

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

and the rule of law. It almost seems that anyone who criticizes him is beyond the pale, is fake, is dishonest.

As the revelation about the Nixon case shows, there is still much we don't know about Judge Kavanaugh. The Senate and the American people deserve to know where Judge Kavanaugh stands on a host of issues. After all, the Supreme Court is a lifetime appointment with enormous power—the power to overrule the elected bodies of government.

Given that the hearing process for the Supreme Court has tended to be more of a public relations exercise for nominees rather than a legitimate examination of judicial philosophy, Judge Kavanaugh's papers might be the best and only way to judge what kind of a Justice he might be. My Republican friends understood this when it came to Justice Kagan, who had served in key positions in prior administrations, much like Judge Kavanaugh. They were then in the minority, as we are now, when Judge Kagan was nominated, but our Republican colleagues demanded the entire paper history of then-Solicitor General Kagan before moving forward with her nomination, and Democrats agreed.

In a joint letter to the director of the Clinton Library, the chairman and ranking member of the Judiciary Committee at the time—Senator LEAHY, the chairman, and Senator Jeff Sessions, now Attorney General, but then the ranking Republican on the committee—wrote that they expected “all records containing documents written by, edited by, prepared in whole or part by, under the supervision of, or at the direction of Elena Kagan, as well as documents referencing Elena Kagan by name, initials, or title, and documents received by or sent to Elena Kagan.”

A Democratic chairman and Republican Senator Sessions, the ranking member, asked for every single document of Elena Kagan's record. Why should such a standard apply to Justice Kagan but not to Judge Kavanaugh?

I have taken the liberty of editing the letter sent by Senators Sessions and LEAHY. It didn't take much work to make it directly applicable today. It is the same letter, same request, simply crossing out every time it mentions Kagan and putting in the name “Kavanaugh.” There was no change. It is the same standard.

I have already heard from my Republican colleagues, including Chairman GRASSLEY, that there is no reason to review Judge Kavanaugh's full record before proceeding with his nomination.

I have had enough of the two-facedness, the total hypocrisy on judges, where somehow our Republican colleagues say it is good one way when we have a Democratic President and the opposite should take effect when we have a Republican President. That is what they are doing with the records here first of Judge Kagan and now Judge Kavanaugh.

Well, I say to my Republican colleagues, what is good for Justice

Kagan—let's call it the Kagan standard—is good enough for Judge Kavanaugh—paraphrasing, of course, that what is good for the goose is good for the gander.

The Senate's duty to advise and consent does not mean move as hastily as possible. For the benefit of this body, for the sake of consistency, and for the honor of this Chamber, I hope my Republican friends join Democrats in asking for and waiting for all the documents related to Judge Kavanaugh. The American people have a right to know what is there, and the Senate must have enough time to review the body of work before making an unalterable decision on a lifetime appointment to the Nation's highest Court.

#### TRUMP-PUTIN SUMMIT

Mr. SCHUMER. Mr. President, on Russia, a week ago today, President Trump met with President Putin in Helsinki, and with the world watching, failed to show an ounce of strength in defense of American interests.

What followed was an embarrassing week of insincere walk backs and mixed messages, culminating on Friday in a bizarre invitation for President Putin to visit the White House this fall—something the President's own Director of National Intelligence, Mr. Coats, was not made aware of. It is not hyperbolic to say that last week may have been one of the worst weeks in American foreign policy in recent memory.

In the face of these stunning events, what have my Republican colleagues done to rein in the President? I am sad to report, virtually nothing. In the full week since the Helsinki summit, Republicans failed to take meaningful action to hold the President accountable for his foreign policy blunders in Finland. Republicans have offered words of rebuke, statements, disappointed tweets, but they have not backed up any of those words with the force of action.

I have seen my colleagues shrug their shoulders as if there weren't anything the U.S. Senate could do to check this President, even though they feel in their hearts, I know, that he needs checking. I mentioned several ways the Senate could grapple with and push back a bit on what President Trump has done: bring in his national security team and translator to testify before Congress, particularly so we can tell what happened in that 2 hours when Putin and Trump were alone; pass legislation to protect the special counsel and legislation to harden our election infrastructure because we risk Russia's interference again; implement sanctions against Russia; demand that Russia hand over the 12 Russians indicted for election interference and more.

If my Republican friends were serious about doing something to redirect our posture toward Russia, we should have seen some movement by now on one or more of these things, but we are stuck

in the mud. Even though there is bipartisan condemnation for the President's behavior last week, the Senate has remained virtually silent on the matter because Republicans here are unwilling, maybe afraid, to confront the President, even though they know what he did was so wrong.

At the end of last week, the Republican majority blocked a bipartisan resolution—a modest one from Senators Flake and Coons, one a Republican, one a Democrat—that sought to hold Russia accountable. It didn't have many teeth, but still the Republicans objected.

Are my Republican friends ever willing to push back against this President, not just in words but in deeds, or are they too afraid of the political consequences? Are they willing to put country over party at this crucial time? It seems not, at least so far.

I know many of my colleagues on the other side of the aisle were deeply disturbed by the President's inexplicable behavior in Helsinki. I say to them, America needs you now. We need you to stand up, step up to the plate, and do something about it.

Frankly, if we don't do something real, President Trump—I know him—will conclude he doesn't need to change his behavior, and, as a result, Republicans will be complicit in enabling the President to continue down the disastrous course he has set.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for the consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Robert L. Wilkie, of North Carolina, to be Secretary of Veterans Affairs.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I started my morning in Kansas City speaking to 4,000 veterans attending the Veterans of Foreign Wars 119th National Convention held in Kansas City.

My speech was a message to those Americans whom I hold in highest regard, our Nation's veterans, and especially those veterans who are helping other veterans. I wanted them to know, when they signed up to serve our country, they did not do so in support of any political party. Those who serve our Nation, and particularly those who paid the ultimate sacrifice, did not answer the call to support Republicans or Democrats, but they answered for a higher calling.