

## MUELLER REPORT

Ms. WARREN. Mr. President, a little while ago, the majority leader stood on this floor to speak about the investigation into the 2016 Presidential election. He triumphantly declared “case closed”—“case closed.” Wishing will not make it so.

I read the Mueller report. I read it cover to cover, every page. I read late into the evening on the day it was released and into the next morning. I didn’t start reading by expecting to make a statement about it, but I was shaken by the evidence that the special counsel had gathered and by the conclusions that he drew.

The majority leader would have us believe that scrutinizing this evidence is a matter of Democrats refusing “to make peace with the American people’s choice.” He wants to portray this as just an “outrage industrial complex” because some people don’t like that President Trump won. Again, wishing will not make it so.

Sure, there is plenty to be outraged about in the special counsel’s report, but no one here is pitching a fit that Democrats didn’t win the election. No, what is at stake here is the Constitution of the United States of America. Will Congress do its job and fulfill its constitutional duty to serve as a check on the President? The answer from the majority leader and his Republican colleagues is no—“case closed.” “Case closed,” they cry.

Instead of reading the words of the special counsel’s report, they just want to circle the wagons around this President. Instead of protecting the Constitution, they want to protect the President. This is a huge difference.

At the core of the Constitution is the principle that no one is above the law, not even the President of the United States. My oath of office is the same as MITCH MCCONNELL’s. I swore and he swore to uphold the Constitution of the United States. Our Constitution is built on the principle of separation of powers precisely to prevent a dictator, an autocrat, from taking control of our government. This separation of powers is part of the brilliance of our Constitution, and it has served us well for centuries.

Yes, I took an oath to uphold the Constitution of the United States, and so did everybody in the Senate and the House, including the majority leader. Now we must act to fulfill that oath. There is no “political inconvenience” exception to the U.S. Constitution. If any other human being in this country had done what is documented in the Mueller report, they would be arrested and put in jail.

The majority leader doesn’t want us to consider the mountain of evidence against the President. That is wrong. He and his colleagues have moved to protect the President instead of defending the Constitution. Maybe my colleagues on the other side of the aisle are confused or maybe they just didn’t read the report. Well, I did, and there

There are more than 100 other export credit agencies worldwide helping foreign companies reach new markets. Without the Export-Import Bank, American companies are forced to sit on the sideline and watch as other countries fill that void. In fact, China has done more export financing in the last 3 years than the Export-Import Bank has done in its 85-year history. What does that mean? It means that if other countries continue to use credit support financing as a tool to help products reach markets and the United States doesn’t, they will have an unfair advantage.

So it is not only time to confirm these nominees to ensure the Export-Import Bank is fully functional, it is also important to make sure we have a functioning Export-Import Bank. With its authorization set to expire in September, we need to reauthorize the Export-Import Bank so it can continue to provide new financing that supports American jobs and American exporters.

For many U.S. companies, the Export-Import Bank guarantees financing in emerging markets where private financing is very difficult or impossible to obtain. These tools have been essential. For example, Spokane-based SCAFCO makes grain storage bins, silos, and other agricultural processing and storage equipment. It sells its product to more than 80 markets around the world. We are very proud of that company and what they have achieved. Financing from the Export-Import Bank helped SCAFCO sell a grain storage system to Cambodia. Cambodia is normally a very tough market for U.S. businesses to reach, but thanks to the Export-Import Bank, SCAFCO was able to make the sale.

The Senate should not be in the business of making it harder for U.S. companies to compete; we should be making it easier for them to compete. We should not be putting American companies at a disadvantage and costing American jobs. It is time to recognize that in order to compete in a 21st-century global economy where there is huge growth and economic opportunity outside of the United States, we have to have a very aggressive export strategy.

I hope my colleagues will not only help us get these nominees finally to support a functioning Export-Import Bank, but they will also work very collaboratively to make sure the Bank does not expire again this September.

S. RES. 144

Mr. President, I would like to turn to another subject. My colleague, Senator UDALL from New Mexico, was out here earlier, I believe—or maybe he is coming later this afternoon—to remember the honoring this past Sunday of the National Day of Awareness for Missing and Murdered Native Women and Girls. This is an important day to recognize because this has become an epidemic in the United States.

Last year, the Seattle Indian Health Board released a report that examined

the number of murdered and missing Native women in urban areas, where 71 percent of Native Indians and Alaska Natives reside. These are urban centers in which they found at least 506 cases of missing or murdered indigenous women and girls in 71 cities. One hundred and twenty-eight were missing, and 280 were murdered.

The report found that Washington State has one of the highest number of cases of murdered and missing Native American women. Two of my State’s largest cities—Seattle and Tacoma—are in the top 10 nationwide of cities with the highest number of cases. Seattle ranks No. 1.

We are experiencing this crisis, and it is time that this report be a wake-up call to action. We can no longer ignore these huge numbers. We need to find answers.

One of the answers is in the legislation sponsored by my colleague, Senator MURKOWSKI from Alaska, Savanna’s Act, which will improve the response of local, State, and Federal-Tribal enforcement in cases of missing and murdered Tribal women and girls. This is so important, and that is why I have joined Senator MURKOWSKI and Senator CORTEZ MASTO as a cosponsor of this legislation and am urging that the Senate pass it immediately.

Right now, hours and days can be wasted in responding to this. Savanna’s Act will streamline the protocols and process between our Tribes and law enforcement agencies, which will mean swifter action and a more rapid pace.

Why am I bringing this up now? I know we also have to reauthorize the Violence Against Women Act, but this legislation has good bipartisan support in the Senate. We can pass this legislation very soon and send it over to the House of Representatives. That way, it will be ready to be put into the hands of our law enforcement, if it passes and goes to the President’s desk for signature—a tool that can be used now, not delayed another 7 or 8 months until we get the reauthorization of the Violence Against Women Act.

I thank my former colleague, Senator Heitkamp, for trying to push this legislation at the end of the last congressional session. I hope my colleagues will realize that the great bipartisan support that existed in the Senate to move this legislation still exists. What is different now is a House of Representatives that is very willing to take up and pass Savanna’s Act, and we should do that as soon as possible.

I thank the Presiding Officer.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. WARREN. 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 Massachusetts.

were some passages that stuck out to me.

Since the majority leader has pronounced his judgment here on the Senate floor, I would like to spend some time reminding him of exactly what this report said. Let's start with this one. Robert Mueller's report makes clear that the President took steps to impede the Mueller investigation and that his report, though it does not charge the President, did not exonerate him from wrongdoing. According to Mueller:

On May 17, 2017, the Acting Attorney General for the Russia investigation appointed a Special Counsel to conduct the investigation and related matters. The President reacted to news that a Special Counsel had been appointed by telling advisors that it was “the end of his presidency” and demanding that Sessions resign. Sessions submitted his resignation, but the President ultimately did not accept it. The President told aides that the Special Counsel had conflicts of interest and suggested that the Special Counsel therefore could not serve. The President's advisors told him the asserted conflicts were meritless and had already been considered by the Department of Justice. On June 14, 2017, the media reported that the Special Counsel's Office was investigating whether the President had obstructed justice. Press reports called this “a major turning point” in the investigation: while Comey had told the President he was not under investigation, following Comey's firing, the President now was under investigation. The President reacted to this news with a series of tweets criticizing the Department of Justice and the Special Counsel's investigation. On June 17, 2017, the President called McGahn [who was White House Counsel] at home and directed him to call the Acting Attorney General and say that the Special Counsel had conflicts of interest and must be removed.

That ends the quote from the Mueller report. According to McGahn, the President was extremely insistent, calling him repeatedly and not taking no for an answer. Here is what McGahn told the special counsel—back to the Mueller report:

On Saturday, June 17, 2017, the President called McGahn and told him to have the Special Counsel removed. McGahn was at home and the President was at Camp David. In interviews with this Office, McGahn recalled that the President called him at home twice and on both occasions directed him to call Rosenstein and say that Mueller had conflicts that precluded him from serving as Special Counsel.

On the first call, McGahn recalled that the President said something like, “You gotta do this. You gotta call Rod.” McGahn said he told the President that he would see what he could do. McGahn was perturbed by the call and did not intend to act on the request. He and other advisors believed the asserted conflicts were “silly” and “not real,” and they had previously communicated that view to the President. McGahn also had made clear to the President that the White House Counsel's Office should not be involved in any effort to press the issue of conflicts. McGahn was concerned about having any role in asking the Acting Attorney General to fire the Special Counsel because he had grown up in the Reagan era and wanted to be more like Judge Robert Bork and not “Saturday Night Massacre Bork.” McGahn considered the President's request to be an inflection point and he wanted to hit the brakes.

That ends the quote from the Mueller report.

Starting again from the Mueller report:

When the President called McGahn a second time to follow up on the order to call the Department of Justice, McGahn recalled the President was more direct, saying something like, “Call Rod, tell Rod that Mueller has conflicts and can't be the Special Counsel.” McGahn recalled the President telling him “Mueller has to go” and “Call me back when you do it.” McGahn understood the President to be saying that the Special Counsel had to be removed by Rosenstein. To end the conversation with the President, McGahn left the President with the impression that McGahn would call Rosenstein. McGahn recalled that he had already said no to the President's request, and he was worn down. So he just wanted to get off the phone.

McGahn recalled feeling trapped because he did not plan to follow the President's directive, but he did not know what he would say next time the President called. McGahn decided he had to resign. He called his personal lawyer, and then he called his chief of staff, Annie Donaldson, to inform her of his decision. He then drove to the office to pack his belongings and submit his resignation letter. Donaldson recalled that McGahn told her the President had called and demanded that he contact the Department of Justice and that the President wanted him to do something that McGahn did not want to do. McGahn told Donaldson that the President had called at least twice and, in one of the calls, asked, “have you done it?” McGahn did not tell Donaldson the specifics of the President's request because he was consciously trying not to involve her in the investigation, but Donaldson inferred that the President's directive was related to the Russia investigation. Donaldson prepared to resign along with McGahn.

That evening, McGahn called both Priebus and Bannon and told them that he intended to resign. McGahn recalled that, after speaking with his attorney and given the nature of the President's request, he decided not to share details of the President's request with other White House staff. Priebus recalled that McGahn said that the President had asked him to “do crazy shit,” but he thought McGahn did not tell him the specifics of the President's request because McGahn was trying to protect Priebus from what he did not need to know.

Priebus and Bannon both urged McGahn not to quit, and McGahn ultimately returned to work that Monday and remained in his position. He had not told the President directly that he planned to resign, and when they next saw each other the President did not ask McGahn whether he had followed through with calling Rosenstein. Around the same time, Chris Christie recalled a telephone call with the President in which the President asked what Christie thought about the President firing the Special Counsel. Christie advised against doing so because there was no substantive basis for the President to fire the Special Counsel, and because the President would lose support from Republicans in Congress if he did so.

That is the end of that part of the Mueller report.

Now, the other President's aides ultimately refused to carry out his orders and prepared to resign rather than do so. The President persisted.

Mueller recounts:

Two days after directing McGahn to have the Special Counsel removed, the President made another attempt to affect the course of the Russia investigation. On June 19, 2017, the President met one-on-one in the Oval Office with his former campaign manager, Corey Lewandowski, a trusted advisor outside the government, and dictated a message for Lewandowski to deliver to Sessions. The message said that Sessions should publicly announce that, notwithstanding his recusal from the Russia investigation, that the investigation was “very unfair” to the President, the President had done nothing wrong, and Sessions planned to meet with the Special Counsel and “let [him] move forward with investigating election meddling for future elections.” Lewandowski said he understood what the President wanted Sessions to do.

One month later, in another private meeting with Lewandowski on July 19, 2017, the President asked about the status of his message for Sessions to limit the Special Counsel's investigation to future election interference. Lewandowski told the President that the message would be delivered soon. Hours after that meeting, the President publicly criticized Sessions in an interview with the New York Times, and then issued a series of tweets making it clear that Sessions's job was in jeopardy. Lewandowski did not want to deliver the President's message personally, so he asked senior White House official Rick Dearborn to deliver it to Sessions. Dearborn was uncomfortable with the task and did not follow through.

That is the conclusion of that part of the report.

Now, President Trump also took steps to “prevent public disclosure of evidence” that was related to the special counsel's investigation.

Back to the Mueller report:

In early 2018, the press reported that the President had directed McGahn to have the special counsel removed in June 2017 and that McGahn had threatened to resign rather than carry out the order. The President reacted to the news stories by directing White House officials to tell McGahn to dispute the story and to create a record stating that he had not been ordered to have the Special Counsel removed. McGahn told those officials that the media reports were accurate in stating that the President had directed McGahn to have the Special Counsel removed. The President then met with McGahn in the Oval Office and again pressured him to deny the reports.

That is the end of that section.

Now, the President also tried to influence witnesses, like Michael Flynn and Paul Manafort, while they cooperated with the special counsel.

Back to the Mueller report:

With regard to Flynn, the President sent private and public messages to Flynn encouraging him to stay strong and conveying that the President still cared about him before he began to cooperate with the government. When Flynn's attorneys withdrew him from a joint defense agreement with the President, signaling that Flynn was potentially cooperating with the government, the President's personal counsel initially reminded Flynn's counsel of the President's warm feelings toward Flynn and said “that still remains.” But when Flynn's counsel reiterated that Flynn could no longer share information under a joint defense agreement, the President's personal counsel stated that the decision would be interpreted as reflecting Flynn's hostility toward the President.

That sequence of events could have had the potential to affect Flynn's decision to cooperate, as well as the extent of that cooperation.

With respect to Manafort, there is evidence that the President's actions had the potential to influence Manafort's decision whether to cooperate with the government. The President and his personal counsel made repeated statements suggesting that a pardon was a possibility for Manafort, while also making it clear that the President did not want Manafort to "flip"—

That is in quotes in the Mueller report—

and cooperate with the government. On June 15, 2018, the day the judge presiding over Manafort's D.C. case was considering whether to revoke his bail, the President said that he "felt badly" for Manafort and stated, "I think a lot of it is very unfair." And when asked about a pardon for Manafort, the President said, "I do want to see people treated fairly. That's what it's all about." Later that day, after Manafort's bail was revoked, the President called it a "tough sentence" that was "Very unfair!" Two days later, the President's personal counsel stated that individuals involved in the Special Counsel's investigation could receive a pardon "if, in fact, the [P]resident and his advisors . . . come to the conclusion that you have been treated unfairly,"—using language that paralleled how the President had already described the treatment of Manafort.

This is Mueller's report.

Those statements, combined with the President's commendation of Manafort for being a "brave man" who "refused to break," suggested that a pardon was a more likely possibility if Manafort continued not to cooperate with the government. And while Manafort eventually pleaded guilty pursuant to a cooperation agreement, he was found to have violated the agreement by lying to investigators.

That concludes that portion of the Mueller report.

Now, Mueller declined to take a position because of the existing Department of Justice Office of Legal Counsel policy that you cannot indict a sitting President. He intended to leave the matter to Congress. He laid the evidence out in the Mueller report, which made clear that the President of the United States obstructed justice.

And don't just take my word for it. Just yesterday, over 600 former Federal prosecutors wrote a letter stating that "the conduct of President Trump described in Special Counsel Robert Mueller's report would, in the case of any other person not covered by the Office of Legal Counsel policy against indicting a sitting President, result in multiple felony charges for obstruction of justice."

So I am going to read their letter because I think it is important, and I want to make sure it is in the RECORD here. Here is the letter from more than 600 former prosecutors.

We are former federal prosecutors. We served under both Republican and Democratic administrations at different levels of the federal system: as line attorneys, supervisors, special prosecutors, United States attorneys, and senior officials at the Department of Justice. The offices in which we served were small, medium, and large; urban, suburban, and rural; and located in all parts of our country.

Each of us believes that the conduct of President Trump described in Special Counsel Robert Mueller's report would, in the case of any other person not covered by the Office of Legal Counsel policy against indicting a sitting President, result in multiple felony charges for obstruction of justice.

I just want to read that again: "would . . . result in multiple felony charges for obstruction of justice."

The Mueller report describes several acts that satisfy all of the elements for an obstruction of justice charge. Conduct that obstructed or intended to obstruct the truth-finding process, as to which the evidence of corrupt intent and connection to pending proceedings is overwhelming. These include:

The President's efforts to fire Mueller and to falsify evidence about that effort;

The President's effort to limit the scope of Mueller's investigation to exclude his conduct; and

The President's efforts to prevent witnesses from cooperating with investigators probing him and his campaign.

This is under the heading in the letter "Attempts to fire Mueller and then create false evidence."

Continuing with the letter:

Despite being advised by then-White House Counsel Don McGahn that he could face legal jeopardy for doing so, Trump directed McGahn on multiple occasions to fire Mueller or to gin up false conflicts of interest as a pretext for getting rid of the Special Counsel. When these acts began to come into public view, Trump made "repeated efforts to have McGahn deny the story"—going so far as to tell McGahn to write a letter "for our files" falsely denying that Trump had directed Mueller's termination.

Firing Mueller would have seriously impeded the investigation of the President and his associates—obstruction in its most literal sense. Directing the creation of false government records in order to prevent or discredit truthful testimony is similarly unlawful. The special counsel's report states: "Substantial evidence indicates that in repeatedly urging McGahn to dispute that he was ordered to have the Special Counsel terminated, the President acted for the purpose of influencing McGahn's account in order to deflect or prevent scrutiny of the President's conduct toward the investigation."

Also within the letter, under the header Attempts to Limit the Mueller Investigation, the report describes multiple efforts by the President to curtail the scope of the special counsel's investigation.

First, the President repeatedly pressured then-Attorney General Jeff Sessions to reverse his legally mandated decision to recuse himself from the investigation. The President stated the reason was that he wanted an Attorney General who would "protect" him, including from the special counsel's investigation. He also directed then-White House Chief of Staff Reince Priebus to fire Sessions, and Priebus refused.

Second, after McGahn told the President he could not contact Sessions himself to discuss the investigation, Trump went outside the White House and instructed his former campaign manager Corey Lewandowski to carry a demand to Sessions to direct Mueller to confine his investigation to future elections. Lewandowski tried and

failed to contact Sessions in private. After a second meeting with Trump, Lewandowski passed Trump's message on to senior White House official Rick Dearborn, who Lewandowski thought would be a better messenger because of his prior relationship with Sessions. Dearborn did not pass along Trump's message.

As the report explains, "[s]ubstantial evidence indicates that the President's effort to have Sessions limit the scope of the Special Counsel's investigation to future election interference was intended to prevent further investigative scrutiny of the President's and his campaign's conduct."

In other words, the President employed a private citizen to try to get the Attorney General to limit the scope of an ongoing investigation into the President and his associates.

All of this conduct—trying to control and impede the investigation against the President by leveraging his authority over others—is similar to conduct we have seen that has been charged against other public officials and people in powerful positions.

The next section of the special counsel's report establishes that the President tried to influence the decisions of both Michael Cohen and Paul Manafort with regard to cooperating with investigators. Some of this tampering and intimidation, including the dangling of pardons, was done in plain sight via tweets and public statements. Other such behavior was done via private messages through private attorneys, such as Trump counsel Rudy Giuliani's message to Cohen's lawyer that Cohen should "[s]leep well tonight[], you have friends in high places."

Of course, these aren't the only acts of potential obstruction detailed by the special counsel. It would be well within the purview of normal prosecutorial judgment also to charge other acts detailed in the report.

We emphasize that these are not matters of close, professional judgment. Of course, there are potential defenses or arguments that could be raised in response to an indictment of the nature we describe here. In our system, every accused person is presumed innocent, and it is always the government's burden to prove its case beyond a reasonable doubt. Yet to look at these facts and say that a prosecutor could not probably sustain a conviction for obstruction of justice—the standards set out in Principles of Federal Prosecution—runs counter to logic and our experience.

As former Federal prosecutors, we recognize that prosecuting obstruction of justice cases is critical because unchecked obstruction, which allows intentional interference with criminal investigations to go unpunished, puts our whole system of justice at risk. We believe strongly that but for the OLC memo, the overwhelming weight of professional judgment would come down in favor of prosecution for the conduct outlined in the Mueller report.

Over 600 former Federal prosecutors are saying that if we were talking

about any person in this country other than the President of the United States, that person would be prosecuted for obstruction of justice. Because of that OLC opinion that a sitting President cannot be indicted, the only mechanism to hold the President accountable and to ensure that the President is not above the law is for Congress to initiate impeachment proceedings.

There has been more commentary. Scholars at Lawfare have put together a very helpful piece that breaks down all of the examples documented in the Mueller report in which Trump may have obstructed justice. Then it analyzes the strength of the case to be made that the President is guilty of obstruction of justice.

Per Lawfare:

The key question is how Robert Mueller and his team assessed the three elements “common to most of the relevant statutes” relating to obstruction of justice, which are an obstructive act, a nexus between the act and an official proceeding, and corrupt intent.

As Mueller describes, the special counsel’s office “gathered evidence . . . relevant to the elements of those crimes and analyzed them within an elements framework—while refraining from reaching ultimate conclusions about whether crimes were committed” because of the Office of Legal Counsel (OLC)’s guidelines against the indictment of a sitting president.

The Lawfare blog identified four instances in the Mueller report that documented “substantial” evidence of all three of those elements. In other words, in the following four examples that were documented in the Mueller report, there is “substantial” evidence on all three of the elements that Mueller based his assessment on that the President obstructed justice.

First, when it comes to the President’s efforts to fire Mueller, the report found “substantial evidence”—that is from the report—that the President’s actions constituted an obstructive act. On page 89, it found that the former White House Counsel, Don McGahn, was a “credible witness” in providing evidence that Trump, indeed, attempted to fire Mueller. The report reads that this “would qualify as an obstructive act” if the firing “would naturally obstruct the investigation and any grand jury proceedings that might flow from the inquiry.”

Then it established that there was a nexus between the act and an official proceeding, reading on page 89 that there is “substantial evidence” that Trump was aware that “his conduct was under investigation by a federal prosecutor who could present any evidence of federal crimes to a grand jury.”

On the question of intent, the Mueller report found “substantial evidence indicates that the President’s attempts to remove the Special Counsel were linked to the Special Counsel’s oversight of investigations that involved the President’s conduct[.]”

The second example that Mueller cites is the President’s efforts to cur-

tail Mueller. On the question of whether those actions constituted an obstructive act, Mueller found that Trump’s effort to force Sessions to confine the investigation to investigating only future election interference “would qualify as an obstructive act if it would naturally obstruct the investigation and any grand jury proceedings that might flow from the inquiry.” The report continues: “Taken together, the President’s directives indicate that Sessions was being instructed to tell the Special Counsel to end the existing investigation into the President and his campaign[.]”

On the question of whether there was a nexus between the act and an official proceeding, Mueller found that at the relevant point, “the existence of a grand jury investigation supervised by the Special Counsel was public knowledge.”

On the question of intent, Mueller found “substantial evidence” that indicates that Trump’s efforts were “intended to prevent further investigative scrutiny of the President’s and his campaign’s conduct.”

MITCH MCCONNELL came to the floor to declare that there will be no more investigation into what the President has done. Yet the Mueller report has made clear that there are repeated instances of obstruction of justice. More than 600 Federal prosecutors have now said that what is laid out in the Mueller report would constitute obstruction of justice and would trigger a prosecution for any human being in this country other than for the President of the United States.

Robert Mueller has put all of the facts and information together for us and has abided by the Trump administration’s declaration, under the Office of Legal Counsel, that a sitting President cannot be indicted for his crimes. He has handed it over to the Congress of the United States of America for us to do our constitutional duty.

We are a government that works by a separation of powers. We are not a government that circles the wagon around a leader and says that everything else falls away. Instead, we say there are powers that are given to the President and powers that are given to Congress, and each operates as a check on the other.

The information that has been given to us in the Mueller report clearly constitutes adequate information to begin an impeachment proceeding in the House of Representatives. No matter how many times MITCH MCCONNELL or the rest of the Republicans want to wish that away, it is there in black and white in the report.

I urge every Republican in this Chamber, every Republican and Democrat in Congress, and every person in this country to read the Mueller report.

Robert Mueller makes clear that the President of the United States worked actively to obstruct justice. There is enough here to bring an impeachment

proceeding. For us, for this body, for Congress, to back up from that and to say that protecting the President is more important than protecting the Constitution is not only wrong, it is a violation of our oath of office.

I am here to say one more time and publicly this is not a fight I wanted to take on, but this is the fight in front of us now. This is not about politics. This is about the Constitution of the United States of America.

We took an oath not to try to protect Donald Trump; we took an oath to protect and serve the Constitution of the United States of America, and the way we do that is we begin impeachment proceedings now against this President.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The assistant Democratic leader.

MR. DURBIN. Mr. President, I want to thank my colleague from Massachusetts for her statement and for going into depth on the Mueller report and talking about the findings.

This morning, of course, we heard the Republican leader, Senator MCCONNELL, come to the floor and say something quite different—to quote what he said, the work of the special counsel and the Attorney General “and how we can finally end this ‘Groundhog Day’ spectacle, stop endlessly relitigating a 2½-year-old election result, and move forward for the American people.”

It is pretty clear the Republican leader would like to say to the American people: Keep on moving, there is nothing to be seen here. But we know better.

If you take a look at the Mueller report: \$26 million spent, 50 attorneys and agents, almost 2 years, scores of indictments that came down and some guilty pleas already and yet even more to follow. This isn’t over, and it will not be over soon, nor should it be.

It is obvious my Republican colleagues want to move on as quickly as possible from talking about how Russia interfered in the 2016 election with the stated intent of helping to elect Donald Trump President. They definitely don’t want to talk about the many links between the Russians and the Trump campaign or how, in the words of the Mueller report: “The campaign expected it would benefit electorally from information stolen and released through Russian efforts.”

They certainly don’t want to talk about the overwhelming evidence that Donald Trump obstructed justice.

Today I believe the count was up to 566 former prosecutors, including U.S. attorneys, who believe that, reading the Mueller report, there is ample evidence to go forward with the prosecution on obstruction.

We know Mueller himself has said in the report that it is an opinion by the Office of Legal Counsel precluding the indictment and prosecution of a President while in office that stopped him short of either charging or exonerating the President on this charge.

No, my Republican colleagues want to put the Russia investigation in the past, and as quickly as possible. And then in the next breath, of course, at the hearing where Attorney General Barr appeared, we see that they want to return to those thrilling days of yesteryear. They say we need to look at Hillary Clinton's emails all over again. That, to them, is a more compelling issue. I think they are wrong. The interference by a foreign power in the U.S. election is the most compelling issue before us, and it cannot and should not be ignored.

The work on the Russia investigation is not over. The Mueller report has 14 criminal investigations that have been referred by the special counsel to other Justice Department components. Twelve of those referred investigations are redacted so we don't know their nature.

There is also the counterintelligence side of the investigation. We need to fully understand what evidence Special Counsel Mueller uncovered about how the Russians were able to accomplish what they did.

A spokesman for the White House said several days ago that he couldn't understand all the furor behind this Russia interference. After all, they just bought a couple Facebook ads. Well, it turns out he was wrong. There was a lot more involvement, and the Mueller report pointed to it.

Here is my concern: Attorney General Barr's actions have compromised his credibility when it comes to overseeing the continuing investigations that were brought on by the Mueller inquiry.

Barr's blatant mischaracterization of the Mueller report in his March 24 letter and April 18 press conference, his 19-page memo in 2018 that showed bias on the question of obstruction, his decision to make a prosecutorial judgment on obstruction despite Mueller's view that it was not appropriate for the Department to do so in light of that OLC opinion, and Barr's many stunning statements before Congress have undermined confidence in his independence and his judgment.

I have called on him publicly and renew that call that he recuse himself from those pending criminal investigations and prosecutions that emanate from the Mueller report. At a minimum, he should recuse himself from the 14 ongoing referred criminal investigations, and Special Counsel Mueller and Don McGahn should be called on to testify about unresolved questions.

Why in the world are they trying to cover up this investigation? Why wouldn't we bring Bob Mueller before the Senate Judiciary Committee, for example, and ask obvious questions?

Remember, there are two volumes in the Mueller report. The first volume relates to Russian interference in the election and our continuing concern that they are going to try it again in 2020. Shouldn't it be priority one of the Senate Judiciary Committee to have

Bob Mueller before us, to have the evidence he accumulated carefully evaluated to protect the integrity of the election process in 2020? Is there any higher priority in a democracy than the integrity of an election?

Clearly, there is, and we have seen it and heard it from the chairman of the Judiciary Committee as well as from the Republican leader today. The highest priority for them is to move on; make certain that we don't spend any moment contemplating, considering, or even arguing about what we could do to make this a better and safer democracy in the next electoral cycle.

On the issue of obstruction of justice, I am afraid we are going to be debating that for some time, but I certainly would like to hear from Bob Mueller, directly, what he did find and why he did not reach a conclusion to exonerate the President on that charge. That is a critical element.

Let me say one last word about a recurring theme and message from the Republican leader about how the previous President, Barack Obama, did not take seriously the threats of Russian involvement in the 2016 election.

I think the record speaks for itself. Leading up to October 7, when the President came forward and publicly stated what he had been doing—what his administration had been doing to investigate this Russian interference, he called for a bipartisan commitment of Republicans and Democrats to stop it in place.

There was one voice of resistance, and it came from Senator McCONNELL, the Republican leader. He didn't want to take this as seriously as President Obama did. So for him to blame President Obama for not doing enough is to ignore the obvious. Given the chance, as the Republican Senate leader, he did little or nothing to acknowledge the Russian threat or do anything about it.

Now we should do something to make sure 2020 turns out to be an election we can be proud of, regardless of the outcome. Let the American people have the last word, not Vladimir Putin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

#### ORDER OF PROCEDURE

Mr. CRAPO. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXXII, the cloture votes on the Reed, Bachus, and Pryor nominations occur at 4 p.m. on Tuesday, May 7; further, that if cloture is invoked on the nominations on Wednesday, May 8, at 10 a.m., the Senate vote on the confirmations of the following persons and nominations in the order listed: Bianco, Reed, Bachus, and Pryor; that if confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's actions and the Senate resume consideration of the Dhillon nomination.

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

#### EXPORT-IMPORT NOMINATIONS

Mr. CRAPO. Mr. President, I rise to speak in support of several of the nominations to the Export-Import Bank: Ms. Kimberly Reed, to be President of the Export-Import Bank; the Honorable Spencer Bachus, to be a member of the Board of Directors of the Export-Import Bank; and Ms. Judith Pryor, to be a member of the Board of Directors of the Export-Import Bank.

These three highly qualified nominees, if confirmed, will be in a position to ensure that the Export-Import Bank has the ability to provide finance in response to governments, like China, that provide aggressive subsidies and place U.S. exporters at a disadvantage.

The President and his team have recently reinforced their commitment to restoring the ability of the Bank to support American economic interests in global marketplaces.

The Director of the National Economic Council, Larry Kudlow, recently noted that the Ex-Im Bank is needed in the current trade environment, particularly with respect to China, in order for the United States to compete and succeed in international markets, calling it a "financial tool and a national security weapon."

U.S. Trade Representative Robert Lighthizer has called the lack of a functioning Ex-Im Bank a serious blow to the economy.

Peter Navarro, Director of the Office of Trade and Manufacturing Policy, has said: "The costs of keeping the Ex-Im Bank on the sidelines can be measured in the tens of billions of dollars of products we fail to export—and in the thousands of jobs we fail to create when this country does not have a fully functioning export credit agency to compete with its counterparts around the world."

It is clear that in our current trade environment, a fully functioning bank could help the United States better succeed in international markets.

President Trump's recent budget submission to Congress notes that the President "supports a fully functioning Ex-Im Bank to implement reforms and help American exporters compete in an increasingly unfair global marketplace."

As President of the Export-Import Bank, Kimberly Reed will be able to draw from an already distinguished career in public service, having previously served as a senior adviser to former Treasury Secretaries Paulson and Snow, as well as on several congressional committees.

During her nomination hearing, she committed to focusing on strong standards of conduct, increased transparency, sound risk management practices, and eliminating waste, fraud, and abuse.

I can testify that she has gone out of her way to make herself available to all Senators on both sides of the aisle to introduce herself and to answer any questions the Senators have and to discuss any reforms and improvements