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.