

while other States have been left behind. That defies the facts. He also suggested that Puerto Rico should be thankful for the funding they have already received and accused Democrats of selling out other parts of the country. There is a lot to unpack there, so here it goes.

For one, Puerto Rico has not received \$91 billion—not even close. At most, Puerto Rico has received \$11 billion while billions more, already allocated by the Congress—Democrats and Republicans—are being withheld by the Trump administration itself. Just last week, the administration missed a self-imposed deadline to advance the release of \$8 billion in funding to help the island rebuild and prepare for future disasters.

Second, it is galling even by the President's standards to say that Puerto Rico should be thankful for disaster aid. The President hasn't said that Alabama should be thankful for disaster aid. He hasn't said that Texas should be thankful or Florida or the Carolinas. But for some reason, the President implies that aid to Puerto Rico is some kind of favor he is doing. I remind the President that helping parts of our country recover from natural disasters is not a favor; it is what we do as Americans and what we have always done until the President's heavy hand disrupted the legislation that Democrats and Republicans had crafted and were prepared to pass.

When a natural disaster strikes one corner of the country, Americans put politics aside and come together to help each other out. The President, however, is failing our fellow citizens in Puerto Rico and all those rebuilding their lives and communities after disaster.

For those here who say "Well, let's just pass this bill now," the House won't pass this bill. The House will not pass a bill without full aid to Puerto Rico, and neither will this Chamber.

So what are we talking about here? We are talking about a President who came in and for some reason didn't want to give aid to Puerto Rico while giving to everywhere else even though Puerto Rico's disaster probably, per capita, affected them worse than any other State. They are American citizens, I would remind the President. Now he is bolloxying the whole thing up.

Both sides here in Congress—Democrats and Republicans who believe in aid—ought to disavow the President's decision and pass relief for all Americans affected by natural disasters—all Americans. Democrats are ready to support disaster relief for every corner in this country—the west coast, the Midwest, the South, and Puerto Rico. As our negotiators continue to make progress on a disaster package, I fervently hope we come to a resolution very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### MUELLER REPORT

Mr. GRASSLEY. Madam President, the taxpayers spent \$30 million on the special counsel's investigation. Now we know without a single doubt that there was no collusion by the Trump campaign with Russia. For more than 2 years, the Democrats screamed collusion and did so not based on fact but based on rumor, hearsay, and probably wishful thinking. They have done a huge disservice to the American people by taking that approach.

As I have said before, the real collusion was actually with the Democrats. Here is how it has evolved. It was the Clinton campaign and Democratic National Committee that hired Fusion GPS to do opposition research against Candidate Trump. Then Fusion GPS hired Christopher Steele, a former British intelligence officer, to compile what we now hear always referred to as the Steele dossier. That document was very central to the fake collusion narrative, and it reportedly used Russian Government sources for information. So the Democrats paid for a document created by a foreign national that relied on Russian Government sources—not Trump; the Democrats. That is the definition of collusion.

But Democratic collusion didn't stop there. Last week, The Hill newspaper reported that a Democratic National Committee contractor contacted the Ukrainian Government to get dirt on the Trump and Manafort during the Presidential election. Specifically, the Democratic National Committee contractor reportedly "wanted to collect evidence that Trump, his organization and Manafort were Russian assets working to hurt the U.S. and working with Putin against U.S. interests."

The Democrats were up in arms about the Trump Tower meeting when the Trump campaign was approached about dirt on Hillary Clinton. Here, the DNC proactively pounded the door of a foreign government for dirt. Where is the outrage at that? The special counsel ignored all of that in his report; thus, he didn't fulfill all of his responsibilities.

The Deputy Attorney General appointed Mueller in May of 2017 to investigate alleged collusion between the Trump campaign and Russia during the 2016 election. The Deputy Attorney General further ordered that if the special counsel believed it was necessary and appropriate, he was authorized to "prosecute federal crimes arising from the investigation of these matters." But that is not what the special counsel did on the obstruction question. Instead, the special counsel declined to make a traditional prosecutorial decision. The report said that "[t]he evidence that we obtained about the President's actions and intent presents difficult issues that prevent us from conclusively determining that no criminal conduct occurred."

As the Attorney General said when he released the report and then again in his testimony before the Senate Ju-

diciary Committee last week, the role of a prosecutor "is to make a charging decision." It isn't a prosecutor's job to exonerate a subject; it is to charge a crime or, in the alternative, not to charge a crime. But in his report, the special counsel explains his decision not to even make a decision. He says, among other things, that stating the President had committed a chargeable offense without actually charging him, under the Justice Department's guidance, would be unfair to the President because, according to the special counsel, then the President couldn't defend himself properly before a neutral factfinder. Instead, the special counsel laid out 200 or so pages of facts and hand-wringing relating to the obstruction and then dumped all of this material on the Attorney General's desk.

It reminds me of former FBI Director Comey's declaration in the summer of 2016 that Secretary Clinton was extremely careless in handling classified information but that no reasonable prosecutor would bring a case against Secretary Clinton. FBI Director Comey made a prosecutorial decision that wasn't his to make; it was up to the Attorney General to make. That was Attorney General Lynch. Comey also released derogatory information about Secretary Clinton and then refused to show all of his work.

The special counsel's report is at least equally problematic. The report lays out 200 pages of investigative product but leaves the charging decision hanging in Never Never Land. Nevertheless, the report asserts that if the special counsel team could have found the President did not commit obstruction, they would have said so. But, again, that is not what prosecutors do. That is a reversal of the innocent until proven guilty standard that is basic to American justice. If it really were a thorough investigation, it seems the inverse would be true as well. The inverse is that, after a thorough investigation, the special counsel did not have enough evidence to conclusively state obstruction actually occurred.

During the Attorney General's May 1 testimony before the Senate Judiciary Committee, he noted that if the special counsel found facts sufficient to constitute obstruction, he would have stated that finding.

Curiously, the special counsel spilled a lot of ink in his report to explain why he believed the President could be charged as a matter of legal theory. So why didn't he just make that decision or at least make a very clear recommendation to the Attorney General and stand behind his own theories?

The Attorney General and the Deputy Attorney General asked Mueller whether he would have charged obstruction but for the Department's guidance on charging sitting Presidents. The special counsel said no, which means, if warranted, that there was no barrier for him to make that charge.

In the absence of a decision from the special counsel, it was then up to the

Attorney General and the Deputy Attorney General, who appointed Mueller and supervised his work. The Attorney General and the Deputy Attorney General reviewed all of the facts and evidence that the special counsel collected. The Attorney General and the Deputy Attorney General evaluated it under Mueller's own legal theories, even though they disagreed with some of those theories. After all of that, the Attorney General and the Deputy Attorney General determined that the evidence was not sufficient to charge.

Oddly, the special counsel's report is probably the most notable for what it doesn't address at all.

The special counsel's report does not address the genesis of the Russia investigation. It doesn't address whether the FBI used improper surveillance techniques on the Trump campaign or individuals associated with the Trump campaign. It doesn't address the credibility of the FBI's sources.

It doesn't address whether the Steele dossier was a Russian disinformation campaign. Even one of the reporters at the publication that initially dumped the dossier into the public domain wants to know where it came from and what it means. The special counsel's report doesn't address whether Department of Justice officials turned a blind eye to potential misconduct. It also doesn't address whether the Department of Justice misled the Foreign Intelligence Surveillance Court when it applied for that court's decision against the Trump campaign.

So now we know what reasonable people have long suspected—there was no collusion and no obstruction of the collusion investigation. Yet we still don't know how this so-called collusion investigation got started in the first place.

In March 2017, then-FBI Director James Comey testified that he briefed President-elect Trump about these allegations in January 2017 even though, according to his public testimony, Director Comey considered them to be, in his words, "salacious and unverified." If, in fact, they were salacious and unverified in early 2017, then what were they months before that when Comey started the investigation? We know the allegations against Page were unverified when they were used by the FBI and the Justice Department to support a FISA application to spy—yes, spy—on an American citizen, an American citizen who, by the way, has never been charged with anything.

In January of 2018, Senator LINDSEY GRAHAM and this Senator wrote to the Deputy Attorney General and FBI Director Christopher Wray about the allegations in the Steele dossier, about its author, and, more importantly, about its bankrollers. In that memo, we described inconsistencies between what Steele swore to a British court about his contacts with the media and what the Page FISA application represented to the FISA Court about those same contacts. The FISA application

represented that Steele did not communicate with the media about his intelligence reports but that he told the British court he did.

We noted in our memo that if Mr. Steele had lied to the FBI about his media contacts, it would bear on his credibility. That would be a huge problem because the FISA application and its renewals depended on taking Steele at his word. Remember, at that time, the Steele dossier was still "salacious and unverified," and those were Comey's words. So it mattered a whole lot whether the FBI and the Department of Justice could trust Steele and his dossier.

In our referral, Senator GRAHAM and I also noted that Mr. Steele's contacts with the media likely affected, in our words, the "reliability of his information-gathering efforts" in compiling the dossier. By the time the Department of Justice and the FBI filed the FISA application and even before the FBI officially opened the investigation, the Steele dossier was probably the worst kept secret in Washington, DC.

The same can be said for the government's efforts to look for ties between the Trump campaign and Russia. All of these folks—the media, lawyers, lobbyists, campaign organizations, private research firms, FBI officials, the Department of Justice and Department of State officials, and even foreign intelligence agencies—reportedly had access to the dossier information or the dossier itself. An attorney for Clinton and the Democratic National Committee even passed on some aspects of this information directly to the FBI's general counsel before the FISA was issued.

Basically, this piece of paper was, in some form or another, all over this town, and the more the dossier was shopped around, the more vulnerable it became to its manipulation.

We also know that at least as early as the summer of 2016, foreign intelligence agencies were reportedly feeding information to the CIA about Trump campaign associates and that the FBI was using a source to seek information from individuals who were associated with the Trump campaign. At about that time, Fusion GPS had hired Steele on behalf of the Clinton campaign and the Democratic National Committee.

We need to know if leadership in the intelligence community and the FBI were already gathering intelligence on Trump associates when Fusion hired Steele. We need to know whether the Obama administration was looking so hard for connections that it figured the Steele dossier would justify efforts to continue its surveillance activities. Further, we need to know if the Russians knew our government was that hungry for information to the point they packed the dossier with disinformation just to sow chaos. If so, it looks like the Obama administration fell for it hook, line, and sinker, and it certainly seems like some in leadership may have ignored clear warning signs.

Department of Justice official Bruce Ohr spoke with top FBI leadership about Steele's work the day the investigation opened, and after the FBI terminated Steele as a source, Ohr continued to feed Steele's work to the Bureau. At various times, Mr. Ohr made it clear to the FBI that the information from Steele could not be taken at face value because it was based on hearsay. Ohr noted that Steele had an anti-Trump agenda and that the whole operation was bankrolled by Clinton and the Democratic National Committee. Of course, the Clinton campaign wasn't keen on the world's knowing it was footing the bill for the dossier. Its lawyers even lied to the media about this fact for more than a year. That is not my saying it. A New York Times reporter said that.

So by the time the FISA application was filed and every time it was renewed, FBI and Department of Justice leaders were very much aware of the political bias and the purpose of the unverified information that supposedly supported it, so much so that according to reported text messages between former FBI Deputy Director Andrew McCabe and his staff, the FBI worked to create—these are their words—a "robust explanation" for "any possible bias" of the source "in the package" supporting the FISA application. It also seems from these text messages that the FBI was getting pushback from at least one individual at the Justice Department about seeking the FISA.

In the end, the FISA application was presented to the court with there being no mention whatsoever of Clinton, the Democratic National Committee, or any mention of the source's political bias and with only mere speculation by the FBI that its primary source was not peddling his information far and wide. The FISA application was then granted by the court and was renewed three times. Let me say that again. The FISA application was granted and renewed three times.

The FBI surveilled an American citizen for many months based on salacious and unverified information that had been gathered by a former foreign intelligence officer who was desperate to keep the President out of office. He was British Agent Steele. That former intelligence officer used Russian sources, including Russian Government sources, at the behest and with the funding of a rival political party and campaign.

The Democrats and the mainstream media have been screaming at the top of their lungs about salacious, unverified allegations that this President stole an election by working with the Russians, but it is a sobering and verified fact that the Democrats actually paid for dirt from the Russians to damage their political opponents.

So now, after the taxpayers have spent \$30 million to work through this swirling cesspool of allegations, when

the Attorney General says he has concerns about certain aspects of this investigation, I agree with him. I don't know whether laws were broken or protocols were breached or rules were violated, but for decades, I have been doing oversight of the Federal Government, including of the Department of Justice and the FBI, and I think there is certainly enough there to be asking questions.

For example, did the Obama administration improperly use the U.S. intelligence community to attempt to neutralize and denigrate a political opponent? Did the Obama administration fail to properly assert oversight of the Department of Justice and the FBI FISA process?

These questions must be answered.

It is fundamentally American to care not just about what laws the government enforces but also how the government enforces those laws.

If the greatest enemy we see is the person on the other side of the political spectrum, then the foreign powers who seek to divide and weaken our Republic are going to succeed.

Now, I have been trying to get to the bottom of all sides of this issue for years, and I have urged my Democratic colleagues to join me.

I am encouraged that the Attorney General is taking a look, and I am encouraged that the independent Department of Justice inspector general has been looking at these issues as well. I have no idea what they are going to find.

I know Mueller turned a blind eye to what they are investigating, however. The American people need answers—all the answers.

It is not just this administration that has been dragged through the mud with wild collusion and obstruction theories. The American people have had to listen to those falsehoods now for years. Many in the media have been breathlessly flooding the airwaves with speculation and what-ifs about the bogus Trump collusion narrative.

Now that the report is out, some media figures are still struggling to come to terms with Mueller's findings and decisions. It is as if they are unhappy with the results or perhaps they are embarrassed that the world is learning that we have been sold a bunch of snake oil for the past 2 years and now they are finding out that the jig is up.

I hope the mainstream media will pursue the origins of the Russian collusion investigation and do it with the same vigor as they have been pushing the collusion narrative for the last 2 years, and there ought to be some apologies from some of them. This would all go a long way to restoring their damaged credibility.

So I am going to do whatever I can to make sure the people get these answers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the closure vote scheduled for 5:30 p.m. today commence.

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

#### CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Joseph F. Bianco, of New York, to be United States Circuit Judge for the Second Circuit.

Mitch McConnell, Tom Cotton, John Boozman, Mitt Romney, Roy Blunt, Joni Ernst, Mike Braun, Thom Tillis, John Hoeven, Pat Roberts, Johnny Isakson, Mike Rounds, James E. Risch, John Cornyn, Mike Crapo, Roger F. Wicker, John Barrasso.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Joseph F. Bianco, of New York, to be United States Circuit, Judge for the Second Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. MORAN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

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

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

The PRESIDING OFFICER (Mr. BOOZMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 40, as follows:

[Rollcall Vote No. 95 Ex.]

#### YEAS—51

Alexander	Boozman	Cassidy
Barrasso	Braun	Collins
Blackburn	Burr	Cornyn
Blunt	Capito	Cotton

Cramer	Inhofe	Roberts
Crapo	Johnson	Romney
Cruz	Jones	Rounds
Daines	Kennedy	Sasse
Enzi	Lankford	Scott (FL)
Ernst	Lee	Scott (SC)
Fischer	Manchin	Shelby
Gardner	McConnell	Sinema
Graham	McSally	Sullivan
Grassley	Paul	Thune
Hawley	Perdue	Tillis
Hoeven	Portman	Wicker
Hyde-Smith	Risch	Young

#### NAYS—40

Baldwin	Heinrich	Schatz
Bennet	Hirono	Schumer
Blumenthal	Kaine	Shaheen
Brown	King	Smith
Cantwell	Leahy	Stabenow
Cardin	Markey	Tester
Carper	Menendez	Udall
Casey	Merkley	Van Hollen
Coons	Murphy	Warner
Cortez Masto	Murray	Warren
Duckworth	Peters	Whitehouse
Durbin	Reed	Wyden
Feinstein	Rosen	
Hassan	Sanders	

#### NOT VOTING—9

Booker	Isakson	Murkowski
Gillibrand	Klobuchar	Rubio
Harris	Moran	Toomey

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 40.

The motion is agreed to.

The PRESIDING OFFICER. The majority leader.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for 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.

#### REMEMBERING GENIE ZAVAleta

Mr. DURBIN. Mr. President, in 1958, recently married Genie Zavaleta went on assignment with the Migrant Ministry with her husband Hector. They traveled the country to support Mexican migrant workers. Genie was a child of the Great Depression, and she knew when people needed help. What was supposed to be a 1-year stint became a lifetime of helping people in need.

Last month, Genie passed away at the age of 92. She was known as the grandmother of the Dreamers. She was a longtime champion and mentor to undocumented youth in Arizona and a fierce advocate for the Dream Act. Genie also was my ally in defending the Dreamers.

In 1965, Genie and Hector moved to Arizona permanently with their two sons, Dan and David. Arizona was a transforming State, and the influx of migrant workers attracted Genie. She became the first director of education at Planned Parenthood of Phoenix, teaching classes on poverty and across the county. She taught classes at Phoenix College and Arizona State University too. She worked with the