

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

BIDEN ADMINISTRATION

Mr. THUNE. Mr. President, last week, Congress successfully passed legislation, the Fiscal Responsibility Act, to raise the debt ceiling and avert a default. I am pleased that the final legislation paired an increase in the debt ceiling with real spending reforms, but I don't need to tell anyone that things came down to the wire.

President Biden wasted months refusing to negotiate on a debt ceiling deal before finally yielding to the political realities of divided government and coming to the negotiating table. And while we got about as good of an agreement as we could have hoped for in this situation—again, including meaningful spending reforms the Democrats initially rejected—things didn't need to come to this crisis point. Had President Biden come to the negotiating table sooner, we might not have been passing the Fiscal Responsibility Act just days before our Nation would have defaulted.

This isn't the first crisis of inaction in this Presidency. President Biden has made a habit of ignoring or failing to meet crisis situations, with predictably problematic results. The border crisis is one notable example. It took 2 years of recordbreaking numbers of illegal crossings at our southern border before the President made any real move to even begin to address the crisis—2 years—2 years in which he mostly pretended the border crisis didn't even exist.

The President didn't want there to be a border crisis, presumably because he knew it would serve as an indictment of his open border policies. So he simply ignored the reality.

Unfortunately, Border Patrol agents and our Nation's overwhelmed border communities didn't have that option. They had to spend 2-plus years now dealing with all the ramifications of unchecked illegal immigration at our southern border.

While it is a good thing that the President has finally made some moves to address the crisis, his inaction has taken a terrible toll on Border Patrol agents and our border communities and on migrants themselves.

We have seen a similar situation with inflation. Even as it became clear the Democrats' so-called American Rescue Plan had helped set off a serious inflation crisis, the President and his administration dismissed the problem. And they didn't just dismiss the problem; they doubled down on the strategy that got our country into this mess in the first place.

While the President was eventually forced to, at least halfheartedly, acknowledge our inflation crisis, he still can't bring himself to acknowledge what caused it, and that is the Democrats' big spending priorities. And he has continued to pursue new government spending, from his nearly tril-

lion-dollar student loan giveaway to a budget that, in a few short years, would have us spending \$10 trillion annually.

Perhaps the most devastating example of the President's failure to recognize and act on the realities of the situation came with his disastrous withdrawal from Afghanistan. Even as it was becoming appallingly clear that Afghanistan was headed for takeover by the Taliban, the President delayed or simply failed to take the necessary steps to withdraw American citizens and the Afghan allies who aided us. The result was a chaotic evacuation that saw the deaths of 13 U.S. servicemembers and scores—literally scores—of Afghan civilians and left both U.S. citizens and thousands of our Afghan allies behind as the Taliban took over the country.

It is fortunate that the months President Biden spent refusing to acknowledge the need to negotiate on a debt ceiling agreement did not result in serious consequences for our country. Things were not looking good for a while, but the President ultimately recognized that divided government requires negotiation and compromise.

But a lot of his other leadership failures have had serious and permanent consequences. The President's failure to acknowledge and address the reality of the border crisis has allowed hundreds of thousands of individuals to evade law enforcement and enter our country illegally, left border communities and American cities struggling to provide for the mass influx of migrants, and, undoubtedly, facilitated the flow of cross-border criminal activity like fentanyl trafficking.

As I said, the President's failure to recognize and acknowledge the reality of the situation in Afghanistan, including by ignoring the State Department dissent cable, resulted in the deaths of American servicemembers and Afghan civilians.

Meanwhile, the President's persistent failure to fully recognize the realities of inflation and its roots and Democrats' reckless spending continues to leave our economy and American families vulnerable to more of Democrats' big spending policies.

There are around 18 months left in the President's current term and a lot of challenges for our Nation to address. I hope that the debt ceiling negotiations mark the start of a new era, one in which the President spends more time dealing with things as they are and less time pursuing an agenda divorced from the reality of the economic and security challenges that our Nation faces, because our country and the American people cannot afford a repeat of the first 2 years of this President's administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

SENSIBLE CLASSIFICATION ACT

Mr. CORNYN. Mr. President, when it comes to safeguarding the American

people, the United States has multiple layers of defenses.

We have, of course, the world's most powerful military, whose ranks are filled with courageous and dedicated servicemembers. Our military is equipped with cutting-edge technology, whether it has to do with weapons systems, aircraft, ships, submarines—all the tools necessary to defend our country and our country's freedoms.

But an important part of our defenses is our intelligence community, the 17 Agencies that make up what is known colloquially as the intelligence community. It is the intelligence community that collects and analyzes information from around the world to make sure that we can always remain at least one step ahead of our adversaries.

This information gathering is an invaluable part of our national defense, and that critical national security information is, of course, carefully safeguarded under what is known as the classification system—secrets. Classification gives us an invaluable edge when it comes to the ability to plan and prepare for threats over the horizon. It strengthens our relationship with our allies around the world, with whom we share much of this information, and it prevents consequential information from falling into the wrong hands.

It also protects—and these are the keys to the kingdom, when it comes to classified information—the sources and methods. In other words, the way that our intelligence community collects information and the people from whom that information is acquired are among the most important secrets maintained by the government, because, many times, if that were revealed, either our adversaries would be able to cut off that access to information or, frankly, maybe even go so far as to kill the sources of that information in the case of human intelligence. So protecting sources and methods is absolutely critical.

Closely guarded intelligence information is vital to our national security, but there is a very fine line between strategic classification and excessive secrecy. If too much information is withheld from the public, it can sow distrust. People let their minds run away with them. They wonder what is going on—conspiracy theories and the like. But, more fundamentally, the American people will question what their government is actually doing and how it is using the vast powers that they have delegated to the government.

Consent of the governed has always been the foundation of our democratic system of government and the legitimacy of government action, and, of course, the people cannot consent to something that is withheld from them. So there is a very fragile balance here from what is necessarily kept classified and secret and the information that should be made public, because without

transparency, there is no political accountability. Without accountability, there is no confidence that the government is actually acting in the best interest of the people.

I have long been an advocate for reforms to the Freedom of Information Act—in other words, the public's right to know. Former Senator Pat Leahy was chairman of the Senate Committee on the Judiciary. He and I were sort of the odd couple when it came to "freedom of information" reforms. Senator Leahy was one of the more liberal Members of the U.S. Senate, and I am one of the more conservative Members of the Senate. But we found common cause when it came to the public's right to know because it is too easy for bureaucrats to hide behind a classification system that results in overclassification. And when that bureaucrat can hide or bury that information using an overly broad classification system, there can be no accountability and, thus, the public's confidence in the people who actually are governing is compromised.

So we need to figure out how to make sure our classification system is rightsized so that it covers the things that it must cover in the interest of our national security. Then we need to figure out what represents overreach or overclassification, which undermines the public's right to know and the political accountability that should come with it, which is a fundamental basis for our form of government.

America's classification system has been ripe for reform for many years. Daniel Patrick Moynihan chaired a committee that made recommendations, but unfortunately those recommendations made many years ago were put on a bookshelf somewhere and basically ignored. But the problems have not gone away, and we have seen in recent days the focus come back to how classified documents are handled and what exactly represents our Nation's secrets, what should be protected and what should not because it is really not important to our national security.

Earlier this year, a trove of highly sensitive military documents began appearing online. These documents included classified assessments of the war in Ukraine, including tactical information about the expected offensive. They detailed conversations between world leaders and intelligence on adversaries and allies alike. These documents didn't just reveal intelligence itself but also the methods by which the United States collected intelligence. This information, of course, was supposed to be kept confidential because it was intended for high-level military and intelligence leaders and policymakers—not a global audience.

Based on the nature of the leaked documents, there was widespread speculation that the source was a high-level military or intelligence professional, but we now know that was not the case. The source of the leak has

been identified as a 21-year-old member of the Massachusetts Air National Guard. He was an airman first class in the 102nd Intelligence Wing, where he worked as an information technology specialist.

So the first question that arose when the leaker was identified was, How in the world did this relatively low-ranking 21-year-old information technology specialist have access to some of our Nation's most guarded secrets? How was he able to view, transcribe, photograph, and remove these documents from a secure setting?

If this young man, who had a history of violent and racist remarks, was granted access to our top-secret national security information, is that some indication that maybe too many others have been granted access to this information and that maybe too many individuals have security clearances authorizing them to view this information?

Well, at last count, there were about 4.2 million Americans in this country—4.2 million Americans—who have security clearances. That number strikes me as incredibly large and I think is some evidence that too many people have been getting too many security clearances because too much information is classified when it shouldn't be, when it doesn't need to be. Those 4.2 million people with security clearances include more than 1.2 million with access to top-secret information.

The issue isn't just that too many people have access to classified information but also that too much information is classified. As members of the Senate Intelligence Committee, my colleagues and I regularly receive classified briefings and review documents that are highly confidential. There have been many times when I left one of these briefings thinking, this is something that any reasonably informed person already knows. All they need to do is read the major newspapers or watch television—television news in particular.

Many times, we are presented with information which is deemed "classified" in a secure setting which is, frankly, common knowledge. That is another indication that our classification system is working in overdrive and needs to be rightsized.

We are presented with information briefed as "classified" which could be just as easily learned by watching the news or reading a newspaper, as I said. Still, these documents are classified at the same level as sensitive military documents and intelligence analysis have been classified.

Honestly, I think one reason why we see not only President Trump but President Biden and Vice President Pence concerned about access to classified information outside of a secure setting is because many people who have access to classified information recognize that we have an overclassification problem, and so they let down their guard and they say: Well, this is

information that is not particularly secret because a reasonably informed person would already know it or have access to it.

So I submit we have an overclassification problem, plain and simple, and we are not doing nearly enough to declassify information for the public or our allies and make it available to the American people.

There are many circumstances in which declassification safeguards our national security. We can't just be an absolutist about this. We need to be careful. One great example is the way we declassified and shared information with our allies in the runup to Russia's invasion of Ukraine. That gave Ukraine enough battlefield awareness to push back against the initial attack and save countless lives. It also unified the Western response, leading to quick condemnation of Russia's attack and resources for the Ukrainian forces.

Declassification is an important way to share valuable intelligence with our friends and allies around the world when we can, and it promotes cooperation, which is key to combating the threats we face today like the Ukrainians are facing with the Russian invasion, but it is also a crucial way to show the American people what their government is doing on their behalf—declassification, that is.

Our ability to govern ourselves depends on public access to information. As I said earlier, you can't consent to something you don't know anything about, and consent of the government is the foundation of our system.

The American people have a right to know what their government is doing. Declassification builds trust and transparency. It inspires confidence in the incredible work our intelligence professionals are doing, and it equips scholars with the information to conduct academic research that informs decision making by looking back on our history and learning from those lessons of history.

As all of our colleagues know, there is a very delicate balance between transparency and secrecy, but it is time that we tune-up the system. We need to examine and refine the processes that govern the classification and declassification of sensitive information and make some long-overdue reforms.

Last month, the chairman of the Senate Intelligence Committee, Senator WARNER, and I introduced a bill we called the Sensible Classification Act, which includes critical reforms to modernize America's classification system. This legislation would increase accountability and oversight. It would require training to promote sensible classification and also promote efficient declassification. It would direct Federal Agencies to justify security clearance requirements, so only those individuals who need access, given the nature of their jobs, are given access to classified information.

This legislation has already garnered broad bipartisan support and a long list

of cosponsors, including Senators MORAN, WYDEN, COLLINS, KING, ROUNDS, HEINRICH, LANKFORD, and CASEY.

As the Senate Intelligence Committee prepares the Intelligence Authorization Act, I have offered this legislation as an amendment to that bill, which hopefully will be included as part of the National Defense Authorization Act. When the committee votes to advance this bill in the coming weeks, I hope this legislation will be included.

This is an example of broad bipartisan cooperation and the result of many conversations we have had with leading intelligence and national security experts in the United States.

I am confident that this legislation will both protect the integrity of America's classification system and help restore needed trust and confidence in the government.

Recent headlines have shone a light on the flaws in our classification system. It is overwhelmed and in need of reform, and that is exactly what the Sensible Classification Act aims to fix.

I look forward to working with all of our Senate colleagues as we fight to restore transparency and accountability and preserve our ability to classify the most sensitive national security secrets as part of our layered national defense. We can and should and must do both.

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.

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

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

The Senator from Iowa.

Ms. ERNST. Mr. President, I ask unanimous consent to speak for up to 6 minutes.

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

NOMINATION OF DILAWAR SYED

Ms. ERNST. Mr. President, I rise today as the ranking member of the Senate's Small Business Committee in opposition to the President's nomination for Mr. Dilawar Syed to serve as the Deputy Administrator of the U.S. Small Business Administration.

The Deputy Administrator is often referred to as the COO of the SBA, with the critical job of overseeing the day-to-day operations of the Agency. From addressing fraud and recouping funds to improving the Agency's responsiveness, to ensuring small businesses are not drowning in unnecessary redtape, there is a lot of work that needs to be done to improve the SBA's most basic functions. Unfortunately, following Mr. Syed's appearance before the Small Business Committee, I do not believe he is the right person for the job.

This nomination was delayed last Congress due to the nominee's failure

to voluntarily disclose his company's PPP and EIDL loans from the SBA.

As the nominee to help lead the Agency responsible for small business pandemic relief funding, I believe Mr. Syed should have been forthcoming in disclosing his interest in an SBA program. Unfortunately, there were false statements and errors in the applications and disclosures signed by Mr. Syed on behalf of his company, which further delayed the committee's consideration of his nomination. The lack of transparency and the resistance in providing requested information to the committee do not inspire confidence that he will be transparent and forthcoming with Congress about the SBA's programs and ongoing challenges.

Based on the track record of this nominee, it is not clear he would reverse the SBA's failure to give committee members details on key policy matters squarely in the committee's jurisdiction. The Agency's continued lack of responsiveness under the Biden administration is a key part of why I stand before you in opposition of this nominee.

I recently questioned Mr. Syed on whether he believes that overregulation stifles innovation and entrepreneurship. He could not give me a direct answer. This is unacceptable to Iowa's entrepreneurs, who are struggling in Biden's economy and drowning in ever-changing regulations. As I am crisscrossing Iowa, small businesses continuously list Washington redtape and regulation as a top issue keeping them from growing and, in too many cases, simply surviving.

I am not convinced Mr. Syed is ready and willing to change the SBA's culture and bring much-needed accountability to the Agency. It is estimated by the investigative community that there is more than \$100 billion in suspected fraud in PPP and EIDL. Addressing this abuse by holding individuals accountable and recovering taxpayer dollars provided to ineligible businesses must be a top priority for this Agency. I have received commitments from Mr. Syed that he would make every effort on fraud recovery and prevention. He also informed me that he believed SBA Administrator Guzman is prioritizing fraud prevention.

But the reality is that the SBA decided not to pursue borrowers with unpaid loans less than \$100,000, giving them a free pass.

Should Syed be confirmed, I will hold him accountable to his commitment and ensure that the Agency is taking a larger role in administrative recoveries. Further, should Mr. Syed be confirmed today, I urge him to do all he can to protect the integrity of the 7(a) loan program at all costs.

Recently, the SBA finalized two lending rules that, if not addressed, would pose serious risks to the long-term health of SBA's lending programs, create predatory underwriting standards, and enable the same fintech companies

that were responsible for fueling rampant PPP fraud to participate in this critical program. This, too, is unacceptable.

I joined Chairman CARDIN, House Small Business Chairman ROGER WILLIAMS, and Ranking Member VELÁZQUEZ in asking the SBA to pause on implementation of these proposed rules until a permanent leader was in place for the Office of Capital Access. The Administrator didn't even have the courtesy to respond to our letter before plowing ahead and opening up the application period for new fintech firms.

Based on our experience with Mr. Syed over the past 2½ years while his nomination has been under consideration, he has resisted full transparency at every turn. Unfortunately, all evidence suggests that he will just be more of the same ongoing problem as part of the leadership team at the SBA.

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. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. SCHUMER. I ask unanimous consent that the cloture motion with respect to the Ho nomination be withdrawn and the cloture vote on the Syed nomination occur at 2:30 p.m. today; further, that the Senate recess following the confirmation vote on the Crane nomination until 2:15 to allow for the weekly caucus meetings.

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

Mr. SCHUMER. I yield the floor.

VOTE ON CRANE NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Crane nomination?

Mr. SCHATZ. Mr. President, 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. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY), is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 148 Ex.]

YEAS—56

Baldwin	Duckworth	King
Bennet	Durbin	Klobuchar
Blumenthal	Feinstein	Lujan
Booker	Fetterman	Manchin
Brown	Gillibrand	Markey
Cantwell	Graham	Menendez
Cardin	Hassan	Merkley
Carper	Heinrich	Murkowski
Casey	Hickenlooper	Murphy
Cassidy	Hirono	Ossoff
Collins	Hoeven	Padilla
Coons	Kaine	Peters
Cortez Masto	Kelly	Reed