their debt to society, who has returned to the community, who is working a small business, should we say no, we are not going to help them survive? They have enough challenges out there. We certainly don't want to take away their ability to take advantage of tools that are available to all Americans in order to help their small businesses. I believe there is bipartisan support for this, and we hope that we will be able to get that done administratively. After all, the restrictions were imposed administratively. They can be removed administratively.

Then there is another issue that we need to deal with immediately, and that is the 8-week restriction that is in the PPP program. It was well intended when we passed it. It was based on the dollars that were available, and we thought that after 8 weeks, by June, we would see our economy back performing at a level in which small businesses could be expected to be able to do well. Well, that is clearly not the case. We now need to provide additional help to small businesses as it relates to the 8-week period.

We can do that. We recognize that. The monies have already been appropriated. This does not really require any additional funding, but it will allow us to give small businesses the opportunity to spend the money over a longer period of time. Why? Because their businesses aren't open. The 8 weeks started the day they got the loan. Yet today they are still not at full operation, and some are not at any operation.

So I was pleased to see that the House acted on this by extending this to 24 weeks. I hope that we could find common ground, because I think there is support on both sides of the aisle and with the administration to give greater discretion on that 8-week period so that it is a longer period of time and so that the small businesses have the opportunity to spend the funds that are under the loan in a way that they can get maximum forgiveness of that loan, which will also require us to extend the June 30 date for those businesses that need extra time in order to bring their workers back.

I think there is general agreement on this. I hope that we can act this week on that provision, because by the time we come back after recess, the very first loans that have been issued under the PPP program will have reached their 8-week period, where loan forgiveness applications are going to start to be processed. We need to act before that date. There is a sense of urgency. We need to get that done this week, if at all possible, and we should work to try to get that done.

Let me also point out that, even when we fix the problems with these

programs—and I hope that by oversight we can get the EIDL Program working properly and get those loans out there—we can increase the size of the EIDL grants, get more information about the loan forgiveness, and get the PPP program working in all communities, including the underserved communities, giving more flexibility to businesses on the 8-week period.

We are going to need additional help. Eight weeks of payroll help is not going to be enough for many small businesses. So as we start to consider the next round, I hope that we will look at a program that is targeted to the small businesses that need the help the most.

When we passed the bill 8 weeks ago, our objective was to get money out quickly, and we succeeded in doing that. It was successful. Now we need to look at those small businesses that have the greatest need. We need to target it to those that have had significant revenue losses. We need to target it to the underserved communities. We need to target it to the smaller of the small businesses. If we can target the program properly, the cost will be much less than the original cost, and we can save businesses that otherwise would have a hard time surviving.

The key to what we did is that we worked together. It was bipartisan from the beginning. We need to do that again. Our small businesses, our workers, and our economy depend upon our getting this right. I look forward to working with my colleagues in order to get this done.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Madam President, I ask unanimous consent to complete my remarks before the vote begins.

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

NOMINATION OF JOHN F. HEIL III

Mr. LANKFORD. Madam President, in a few minutes, the Senate will vote on the nomination of John Heil to serve as a district court judge for Oklahoma.

We have three areas in Oklahoma: the Northern District, Eastern district, and Western district. This judge position covers all three of those, and they move to wherever there is the greatest need, and we are in great need. This is a position that we have needed for a while, and I am proud that John Heil has gone through this process. He was overwhelmingly confirmed in his nomination process through committee. I expect him to have wide bipartisan support when it passes this floor in a few moments and look forward to him transitioning from being a great attorney in our State to being a great judge to serve the people of Oklahoma and the United States on the Federal bench. So I am looking forward to that vote being completed.

MEMORIAL DAY

Madam President, in the days ahead, we will celebrate Decoration Day.

Decoration Day was first declared locally in 1866, after the Civil War. It was a day to remember those who gave their lives in battle for our country by decorating the graves and remembering their sacrifice.

Now we call it Memorial Day. We remember all of those who have given their lives for our Nation. It is, unfortunately, not those who just gave their lives long past. Unfortunately, it is still in the painful present.

Last weekend, I sat in the agonizing funeral of TSgt Marshal Roberts, who was killed by rocket fire just 2½ months ago. He was in the process of getting others to safety when a rocket took his life. He is the first Oklahoman air guardsman to ever lose his life in battle. This Memorial Day will be very different for his wife, his daughter, their family, and the State of Oklahoma, because it is not just a day about sleeping in and sales on dishwashers and cars. It will evoke the memory of TSgt Marshal Roberts and the hundreds of thousands of others like him. They gave their everything for the sake of our liberty. Those men and women are not forgotten. They are our heroes, and this Memorial Day we will remember.

AGRICULTURE

Madam President, in this time, it is interesting to note that, with all that is going on, America is still eating, and America is still moving because there are essential workers who are still serving. They are healthcare workers. They are grocery store workers. They are truckers. They are folks at convenience stores, gas stations, sanitation workers, and in power generation. They are farmers and ranchers. They are the refineries. Yes, they are even in government—public safety and law enforcement.

While the news every day covers folks who are at home waiting to return to work, at times we forget the people who are working twice as hard right now to be able to make sure that is even possible. And we are grateful for what they are doing. We are grateful for the sacrifices of their families and of the hours they are putting in.

But I want to highlight a couple of different groups that are unique in this mix—some of the folks who are really and truly behind the scenes and whom we really don't see a lot, but we see the end result of their products.

Let me start with farmers and ranchers. They are folks who are on the farm and the ranch, and they are taking care of our food because, as we know well, food does not grow in a grocery store. It actually has to happen somewhere by folks putting in the workout in the Sun and getting the chance to be able to bring that crop in.

We are watching it happen across my State and across the country right now. In Oklahoma, wheat is coming in, and it looks beautiful. It is green still, but in the days ahead, as it comes in, it will be very important to us. But it will be interesting to see this crop, if it