

for Personnel and Readiness, as Assistant Secretary of Defense, and as Senior Director of the National Security Council. Those are positions of great responsibility and great importance. My home State of Texas is home to 1 in 12 veterans, so having a well-functioning Veterans Health Administration is crucial to my State.

Mr. Wilkie, I believe, has the experience, the compassion, and the drive to make sure our Department of Veterans Affairs can efficiently and effectively serve those who have served in uniform, to whom we owe a moral duty. No nominee for this position has ever received a “no” vote on the Senate floor, and my hope is, we continue that tradition during the vote today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FAMILY SEPARATION

Mr. NELSON. Mr. President, do you remember children being separated from their families? This crisis is far from over. As a matter of fact, we found out it is not 2,000 children; it is 3,000 children.

A district court judge in San Diego has ordered the administration to reunite all of the families who were separated at the border by Thursday. Yet with the deadline looming this week, the administration continues to cite the many obstacles it says that are hindering the work they are trying to do to comply with the court's order.

When I went to the detention center in Homestead, FL, they said they were going to reunite families soon thereafter. That was more than a month and a half ago. As a matter of fact, of the 1,300 children that had been separated from their parents, there were 70 of them who were there.

They would not let me speak to them, so I inquired about whether the children had been able to speak to their parents on the phone. I was told that of the 70, 62 of the children had spoken to their parents. It has recently been made clear why some of those families have been unable to connect for so long. A report that was just published stated that the administration—the Trump administration—has been charging detained parents—get this—as much as \$8 a minute to call their children. These children were separated from their parents because the administration separated them. That is \$8 a minute if you want to talk to your child. That is a new low.

Charging these families an exorbitant fee such as this, just to talk—just to talk—to their children, when the cost of providing that service is mini-

mal, that is not even a conscionable act.

Many of those families have come and asked for political asylum. They are asking for what the law provides, and yet we have separated the children from their parents and have prevented those parents from simply using the telephone to contact their children. Many of those children are just terrified, and they are being held thousands of miles away. It is not only unnecessary, it is simply cruel.

It also seems to fly in the face of ICE's own policy to permit calls by detainees to immediate family members in case there are family emergencies and to do so at a reasonable cost, certainly not \$8 a minute for poor families who don't have \$1, much less \$8. A number of us in the Senate have now sent a letter urging the administration to stop this ridiculous practice and allow those parents the ability to talk to their children.

The list of obstacles this administration claims it is facing in order to reunite the families seems to be never-ending. But I would suggest that the list of obstacles the administration has created for these families to overcome, just to see their children again, seems to go on and on.

As a country, the United States is better than this. We should be making it easier for these families to reconnect and ultimately bring them back together, as the court has ordered. There are many in this Chamber who would certainly join with me. We are not going to turn our backs on these children. We will continue to fight to ensure that they and everyone else are being treated the way the American people want them to be treated.

I urge this administration to do the same, and I urge the administration to pay attention to the letter by a couple of dozen Senators that is coming to them today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Mr. President, on Saturday, the Senate Judiciary Committee received the completed questionnaire from Brett Kavanaugh, President Trump's nominee to the Supreme Court.

As legal minds on both sides of the aisle pore over these preliminary documents, a common thread has already emerged: Brett Kavanaugh seems to have an imperial conception of the American Presidency. He has written that a sitting President shouldn't be subject to civil or criminal investigations while in office.

In at least three separate instances, Brett Kavanaugh has shown a willingness to openly question precedent relating to Presidential power and Presidential accountability.

First, in his opinion in *Seven-Sky v. Holder*, Kavanaugh wrote that the President does not have to enforce the laws if he “deems” a statute unconstitutional, regardless of whether a court has already held it constitutional.

What the heck do we have a Supreme Court for? If the President can deem a law unconstitutional even after the courts have ruled it is and then not obey it—wow. That goes very far. I fear to think what this President, in particular, who doesn't seem to have much respect for the rule of law or people who disagree with him, will do if that becomes the law.

Second, when Brett Kavanaugh was asked which case he would choose if he could overturn precedent in any one case, he said the decision in *Morrison v. Olson*. That is the case that upheld the constitutionality of the independent counsel law.

Many of us did not agree with the independent counsel law, but it is telling that the first and only case Brett Kavanaugh cited when asked “What case would you overrule, would you overturn stare decisis on?” was a case about executive accountability.

Third and most recently, on Saturday, we learned that Brett Kavanaugh even believes that the 8-to-0 decision in *United States v. Nixon* may have been wrongly decided. This new revelation adds to the body of evidence that Kavanaugh believes sitting Presidents should be free from civil and criminal investigations while in office—a view, of course, that could have significant ramifications for the future of the Presidency and our democracy.

Let me ask this Senate and the American people a very important question: If Kavanaugh would have let Nixon off the hook, what is he willing to do for President Trump? Alarm bells should be going off for anyone who believes in checks and balances.

It is a fundamental principle of our democracy that no one is above the law, including the President. Our Presidents are not Kings. But Brett Kavanaugh's jurisprudence does not bode well for the future rulings on the accountability of the President, including those that may arise from Special Counsel Mueller's investigation.

Kavanaugh's views of an imperial Presidency would be alarming under any President, but it is especially alarming under President Trump, who almost daily tests the bounds of our Constitution, the separation of powers,