

was the news just 2 weeks ago. They were moving forward with the clinical trial medication, and they had to stop the trial because they weren't getting satisfactory results—or when we learn that another person we know was diagnosed with the disease or when a cure really does seem so far away.

Hearing the passion in Dr. Bernard's voice for the work she has dedicated her life to and seeing the excitement and hope in the eyes of the students who listened to her, the young researchers, well, that was proof to me that we are making progress and an illustration of the will and determination that exists to continue making process.

I share that will and determination, and I will continue to work for the day when a patient and their families can more easily receive an early assessment and diagnosis, for the day when, following such a diagnosis, they routinely receive an individual care plan to help guide them, for the day when Alzheimer's patients of all ages are able to access the Older Americans Act support services but best yet, of course, the day when we can celebrate the first person cured of Alzheimer's disease.

I think this is a mission for me in loving memory of both of my parents who fought hard through the diagnosis, but in the end, for those of you who have been exposed to this through your own families, it is a losing battle, a sad battle, a tough battle, and an emotionally and financially draining battle.

I look forward to working with my colleagues to make all of this and so much more a reality of those living with Alzheimer's and those who care and love them.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### MUELLER REPORT

Mr. CARDIN. Thank you, Mr. President. I rise today to discuss Special Counsel Robert Mueller's recent report, which is titled "The Report on the Investigation into Russia's Interference in the 2016 Presidential Election."

The Mueller investigation was authorized to ensure a full and thorough investigation of the Russian Government's efforts to interfere in the 2016 Presidential election, as well as any links and/or coordination between the Russian Government and individuals associated with the campaign of Donald Trump.

Deputy Attorney General Rod Rosenstein said, when appointing the special counsel:

[T]he public interest requires me to place this investigation under the authority of a person who exercises a degree of independence from the normal chain of command. . . . I am confident that [Special Counsel Mueller] will follow the facts, apply the law, and reach a just result.

I encourage all Americans to read the redacted version of the Mueller report and draw their own conclusions. The report lays out in stark detail Russia's

attack on our country before and during our 2016 elections.

The special counsel rightly concluded that the Russian Government interfered in the 2016 Presidential election in a sweeping and systematic fashion.

In January 2018, I issued a report on behalf of the Democrats on the Senate Foreign Relations Committee titled "Putin's Asymmetric Assault on Democracy in Russia, and Europe: Its Implications on U.S. National Security." That report outlines some of the same tactics used by Russia and Europe that the Mueller report identifies were used in our 2016 elections. Mr. Putin has waged war against democracy.

The Mueller report concluded that Russia interfered in the 2016 Presidential election principally through two operations. First, a Russian entity carried out a social media campaign that favored Presidential candidate Donald J. Trump and disparaged Presidential candidate Hillary Clinton; second, a Russian intelligence service conducted computer intrusion operations against entities, employees, and volunteers working on the Clinton campaign and then released stolen documents.

The investigation also identified numerous links between the Russian Government and the Trump campaign. When discussing the Mueller report, Deputy Attorney General Rod Rosenstein recently said: "There was overwhelming evidence that Russian operatives hacked American computers and defrauded American citizens, and that is only the tip of the iceberg of a comprehensive Russian strategy to influence elections, promote social discord, and undermine America, just like they do in many other countries."

The Director of National Intelligence testified before the Senate in January that "even as Russia faces a weakening economy, the Kremlin is stepping up its campaign to divide Western political and security institutions and undermine the post-WWII international order. We expect Russia will continue to wage its information war against democracies and to use social media to attempt to divide our societies." We expect that Russia will continue to wage its information war against democracies and to use social media to attempt to divide our societies.

The special counsel fulfilled his mandate to fully investigate both criminal acts surrounding the 2016 elections, as well as efforts to obstruct this critical investigation. Let me be clear that President Trump has consistently taken steps to deny Russia's involvement in tampering in our elections, resisted efforts to hold Russia accountable, besmirched the reputation of the special counsel while trying to dismiss him or willfully impeding his investigation, and repeatedly attacked the integrity of our intelligence and law enforcement Agencies. Despite the President's egregious behavior, the special counsel's work has resulted in dozens of indictments and numerous convictions and guilty pleas.

Several legal cases and investigations are still ongoing. Let me remind my colleagues that while the special counsel has delivered its final report, there are several ongoing Federal investigations and criminal trials, including those publicly known in the Southern District of New York and in Washington, DC.

Congress must now fulfill its oversight obligations under the Constitution. In order to prevent future attacks on our country and stem abuses of power, we must review a complete copy of the report as soon as possible and hear direct testimony from Special Counsel Mueller.

The Mueller report laid out numerous disturbing episodes where behavior by President Trump may have constituted obstruction of justice. The report stated:

"If we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice, we would so state. Based on the facts and the applicable legal standards, however, we are unable to reach that judgment. The evidence we obtained about the President's actions and intent presents difficult issues that prevent us from conclusively determining that no criminal conduct occurred."

Indeed, the report stated that "the President's efforts to influence the investigation were mostly unsuccessful, but that is largely because the persons who surrounded the President declined to carry out orders or accede to his requests."

Congress should therefore closely examine the President's behavior, keeping in mind the President's obligations to fully execute the laws and preserve, protect, and defend the Constitution. Members of Congress took an oath as well to support the Constitution before taking office. The American public now deserves to hear directly from Special Counsel Robert Mueller through the relevant House and Senate committees.

Congress still has the ability to make a judgment on the obstruction of justice. Congress must now fulfill its oversight function under the Constitution and do all we can to prevent future attacks on our country and to stem abuses of power and corruption.

Congress has an obligation to understand the report fully and respond in such a way to prevent such attacks from happening in the future. This should involve prompt and thorough hearings in both the House and Senate.

Here are some areas where the Senate should consider legislative action.

First, if an American is approached by a foreign entity about involvement in an American election, that American should have certain responsibilities to immediately notify appropriate law enforcement agencies. I think many of us thought that was probably already the law.

Second, legislation should be considered to protect our elections from foreign interference by imposing appropriate responsibility on social media platforms and amending our election

laws in regard to attribution on advertisements, including through social media.

Third, the Senate should consider additional sanctions on Russia for its documented attacks against our 2016 elections.

Congress must continue to take the lead in defending U.S. national security against continuing Russian aggression against democratic institutions at home and abroad.

Earlier this year, I joined other Senators in introducing the Defending American Security from Kremlin Aggression Act of 2019. This comprehensive legislation seeks to increase economic, political, and diplomatic pressure on the Russian Federation in response to Russia's interference in democratic processes abroad, malign influence in Syria, and aggression against Ukraine.

I am pleased to work with my colleagues on a comprehensive, bipartisan effort to counter Russia's pervasive attacks on our electoral systems and cyber infrastructure. I introduced the Election Systems Integrity Act to better America's election systems so that we are aware when a foreign national or interest seeks to obtain ownership or control of election service providers or related infrastructure.

The American people have every reason to be disappointed and alarmed at the lack of preparedness to defend this Nation. News reports just last week suggested that former Homeland Security Secretary Nielsen unsuccessfully tried to elevate the U.S. Government response to the cyber security threat to the 2020 elections, apparently because President Trump was not interested in the issue and did not want to call into further question the legitimacy of his 2016 election victory, with Russian assistance.

Recently, Jared Kushner inconceivably tried to argue that Russia's interference amounted to "a couple of Facebook ads" and that congressional and special counsel investigations were "more harmful" to the United States than the actual Russian interference.

Congress needs to look very carefully and independently at the 10 episodes that could constitute obstruction of justice by Trump, where Attorney General Barr "disagreed with some of the Special Counsel's legal theories, and felt some of the episodes examined did not amount to obstruction as a matter of law."

Remember that President Trump tried to label Special Counsel Muller's probe as a witch hunt, but Special Counsel Mueller, a well-respected former FBI Director under both Presidents Bush and Obama, who was unanimously confirmed by the Senate for the position on two separate occasions, kept his head down and did his work without fear or favor.

The special counsel's investigation has resulted in, so far, 199 criminal counts, 37 people and entities that have been indicted/charged as a result of the

investigation, 7 guilty pleas, 1 trial conviction, and 5 people sentenced to prison.

The report is clear that the Trump campaign knew it would benefit from Russia's illegal activities. "Several individuals affiliated with the Trump Campaign lied to the Office, and to Congress, about their interactions with Russian-affiliated individuals." Mueller's report states that some corroborating electronic communications were deleted.

One editorial in the Washington Post asked the question: How could there be obstruction of justice even if there was little evidence to support the underlying suspicion of Trump campaign coordination with Russia?

First, Mr. Mueller argued:

"Obstruction of justice can be motivated by a desire to protect non-criminal personal interests, to protect against investigations where underlying criminal liability falls into a gray area, or to avoid personal embarrassment. The injury to the integrity of the justice system is the same regardless of whether a person committed an underlying wrong."

More specifically, "the President had a motive to put the FBI's Russia investigation behind him," Mr. Mueller wrote. "A thorough FBI investigation would uncover facts about the campaign and the President personally that the President could have understood to be crimes or that would give rise to personal and political concerns."

I am quoting directly from the Mueller report.

For the record, the President did not fully cooperate with Special Counsel Mueller's investigation. The President refused to sit for an interview. He has taken every opportunity to say that this whole process was a witch hunt. He has done all he can to undermine the authority of the special counsel, its investigators, its purpose and, therefore, its results.

As Special Counsel Mueller noted in his final report:

Beginning in December 2017, the [Special Counsel] sought for more than a year to interview the President on topics relevant to both Russian-election interference and obstruction-of-justice . . . we received the President's written responses . . . we informed counsel of the insufficiency of those responses in several respects . . . Recognizing that the President would not be interviewed voluntarily, we considered whether to issue a subpoena for his testimony. We viewed the written answers to be inadequate. But at that point, our investigation had made significant progress and had produced substantial evidence for our report. We thus weighed the costs of potentially lengthy constitutional litigation, with resulting delay in finishing our investigation. . . .

So there is no question that the President did not cooperate as Mr. Mueller had requested.

Special Counsel Mueller noted that he declined to "make a traditional prosecutorial judgment" due to its acceptance of the Justice Department's Office of Legal Counsel, or OLC, opinion prohibiting the indictment of a sit-

ting President. The special counsel stated that while the OLC opinion holds that a sitting President may not be prosecuted, the OLC opinion "recognizes that a criminal investigation during the President's term is permissible. The OLC opinion also recognizes that a President does not have immunity after he leaves office. . . . Given those considerations, the facts known to us, and the strong public interest in safeguarding the integrity of the criminal justice system, we conducted a thorough factual investigation in order to preserve the evidence when memories were fresh and documents materials were made available."

That is ending a quote by the special counsel. Mr. Mueller's report is a clear directive to Congress to move forward with its own proceedings.

The criminal process at issue here for a sitting President is completely separate and independent of both the congressional oversight power and the congressional impeachment power for high crimes and misdemeanors. Even if the House decides to begin impeachment proceedings against the President—and it has the sole power to do so—and even if the Senate were to convict the President—it has the sole power to do so—the Constitution provides that "the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law."

The report emphasizes the President's constitutional obligation to faithfully execute the laws under article II, section 3 of the Constitution, and notes that "the proper supervision of criminal law does not demand freedom for the President to act with a corrupt intention of shielding himself from criminal punishment, avoiding financial liability, or preventing personal embarrassment."

Congress should take action and convene oversight hearings on the Mueller report and the underlying evidence. The report states:

Our investigation found multiple acts by the President that were capable of exerting undue influence over law enforcement investigations, including the Russian-interference and obstruction investigations. The incidents were often carried out through one-on-one meetings in which the President sought to use his official power outside of usual channels.

These actions ranged from efforts to remove the Special Counsel and to reverse the effect of the Attorney General's recusal; to the attempted use of official power to limit the scope of the investigation; to direct and indirect contacts with witnesses with the potential to influence their testimony. Viewing the acts collectively can help illuminate their significance.

That is again quoting from the Mueller report.

These are disturbing and troubling actions by the President. Congress needs to get to the bottom of what happened and lay bare the facts for all Americans to see.

The report continues:

The President's efforts to influence the investigation were mostly unsuccessful, but

that is largely because the persons who surrounded the President declined to carry out orders or accede to his requests. Comey did not end the investigation of Flynn, which ultimately resulted in Flynn's prosecution and conviction for lying to the FBI. McGahn did not tell Acting Attorney General Rod Rosenstein that the Special Counsel must be removed, but was instead prepared to resign over the President's order. Lewandowski and Dearborn did not deliver the President's message to Attorney General Sessions that he should confine the Russia investigation to future election meddling only. And McGahn refused to recede from his recollection about events surrounding the President's direction to have the Special Counsel removed, despite the President's multiple demands that he do so.

That is again quoting from the Mueller report.

The American people can take little comfort in the fact that the episodes of potential obstruction of justice would have been much worse had the President's staff actually followed through on his orders. The misconduct here emanates from the President himself.

The report notes the marked change in the President's behavior—after the firing of FBI Director Comey—once the President realized that “investigators were conducting an obstruction-of-justice inquiry into his own conduct . . . The President launched public attacks on the investigation and individuals involved in it who could possess evidence adverse to the President, while in private, the President engaged in a series of targeted efforts to control the investigation.

For instance, the President attempted to remove the special counsel. He sought to have Attorney General Sessions unrecuse himself and limit the investigation. He sought to prevent public disclosure of information about the June 9, 2016, meeting between Russians and campaign officials. And he used public forms to attack potential witnesses who might offer adverse information and to praise witnesses who declined to cooperate with the government.

The report continues:

The conclusion that Congress may apply the obstruction laws to the President's corrupt exercise of the powers of office accords with our constitutional system of checks and balances and the principle that no person is above the law. . . . In sum, contrary to the position taken by the President's counsel, we concluded that, in light of the Supreme Court precedent governing separation-of-power issues, we have a valid basis for investigating the conduct at issue in this report. In our view, the application of the obstruction statutes would not impermissibly burden the President's Article II function to supervise prosecutorial conduct or to remove inferior law enforcement officers.

The report concludes:

The protection of the criminal justice system from corrupt acts by any person—including the President—accords with the fundamental principle of our government that “no person in this country is so high that he is above the law.”

They cited *U.S. v. Lee*, *Clinton v. Jones*, and *U.S. v. Nixon*.

Congress, through its oversight powers and constitutional responsibilities,

should closely examine, investigate, and take testimony on the following episodes and events relating to potential obstruction of justice by President Trump.

The special counsel examined these episodes in great detail and found supportive documentary and testimonial evidence that raised significant concerns about potential wrongdoing in a number of cases, including the Trump campaign's response to reports about Russia's support for Trump; conduct involving FBI Director Comey and National Security Advisor Michael Flynn; the President's reaction to the continuing Russia investigation; the President's termination of Comey and efforts to have Rosenstein take responsibility; the appointment of special counsel and efforts to remove him; efforts to curtail the special counsel's investigation; efforts to prevent public disclosure of evidence or affect witness cooperation or testimony; further efforts to have Attorney General Sessions take control of the investigation, after recusal; efforts to have White House Counsel Don McGahn deny that the President had ordered him to have the special counsel removed; conduct towards Flynn and Manafort; and conduct involving Michael Cohen. That is quite a long list.

Congress should now rise to its constitutional responsibility and conduct vigorous oversight based on the roadmap provided by the Mueller report, both as to Russia's interference in the 2016 Presidential election and efforts to obstruct justice during the Mueller investigation.

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.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

### HIGHER EDUCATION ACT

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my opening statement at the Senate Health Education, Labor, and Pensions Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REAUTHORIZING HEA: ADDRESSING CAMPUS SEXUAL ASSAULT AND ENSURING STUDENT SAFETY AND RIGHTS

Mr. ALEXANDER. The Senate Committee on Health, Education, Labor and Pensions

will please come to order. Senator Murray and I will each have an opening statement, and then we will introduce the witnesses. After the witnesses' testimony, senators will each have 5 minutes of questions.

Today's hearing will focus on how colleges and universities should respond to accusations of sexual assault. This is an important and difficult topic. For that reason, I am glad that Senator Murray and I have been able to agree to a bipartisan hearing and to agree on the witnesses.

On these issues, I have the perspective of a father of daughters and sons, of a grandfather, a lawyer, a governor, and also a former Chairman of the Board and president of a large public university. As a university administrator, my first priority always was the safety of students. My goal was to quickly and compassionately respond to victims of alleged assaults, offering counseling and other support, including assisting the victim if he or she wished to report the assault to law enforcement. And my goal also was to protect the rights of both the accused and the victim to ensure that campus disciplinary processes were fair.

If you are an administrator at one of 6,000 American colleges and universities and you ask your legal counsel what laws the institution must follow when it comes to allegations of sexual assault, your counsel would reply that there are several places to look.

First, you would look to federal statutes. Two federal laws govern allegations of sexual assault. All colleges and universities that receive federal funds, including federal financial aid, must follow them. First, Title IX of the Education Amendments Act of 1972, which states “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity.” In 1999, the Supreme Court ruled in *Davis v. Monroe County Board of Education* that student-on-student sexual harassment is covered by Title IX.

And second, the Clery Act, as amended in 2013 by the Violence Against Women Act, which requires colleges to have “procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking.”

The law mandates “such proceedings shall provide a prompt, fair, and impartial investigation and resolution” and “the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.” That advisor may be a lawyer. The law also requires institutions to state in their procedures “the standard of evidence that will be used during any institutional conduct proceeding,” but it did not say what that standard had to be.

Next your counsel would refer you to regulations based upon these two federal laws. These regulations also have the force of law. First, the relevant regulation under Title IX requires schools to have a disciplinary process which is defined in the regulation as “a grievance procedure providing for [a] prompt and equitable resolution.”

Regulations under the Clery Act define a “prompt, fair, and impartial proceeding.” Under these regulations, the institution “may establish restrictions regarding the extent to which the advisor of choice may participate in the proceedings.” Your counsel will also tell you that sometimes the U.S. Department of Education will send out a letter or guidance to institutions, giving its interpretation of what a law or regulation might mean. Such letters or guidance do not have the force of law; they are only advisory.